

**THE CITY OF UNIVERSITY HEIGHTS, OHIO
CITY COUNCIL MEETING AGENDA via ZOOM**

7:00PM

MONDAY, MAY 3, 2021

Join Zoom Meeting

<https://us02web.zoom.us/j/82430599528?pwd=TjgwNGgvRjRYRjYrUEtOUTc5RStPz09>

Meeting ID: 824 3059 9528

Passcode: 254327

Dial by your location

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+1 346 248 7799 US (Houston)

Meeting ID: 824 3059 9528

Passcode: 254327

NOTE: Executive Session may follow meeting to discuss legal, personnel and real estate matters.
(Motion Required)

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes
5. Comments from the Audience (Speakers are limited to 5 minutes, total time allowed 15 min. per meeting, unless otherwise permitted by Council Ord. No. 91-25)
6. Reports and Communications from the Mayor and the taking of action
7. Agenda Items:
 - A) Resolution 2021-14 To Censure Mayor Michael Dylan Brennan for Use of Profane and Vulgar Language and for Conduct Unbecoming of The Office of Mayor
 - B) Resolution 2021-15 Proclaiming May 2021 Bike Month in The City of University Heights and Declaring an Emergency
 - C) Ordinance 2021-16 Adopting the City of University Heights Employee Policies and Procedures Manual, and Declaring an Emergency (on first reading)
 - D) Motion to Approve the Modification Agreement submitted on behalf of the Auditor of State's Office and James G. Zupka, CPA, Inc. for the City's Financial Audit for the Year Ending December 31, 2020 with an increased amount of \$1,400 to cover an additional 20 hours of field work. The Modified Contract amount for the 2020 Financial Audit not to exceed \$26,250.00
 - E) Motion to Approve Advertising for the 2021 Sewer Improvement Project
 - F) Motion to Hold an Executive Session immediately following this Regular Meeting for the Purpose of Discussing Personnel, Legal and/or Real Estate Matters

Directors Reports:

- | | |
|---------------------------------|--------------------------------------|
| a) Finance | f) Housing Development |
| b) Law | g) City Engineer |
| c) Public Safety (Police/Fire) | h) Communications / Civic Engagement |
| d) Service | I) Economic Development |
| e) Building/Housing/Development | |
8. Adjournment

AGENDA

MONDAY, MAY 3, 2021

REPORTS FROM STANDING COMMITTEES

BUILDING/HOUSING

Chairman

Barbara Blankfeld

COMMUNITY OUTREACH

Chairman

Susan Pardee

ECONOMIC DEVELOPMENT

Chairman

John Rach

FINANCE

Chairman

Michele Weiss

RECREATION

Chairman

Phillip Ertel

SAFETY

Chairman

Saundra Berry

SERVICE AND UTILITIES

Chairman

Justin Gould

COMMITTEE OF THE WHOLE

Vice Mayor Michele Weiss

RESOLUTION NO. 2021-~~14~~

Introduced By: Vice Mayor Michele Weiss

A RESOLUTION TO CENSURE MAYOR MICHAEL DYLAN BRENNAN FOR USE OF PROFANE AND VULGAR LANGUAGE AND FOR CONDUCT UNBECOMING OF THE OFFICE OF MAYOR.

WHEREAS, Censure is the formal expression of strong disapproval and denouncement of the actions or conduct of an elected official;

WHEREAS, Censure has rarely been utilized by Council for the City of University Heights;

WHEREAS, in his Statement issued on April 26, 2021, Mayor Michael Dylan Brennan admitted to the use of “inflammatory language” in a recent telephone conversation with a University Heights resident;

WHEREAS, on December 7, 2021, in a display of anger, Mayor Michael Dylan Brennan used profane and vulgar language during a Council Executive Session;

WHEREAS, during a Council Meeting on December 21, 2020, Mayor Michael Dylan Brennan again used profane and vulgar language in a display of anger, in response to comments made by a Member of Council during the Council Meeting;

WHEREAS, the Mayor has exhibited a pattern of behavior in which he is unable to control his temper, and in which he resorts to the use of profane and vulgar language;

WHEREAS, the Mayor’s profane outbursts have been belligerent and disrespectful toward Members of Council and toward the citizens of the City of University Heights;

WHEREAS, when confronted with his behavior and when given the opportunity to apologize or at least acknowledge his misconduct, the Mayor has arrogantly refused, and has even suggested that his profane outbursts were acceptable and justifiable;

WHEREAS, the Mayor’s failure, when given the opportunity during public meetings, to acknowledge and apologize for his misconduct reveals poor judgment and a troubling lack of self-awareness;

WHEREAS, it is critical that the public’s business be conducted within the bounds of decency and decorum, and in a manner that is respectful of others, even in instances where parties may disagree;

WHEREAS, the City’s residents should both expect and demand that their public officials, in the performance of their duties, conduct themselves with a degree of professionalism, composure, dignity, courtesy and propriety that reflects well upon the City and that is consistent with the City’s high standards;

WHEREAS, Mayor Michael Dylan Brennan’s repeated use of profane and vulgar language, and his use of personal insults directed against City residents, fails to meet the standards of the City, and fails to comport with the dignity of his office;

WHEREAS, verbal requests from members of City Council have done little, if anything, to cause Mayor Michael Dylan Brennan to moderate his strident tone or to abandon the use of profanity while conducting City business; and

WHEREAS, City Council deems it necessary to formally condemn the actions of the Mayor and to express its strong disagreement with and disapproval of his conduct;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Mayor Michael Dylan Brennan is hereby censured for a pattern of behavior in which the Mayor fails to control his temper, and expresses himself through sudden outbursts characterized by profane, vulgar language and personal insult.

