



CITY OF POWELL

PERSONNEL MANUAL SUMMARY OF POLICIES

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## **SECTION 1: INTRODUCTION**

Welcome to the City of Powell, Ohio. The Municipality of the City of Powell ("City") shall have all the powers of local self-government and the benefits of municipal home rule that may now or hereafter be lawfully possessed or exercised by municipal corporations under the Constitution and the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in the City Charter or, to the extent that the manner is not prescribed therein, then in such manner as shall be provided in this Ordinance (or other resolutions by the City Council) which shall be known and referred to as the City of Powell "Summary of Policies." It also is intended to apply to all City employees in lieu of any section(s) of the Ohio Revised Code. The Summary of Policies has been formulated to assist City employees in answering questions they may have regarding City operations. Please carefully read this Summary for it defines your employment relationship with the City. You are responsible for knowing and understanding its contents.

This summary of Policies, including other matters addressed in it, is presented only as a matter of general information. It is not intended to create, and does not create, a contract of employment, either express or implied, between the City and any of its employees for employment, hours of work, or the providing of benefits.

The City may implement new or different plans, procedures and policies should it choose to do so at any time. Additionally, the City may modify, revoke, suspend, terminate, or change any or all of its plans, procedures, and policies, in whole or in part, at any time and with or without prior notice to employees.

## SECTION 2: EMPLOYMENT

### A. Employment Relationship

These personnel policies and procedures govern all City employees, unless otherwise expressly specified. This manual in no way should be considered a contract or contract of employment. Employment with the City is governed by its Personnel Board of Review and their rules and regulations, as well as, these policies.

### B. Employment and Benefit Classification

The City maintains a position classification plan maintained by the City Manager. All positions within the City and appointments to these positions are governed by the City's Civil Service Laws that are regulated by the City's Personnel Board of Review.

City employees are either in the classified or unclassified civil service.

#### Unclassified Service

Positions in the "Unclassified Service" includes: all positions listed in Article XIV, § 14.03(A) of the City Charter, as well as, other positions for which it is not practicable to examine as determined by Council; and such other positions in the City that are determined by the Personnel Board of Review to be exempt under the provisions of these Rules and the City Charter, including those positions which have fiduciary and administrative duties.

#### Classified Service

The Classified Service shall comprise all City employees not specifically included in the unclassified service. Following completion of the probationary period, no classified employees shall be reduced in pay or position, fined, suspended or removed, or have his or her longevity reduced or eliminated, except and for those reasons set forth in the civil service laws of the City, and where applicable, the State of Ohio. Such reasons include: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the City, any other failure of good behavior, any other acts of misfeasance, malfeasance or nonfeasance in office, or conviction of a felony, except for just cause.

The "Classified Service" shall comprise all positions existing on the effective date of the Charter not specifically included in the Unclassified Service. The Classified

Service shall include regular full-time members of the Police Department other than the Chief and Deputy Chief of Police.

### Appeals

All employee appeals of classified employees, relative to final decisions regarding a reduction in pay or position, job abolishment, layoff, suspension, discharge, assignment, reassignment to a new or different position classification, or reclassification shall be done pursuant to the Rules and Regulations of the Personnel Board of Review of the City of Powell.

### Definitions

#### 1. Full-Time

Full-time employees are those regularly scheduled by the City to provide full-time services (as defined by the City Manager) during a workweek.

#### 2. Part-Time

Part-time employees are those regularly scheduled by the City to provide less than full-time services (as defined by the City Manager) during a workweek.

#### 3. Temporary

Temporary employees are those that are hired for a temporary period, generally less than six (6) months. Temporary employees have no expectation of continued or regular employment and cannot become a regular employee unless such an offer of regular employment has been made to the employee. Temporary employees are not eligible to participate in the City's employee benefit program except where mandated by federal or state law.

#### 4. Seasonal

Employees who are employed only during a particular portion of the year, such as during the summer months, may not exceed 120 days, regardless of the number of hours per week they work. Seasonal employees are not eligible to participate in the City's employee benefit program.

#### 5. Intermittent/Casual

Employees whose employment is on a limited and "as needed" basis, and who do not work more than six hundred (600) hours during one calendar year.

Intermittent/Casual employees are not eligible to participate in the City's benefit program.

### C. Probationary Period

Required to Serve Probationary Period. Every newly hired employee shall successfully complete a probationary period.

Length of Probationary Period. The probationary period shall begin on the first day as a full-time employee for which the employee receives compensation from the City and shall continue for a period of one hundred and eighty (180) days. A new hire probationary employee may be terminated any time for unsatisfactory work performance during their probationary period and shall have no right to appeal.

Employees transferred or receiving a position in a new classification shall serve a probationary period of one hundred and eighty (180) days from the day the employee is designated as receiving the new classification. Any other time worked in the classification shall not count toward the probationary period. A newly promoted employee serving a promotional probationary period who evidences unsatisfactory performance shall be returned to his former position at any time during his promotional probationary period with no right of appeal.

The probationary period may be extended by the City by a period of up to one hundred twenty (120) days provided the Employer indicates to the employee the reasons for the extension and notifies the Personnel Board of Review of the extension.

A probationary employee who has lost work time due to illness or injury for more than five (5) work days (cumulative) shall have his probation period extended by the length of the illness or injury.

### D. Nondiscrimination

The City is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, disability, military status, genetic testing, or other unlawful bias except when such a factor constitutes a bona fide occupational qualification ("BFOQ"). All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories. The City intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The City condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above.

Any employee who feels that his or her rights have been violated under this policy should submit a written complaint as set forth in the Workplace Harassment/Discrimination policy in this Personnel Manual.

## E. Ethical Conduct

### 1. Political Activities

Employees in the classified civil service are prohibited by Ohio law from engaging in partisan "political activity". The purpose of this Article is to provide lists of examples, though not exhaustive lists, of activities, which are permissible and prohibited under the laws.

Permissible Activities: The following is a non-exhaustive list of examples of permissible activities for employees in the classified civil service:

- a. Registration and voting;
- b. Expression of opinions, either oral or written;
- c. Voluntary financial contributions to political candidates or organizations;
- d. Circulation of non-partisan petitions or petition stating views on legislation;
- e. Attendance at political rallies;
- f. Signing nominating petitions in support of individuals;
- g. Display of political materials in the employee's home or on the employee's property;
- h. Wearing political badges or buttons, or the display of political stickers on private vehicles;

Prohibited Activities: The following is a non-exhaustive list of examples of prohibited activities for employees in the classified civil service:

- a. Candidacy for public office in a partisan election;
- b. Candidacy for public office in a non-partisan election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- c. Filing of petitions meeting statutory requirements for partisan candidacy for elected office;
- d. Circulation of official nominating petitions for any candidate participating in a partisan election;

- e. Service in an elected or appointed office in any partisan political organization;
- f. Acceptance of a party-sponsored appointment normally filled by partisan election;
- g. 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;
- h. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- i. Solicitation for the sale, or actual sale, of political party tickets;
- j. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- k. Service as a witness or challenger for any party or partisan committee;
- l. Participation in political caucuses of a partisan nature; and
- m. Participation in a political action committee which supports partisan activity.

Any classified employee who engages in any of the activities listed as prohibited in the preceding paragraph is subject to discipline, up to and including removal, from his/her position.

## 2. Conflict of Interest

City employees must be aware of all potential conflicts of interest situations. Because of the type of services the City provides, it is imperative that all employees adhere to strict code of ethical conduct and avoid any impropriety or the appearance of any impropriety. The provisions of O.R.C. §§ 102.03 and 2921 .42 make it unlawful for a public official to use their influence to obtain a benefit, including a job for their relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action including termination.

City employees shall not have any direct or indirect interest in any outside business or financial activity which conflicts or potentially could conflict with their City employment, or which interferes with the employee's ability to fully discharge his or her City employment duties.

Furthermore, City employees shall not accept or demand gifts, money, or gratuities (other than non-solicited advertising items of nominal value, such as calendars or pens) from persons or organizations; receiving benefits or services from the City; performing or attempting to perform contractual services; or otherwise in a position to benefit from an employee's action. City employees also should refrain from recommending any one (1) particular service provider

to City citizens. Rather, direct them to the telephone directory and allow them to select their own service provider(s). It is the policy of the City to not make recommendations about any particular service providers.

Any questions regarding a potential conflict of interest should be directed to the City Manager.

### 3. Outside Employment

Your full-time position is considered your primary responsibility. If, however, you do seek additional employment, you shall determine that no conflict of interest exists and that you can effectively perform your position. Please consult with the City Manager, or designee, before pursuing additional outside employment.

### 4. Nepotism

The City will receive employment applications from relatives of current City employees and current Council members. However, circumstances do exist which may prevent the City from hiring a relative of a current City employee or current Council member. For example, the following are three (3) circumstances which may prevent the City from hiring a relative of a current City employee or current Council member:

- a. If one (1) relative would supervise or have disciplinary authority over another;
- b. If one (1) relative would audit the work of another; and/or
- c. If a conflict of interest exists between the relative and the employee or the relative and the City.

An employee is not permitted to work in a position where their supervisor, or any person above the employee in the established chain of organizational command, is a relative. If such a situation is created through promotion, transfer or marriage, one (1) of the affected employees must be transferred to another available position in the City for which they are qualified, or separate from employment with the City. Additionally, the City and employee(s) can meet to discuss potential, acceptable options to the City. Termination is a last resort. No employee who meets current standards of performance and behavior shall be terminated if a transfer, or other acceptable accommodation to the City, is reasonable and available.

If two (2) employees marry, the employees will be subject to the same rules listed above as other relatives, unless state law or judicial decisions dictate

otherwise. No person in the City prior to the adoption of this policy will be retroactively affected by this policy.