Section 2. The Council finds and determined that all formal actions of this Council relating to the adoption of this resolution have been taken at open meetings of this Council, and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

City of University Heights, Ohio

Michael Dylan Brennan, Mayor

Passed: _____

Attest: _____
Kelly M. Thomas, Clerk of Council

**Approved
as to form:** _____
Luke F. McConville, Law Director

Resolution

2021-15

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN AND CITY COUNCIL

A RESOLUTION PROCLAIMING MAY 2021 BIKE MONTH IN THE CITY OF UNIVERSITY HEIGHTS AND DECLARING AN EMERGENCY.

WHEREAS, bicycling is a sociable, healthy, green and economical mode of travel; and

WHEREAS, since 2010, the United States Department of Transportation has adopted a policy stating that “walking and bicycling are considered as equals with other transportation modes” and “not an afterthought in roadway design;” and

WHEREAS, The State of Ohio recognizes bicycles as valid vehicles for use on all University Heights roads; and

WHEREAS, University Heights streets and buildings are ideally arranged in a compact, well-connected pattern making it easy to walk and bike to businesses, schools, and recreational and cultural facilities; and

WHEREAS, University Heights continues to assess its transportation network and connections to other cities, finding grants for projects that improve the safety and comfort of bicyclists, such as the recently completed bike lanes on Warrensville Center Road; and

WHEREAS, educating cyclists on the proper and safe operation of bicycles and motorists on how to properly share roads with bicyclists (including our school children) is important to ensure the safety and well-being of all; and

WHEREAS, the League of American Bicyclists, the Heights Bicycle Coalition, and transportation and fitness bicyclists in University Heights and other cities are promoting greater public awareness of cycling during the month of May through events such as *Bike to Work Week* on May 17-23, *Bike to Work Day* on Friday, May 21, 2021, and *Bike to School Day* on May 5, 2021, which brings attention to the importance of creating safe routes to schools; and

WHEREAS, the annual *Ride of Silence* will take place in Greater Cleveland on Wednesday, May 19, 2021, in which University Heights will participate with hundreds of other cities internationally to honor those killed or injured while riding on public streets, and can be observed by riding solo, riding with household members, or by joining participants who will ride from John Carroll University in University Heights toward different locations in the Heights Area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of University Heights, Ohio, that:

SECTION 1. The Mayor and City Council do hereby proclaim May 2021 to be Bike Month in the City of University Heights. This City encourages all residents to review the laws and regulations governing bicycle safety, and to use a bicycle for transportation, especially for trips within the City of University Heights.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Law Director, once in one newspaper of general circulation in the City of University Heights, and on the city’s social media.

Resolution

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of University Heights, such emergency being the need to join with the other communities in this celebration and the need to proclaim Bike Month and related events on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS

MICHAEL DYLAN BRENNAN, MAYOR

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED:

LUKE MCCONVILLE, LAW DIRECTOR

ORDINANCE 2021-16

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

AN ORDINANCE ADOPTING THE CITY OF UNIVERSITY HEIGHTS EMPLOYEE POLICIES AND PROCEDURES MANUAL, AND DECLARING AN EMERGENCY.

WHEREAS, the City has undertaken a review of employee policies and procedures manual, has updated various policies, and created an Employee Policies and Procedures Manual governing conduct, policies and procedures for all City employees;

WHEREAS, to the extent there is any conflict between the terms and provisions of the Employee Policies and Procedures Manual and any collective bargaining agreement entered into between the City and members of the bargaining unit, the collective bargaining unit shall control; and

WHEREAS, the Employee Policies and Procedures Manual is intended both to create uniformity of policy amongst City employees and to work in concert with applicable collective bargaining agreements;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNIVERSITY HEIGHTS, CUYAHOGA COUNTY, OHIO, THAT:

Section 1: City Council hereby adopts the City of University Heights Employee Policies and Procedures Manual, as set forth in the proposal attached hereto as Exhibit A, which is incorporated herein by reference as if fully rewritten.

Section 2: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which results in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

Section 3: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, so that the City can enact and implement updated policies and procedures as soon as possible; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

CITY OF UNIVERSITY HEIGHTS EMPLOYEE POLICIES AND PROCEDURES MANUAL

Prepared by:

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Cleveland, Ohio 44113
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SECTION 1
INTRODUCTION AND GENERAL EMPLOYMENT CONDITIONS

Section 1.1	Introduction and Purpose of Policies Introduction Purpose of Policies
Section 1.2	Objectives
Section 1.3	Management Rights
Section 1.4	Policy Changes, Dissemination, and Suggestions Introduction Administrative Procedures Changes to the Manual Policy Interpretations
Section 1.5	Department Rules and Regulations
Section 1.6	Fair Employment Practices

A. INTRODUCTION

The Employee Policies and Procedures Manual (“Manual”) contains polices for the employees of the City of University Heights (“City”), except as may be specifically exempted by law or reporting to independent boards or commissions, unless those boards or commissions have adopted the Manual. These policies do not, nor shall they be construed, to violate any collective bargaining agreement between the City and any recognized bargaining unit. All City employees are required to be familiar with the contents of this Manual.

B. PURPOSE OF POLICIES

1. The Manual is a guide to be used by the administration of the City to ensure consistent and nondiscriminatory application of the conditions of employment. The policies contained in this Manual are subject to, and in accordance with, the laws of the State of Ohio.
2. Due to the special nature of the duties and responsibilities of members of the City’s safety forces (Police and Fire Departments), the appropriate Chief may have adopted specific policies or standard operating procedures or may be operating under one or more collective bargaining agreements. Where those policies and/or procedures conflict with these policies, and are in full accordance with all legal requirements, the specific Police or Fire Department policy shall govern. In addition, where those policies and/or procedures in other collective bargaining agreements negotiated by the City, conflict with these policies, and are in full accordance with all legal requirements, the specific collective bargaining agreement provision shall govern.
3. In the event there is a conflict between this Manual and the Civil Service Rules, the City’s Charter, or any other applicable law or legal document, the Civil Service Rules, applicable law or legal document will prevail.
4. In the event that future legislation invalidates or changes any of the provisions contained herein, the balance will remain in effect. Should any provision in this Manual be found unenforceable and invalid, such finding does not invalidate the entire Manual, but only that particular provision.

Section 1.2**OBJECTIVES**

It is the City's philosophy that providing personnel policies that aid in recruiting and retaining competent employees is vital to the success of the City. To that end, the policies and procedures stated in this Manual are designed to:

- A. Promote and increase productivity, efficiency, and responsiveness to the public;
- B. Promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, opportunity for advancement, and consideration of employees' needs;
- C. Provide fair and equal opportunity for qualified employees to enter and progress upon merit and proficiency as determined through objective and practical personnel management methods;
- D. Maintain recruitment, advancement, and tenure practices enhancing the attractiveness of a City career and encouraging each employee to give their best effort to the job and the public;
- E. Ensure that all activities are conducted in an ethical and legal manner to promote the City's reputation as an efficient, progressive body in the community and the State;
- F. Develop and maintain consistent, up-to-date position classification and compensation plans;
- G. Instruct all employees as to expected behavior while representing the interests of the City;
- H. Promote compliance with federal, state, and local laws and ordinances; and
- I. Promote and secure a safe and healthy work environment.

Section 1.3**MANAGEMENT RIGHTS**

- A. The policies in this Manual do not, and should not, be construed to limit the rights or privileges of the City Council, the Civil Service Commission, the Mayor, and Department Directors. These entities and officials are authorized to select, compensate, manage, evaluate, and discipline employees of the City in accordance with the Ohio Revised Code, the Rules of the Civil Service Commission, City ordinances, and/or collective bargaining agreements negotiated by the City.
- B. The Mayor or their designee, with the authority granted in the City Charter, and with the advice and consent of the City Law Director, maintains the ultimate authority to establish, interpret, and administer policies and direct the operations of the departments of the City.
- C. Department Directors are responsible for the day-to-day administration and application of the policies contained in this Manual as they pertain to the employees assigned to their individual departments. It is the responsibility of the Department Directors to be familiar with the contents of this Manual.
- D. In situations requiring administrative interpretation of the policies contained in this Manual, every effort will be made to ensure that such decisions are made objectively with the general intent of the policy in mind.
- E. There may be occasions when the City must add, delete, or revise specific policies or give current rules a different interpretation from the interpretations previously made. The Mayor has the right to change practices and policies, both written and unwritten, as conditions require. Updated policies will be issued to all Manual holders and communicated to all affected employees according to Section 1.4 – Policy Changes, Dissemination and Suggestions.
- F. The Mayor, Department Directors, and City Council retain the right to:
 - 1. Determine the City’s goals, objectives, programs and services to utilize employees in a manner designed to effectively and efficiently meet these purposes;
 - 2. Exercise complete control and discretion over the budget, organizational structure and method of performing the work required;
 - 3. Manage and determine the location type and number of physical facilities, equipment, and programs and work to be performed;
 - 4. Determine the adequacy, size, composition and qualifications of the work force, including when a job vacancy exists;
 - 5. Take necessary action to abolish, create, and/or modify position job descriptions;
 - 6. Determine the hours of work and work schedules, and to establish the work rules, policies and procedures for all employees;

7. Manage and direct employees, including the right to establish methods to select, hire, promote, transfer, assign, evaluate, supervise, layoff, recall, reprimand, suspend, discharge and discipline for just cause, and to maintain order among employees;
8. Determine the work rules, standards of quality, productivity and performance to be maintained, and the policies and procedures for all employees;
9. Determine the necessity to schedule overtime and the amount required thereof;
10. Determine and implement necessary actions in emergency situations;
11. Implement and enforce rules on workplace safety;
12. Maintain the security of records and other pertinent information;
13. Promote and increase productivity, efficiency, and responsiveness to the public;
14. Promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, opportunity for advancement, and consideration of employees' needs;
15. Provide fair and equal opportunity for qualified employees to enter and progress upon merit and proficiency as determined through objective and practical personnel management methods;

G. **Nothing in this Manual nor any interpretive or enforcement communication should be construed to grant a guaranteed right to continued employment or benefits. This Manual is NOT an employment contract. Employment with the City is not for a fixed term or a definite period and may be terminated at any time by either the employee or the City according to law. Any policy herein notwithstanding, unclassified employees serve at the pleasure of the Mayor.**

A. INTRODUCTION

It is essential that a system be established for implementing and administering the Manual. To ensure that this is done properly, specific administrative procedures for implementation have been developed.

B. ADMINISTRATIVE PROCEDURES

The specific administrative procedures for implementation and administration are as follows:

1. All employees are to be notified of the existence of these policies and the nature of the availability of these policies for their review;
2. Certain management level personnel shall be provided a copy of the Manual, as determined by the Mayor or their designee;
3. The Mayor or their designee shall keep a list of the names of those employees, and their job titles, who have received copies of the Manual;
4. All policies shall be compiled in a three-ring binder to allow for subsequent additions, deletions and/or revisions;
5. All revisions shall be issued by the Mayor or their designee and copies distributed to Manual holders. For each revision, a memorandum shall be attached to inform the Manual holder which policy is being altered. The effective date of the new or revised policy shall appear on the revisions. The Manual holders shall then include the revised policy in their copies; and
6. All employees shall be required to read this Manual and each employee shall sign a statement that they have read this Manual. The signed statement shall be placed in the employee's personnel file.