The provisions of O.R.C. §§ 102.3 and 2921.42 render it unlawful for a public official to use their influence to obtain a benefit, including a job for their relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action, including termination. Copies of §§ 102.3 and 2921.42 can be obtained from the City Manager's office

For purposes of this Article, the term "relative" shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

#### 5. Auditor of State Fraud Reporting System

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the 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 the United States mail. Contact information is as follows:

Telephone: 1-866-FRAUD OH (1-866-372-8364)  
U.S. 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](http://www.ohioauditor.gov)

#### F. Orientation

Each new City employee will receive an orientation through the cooperative efforts of an Administration Office representative and the employee's immediate supervisor. Participation is mandatory.

#### G. Emergency Closings/Delays

##### 1. Workday Not Canceled, Delayed or Shortened (Non-Public Safety/ Non-Road Department)

In most circumstances, the City will not cancel, delay or shorten the workday in response to inclement weather. Employees who may have difficulty reporting to work should promptly notify their immediate supervisor. Arrangements may be made to pick up essential employees, as determined

by the City Manager, or designee, at his or her residence if they are required for public health and/or safety reasons. Any employee who does not report for his/her scheduled shift because of treacherous road conditions or weather-related transportation problems may use any available paid vacation time. If the employee has no vacation time against which the absence can be charged, the day will be considered an excused day off without pay. In either event, the notification procedures outlined in the "Attendance and Call-In Rules" section apply. Employees who report to work on such inclement days shall be paid their regular wage for actual time worked.

## 2. Workday Cancelled, Delayed or Shortened (Non-Public Safety/Non-Road Department)

During a declared state of emergency, the scheduled work times for non-public safety/non-road department employees may be cancelled, delayed or shortened in response to inclement weather or a natural disaster. Such a declaration shall only be made from one (1) of the following authorities: the President of the United States; the Governor of the State of Ohio; the Delaware County Sheriff; or the City official designated in the Charter. (Supervisors will attempt to telephone employees at home to announce cancellation of the workday.) In the event of a declared state of emergency, employees regularly scheduled to work will be compensated, and their attendance will be recorded, as if they had worked their entire scheduled shift. Such action on the City's part is intended to accommodate employees who otherwise would be traveling to or from work under treacherous road conditions and NOT as an additional general holiday for the entire staff. Therefore, if an employee is on vacation, or scheduled for vacation, on the day that the workday is cancelled, shortened or delayed, that employee will be charged with a vacation day. Likewise, if an employee calls in sick, or elects to take a "personal day," on a day that the workday subsequently is cancelled, delayed or shortened, that employee will be charged with a day's sick pay or a "personal day."

## 3. Public Safety and Road Department Employees

Public safety and road department personnel are required to report to work regardless of weather conditions. When weather conditions are extremely severe and all other transportation options have been exhausted, such employees shall notify the Police Chief or the City Manager. Arrangements may be made to pick up the employee at his or her residence.

#### H. Personnel Records and Change in Status

Each employee must provide accurate information to the City Manager for personnel and applicable fringe benefit purposes. This information includes his or her name, address, telephone number, names and addresses of spouse and dependents, beneficiaries under fringe benefit plans, number of tax exemptions, and citizenship or immigration status. The City may require other information. Employees must promptly notify the City Manager, or designee, of any changes in this information. Employees may view their personnel records during normal office hours.

#### I. Performance Review

An employee's performance may be reviewed annually by the appropriate City representative.

#### J. Job References

All requests from sources outside the City for personnel information concerning applicants for employment, current employees, and former employees shall be directed to the City Manager, or designee. Additionally, all requests for letters of recommendation must be channeled through the City Manager, or designee for approval prior to their release.

### **SECTION 3: WORKPLACE RULES**

#### **A. Reimbursement for Business Expenses Incurred**

City employees may receive reimbursement for ordinary, necessary, and reasonable expenses and gratuities incurred while traveling on official City business. Such travel, however, must have been previously authorized and approved by the City Manager. Such expenses may include: mileage reimbursement at a certain amount per mile when required to use your personal vehicle for non-commuting travel, parking costs and highway tolls, meals and overnight lodging. Itemized receipts for reimbursable expenses must be submitted to the City. If approved by the City Manager, reimbursement for business expenses incurred may include:

Program Registration. One hundred percent (100%) for full-time employees taking program or training sessions directly related to their City position. The request shall include a description of the program or training.

Lodging. One hundred percent (100%) City paid for actual cost of government rate, single occupancy room, plus reasonable gratuities.

Transportation. One hundred percent (100%) City paid for airfare, but in no case greater than coach class. If vehicle rental is authorized, one hundred percent (100%) City paid, but in no case greater than economical size vehicle when available. If personal vehicle is authorized for out-of-state travel, the City pays at a rate to be determined by City Manager. If personal vehicle is authorized for in-state travel, the City pays at the current IRS prevailing rate.

The City prohibits an employee to utilize a specific airline frequent flyer accumulation card (and/or using the flight to obtain any other personal benefits) while on City business.

1. Meals. Meals included as part of the program fee shall be paid at one hundred percent (100%) by the City regardless of the training or conference's location.

The costs of meals and/or refreshments for non-routine work sessions shall be paid for by the City. Such work session meals and/or refreshments shall be previously authorized by the City Manager. See the City Manager for any requests to purchase meals and/or refreshments for routine work sessions.

For training or conferences that require overnight stays, the City will pay up to fifty-six dollars (\$56.00) per day for meals and gratuities. The following are

the maximum amounts that may be deducted from the fifty-six dollars (\$56.00) per day availability if meals were included as part of the program fee: nine dollars (\$9.00) for breakfast, thirteen dollars (\$13.00) for lunch and twenty-nine dollars (\$29.00) for dinner.

For training outside the City that do not require overnight stays, the City will pay a thirteen dollars (\$13.00) per diem; if all the following is valid: (a) the training program did not include a meal, (2) the training lasts five (5) hours or longer without drive-time to and from the training, (3) the training is mandatory (for Police) or required to maintain a license. The meal receipt needs to be signed by the supervisor that designates the per diem requirements are met.

2. Other travel expenses. Ordinary and necessary business expenses will be reimbursed. Examples are: parking at airport, taxis, and shuttle buses.
3. Receipts. Itemized receipts are required for all business expenses incurred. The City will reimburse up to five dollars (\$5.00) for a missing business expense receipt with explanation as to why the receipt is missing. Improper or continued use of the missing business receipt exception may result in disciplinary action being brought against the employee.
4. Gratuities. When the cost of the service includes a built-in gratuity the City will pay one hundred percent (100%) (e.g. restaurants where the number of participants at the table is over eight). The City will not reimburse for any additional gratuity over the built-in gratuity.

The City recommends utilizing 15% of the cost as the rule-of-thumb for giving gratuities.

The City will not reimburse employees for transportation between an employee's home and work, personal expenses incurred while traveling, payment of traffic fines or penalties incurred. Please consult the City Manager for further details.

## B. Use of City Vehicles

Except for certain designated management employees, City vehicles shall solely be used for official City business. Employees, as representatives of the City, are expected to be courteous to the public, use reasonable care while driving, and must obey all traffic laws. Use of cellular phones while operating a City-owned motor vehicle is prohibited. Any traffic citation issued, parking or moving, shall be the responsibility of the driver.

### C. Vehicle Accidents

Employees involved in an accident while operating a City vehicle, shall:

1. Remain at the scene and leave the vehicle in the exact same position which it came to rest after the accident unless instructed to move it by law enforcement official(s) or for public/personal safety reasons;
2. Immediately contact the appropriate law enforcement agency to report the accident and request an ambulance, if needed;
3. Remain polite and helpful at all times;
4. Record all necessary information regarding the other drivers involved;
5. Contact the Employee's Department Head as soon as possible;
6. Complete an incident report within twenty-four (24) hours of the accident.

### D. Electronic Communication and Information Systems

#### 1. Communication Information Systems

Supervisors are responsible for instructing employees on the proper use of communications services and equipment used by the City for both internal and external business-related communications.

The unauthorized personal use of the City's communications information systems, including, but not limited to computers, email, facsimile machines, and copiers, is expressly prohibited. All software and electronic communications, including all communications and information stored, transmitted, received, or contained in such communication and information systems, are the City's property. Therefore, employees should have no expectation of privacy in connection with their use of the City's communication and information systems, or the transmission, receipt, or storage of information by mail, facsimile, e-mail, Internet transmission, or any other means. Employees may not use the City's address for receiving personal mail or use City stationery or postage for personal mail.

To ensure the proper use of its communications information, such as e-mail and facsimile machines, a supervisor may monitor the use of these systems and equipment from time to time. However, no employee, except those expressly authorized, shall monitor other employee's communication. Thus, employees should not access, view, read, listen to, tamper with, copy, retrieve, change, print, or delete another employee's information or communications without that person's permission. Employees should avoid sending information anonymously or that is otherwise disguised or does not correctly identify the sender.

All software owned by the City will be used in accordance with the licensing agreements. Employees shall not make unauthorized copies of any software. Software will be provided to employees as a result of a needs assessment and appropriate authorization. Unauthorized copying of City provided software or the use of undocumented software (non-licensed) on computers could subject the employee and/or the City to civil and criminal penalties.

Using the City's electronic communication and information system for abusive, unethical, or inappropriate purposes will not be tolerated and may be considered grounds for disciplinary action, including termination of employment.