C. CHANGES TO THE MANUAL

1. It is the intent of the City to create and maintain personnel policies reflective of current laws, practices and trends.
2. Adoption, revision or deletion of personnel policies requires approval by the Mayor or their designee. Changes to the Manual that have financial implications for the City may require approval from City Council.
3. The most recent version of a policy as adopted by the City supersedes all previous policies and related interpretative communications.
4. The Mayor or their designee is charged with maintaining a complete, accurate, and up-to-date compilation of the approved personnel policies.

5. In the case of an emergency or an adverse safety situation, the Mayor may implement or suspend policies without notice.

D. POLICY INTERPRETATIONS

1. Official policy interpretations are those approved, or provided directly, by the Mayor or their designee.
2. There may be times when the Mayor or their designee must give current policies a different interpretation from those interpretations previously made.
3. The Mayor or their designee has the right to change practices and policies, both written and unwritten, as business requires.

Section 1.5**DEPARTMENT RULES AND REGULATIONS**

- A. Department Directors are responsible for the operation of their departments and for implementing the policies and procedures contained in this Manual.
- B. With the approval of the Mayor, Department Directors may develop and implement standard operating procedures for their respective departments. Department standard operating procedures shall not conflict with the policies and procedures as set forth in the Manual, with the exception of the Police and Fire Departments. See Section 1.1 – Introduction and Purpose of Policies.
- C. In certain departments where there is a collective bargaining agreement, and where applicable, the terms and conditions of a collective bargaining agreement must be followed and will take precedence over any conflicting departmental standard operating procedure.

Section 1.6**FAIR EMPLOYMENT PRACTICES**

- A. The City is an equal opportunity employer.
- B. In accordance with State and Federal law, the following will not be taken into consideration or serve as the basis for employment-related decisions including those affecting selection, compensation or benefits, discipline, evaluation or termination: race, color, religion, creed, age, sex, sexual orientation, national origin, ancestry, armed forces veteran status and/or possessing a disability (that does not affect the individual's ability to perform the essential functions of a position with or without reasonable accommodation).
- C. No employee may aid, abet, compel, coerce or conspire to discharge, harass or cause another to resign because of race, color, religion, creed, age, sex, national origin or ancestry, or disability. Employees proven to have engaged in this type of behavior will be subject to disciplinary action, up to and including termination.
- D. Notices of competitive examinations, advertisements and vacancy postings will be accessible to members of the community and general public and include an Equal Employment Opportunity Statement.
- E. The City hereby appoints the Law Director as the City's Equal Employment Opportunity Officer. All alleged violations of this policy must be reported to the Law Director or their designee by the affected employee or other person with knowledge of the violation. The Law Director or their designee shall conduct timely and thorough investigations in accordance with Section 7.1 – Complaint Procedure.
- F. The City shall make good-faith efforts to ensure contractors and subcontractors who perform work for the City comply with all Federal, State and local equal employment opportunity policies and identify themselves as Equal Opportunity Employers.
- G. The City shall maintain records as required by the Equal Employment Opportunity Commission and/or the Ohio Civil Rights Commission.

**SECTION 2
RECRUITMENT, SELECTION AND APPOINTMENT**

Section 2.1	Applicability and Scope
Section 2.2	Classified and Unclassified Employment Civil Service Classification Type of Appointment and Hours of Work Fair Labor Standards Act
Section 2.3	Position Description
Section 2.4	Recruitment, Selection and Appointment Recruitment Announcement of Vacancies Application Promotion Reassignment/Transfer Voluntary Demotion Reinstatement Interim Appointment Interviewing and Testing Verification, Approval and Offer
Section 2.5	Employment of Relatives
Section 2.6	Application Records
Section 2.7	Employment Eligibility Immigration/Citizenship Status Driving Record Check Post-Offer Medical Exam Felony Convictions Professional Verification Civil Service Commission
Section 2.8	Classification Placement
Section 2.9	Probationary Period Classified Employees Probationary Period Upon Promotion, Lateral Transfer or Demotion Unclassified Employees

Section 2.1**APPLICABILITY AND SCOPE**

- A. For any position subject to Civil Service, recruitment, selection and hiring is subject to the Civil Service Rules.
- B. For any positions not subject to Civil Service, but subject to a collective bargaining agreement, recruitment, selection, and hiring is subject to the provisions of each respective collective bargaining agreement and the provisions of this Section, but only where the provisions of this Section do not conflict with the provisions of the collective bargaining agreement.
- C. Recruitment, selection and hiring for all other positions is subject to this Section.

Section 2.2**CLASSIFIED AND UNCLASSIFIED EMPLOYMENT****A. CIVIL SERVICE CLASSIFICATION**

1. Positions in the City are designated as classified or unclassified as established by Ohio Revised Code Section 124.11, the City Charter, and the Civil Service Rules.
2. The unclassified service in the City shall consist of the following positions:
 - a. all officers elected by the people;
 - b. all Directors, heads and chiefs of departments and divisions and their assistants;
 - c. the Clerk of Council and Assistant Clerk;
 - d. the City Engineer and Assistant Engineer;
 - e. the members of all boards and commissions appointed by the Mayor or City Council;
 - f. all employees in the Department of Public Service and Properties; and
 - g. any temporary or part-time office or any position requiring qualifications of an expert.
3. Employees assigned to an unclassified position are at-will employees who may be removed at any time.
4. The classified service shall consist of all other positions except those listed in Section 2.2(A)(2).
5. After completion of the probationary period, employees assigned to classified positions (other than temporary and emergency appointments which, by their nature, are for a limited duration) may be removed only for cause.

B. TYPE OF APPOINTMENT AND HOURS OF WORK

1. Positions of employment or appointment in the City are designated full-time, part-time, temporary or seasonal. Policies described in this Manual and communicated by the City to all employees may apply only to certain classifications of employees. If an employee is unsure of how their position is classified, they are to inquire with the Finance Director.
 - a. Full-time employees are employees who are regularly scheduled to work at least thirty-five (35) hours per week. Full-time employees are eligible for all City benefits.

- b. Part-time employees are employees who are regularly scheduled to work fewer than thirty-five (35) hours per week. Part-time employees may be eligible for some, but not all, City benefits, and some benefits may only be available on a prorated basis.
- c. Temporary employees are employees who are employed with the City for limited periods (i.e., up to 6 months) related to the duration of their specific job duties and/or the project for which the City employed them. Temporary employees may be eligible for some, but not all, City benefits, and some benefits may only be available on a prorated basis.
- d. Seasonal employees are employees who are employed with the City for limited periods during the calendar year related to the nature of their job duties. Seasonal employees may be eligible for some, but not all, City benefits, and some benefits may only be available on a prorated basis.

C. FAIR LABOR STANDARDS ACT

- 1. Positions in the City are designated non-exempt or exempt in accordance with the Fair Labor Standards Act. All employees, upon hire, shall receive notice from the City whether the position is exempt or non-exempt. Any employee with questions about whether their position is exempt or non-exempt should consult with the Finance Director.
 - a. Non-exempt employees are employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act and applicable state wage/hour laws. Non-exempt employees are entitled to an overtime premium in accordance with state and federal law.
 - b. Exempt employees are salaried employees whose work duties exempt them from the overtime provisions of the Federal Fair Labor Standards Act and any applicable state wage/hour laws.

Section 2.3**POSITION DESCRIPTION**

- A. An official position description exists for each employee position, filled or vacant, and includes:
1. Title;
 2. Department;
 3. Type of appointment;
 4. Designation of classified/unclassified service;
 5. Designation under the Fair Labor Standards Act;
 6. Pay classification;
 7. Statement of general purpose;
 8. Chain of command (reporting structure);
 9. Job duties;
 10. Designation of essential functions;
 11. Minimum occupational qualifications including prior experience, education, knowledge, skills and abilities;
 12. Physical requirements in order to perform the essential functions of the job; and
 13. Scheduling demands and constraints.
- B. Position descriptions may periodically be updated with minor additions or deletions.
- C. Department Directors submitting requests to fill vacant, existing employee positions or to establish new employee positions must submit to the Mayor or their designee an updated or new job description detailing the items noted above, if such a position description does not already exist. The Mayor or their designee, in consultation with the Department Director, will establish the minimum occupational qualifications for the position and compile the official position description.

Section 2.4**RECRUITMENT, SELECTION, AND APPOINTMENT****A. RECRUITMENT**

1. The Mayor will determine if a vacancy exists and approve new positions, subject to City Council approval of staffing limits.
2. Before advertising for or hiring personnel, Department Directors must seek the Mayor's approval to fill the vacant or new position.
3. For a vacancy in the unclassified service of the City, Department Directors must submit the proposed position description and classified advertisement to the Mayor. The Department Director and the Mayor will:
 - a. Establish the occupational qualifications and compile the official position description, if necessary.
 - b. Recommend the appropriate salary classification for the position, if not already established.
 - c. Review the classified advertisement for form, content, and compliance with equal employment opportunity legislation, as well as other legal requirements.
 - d. Compile the official posting notice for the position.
4. The Mayor has final approval of the job description and salary assignment for all positions.
5. The Mayor and the Finance Director will ensure that all hiring shall comply with Federal and State Civil Rights Laws, all regulations of the Equal Employment Opportunity Commission and Ohio Civil Rights Commission and Civil Service Rules.

B. ANNOUNCEMENT OF VACANCIES

1. The Mayor shall publicly announce, by appropriate means, all vacancies to be filled other than by promotion, transfer or reinstatement, and shall maintain a list of announced vacancies for public inspection.
2. Each announcement, insofar as practicable, shall specify the title, salary, nature of the job, required qualifications, type of selection procedure to be used, and the deadline for and method of application.

C. APPLICATION

1. A prospective employee must submit a resume and cover letter in order to be considered for a position or vacancy.

2. A current employee should indicate interest in a vacancy to their direct supervisor and the hiring supervisor and submit a resume and cover letter for the appropriate job posting.
3. Applications for a position in the classified service must conform to the Civil Service Rules.

D. PROMOTION

1. Vacancies in positions in the unclassified service shall be filled, insofar as practicable, by promotions. It is the City's philosophy to hire from within, subject to applicable collective bargaining agreements, if any.
2. All promotions in the unclassified service to a higher classification will begin a new probationary period, unless prohibited by a collective bargaining agreement.
3. Unless prohibited by an applicable Civil Service Rule or collective bargaining agreement, an employee serving a probationary period after a promotion may be returned to their former classification and rate of pay at any time prior to the end of the probationary period if work performance, behavior and/or work attitude is not satisfactory.
4. All promotions in the classified service shall be done in accordance with the Civil Service Rules and any applicable collective bargaining agreement.

E. REASSIGNMENT/TRANSFER

1. An employee holding a position in the unclassified service is considered to have been reassigned when they are given a similar position in another office or department which has the same pay and similar duties.
2. Reassignments will be made at the discretion of the Mayor and the Department Director(s). The Mayor and Department Director(s) may initiate a reassignment if the reassignment would be in the best interest of the City.
3. Reassignments and transfers in the classified service shall be done in accordance with the applicable collective bargaining agreement, if any, and Civil Service Rules.

F. VOLUNTARY DEMOTION

1. Any employee may request a demotion to a vacancy in a lower position by submitting a written request. Qualified employees who wish to be voluntarily demoted or reassigned will be considered with other applicants for such vacant positions but will not be granted preference. The employee will be reasonably accommodated in the lower position if they are selected, and if they otherwise qualify for the position.
2. Approval of voluntary demotion is at the discretion of the Mayor and Department Head(s).