Examples of inappropriate employee usage include, but are not limited to, the following:

- a. Uses that violate local, state and/or federal law.
- b. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters that are not job-related.
- c. Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
- d. Threatening others.
- e. Sending chain letters.
- f. Soliciting money for religious or political organizations or causes.
- g. Using the Internet for political activity.
- h. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include, but are not limited to, slurs, obscene messages, or sexually explicit images, cartoons, or messages.
- i. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.
- j. Sending or soliciting sexually-oriented messages or images.
- k. Any use that could possibly bring embarrassment or harm to the City, including sending rude or obscene messages.
- l. Gambling.
- m. Downloading and viewing non-work-related streaming audio or video.
- n. Mounting personal web pages or establishing links to the City of Powell's web site outside of a factual representation (e.g. - an online resume posted by an employee may have a link back to their employer's website).
- o. Intentionally disrupting network traffic or crashing the network and connecting systems.

- p. Establishing external network connections that could allow non-City employees access to the City's network unless approved by the City's designated IT representative.

Privacy and confidentiality: No City employee shall provide access to confidential information through the Internet, e-mail, or on-line services, unless authorized for work-related purpose(s). No employee shall use the Internet, e-mail, or online services of any other employee without authorization. All City employees shall use reasonable safeguards when using the Internet, email, or on-line services to avoid mistaken distribution on another's information.

City employees are hereby put upon notice that all Internet browsers furnish a trail that traces all sites visited by the user of that computer terminal. The City may access this trail and monitor employee Internet use as it considers appropriate. The City may access and monitor employee Internet, email, and other online uses by employees as it considers appropriate.

Discipline for misuse: Employees who improperly use the Internet, email, and other online services in violation of the policy will be subject to discipline, up to and including termination.

Receiving Inappropriate Materials through the City's electronic communication and information system

Employees who receive inappropriate materials via the City's electronic communication and information system should never forward such materials to other employees or third parties and are expected to delete or destroy such materials immediately and notify the sender not to send any other materials of the same or a similar nature. In addition, employees should contact their immediate supervisor if they receive inappropriate materials from other City employees, contractors, vendors, or other outside parties.

2. Cellular Phones

City owned cellular phones and services may be provided to certain City employees to conduct business activities related to their particular employment. Upon resignation or termination of employment, or at any time upon request, the employee shall produce the cellular phone and its accessories for return or inspection.

City owned cellular phones are for official business. All equipment, software, cellular phone accessories, and information stored, transmitted, received, or contained in such cellular equipment are the City's property. Therefore, employees have no expectation of privacy in connection with their use of the

City's cellular phones. Features other than phone use must not be used or activated without direct authorization from a supervisor. Employees should only use text messages when it is absolutely necessary.

Employees will reimburse the City for any personal usage on a timely basis.

Routine audits of the cell phone usage bills will be done by the City to verify that the employee is reimbursing the City.

Lost or stolen equipment should be immediately reported to the employee's supervisor. Repair or replacement of cellular equipment will be the responsibility of the City (employee's department).

Employees who send emails or texts on their phone are expected to set up their phone so copies of the sent message are saved on the city's email server for public records retention.

An employee shall not email or text while driving on City business.

### 3. Record Retention

Employees are responsible for the retention of records within the area of their job description. Records may be of different media type including but not limited to paper, electronic, video or email.

Employee responsibilities:

- i. Understanding and use of current record retention schedule.
- ii. Regular review of records to determine retention.
- iii. Submission of records for destruction to City Clerk or authorized records clerk.
  - Use of proper storage procedures for retained records

### 4. Employee Off-Duty Electronic Communication

The City supports the free exchange of information and camaraderie among employees on the internet off-duty. However, when internet blogging, chatroom discussions, email, text messages, or other forms of electronic communication extend to employees revealing confidential information about the City, or engaging inappropriate material about the City or its employees, the employee who posts such information or assists in posting such material may be subject to discipline action, up to and including termination.

While off-duty, employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media off-duty are strictly prohibited:

- a. Comments or displays about coworkers or supervisors or the City that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the City's workplace policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, military status, or other protected class, status, or character. The City's policies with respect to these prohibitions apply to off-duty conduct.
- b. Statements or uses of the City's logo or trademark which are slanderous or detrimental to the City, including evidence of the misuse of the City's authority, insignia, or equipment.
- c. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also any information which does not relate to an issue of public concern.
- d. Comments or displays which impact employee's abilities to perform their job duties or the City's ability to maintain an efficient workplace.
- e. Engagement in unprofessional communication. "Unprofessional communication" includes that which, if left unaddressed, could potentially result in civil or criminal cause of action against the City. "Unprofessional communication" also includes that which the City could demonstrate has a substantial risk of negatively affecting the City's reputation, mission or operations, such as slander, defamation or other legal cause of action.

Social media sites may be inspected by the City for cause to determine potential violations of the City's policy. If an employee believes that an online communication violates any City policy, the employee should immediately report the communication to his or her supervisor. The City may investigate the matter, determine whether such communication violates City policies, and take appropriate action. This action may include discipline up to and including termination.

This policy does not apply to communications protected by the U.S. or Ohio Constitutions. Employees should see their supervisors with any questions or concerns about this policy.

## 5 Passwords

Employees are required to maintain passwords for accessing City computers and records. The employee's password(s) shall be provided to the City Manager, or his designee

### E. Use of City Credit Card or Prepaid Card

City credit or prepaid cards shall solely be used for official City business and personal use is forbidden.

1. Credit cards are kept in the Finance Department and may be checked out after completion of a credit card usage form. Employees must return City credit cards within a reasonable amount of time and employee use will be documented by the Finance Department.
2. Prepaid cards are also available for approved, business related uses. Employee responsibilities for credit or prepaid cards:
3. Employees must retain a receipt to document all charges and must turn all receipts into the Finance Department.
4. Lost or stolen cards must be reported immediately to the Finance Department.
5. Employees who use the City card improperly or for an unauthorized use are liable for the expenditures and may be subject to discipline, up to and including termination.

### F. Other Policies

1. Personal telephone calls, except in emergency situations, should be made during breaks or lunch so as not to interfere with the efficient operation of the City.
2. The personal use of any City tools, supplies, vehicles, or equipment, without prior written authorization, is forbidden.
3. Every employee is expected to dress in appropriate work attire. In many cases, this means that you are to dress in a manner that will allow for a safe and efficient performance. In the office, you are to dress in appropriate business attire.

4. Employees are responsible for reviewing information, including job postings, periodically posted on the City bulletin boards. Personal notices may not be posted on them. Employment notices may only be posted after approval by the City Manager, or designee. A separate bulletin board is provided for City citizens.
5. An employee generally should not be on non-public City property, or in the City facilities, outside of his or her regular working schedule unless his or her presence is work-related.
6. Written permission from an employee's immediate supervisor must be obtained before removing any City property from the City's premises.
7. Non-employees are not permitted in the non-public areas of the City facilities at any time without the authorization of the employee's immediate supervisor.
8. All authorized visitors to the City facilities should be treated with professional courtesy.
9. Smoking, including the use of e-cigarettes, is prohibited in City buildings and vehicles.
10. Eating and drinking may be restricted to certain designated areas. Please consult your immediate supervisor for further details.
11. Any employee contacted by the news media (e.g., TV, radio, newspaper, magazine) or another citizen about City operations or a City employee(s), should direct the individual to contact the City Manager or his designee. This avoids duplication, ensures accuracy, and avoids unnecessary confusion concerning who is officially speaking on behalf of the City.
12. Employees are prohibited from soliciting or distributing literature during work hours, including with the use of the City's computers.

## **SECTION 4: HOURS OF WORK AND COMPENSATION**

### **A. Hours of Work**

1. The regular workweek, except for public safety and road department personnel, currently is Monday through Friday (with Saturday and Sunday off) from 8:00 A.M. to 5:00 P.M. Certain public safety and road department employees will have a work schedule and work days that vary in time, length, and days from the above. The regularly scheduled workweek or hours also may vary depending on the employee's position or whether an employee is classified as full-time, part-time, or temporary. Attempts will be made to notify you in advance if your hours/shift should be changed.
2. Each employee is required to be at his or her workstation, ready to begin work at his or her scheduled starting time, and at the end of his or her break or lunch period. Each employee is to continue working until the end of his or her scheduled working time. An employee is not to work overtime, either before or after his or her regularly scheduled work hours, unless authorized to do so by his or her immediate supervisor.
3. The City expects prompt and reliable attendance. Tardiness, leaving early, and/or excessive absenteeism shall not be tolerated.
4. The City, in its sole discretion, may permit a work week or work hours for an employee or employees that are different from the regular workweek or regularly scheduled work hours set forth above. All such requests, however, must be submitted to the applicable Department Head or designee for approval.

The City, in its sole discretion, also may allow employees to make-up employment hours lost due to absences for personal appointments during the workweek in which the absence occurred.

### **B. Time Keeping Procedures**

Each employee shall accurately record his or her hours of work on bi-weekly time sheets or other time-keeping mechanisms. All time worked beyond your regularly scheduled hours must be authorized by the City or approved in advance by your immediate supervisor. If you make an error in logging your time sheet, promptly inform your immediate supervisor and have the time adjusted and the correction initialed. An employee, moreover, is not permitted to "sign" the time card of another employee for any reason. Salaried employees, who are not required to utilize a time card still must be

accountable for their respective work hours. Falsification is subject to disciplinary action.