3. A voluntarily demoted employee will have their pay reduced within the pay range of the lower classification.

G. REINSTATEMENT

1. Within one (1) year of resignation, an employee in an unclassified position who resigns in good standing may request reinstatement to their former position if it is vacant, or a vacancy in a similar position or lower grade is available. To be considered for reinstatement, the employee must remain qualified to perform the duties of the position and reinstatement must be in the best interest of the City. Reinstatement may be granted provided there are no former employees of the department who have been laid off and are awaiting reinstatement. Reinstatement is at the discretion of the Mayor. An employee who is reinstated shall retain all prior service credit they had at the time of resignation.
2. Reinstatement to a classified position shall be in accordance with the Civil Service Rules and any applicable collective bargaining agreement.

H. INTERIM APPOINTMENT

If there is no qualified employee on a certified eligibility list or no current employee qualifies, the Civil Service Commission shall notify that nomination for temporary appointment may be made to fill the position until an eligibility list can be created, but in no event to exceed a period of one hundred eighty (180) days.

I. INTERVIEWING AND TESTING

1. An applicant will receive a copy of the job description before being interviewed or tested.
2. The Department Directors will interview candidates who appear to possess the knowledge, skills, and/or abilities necessary to perform the duties of the vacant position. Qualifications, not length of service, will be used to determine internal reassignments or promotions.
3. Reference checks, background checks and job-related testing procedures will be conducted as necessary. An applicant for a position that requires a license must present the license and any other relevant or requested documentation for verification. Any job-related employment tests will be administered in an objective manner.
4. An applicant will be eliminated from consideration if they:
 - a. Do not possess the knowledge, skills, and/or abilities necessary to effectively perform the duties of the vacant position;
 - b. Have made a false statement of material fact on their resume or cover letter or any supplements;

- c. Have committed or attempted to commit a fraudulent act at any stage of the selection process; or
 - d. Have a record of a felony conviction within the last five years, depending on the underlying circumstances and the position sought.
5. The City is under no obligation to inform an unsuccessful applicant of the reason they were not hired unless the reason stems from information obtained during the background verification process.

J. VERIFICATION, APPROVAL AND OFFER

- 1. An applicant under consideration in a position requiring an educational degree or license will have their qualifications verified.
- 2. Failure by an employee to maintain a current required license may result in disciplinary action, up to and including discharge.
- 3. The most qualified applicant(s) will be recommended by the Department Director to the Mayor if the position is unclassified, and/or the Civil Service Commission if the position is classified.
- 4. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee is subject to discipline, up to and including discharge.
- 5. Applicants considered for recommendation to the Mayor will be screened for prior criminal convictions, civil lawsuits, and negative credit reports. However, the City will not inquire about criminal history on the application itself.
- 6. No individual may begin working for the City until their appointment is approved by the Mayor and the results of any verification process have been concluded.

Section 2.5**EMPLOYMENT OF RELATIVES**

Members of the same family engaged in full-time employment with the City will not be placed in a direct supervisory line with one another except where appointments are made by Civil Service examination and the Civil Service Commission approves the appointment. Any Department Director recommending employment of a relative of a current employee shall notify the Mayor.

For purposes of this policy, “family” includes parents, parents of spouse, spouse and children of the employee, brothers and sisters of the employee, brothers and sisters of spouse, grandparents, grandchildren, spouse of children, step-parents of the employee, step-parents of the spouse, step-children, as well as other relatives living with the employee if the employee is acting as parent or guardian.

Section 2.6**APPLICATION RECORDS**

All employment resumes, applications, cover letters, and other related documents the City receives that do not result in employment will be kept in accordance with the City's records retention policies.

Section 2.7**EMPLOYMENT ELIGIBILITY**

An offer of employment is tentative, and subject to the applicant meeting the following requirements. Failure to meet the requirements will result in withdrawal of any employment offer:

A. IMMIGRATION/CITIZENSHIP STATUS

1. The City will not discriminate in recruitment, hiring, or discharge on the basis of a person's national origin or citizenship status.
2. A newly hired employee must provide suitable documentation and complete Department of Homeland Security Form I-9 to verify identity and employment eligibility prior to start date.

B. DRIVING RECORD CHECK

1. The City, through the Police Department, will conduct background checks which include driving history results. In addition, driver's license validity will be verified prior to hire. Classification as an "unacceptable driver," defined below, will be reason for the City, at its sole discretion, to withdraw its offer of employment or cause for the dismissal, or reassignment of an employee.
2. The background check and driving history results will be reviewed against the following criteria to determine if the individual can be permitted to operate a motor vehicle on behalf of the City and be insured with the City's insurance policy. In addition, an employee operating a City vehicle, or a private vehicle for City business, must provide and keep on file a copy of a current and valid automobile/liability insurance policy. An "unacceptable driver" is defined as one who, during the previous three (3) to five (5) year period, has received any one of the following:
 - a. A conviction for driving while under the influence of alcohol or drugs within twenty-four (24) months of the date of application, or in the case of an active employee whose job requires driving a City vehicle, two such convictions within five (5) years.
 - b. A closer review and assessment of the nature and severity will be considered for the following circumstances:
 - i. Any operator license suspension.
 - ii. Two (2) or more chargeable or "at-fault" accidents.
 - iii. Four (4) moving violations for which a total of eight (8) or more points were charged.
 - c. This sub-section applies to any current employee who drives on behalf of the City. If an employee is charged with OVI, they must report the charge to the City within forty-eight (48) hours of being charged. If the employee does not report the charge and the City later discovers it, the employee will be subject to discipline

including, at the City's discretion, being labeled as an "unacceptable driver" and/or termination.

C. POST-OFFER MEDICAL EXAM

An offer of employment may be contingent upon satisfactory completion of a medical examination. A physical and/or mental examination by a qualified physician may be required by the City prior to employment to ensure that selected job applicants are physically and mentally able to perform the duties of the position for which they are applying. Examinations may include any job-related examination determined to be a pre-employment requirement. The City shall select the physician to administer the medical examination and shall pay the cost.

D. FELONY CONVICTIONS

An applicant under consideration will be screened for prior felony convictions. However, the City will not inquire about an applicant's criminal background on the initial application itself. An applicant may be deemed ineligible for employment if they have been convicted of a felony.

E. PROFESSIONAL VERIFICATION

1. An applicant under consideration in a position requiring an educational degree or license will have their qualifications verified.
2. Failure by an employee to maintain a current required license may result in disciplinary action, up to and including discharge.

F. CIVIL SERVICE COMMISSION

Applicants for positions requiring civil service appointment must be confirmed by the Civil Service Commission.

Section 2.8**CLASSIFICATION PLACEMENT**

- A. Positions are grouped into classifications on the basis of similar duties and qualifications. Compensation is determined, in part, by the job classification.

- B. The duties and responsibilities of each position will be periodically reviewed and adjusted. When the position duties have changed significantly, the employee or their supervisor may request that the position description be modified by the Finance Director to reflect actual current duties for placement in a different classification subject to the approval of the Mayor and City Council when necessary.

Section 2.9**PROBATIONARY PERIOD****A. CLASSIFIED EMPLOYEES****1. Duration**

- a. Newly hired employees will serve a probationary period of twelve (12) months from date of hire unless otherwise established by the Ohio Revised Code, Civil Service Rules, or a collective bargaining agreement.
- b. The time during which an employee is on a leave of absence will not be counted toward the employee's probationary period. A probationary employee who takes sick leave may have their probationary time extended by the amount of sick time taken.
- c. Newly appointed part-time employees will also serve a probationary period of twelve (12) months from the date of appointment unless otherwise established by the Ohio Revised Code or a collective bargaining agreement.

2. An employee whose employment has terminated and is rehired shall be considered a new employee subject to the probationary provisions.

3. The Mayor or Department Director shall inform the Civil Service Commission, in writing, of their decision to either to appoint or remove a probationary employee at any time, consistent with the Civil Service Rules.

4. A newly hired probationary employee may be removed, reduced or suspended at any time during the probationary period. Notice of such action shall be given to the Civil Service Commission and the Commission may, upon application by the probationary employee, review the dismissal, but is not required to do so.

B. PROBATIONARY PERIOD UPON PROMOTION, LATERAL TRANSFER OR DEMOTION

1. Employees in an unclassified position who are promoted, reassigned or demoted to a position shall serve a new probationary period of twelve (12) months. Employees may be removed from the promoted position for cause or no cause at any time during the probationary period.

2. Employees in an unclassified position who have been removed during the probationary period shall be returned to the position that they held prior to the promotion. If such position no longer exists, or if no other suitable position can be found with the City, the employee will be placed on layoff.

C. UNCLASSIFIED EMPLOYEES

An unclassified employee is an at-will employee and is not subject to a probationary period.

**SECTION 3
COMPENSATION**

Section 3.1	Workweek
Section 3.2	Time Sheets and Timecards Non-Exempt Employees Exempt Employees Violation
Section 3.3	Paychecks
Section 3.4	Payroll Deductions Retirement Income Taxes Medicare Tax Health, Prescription, and Dental Insurance Premiums Voluntary Deductions Garnishments/Child Support Deductions Union Dues Deferred Compensation
Section 3.5	Compensation Plan
Section 3.6	Overtime Compensation Non-Exempt Employees Exempt Employees Union Employees Compensatory Time
Section 3.7	Reimbursement of Expenses Transportation Lodging Meals and Incidentals Requesting Reimbursement

Section 3.1**WORKWEEK**

The workweek for purposes of payroll begins at 12:00AM (midnight) on Sunday and ends at 11:59PM on Saturday for all employees. Those departments with collective bargaining agreements will have their reporting periods governed by the applicable collective bargaining agreement(s).

Section 3.2**TIME SHEETS AND TIMECARDS****A. NON-EXEMPT EMPLOYEES**

1. Non-exempt employees are required to accurately keep track of their time in the manner prescribed by their supervisor, their position description or their applicable collective bargaining agreement; electronic time keeping systems may be substituted for paper time sheets/timecards. These must include hours worked and any leave used. Time sheets/cards must be filled out by employees and signed by the employee and their supervisor. Such employees are required to record the beginning and end of a workday, as well as all meal and break periods.
2. A non-exempt employee is not permitted to report in more than seven (7) minutes prior to their scheduled starting time or work more than seven (7) minutes after their scheduled quitting time, without prior supervisory approval.
3. Employees are not permitted to work during a meal period without prior authorization from their supervisor.
4. Filling out another employee's time sheet or timecard is grounds for disciplinary action; however, if an employee neglects or forgets to record time data as required, they should alert their supervisor who will record the missing data and initial it.
5. Employees are required to sign their time sheet or timecard.

B. EXEMPT EMPLOYEES

Exempt employees are required to keep time sheets or timecards as determined by the Mayor and/or Finance Director, accurately recording work time and any leave used.

C. VIOLATION

Any employee who falsifies a time sheet or timecard shall be subject to discipline, up to and including termination. In addition, the employee may be required to pay back any additional sums improperly received due to the falsified timecard or time sheet.

Section 3.3**PAYCHECKS**

- A. All employees are paid on a bi-weekly basis on the Thursday following the end of the pay period. If a payday falls on a holiday, paychecks will be issued the preceding workday.
- B. Questions concerning paychecks should be directed to the Finance Department. Any required adjustments will be made after a matter is resolved and approved by the Finance Director.
- C. Pay advances are not permitted.
- D. If an employee is overpaid or underpaid, the adjustment will be made after the matter is resolved.
- E. Direct deposit of paychecks is required. However, in extenuating circumstances, and with the prior approval of the Finance Director, a paper check may be issued.
- F. Any changes or deductions will be made after the Finance Department receives notice from the employee or Department Director along with providing sufficient documentation. Employees who resign or leave employment shall receive their last paycheck on the regularly scheduled payday after their last pay period of employment, provided that the Finance Department receives notice from the Department Director in time to meet that payroll calculation. Employees who are entitled to separation compensation due to unused vacation, sick, compensatory, or other pay, will be given this extra separation compensation on the payday following their last regular payday. Deductions may be made for any City property that has not been returned by a separated employee.