### C. Overtime Work

1. Every employee is required to work overtime that is assigned to him or her.
2. Hourly non-exempt employees will be paid at the rate of one and one-half (1½) their regular hourly rate for all actual hours worked in excess of forty (40) during a workweek. Paid sick leave, vacation, holiday or any other approved paid leave time shall not be considered "actual hours worked" for purposes of computing overtime. The workweek for an employee begins at his or her scheduled starting time on Sunday of each week. All work outside of a non-exempt employee's regular schedule must be scheduled by the City and/or approved in advance, and in writing, by his or her Department Head or designee. Scheduled overtime, which subsequently is canceled for any reason, shall not entitle an employee to overtime compensation.
3. A full-time employee who is directed to work on a holiday shall receive compensation for all hours actually worked at his or her regular rate of pay in addition to receiving his or her regular holiday pay. There is no additional holiday compensation.
4. Compensatory time off is paid time off the job which is earned and accrued by an employee in lieu of an immediate cash payment for all actual hours worked in excess of forty (40) hours during a work week. 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 in excess of forty (40) hours during a workweek. Such employees shall not accrue and use more than twenty-four (24) hours of compensatory time (i.e. non-refillable bank). Any such employee who has accrued more than twenty-four (24) hours of compensatory time shall, for additional overtime hours of work, be paid overtime compensation. The City will grant an employee's request within a reasonable period of time if the use does not unduly disrupt the City's operations.

### D. Call-in Pay

Hourly-paid, non-exempt employees, who are called in to work, after leaving the City at the end of their shift or on a scheduled day off, will be compensated at their regular hourly rate for no less than two (2) hours.

#### E. Lunch Hours and Breaks

Please consult your immediate supervisor for any applicable lunch period and/or rest breaks.

#### F. Lactation Break

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one (1) year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from workers and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

#### G. Salary and Wage Payment

Pay periods currently run during a fourteen (14) day period beginning on a Sunday and ending on a Saturday. Time sheets must be turned in to the Finance Director on the Monday following the end of the pay period.

All employees are paid by direct deposit. Paystubs will be distributed on the first Thursday following the end of the pay period. If the payday falls on a holiday, employees may be paid on the prior Wednesday, if possible, or the following Monday. The City will attempt to notify employees if there is any change in the payday schedule. An employee shall not draw money in advance of his or her regular pay.

## SECTION 5: FRINGE BENEFITS

### A. Insurance Benefits

#### 1. Health Insurance Plan

The City currently offers health insurance benefits to its eligible full-time employees. Eligible full-time employees may either accept or waive health insurance plan coverage. The City may offer a waiver payment eligibility system.

#### 2. Dental Insurance

The City currently offers dental insurance to its eligible full-time employees. The City may offer a waiver payment eligibility system.

#### 3. Life Insurance.

The City currently offers life insurance to its eligible full-time employees at one (1) times their salary to a maximum of seventy-five thousand dollars (\$75,000.00).

#### 4. Short Term Disability Insurance.

The City currently offers short-term disability insurance to its eligible full-time employees.

#### 5. Flexible Benefit Plan.

The City currently offers a flexible benefit plan to its eligible full-time employees.

### B. Holidays

1. The City currently recognizes the following "general" paid holidays for eligible full-time employees, namely:

New Year's Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day

Thanksgiving Day  
Friday after Thanksgiving  
½ day Christmas Eve  
Christmas Day  
½ day New Year's Eve

Eligible full-time employees are also permitted to receive two (2) eight (8) hour paid floating holidays each calendar year. Floating holidays shall be the day of employee's choice with department head 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 the course of 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 1.

2. The City has the sole discretion to determine what particular day a holiday will be observed on, if any.
3. When a holiday falls on a Saturday, it generally will be observed on the preceding Friday. When it falls on a Sunday, the holiday will be observed on the following Monday. This provision only applies to employees whose regularly scheduled days off are Saturday and Sunday.
4. Holiday pay for an hourly non-exempt employee will be paid at the employee's regular rate of compensation for eight (8) hours per holiday. Holiday pay for a salary exempt employee is included in his or her salary for the week. Holiday hours are not considered as "hours worked" for purposes of computing overtime.
5. In order to be eligible for a recognized paid holiday, a full-time employee must have worked a full schedule on his or her last scheduled day of work prior to the holiday and on his or her first scheduled day of work after the holiday, unless he or she is on vacation or whose absence has been excused by the employee's Department Head.
6. If a holiday recognized in these policies falls during a period in which an employee is on an approved vacation, he or she shall receive holiday pay for that recognized holiday and an accumulated vacation day will not be charged against him or her for that holiday.

C. Employee Notice and Application for Time Off From Work

Each employee who seeks time off from work (vacation/ leave) or a leave of absence shall advise either his or her immediate supervisor or Department Head of the reason for such time off or leave on a form provided by the City.

Employees who cannot use this form initially may communicate the reason for the absence to either his or her immediate supervisor or Department Head by telephone or otherwise.

D. Paid Sick Leave

1. Sick Leave Days

Only full-time employees are eligible for paid sick leave days. Sick leave days will accrue at the following rate:

<u>Full-Time Employee Designation</u>	<u>Sick Leave Accrual Rate</u>	<u>Maximum Annual Sick Leave Accrual</u>
Hourly/Salary Paid hour pay period in "active pay status"	4.60 hrs/per 80	119 hrs = 15 days

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 an hourly/paid bi-weekly employee will be paid at the employee's regular rate of compensation for eight (8) hours per sick leave day and will be included in his or her salary for the week. Paid sick leave hours are not considered as "hours worked" for purposes of computing overtime.

2. Accumulation.

Eligible full-time employees may accumulate unused sick leave days up to a maximum of one thousand forty (1,040) hours (130 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 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 other staff without approval of the City Manager. Unused, accumulated sick leave days shall be forfeited upon separation of employment with two (2) narrow exceptions: (a) 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, he or she will be entitled to a payout for twenty-five percent (25%) of the value of the full-time employee's unused and accumulated sick leave credit up to the maximum 130 day limit; or (b) 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. 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 City Manager, or may apply for any applicable leave of absence. Otherwise, any medical-related absence in excess of the number of paid sick leave days accumulated to his or her credit will be without pay.

### 3. Use of Sick Leave Days.

Sick leave may be utilized for a maximum of three (3) consecutive working days off with approval from the eligible full-time employee's immediate supervisor. After the third day, sick leave may be utilized only upon approval of the City Manager or designee. Sick leave may be utilized for the following reasons:

- a. employee unable to work due to a medically diagnosable condition or disability;
- b. unexpected immediate family (employee's spouse, children, parent, or resident dependents) medical emergency where the employee's presence is unavoidably necessary;
- c. medical, dental, or optical examinations or treatments for the employee or a member of his immediate family (employee's spouse, children, parent, or resident dependents) upon prior approval of his or her immediate supervisor;
- d. bereavement leave, or
- e. birth or placement of a child up to five (5) days.

### 4. Notification.

When a non-public safety employee is unable to report to work because of the above-referenced medical reasons, and therefore intends to use his or her sick leave days, he or she must notify his or her immediate supervisor directly within one (1) hour of his or her scheduled starting time on the first day of the absence. He or she also then must notify the immediate supervisor on each succeeding day of the absence unless it previously has been reported to his or her immediate supervisor and the employee has already been authorized to report less frequently than daily. The mere fact that an employee has reported an absence does not excuse an absence.

When requesting and/or taking less than one (1) full sick leave day, the employee must notify his or her immediate supervisor of his arrival and/or departure times so that this time off can be accurately deducted from the employee's remaining sick leave time.

5. Documentation Required.

Medical documentation, including a medical examination required by the City, may be required for any sick leave taken.

6. Sickness While on Vacation.

If an employee becomes injured or ill while on scheduled vacation, and that injury or illness confines him or her to a hospital or a residence, the employee may opt to charge his or her time away to any unused, accumulated sick leave days. Proper documentation confirming the injury or illness must be submitted to his or her immediate supervisor before such a change can be made.

E. Paid Vacations

1. The vacation benefit provides eligible full-time employees with paid vacation time off, which should be taken annually, to have personal time away from work. Employees may use accumulated vacation (calculated on a bi-weekly basis) after completion of six (6) months of continuous service as calculated below:

<b>CONTINUOUS LENGTH OF SERVICE</b>	<b>AMOUNT PER YEAR OF VACATION</b>	<b>ACCRUAL LEVEL PER PAY PERIOD</b>
0-4 years of service	80 hours (10 days)	3.10 hours
5-9 years of service	120 hours (15 days)	4.60 hours
10-15 years of service	140 hours (17.5 days)	5.40 hours
16-20 years of service	160 hours (20 days)	6.20 hours
21-25 years of service	180 hours (22.5 days)	6.90 hours
26+ years of service	200 hours (25 days)	7.70 hours

Any person employed by the City shall have his or her prior service with the City, if any, counted as service with the City for purposes of computing vacation leave.

2. Eligible full-time employees may accumulate unused vacation leave days as calculated below:

<b>CONTINUOUS LENGTH OF SERVICE</b>	<b>MAXIMUM ACCUMULATION</b>
0-4 yrs of service	120 hrs (15 days)
5-9 yrs of service	180 hrs (22.5 days)
10-15 yrs of service	210 hrs (26.25 days)
16-20 yrs of service	240 hrs (30 days)
21-25 yrs of service	270 hrs (33.75 days)
26+ yrs of service	300 hrs (37.5 days)

Hours in excess of the maximum amount at the end of the year (December 31<sup>st</sup>) will not be permitted to be carried over and will be forfeited.

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

3. An employee may be required to schedule vacation days at a time other than peak business periods. The determination as to whether an employee's request for vacation occurs during a "peak business period" shall be made by the City Manager, or designee.
4. Vacation pay for an hourly non-exempt employee will be paid at the employee's regular rate of compensation for eight (8) hours per vacation day. Vacation pay for a salaried exempt management employee is included in his/her salary for the week at the employee's salary level at the time the vacation is taken. Pay for vacations of less than one (1) week shall be proportional to these amounts. Vacation leave is granted in minimum units of one (1) hour. Vacation hours are not considered as "hours worked" for purposes of computing overtime.
5. Consideration will be given to the employee's scheduling preference whenever practicable. In doing so, please note that the City's primary responsibility is to retain a sufficient number of staff to maintain its services. Accordingly, vacations one (1) week or more in duration generally must be requested, in writing, at least thirty (30) days in advance and will be scheduled in the City's sole discretion in order to maintain its orderly and efficient operation. The applicable Department Head's decision, in this regard, shall be final and binding. Vacations will be scheduled on a first-come, first-served basis.
6. An employee who resigns or is terminated generally will receive vacation pay for all vacation accumulated but unused as of that separation date.

7. Employees with three (3) or more weeks of vacation are encouraged to take at least one (1) week prior to June.

#### F. Community Activities

Employees may participate in City related community activities during work hours with the approval of their supervisor.

#### G. Education Reimbursement

The amount of education reimbursement, moreover, may vary depending upon the amount of reasonable expenses incurred by the employee. Employees must apply for approval for a specific course/training session at least thirty (30) days before it begins. Payment of any education reimbursement will be made after submission of written verification that the course was completed with a "C" grade or better (or a "pass"/"satisfactory" grade if no letter grade is issued), or if no grade is issued then a certificate of attendance.

#### H. Government Fringe Benefits

The City shall provide all benefits required by law. All questions concerning a benefit should be directed to the City Manager.

#### I. Part-Time Employee Benefits

1. Part-time employees must work a minimum of nine hundred and sixty (960) hours per year to be eligible for vacation, sick and holiday leave. The City shall make the assumption 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, sick and eligible 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 right to accrue vacation and sick leave and lose their eligibility for holiday leave that calendar year. However, the employee will continue to be eligible to use any previously accrued vacation and sick leave until exhausted. Eligible part-time employees may use accumulated vacation after completion of one (1) year of continuous service as calculated below:

<b>CONTINUOUS LENGTH OF SERVICE</b>	<b>AMOUNT RECEIVED ON FEBRUARY 1</b>
After one (1) yr of part-time service	40 hrs (5 days)
After eight (8) yrs of part-time service	60 hrs (7.5 days)

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).

2. Eligible part-time employees may accumulate and use sick leave hours:

<b>CONTINUOUS LENGTH OF SERVICE</b>	<b>AMOUNT RECEIVED ON FEBRUARY 1</b>
After one (1) yr of part-time service	60 hrs (7.5 days)

Accumulation of Sick and Vacation Leave.

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

Part-time employees may accumulate unused vacation based on:

<b>CONTINUOUS LENGTH OF SERVICE</b>	<b>MAXIMUM ACCUMULATION</b>
0-7 yrs of service	60 hrs (7.5 days)
8+ yrs of service	80 hrs (12.5 days)

## **SECTION 6: LEAVES OF ABSENCE**

### **A. Extended Medical Leave of Absence**

Upon written application to the City, leaves of absence or renewals thereof without pay including those of thirty (30) days or more, may be granted to each full-time or part-time employee who is absent from work and unable to work because of a medically diagnosable sickness, injury, or disability, provided, however, that the employee submits to the City such medical evidence of the cause and duration of the absence, the employee's inability to work, and the employee's ability to resume employment as the City may request. The City reserves the right to refer an employee to a doctor of its choice to obtain a medical certification of the employee's need for a leave of absence. The initial leave of absence, which, under certain extenuating circumstances, may be requested orally but then must be reduced to writing, shall be for an initial period of five (5) days and shall not exceed thirty (30) calendar days and any renewal must be requested in writing prior to the expiration of the leave then in effect. The duration of each leave of absence and any renewals thereof shall be specifically stated in the request and in the granting of the leave. No leaves will be granted for a total or continuous period or periods which twenty-six (26) weeks, in any one (1) continuous twelve (12) month period. Prior to returning to work, an employee may be requested to provide certification from the employee's health care provider that the employee is able to perform the essential functions of their job. Failure of an employee to report for work at the time at which he or she is regularly scheduled to report at the conclusion of the approved leave period will result in termination of employment.

The employee may elect to apply any earned but unused vacation or paid sick leave time toward a leave of absence for medical purposes. Moreover, a leave of absence without pay for medical purposes means that time previously worked for the City is not lost in computation of length of service and the benefits dependent thereon. However, time spent while on such a leave will not be credited toward any calculation of any applicable paid vacation or sick leave time. An employee on said medical leave also will not be eligible for any holiday falling within this medical leave without pay period.

### **B. Medical Examinations and Disability Separations**

The City may require an employee to take an examination, conducted by an Employer-selected licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of the employee's classification, with or without reasonable accommodation. If the employee disagrees with a determination that they are unable to perform the essential functions of that classification with or without reasonable accommodation, they

may request to be examined by a second licensed medical practitioner of their own choice at their own expense. If the reports of the two (2) licensed medical practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the City and paid for by the City. The neutral licensed medical practitioner shall limit their report to the issue of whether the employee is capable of performing the essential functions of their position, as defined by the employer, with or without reasonable accommodation.

If an employee, after examination, is found to be unable to perform the essential functions of their position, the employee may request use of accumulated sick leave, vacation leave and other benefits. If a classified employee remains unable to perform the essential functions of their position after exhausting available paid leave, they may request a voluntary disability separation.

If the classified employee is found to be unable to perform the essential functions of their position, refuses to utilize their leave benefits, or to agree to a voluntary disability separation, the City may place the employee on an involuntary disability separation. Prior to placing an employee on involuntary disability separation, the employee is entitled to a pre-separation hearing. If, after the hearing, the City determines that the employee is unable to perform the essential functions of their position with or without reasonable accommodation, the City shall issue an involuntary disability separation order to be given to the employee and filed with the Personnel Board of Review. The employee may appeal the City's order concerning their involuntary disability separation to the Personnel Board of Review.

A classified employee on a voluntary or involuntary separation shall retain the right to be reinstated to their former position, or to a similar position, for three (3) years from the date that the employee is no longer in active work status due to the illness, injury, or condition necessitating the placement into inactive status. The employee must make a written request for reinstatement from a disability separation. The request shall be accompanied by substantial credible evidence that the employee is once again capable of performing the material and substantial functions of their classification with or without reasonable accommodation. The City shall have the right to have the employee examined prior to their return. The City shall pay for the examination.

An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordinate and will be grounds for discipline, up to and including termination.

### C. Family and Medical Leave Act Policy

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act (FMLA).

1. As used in this policy, the following terms and phrases shall be defined as follows:
  - a. "Family and/or medical leave of absence" - an approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken for only the following qualifying events:
    - (1.) Upon the birth of an employee's child and in order to care for the child.
    - (2.) Upon the placement of a child with an employee for adoption or foster care.
    - (3.) When an employee is needed to care for a family member who has a serious health condition.
    - (4.) When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
  - b. "Per year" - a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four weeks of FMLA leave beginning February 4, 2006, four weeks beginning June 1, 2006, and four weeks beginning December 1, 2006, the employee would not be entitled to any additional leave until February 4, 2007.
  - c. "Serious health condition" - any illness, injury, impairment, or physical or mental condition that involves:
    - (1.) Inpatient care.
    - (2.) Any period of incapacity of more than three consecutive calendar days that also involves:
      - (a.) Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of

- incapacity with both visits completed within thirty (30) days;  
or
- (b.) Treatments by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
- (3.) Any period of incapacity due to pregnancy or for prenatal care.
- (4.) A chronic serious health condition which:
- (a.) Requires periodic visits for treatment to a health care provider (at least two per year);
  - (b.) Continues over an extended period of time; and
  - (c.) May be periodic rather than a continuing incapacity.
- (5.) Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.)
- (6.) Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three (3) days at a later date without medical intervention at the present time (i.e. chemotherapy for cancer, dialysis for kidney disease, etc.)
- d. "Licensed health care provider" - a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- e. "Key employee" - the highest paid 10% of all employees in the agency. An employee will be notified in writing of his status as a key employee, if applicable, at the time leave is requested.
- f. "Family member" - spouse, child, parent or a person who stood in "*loco parentis*" to the employee.
- g. "Covered Service Member" - a member of the Armed Forces, including a member of the National Guard or Reserves, 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 or illness.
- h. "Outpatient Status" - the status of a member of the Armed Forces assigned to:
- (1.) a military medical treatment facility as an outpatient; or

- (2.) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
  - i. "Next of Kin" - the term 'next of kin', used with respect to a service member means the nearest blood relative of that individual.
  - j. "Serious Injury or Illness" - in the case of member of the Armed Forces means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. Leave Entitlement: To be eligible for leave under this policy, an employee must meet all of the following conditions:
- a. The employee must have worked for the City for at least 12 months, or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive.
  - b. The employee must have actually worked at least 1,250 hours during the 12 month period immediately prior to the date when the FMLA leave is scheduled to begin.

The entitlement to FMLA leave for the birth or placement for adoption or foster care shall expire at the end of the 12 month period beginning on the date of such birth or placement.

Spouses who are both employed by the City are jointly entitled to a combined leave total of 12 weeks (rather than 12 weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, or for the care of certain family members with serious health conditions.

An employee may only take FMLA leave because of his own serious health condition if such condition renders the employee unable to perform the functions of his position.

3. Use of Leave: The provisions of this policy shall apply to all family and medical leaves of absence as follows:
- a. Generally: Whether the leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of 12 weeks of leave per year under the FMLA.

Employees will be required to exhaust all accumulated paid leave as allowed by the City prior to being granted leave without pay for FMLA leave requests. Employees will be required to use the type of leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. In addition, any time off that may, by law, be counted against an employee's 12 week FMLA entitlement will be counted against such time.

- b. FMLA Leave Use for Birth of an Employee's Child: An employee who is taking leave for the birth of the employee's child must first use all allowable sick leave and all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the 12 week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will also be required to exhaust all of the employee's sick leave prior to using unpaid leave for the remainder of the 12 week period. [Note: see Section e. below for information on disability leaves.]
- c. FMLA Leave Use for Placement of a Child for Adoption or Foster Care: An employee who is taking leave for the placement of a child with them by adoption or foster care must first use all allowable sick leave and all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the 12 week period.
- d. FMLA Leave Use because of the Employee's Own Serious Health Condition or the Serious Health Condition of a Family Member: An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available accrued paid sick, vacation and personal leave prior to using unpaid leave for the remainder of the 12 week period.
- e. FMLA Leave and Disability/Workers' Compensation Plans or Programs: An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the employer may designate the absence as FMLA leave, and count it against the employee's 12 week entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation leave program, the employee is not eligible

to use paid leave of any type, nor can the employer require the employee to do so, while the employee is receiving compensation from such a program.

- f. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to 12-weeks of FMLA leave due to the exigencies of the service member being called to active service. Examples include rapid deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation and post deployment activities. In addition, a spouse, child or parent of a service member is entitled to up to 26 weeks of leave to care for a service member injured in the line of duty. In the event the injured service member does not have a spouse, child or parent, an employee who is the next of kin (closest blood relative) may take leave under the FMLA to care for the injured service member.
4. Procedures for Requesting FMLA Leave: Requests for FMLA leave must be submitted in writing at least 30 days prior to taking leave or, if this is not possible, as soon as practicable prior to the commencement of the leave. If the employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the City receives notice. The employee must follow the regular reporting procedures for each absence.

Requests for FMLA leave must be submitted on a standard leave form prescribed by the employer. The employer will determine whether the leave qualifies as FMLA leave, designate it as leave that counts against the employee's 12 week entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave.

When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's immediate family as defined in this policy, which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of the employer, subject to the approval of the health care provider of the employee or the employee's family member.

5. Certification of Need for FMLA Leave: An employee requesting FMLA leave due to a serious health condition of the employee or their family member must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or when the need for leave is not foreseen, as soon as practicable. An

employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation as required by the employer at the time FMLA leave is requested.

The employer, in its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid by the employer. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in denial of the FMLA leave request.

Employees whose request and are granted FMLA leave due to a serious health condition of the employee or their family member may be required to submit periodic written reports to the employer in order to access the continued qualification for FMLA leave.

The employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence.

6. Intermittent/Reduced Schedule Leave: When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition of the employee or a serious health condition of an employee's family member. Upon approval of the appointing authority, an employee may take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee. In all cases, the FMLA leave granted to any employee shall not exceed a total of 12 weeks per year.

Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least 30 days prior to taking leave, or, if this is not possible, as soon as practicable.

To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification as prescribed by the employer which establishes the medical necessity for such intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave must meet with their supervisor and their department head to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the employer.

7. Employee Benefits: Except as provided below, while an employee is on FMLA leave, the employer will continue to pay the employer portion of premiums for any life, medical, and dental insurance benefits which the employee receives through the employer under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he/she would have been required to pay had he/she not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The employer will not continue to pay the employer portion of premiums for any life, medical, and dental insurance benefits, if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums, if any, if the employee's payment for their portion of the premium is late by more than 30 days.

If cash-in-lieu of health insurance is an option at the time of the FMLA leave, the employer will continue to make cash-in-lieu of insurance payments to those employees who have chosen this option during open enrollment.

If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the employer may seek reimbursement from the employee received through the Employer during any period of unpaid FMLA leave.

Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leave times (i.e. sick, vacation, personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

8. Reinstatement: An employee on FMLA leave must give the employer at least two business days' notice of their intent to return to work, regardless of the employee's anticipated date of return.

Most employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave.

Upon request for reinstatement, if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the employer.

An employee will not be laid off as a result of exercising her right to FMLA leave. However, the employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the City, the employee would not otherwise be employed at the time reinstatement is requested.

An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during their FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work. The return to work certification must specifically address the employee's ability to perform the essential functions of the position.

Key employees may be denied reinstatement if:

- a. In the sole opinion of the employer, denial of reinstatement is necessary to prevent substantial and grievous economic injury to the employer; and
- b. The employer notifies the employee of its intention not to restore the employee to duty before the leave begins; or
- c. The employer notifies the employee of its intention not to restore the employee to duty after the leave begins, and the employee does not elect to return immediately to work and be restored to the same or a similar position.

In order to determine whether the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the Employer, the Employer may consider its ability to replace the employee on a temporary basis, whether a permanent replacement of the employee is unavoidable, and the cost of reinstating the employee.

9. Records: All records relative to FMLA leave will be maintained by the employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file.

To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

#### D. Personal Leave of Absence

After all permissible absence with pay is exhausted, and upon written application to the City, leaves of absence or renewals thereof without pay for personal reasons may be granted by the City Manager at his or her discretion to full-time employees who have completed twelve (12) consecutive months

or more of employment. The initial personal leave request shall be for a period of no less than five (5) calendar days. Any renewal, in increments of five (5) calendar days, must be requested prior to the expiration of the leave then in effect. A leave of absence for personal reasons, if granted, shall be in writing. The duration of each leave of absence and any renewals thereof shall be specifically stated in the request and in the granting of the leave. No such leave will be granted for a total or continuous period or periods which exceed thirty (30) calendar days. Additionally, only one (1) such personal leave of absence may be granted to an employee over a continuous twenty-four (24) month period.

Approved personal leave of absence without pay means that time previously worked for the City is not lost in computation of length of service and the benefits dependent thereon. However, time spent while on such a leave will not be credited toward any calculation of any applicable paid vacation or sick leave time. Moreover, an employee on approved personal leave will not be eligible for any holiday falling within this leave period.

E. Jury Leave of Absence

Each employee shall be granted leave of absence to serve on any duly constituted jury before a county, state or federal court that convenes during his or her working hours. Prior notice, of at least one week or as early as practicable, concerning the need for a jury leave of absence shall be given to his or her immediate supervisor. Further, while on a jury leave of absence, an employee will be required to work such hours of his/her usual work shift as occur when his/her presence in court is not required.

Employees on a jury leave or absence will be paid a regular paycheck, upon presentation of satisfactory evidence of such jury service to the City Finance Director as follows: a) an hourly non-exempt employee will receive his/her regular straight time hourly rate for scheduled work time lost up to eight (8) hours for each day on such jury duty not to exceed thirty (30) working days in any calendar year; b) a salaried exempt employee will receive his/her regular salary for scheduled work time lost for each day on such jury duty not to exceed thirty (30) working days in any calendar year. The City Manager or designee may, in his/her sole discretion, grant additional paid time off in an amount and for a period of time that she/she deems appropriate. Employees shall turn over any jury fees, less documented expenses (i.e. mileage and meals) to the City Finance Director.

F. Military Leave of Absence

The City shall provide military leave of absence pursuant to state and federal laws.

## G. Bereavement Leave of Absence

Upon approval of the City Manager or designee, each full-time employee may be granted use of any accumulated paid sick leave of up to three (3) work days for time lost from his or her regularly scheduled work because of his or her attendance at the funeral of the employee's spouse, children (step) mother (in law or step), father (in law or step), sister (in law), brother (in law), grandparent (in law), grandchild, or legal guardian. If no paid sick leave time is available, any remaining and approved time off shall be without pay.

An employee must notify his or her immediate supervisor as far in advance of his or her absence as possible. The immediate supervisor, in turn, shall notify the City Manager or designee. An employee may be requested to furnish a "notice of death" acknowledgement in order to receive payment. In cases in which the funeral is to be held at a location in excess of two hundred (200) miles from the employee's work location, or under other pertinent extenuating circumstances, the City Manager or designee may, in his sole discretion, grant additional unpaid bereavement leave.

## H. General Leave of Absence Provisions

1. Failure of an employee to report for work at the time at which he or she is regularly scheduled to report at the termination of a leave, or to secure an approved extension of the leave from the City in advance, will result in disciplinary action, up to and including termination of employment.
2. Misrepresentation of facts to obtain a leave of absence or to secure an extension of a leave of absence will result in termination of employment.
3. Unless specifically authorized in writing by the City or with respect to military duties performed pursuant to a military leave of absence, a leave of absence will not be granted to engage in employment elsewhere and any employee who engages in employment elsewhere while on a leave of absence will be deemed to have voluntarily quit his or her employment with the City.

## **SECTION 7: ATTENDANCE AND CALL-IN RULES**

### A. Tardiness/Excessive Absenteeism

The City expects prompt and reliable attendance. Tardiness, leaving early, and/or excessive absenteeism shall not be tolerated. The City, in its sole discretion, will treat such attendance problems on an individual basis.

### B. Reporting Absences

All absences must be reported directly to the employee's immediate supervisor as soon as the employee becomes aware that he or she will be unable to report for work because of injury, illness or an emergency. Preferably, this notice shall occur at least within one (1) hour of commencement of the workday for non-public safety employees; two (2) hours for public safety employees. If an emergency should arise after the employee has left for work, as a result of which he or she finds it impossible to report for work as scheduled, the employee must notify his or her immediate supervisor as soon as possible. The mere fact that an employee has reported an absence does not excuse an absence.

### C. Employee Responsibility

Employees are responsible for notifying their immediate supervisor when they are going to be absent. The City cannot accept the excuse that the employee asked another person, including but not limited to employees, to advise his or her immediate supervisor of their absence. It is the employee's responsibility to insure that the City is properly notified and any failure to do so may result in disciplinary action being taken.

### D. Documentation Required

Documentation may be required for any amount of time absent away from work.

### E. Medical, Dental, and Optical Appointments

The City strongly urges employees to schedule medical, dental, and optical appointments, for themselves and/or their children, during off-duty hours. To the extent this is not possible; the City requests that its employees make every effort, with their immediate supervisor's prior approval, to schedule such appointments either very early or very late in the work day so as to minimize the disruption in the work flow.

F. Absent without Leave

Employees shall not be absent without being covered by a City leave. Absences without leave may result in disciplinary actions up to and including termination.

## **SECTION 8: DISCIPLINE**

The City has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during an on-going investigation, unless otherwise authorized.

Classified employees may be placed on a paid "administrative" leave of absence pending an investigation. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid "administrative" leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

Employees who have completed their probationary period and who are in the classified civil services may only be disciplined for just cause. Disciplinary action will be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee's position, the employee's record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit the City's discretion to impose a higher level of discipline under appropriate circumstances.

The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, or nonfeasance.

The property and image of the City is to be respected at all times; as such, an employee's off duty conduct that could reasonably negatively impact the City may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

Employees have an obligation to immediately inform the City of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in

discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be granted vacation leave in order to serve jail time.

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The City may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative charge is independent of a disciplinary investigation. Although the City may utilize information obtained during other investigations, the City's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with the City is just cause for termination.

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of City Policies and Procedures. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

When the City believes that discipline of a classified employee in the form of a paid or unpaid suspension, demotion or termination is possible, a pre-disciplinary conference shall be scheduled. Prior to the pre-disciplinary meeting, the employee will be provided with written notice of the charges against him. At the pre-disciplinary conference, the employee may respond to the charges or have his chosen representative respond. Failure to attend the pre-disciplinary conference shall be deemed a waiver of the conference.

**SECTION 9: REDUCTION IN FORCE**

A. Layoff

When the City determines that it has more employees than are needed due to abolishment of positions, reasons of economy, efficiency of operation, lack of work or lack of funds, employees may be laid off. In deciding who to select for layoff, the City may consider any or all of a number of factors, including, without limitation, the job or position to which employees are assigned, the skills and abilities of employees, the job performance of employees, the attendance of employees, the disciplinary record of employees, or their respective continuous length of service dates. The City, in its sole discretion, retains the right to determine which employees to layoff.

1. In deciding who to select for a layoff, the City may consider a number of factors, including, but not limited to, each employees assigned job or position, skills and abilities, job performance, attendance, disciplinary record, or continuous length of service dates.
2. Retention points to reflect systematic consideration of seniority and relative efficiency for all employees will be assigned by the Personnel Board of Review. Credit for relative efficiency shall not exceed 10% of total retention points. Retention points will be determined as follows:
  - a. Seniority point for each completed 520 hours (excluding overtime hours) of continuous service (13 full weeks of service for a full-time employee). These seniority points shall be added to a base factor of one hundred (100) points, thus yielding seniority points.
  - b. Using the chart below, employees shall also be assigned efficiency points by: averaging the latest two (2) annual performance evaluations; or using the latest performance evaluation, if less than two (2) years of service; or using the latest probationary performance evaluation, if less than one (1) year of service. Employees who have not been currently evaluated shall be given the maximum number of efficiency points; but in no event shall a special performance evaluation be conducted for purposes of computing efficiency points.

<b>TOTAL SCORE ON PERFORMANCE EVALUATION</b>	<b>EFFICIENCY POINTS</b>
< 20	0
21-30	2

31-45	4
46-60	6
61-80	8
81 +	10

- c. The total seniority points plus the total efficiency points equals the total retention points. In cases of identical retention point rating, employees having the least seniority in terms of actual date of hire will be laid off first.
  
- d. A qualified laid-off employee in the classified service has the right to displace the employee with the least retention points in a lower classification in the same classification series. A classification series is any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision. Any employee displaced by an employee shall have the right to displace another employee in a lower classification of the same classification series with less retention points. These procedures shall continue, if necessary, until the employee with the least retention points in the lowest classification series of the City has been reached, and if necessary, laid off. Employees shall notify the City of their intention to exercise their displacement rights within seven (7) calendar days of receiving their notice of layoff.

B. Effect of Layoff

An employee who has been laid off shall not receive wages, salary, or fringe benefits from the City, except to the extent specifically provided in this Summary of Policies. An employee, who is laid off, may remain on layoff status for no longer than six months. If an employee has been on layoff status for six months, his or her employment with the City shall be automatically terminated.

C. Notification of Layoff, Displacement and Recall

Each employee to be laid off shall be given advance written notice of the layoff by the City. Such written notice shall be either hand-delivered to the employee at work or sent certified mail to the employee's last address on file. If hand-delivered, such notice shall be given fourteen (14) calendar days before layoff and the day of actual delivery shall constitute the first day of the fourteen (14) day period. If mailed, such notice shall be given seventeen (17) calendar days before layoff and the day of posting shall constitute the first day of the seventeen (17) day period.

Each notice of layoff or displacement shall contain the following information:

1. The reason for layoff or displacement.
2. The date layoff or displacement becomes effective.
3. The right of such employee to appeal to the Personnel Board of Review and the time within which to file an appeal.
4. A statement advising the employee of the right to displace another employee (if applicable) and the length within which the employee may displace (bump) another employee.
5. A statement advising the employee of the right to reinstatement or re-employment.
6. A statement that, upon the request of the employee, the City will make available a copy of the rules regarding layoffs.

#### D. Appeal of Layoff or Reduction

Any laid off or displaced employee may file a written appeal of the layoff or displacement to the Personnel Board of Review. Such appeal must be filed no later than ten (10) calendar days after the effective date of the layoff or displacement.

#### E. Recall from Layoff

During the six-month period that an employee is on layoff status, if circumstances are such that the layoff may be temporary in nature, he or she may be recalled to work by the City. In deciding who to select for recall the City, may consider any or all of a number of factors, including, without limitation, any or all of those listed above and the availability of persons not on layoff for any job or position the City chooses to fill. However, the City, on its sole discretion, retains the right to determine which employees, if any, to select for recall from layoff. Each employee recalled from layoff shall be notified of the offer of reinstatement or re-employment by certified letter to their last address on file. Each recalled employee shall be allowed seventeen (17) calendar days from the date of posting of the letter to return to work and such time limit shall be explained to the employee in the notification of recall letter. It shall be the employee's responsibility to have a current address on file with the City. Employees who fail to report to work on the designated return-to-work date, regardless of the reason, will be removed from further recall consideration and will be considered to have voluntarily quit the City's employment.

## **SECTION 10: WORKPLACE ENVIRONMENT AND HEALTH**

### **A. Drug-Free Workplace and Substance Use & Abuse Policy**

The City is committed to a safe, health, lawful and productive work environment and work force. Therefore, the City prohibits an employee's use, possession, distribution, sale or attempted similar conduct, of alcoholic beverages, illegal drugs, controlled substances or other un-prescribed controlled substances on its properties and/or while performing City business, as well as employees reporting to work or working with alcohol, illegal drugs, controlled substances, or un-prescribed controlled substances in their system. The failure of an employee to follow this policy will result in discipline, up to and including termination.

The City of Powell, Ohio ("City") desires to, and will, maintain a drug-free workplace. The City prohibits an employee's use, possession, manufacturing, distribution, sale, or attempted similar conduct, of a controlled substance in the workplace. For purposes of this policy, the "workplace" refers to an area in or around the City premises, any other building or vehicle owned, rented, or leased by the City, and any location to which an employee is sent on assignment. All employees also shall abide by the City's Substance Use and Abuse Policy.

Any employee in violation of the City's Substance Use and Abuse Policy will immediately be relieved of his/her duties. At the City's discretion, he/she will be subject to discipline, up to and including discharge for the first offense.

An employee must notify the City in writing if he/she is convicted (including pleas of guilty or nolo contendere) of violating a criminal drug statute with regard to an offense occurring in the workplace no later than five (5) calendar days after such conviction. Within thirty (30) calendar days of notification, the City will determine what action will be taken against the employee. At the discretion of the City, this action may include discipline, up to and including discharge, and/or requiring successful completion (and subsequent maintenance) of a drug abuse assistance/ rehabilitation program as approved by the City.

Employees should consult with their own physicians, the City's Administration Office, any health plan in which they are a participant, and/or community resources for information regarding drug use and abuse.

All employees are expected to abide by the City's policy on drug-free workplace. This policy is distributed in compliance with the Drug-Free Workplace Act of 1988, and should not be interpreted as a substitute for the City's disciplinary policy. In addition, this discussion does not affect in any way the employment relationship of all the City employees as set forth in the City's Summary of Policies.

## Zero Tolerance

The City has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using marijuana with a valid prescription are not exempt from this policy in any way. The use of marijuana in any form, with or without a valid prescription will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including marijuana with a valid prescription, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

## Substance Abuse and Use

People who work under the influence endanger both the lives of those around them and their own. Substance abuse is any employee using or possessing illegal drugs, or misusing alcohol or legal drugs in such a way that their mental and physical capabilities diminish. The use of illegal drugs and being under the influence of illegal drugs or alcohol is not permitted.

The City will hold all employees accountable in terms of current illegal substance use but also supports getting help for employees in need. Employees who come forward voluntarily to identify that they have a substance problem will receive information about local professionals who offer such help. However, if an employee has a substance problem and does not come forward and the employee tests positive for drug or alcohol use, in violation of the City's policies, the City reserves the right to impose discipline for the violation of these policies.

## Testing

1. In order to maintain a safe and healthful work environment, the City reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
2. Where the City has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the City's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a City representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

3. If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the City. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.
4. Any employee who tests positive may request retesting of the original specimen at their own expense.
5. Employees who occupy certain safety-sensitive positions may be subject to random drug tests. Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary action, up to and including removal.
6. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
7. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the City's drug and alcohol testing program as required by state and federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.

The City may discipline an employee, up to and including discharge, for any violation of this policy.

### Training

The City shall have employees trained to recognize substance problems that may endanger the employee and others.

### B. Violence or Threats of Violence

Violence or threats of violence will not be tolerated. The City is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the City enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats, or acts of physical violence including intimidation, harassment, and/or coercion which involve or affect City employees, or which occur on City property, will not be tolerated. City employees who are found to have committed acts of workplace violence will receive discipline, up to and including termination, and

possible criminal prosecution, depending upon the nature of the offense. Prohibited acts of workplace violence include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or their family, friends, associates, or property.
3. The intentional destruction or threat of destruction of City property.
4. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications, including e-mail.
5. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule.
6. The willful, malicious and repeated following of another person, also known as "stalking" and making threats with the intent to place another person in reasonable fear for his own safety.
7. Suggesting or otherwise intimating that an act to injure persons or property is "appropriate", without regard to the location where the suggestion or intimation occurs.
8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

The following are examples of warning signs, symptoms and risk factors which may indicate an employee' potential for violence. Employees should be aware of these indicators. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify their supervisor or the City Manager if they witness any of the following behaviors:

1. Making intimidating statements such as: "I'll get even," or "you haven't heard the last from me."
2. Acting out violently either verbally or physically.
3. Excessive bitterness by a disgruntled employee or an ex-employee.
4. Being a loner, avoiding all social contact with co-workers.
5. Having a romantic obsession with his or her co-worker who does not share that interest.
6. History of interpersonal conflict.

### C. Workplace Harassment/Discrimination Policy

It is the policy of the City of Powell to promote a productive work environment. The City will not tolerate, condone, or allow verbal or physical conduct by any employee or, to the extent possible, non-employee, that harasses, disrupts, or

interferes with work performance or that creates an intimidating, offensive, or hostile environment.

The City is committed to providing facilities that are safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his membership in a protected class as: race, color, religion, sex, national origins, age, ancestry, disability, genetic information or military status. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

Employees are individually responsible for refraining from engaging in harassing or offensive conduct and are encouraged to report harassing or offensive incidents. Each supervisor has a responsibility to keep the workplace free of any form of harassment. In particular, no supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect an employee's terms or conditions of employment in any way.

It is the primary goal of this policy to provide the employees of the City of Powell with an environment free of discrimination including sexual harassment. This policy intends to state clearly the City's policy regarding discrimination, with attention to gender discrimination and sexual harassment and to provide for disciplinary action in the event the policy is not followed.

This policy covers all employees of the City of Powell regardless of their position. This policy also applies to other work-related settings such as business trips, seminars, conferences, social media, the internet, and other business-related social events.

#### 1. Behavior that can Constitute Harassment

Harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct which is appropriate in a social setting may be inappropriate in the workplace. Harassment occurs when behavior based on a protected characteristic is directed toward an employee who finds that behavior unwelcome and offensive. Harassment also occurs when the behavior fails to respect the rights of others, is demeaning or lowers morale. The victim's acquiescence in the behavior will not negate the existence of sexual harassment.

Harassment may also extend beyond the confines of this organization. Conduct that occurs off duty and off premises against an employee of the City of Powell will be subject to this policy.

Prohibited conduct includes, **but is not limited to**, comments, suggestions, jokes, leering, pats, squeezes or similar contact, and posting of pictures, cartoons, photos or other graphics based on a protected characteristic. This conduct constitutes harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual.
- c. Such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive working environment.

## 2. Americans with Disabilities Act

The American with Disabilities Act (ADA) prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability. To be considered a qualified individual, the employee must satisfy the requisite job qualification standards, skills, experience, education, license, and other job-related requirements of the position they hold or desire and must be able to perform the essential functions of the position, with or without reasonable accommodation. The "Complaints", "Retaliation", "False Complaints", and "Corrective Action" sections of the City's sexual and other unlawful harassment policy shall apply with equal force and effect to the City's ADA policy.

The City shall reasonably accommodate a qualified employee with a disability unless the accommodation would pose an undue hardship or direct threat to the health and safety of the employee or others. Decisions as to whether an accommodation is reasonable shall be made on an individual case-by-case basis. An employee who believes they are in need of a reasonable accommodation is responsible for making their department head, or City Manager, aware of this need. Employees requesting an accommodation shall submit all requests in writing.

## 3. Complaints

The City of Powell has appointed the City Manager or their designee as an Equal Employment Compliance Officer, ("EECO") to handle allegations of discrimination or harassment. The EECO is vested with the authority to receive

employee reports of discrimination and/or harassment and is charged with the duty of investigating any employee complaints of discrimination and/or harassment.

Employees who feel that they have been subjected to discrimination or harassment by a fellow employee, a supervisor, or an individual otherwise affiliated with the City of Powell, shall immediately contact the EECO. Similarly, employees who feel that they have witnessed discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact the EECO. Late reporting of complaints will not in and of itself preclude the employer from taking remedial action. However, employees are encouraged to report complaints as soon as possible after a harassing or offensive incident occurs so that a thorough and accurate investigation may be conducted.

Further, the City encourages employees who believe they are or have been harassed or who witness harassing or offensive incidents to promptly notify the offender that his or her behavior is unwelcome. However, it is recognized that power and status disparities between an alleged harasser and an individual receiving the alleged harassment may make such a confrontation ineffective or impossible. In the event that such informal, direct communication between the individuals is either ineffective or impossible, the individual receiving the alleged harassment should report the incident directly to a supervisor as outlined above.

Information obtained by the EECO will be kept as confidential as practicable, although confidentiality cannot be guaranteed. If the EECO's investigation reveals the complaint is valid, prompt attention and action, including disciplinary action, designed to stop the harassment and prevent its recurrence will be taken.

All employees are required to cooperate in any investigation of a harassment complaint.

#### 4. False Complaint

Although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. Failure to prove discrimination or sexual harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint may be subject to discipline.

#### 5. Retaliation

The City of Powell, its supervisors and/or employees, shall not in any way retaliate against an individual, or an individual's family members, for filing a complaint, reporting discrimination or harassment, or participating in an investigation. Retaliation is a serious violation of the harassment/discrimination policy. Any employee who feels that he or she is subjected retaliatory conduct as a result of actions taken under this policy shall report such conduct to the EECO immediately. Any person found to have retaliated against an individual for reporting discrimination or sexual harassment will be subject to the same disciplinary action provided for offenders of the sexual harassment/discrimination policy.

#### 6. Corrective Action

Discrimination and harassment will not be tolerated. Disciplinary action may follow a violation and will be reflective of the seriousness of the violation. If the investigation establishes that the accused employee engaged in discrimination or harassment, discipline, up to and including removal, will be administered. Offenders will be disciplined without regard to their position or job performance.

All employees of the City of Powell have a responsibility to become familiar with this policy, to assist in its enforcement and to abide by its terms. Any employee who has knowledge of discriminatory or harassing conduct, and who allows that conduct to go unaddressed, may be subject to discipline.

#### 7. Condition of Employment

All employees of the City of Powell will be expected to comply with this policy as a condition of continued employment.

### D. Safety

Each employee must pay constant attention to safety and is expected to:

1. Report any unsafe conditions or fire hazards to supervision, immediately.
2. Report any injury or property damage (no matter how slight) to supervision, immediately.
3. Emergency Situations: In the event of an emergency situation, such as fire, or severe injury or illness: CALL 911.
4. Keep work areas clean and free from debris.
5. Avoid cluttering restrooms and eating areas; clean up when finished.
6. Keep all tools and equipment clean and in good repair.
7. Wear and utilize all approved and required safety equipment/clothing.

8. Follow the safety policies and procedures.

## SECTION 12: PUBLIC RECORDS

### A. Purpose

The City and all employees shall strictly adhere with the Ohio's Public Record Act, Chapter 149 of the Ohio Revised Code. Further, all Departments shall keep a copy of the Public Records Policy and Schedule of Records Retention ready and available for all employees, as well as the public, to reference at any time. If an employee receives a request from another to copy or inspect City records, the employee must relay that request to his Department Director immediately, who will relay the request to the City employees that are authorized to respond to public records requests. Violation of these policies shall result in discipline, including termination.

Adopted by Ordinance 1989-15, July 5, 1989  
Revised by Ordinance 1997-07, March 18, 1997  
Revised by Ordinance 2002-08, March 19, 2002  
Revised by Ordinance 2005-63, December 6, 2005  
Revised by Ordinance 2006 -61, October 17, 2006  
Revised by Ordinance 2009-03, February 17, 2009  
Revised by Ordinance 2009-30, December 4, 2009  
Revised by Ordinance 2015-22, June 16, 2015  
Revised by Ordinance 2016-04, January 19, 2016  
Revised by Ordinance 2016-40, September 6, 2016

**ACKNOWLEDGEMENT OF RECEIPT**

I have received a copy of the City of Powell Personnel Manual Summary of Policies which includes the:

- A. City's Public Records Policy
- B. Ethics Policy
- C. Auditor of State Reporting Fraud Policy

I understand that I am responsible for reading and understanding the materials that are contained in it.

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Signature of Employee

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Name of Employee (Printed)

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Date Signed

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Received by City