Section 3.4**PAYROLL DEDUCTIONS**

Payroll deductions are made from an employee's paycheck as required by law, employee benefit plans, or as requested by the employee. These deductions are itemized on the pay statement that accompanies the employee paycheck.

A. RETIREMENT**1. Ohio Public Employees' Retirement System (OPERS)**

State law requires that all City employees contribute to OPERS unless they contribute to another retirement system, such as the Ohio Police and Fire Pension Fund. The OPERS Board of Directors sets the contribution rates for both the employee and the City in accordance with the Ohio Revised Code and the contribution rates are based on the employee's gross pay.

2. Ohio Police and Fire Pension Fund (OP&F)

State law requires all full-time police officers and all full-time firefighters to contribute to OP&F, unless they contribute to another retirement system, such as OPERS. The OP&F sets the contribution rates for both the employee and the City in accordance with the Ohio Revised Code and the contribution rates are based on the employee's gross pay.

B. INCOME TAXES

Federal, state, and municipal taxes will be withheld as required by law. The City withholds mandatory municipal income tax withholdings for the City of University Heights. The City withholds courtesy municipal income tax withholdings for the city where the employee resides.

C. MEDICARE TAX

Each employee will have Medicare taxes, in the amount required by law, deducted from their pay.

D. HEALTH, PRESCRIPTION, AND DENTAL INSURANCE PREMIUMS

The City shall provide group health, prescription, and dental insurance coverage for all qualified employees. An employee who is enrolled in such a plan will have any employee share of premiums deducted from their paycheck, subject to change when the insurance contract is renewed annually and in accordance with ordinances passed by City Council.

E. VOLUNTARY DEDUCTIONS

An employee may authorize, in writing, payroll deductions for deferred compensation, a 529 Plan, and/or supplemental life and short-term disability insurance as offered by the City. The City may refuse to make deductions that are not required by law or agreement or have not been implemented by the Finance Director.

F. GARNISHMENTS/CHILD SUPPORT DEDUCTIONS

Court ordered garnishments, including child support payments, will be withheld.

G. UNION DUES

An employee, who is a member of a Union recognized as an exclusive bargaining agent, may authorize that dues be deducted according to the terms of the applicable collective bargaining agreement.

H. DEFERRED COMPENSATION

1. The City currently offers deferred compensation programs and extends the opportunity to participate to all eligible employees. The legal limit for deferred compensation contributions is as defined by law.
2. The deferred compensation program exists and serves in addition to any retirement, pension or benefit system established for the benefit of employees of the City. No deferral of income under the deferred compensation programs will affect a reduction of any retirement, pension or other benefit provided by law.
3. As allowed by law, no sum deferred under a deferred compensation program will be included for the purpose of computing federal or state taxes withheld on behalf of the employee.
4. Interested employees may contact the Finance Department for additional information.

Section 3.5**COMPENSATION PLAN**

- A. The City, via ordinance, has established a compensation plan for employees that is hereby incorporated into this Manual. This plan establishes various wage ranges with assigned grades. Pay within a classification is based upon experience, performance, and length of service.

- B. The City Council has the authority to adopt a compensation plan and appropriate funds to be used for wages. The Mayor is responsible for placing each employee within the compensation plan and for ensuring the proper administration of the compensation system, with recommendations from Department Directors and the Finance Department. Any change in the recommended wage schedule will be made with due consideration to the rate of inflation, cost of living increases, the job market for classifications within the schedule, and the City's budget.

- C. Compensation for employees covered by a collective bargaining agreement, including longevity pay and other forms of compensation, shall be paid in accordance with the applicable collective bargaining agreement.

Section 3.6**OVERTIME COMPENSATION****A. NON-EXEMPT EMPLOYEES**

1. In general, City employees will not work more than forty (40) hours in a single workweek. If approved by the Mayor or their designee, and the employee's Department Director, flexible scheduling may be used to cover services within regularly scheduled hours.
2. Prior authorization from the employee's direct supervisor or their designee is required for all overtime worked by the employee. Failure to receive authorization for overtime may result in disciplinary action. In an emergency situation, if the employee's direct supervisor cannot be reached for approval, overtime may be worked without prior authorization. However, the situation must be recognized as an emergency by the employee's supervisor.
3. Scheduled overtime that is subsequently canceled for any reason shall not entitle the employee to overtime compensation. Only overtime actually worked is compensable.
4. Overtime compensation will be calculated as follows for employees not covered by a collective bargaining agreement:
 - a. If a Department Director may need an employee to work overtime, the employee may have the option of working the overtime, or subject to the Department Director's approval, may pass the opportunity on to another employee.
 - b. Unless otherwise stated in this Manual, time worked in excess of forty (40) hours per work week will be paid at one and one-half (1 ½) times the employee's regular rate of pay. "Time Worked" for the purpose of calculating overtime pay shall be determined by the Finance Director in accordance with applicable Federal and State laws.
 - c. Overtime compensation will be based upon the employee's hourly base rate of pay plus any applicable pay supplements.
 - d. Travel Time: When attendance at meetings, conferences and training sessions is required by the City, travel time and time actually spent in meeting sessions will be considered time worked for calculating overtime. Meal breaks will be counted as time worked only when the meal is an integral part of a required meeting. Travel or meeting time is not considered time worked if attendance at the meeting or class is not required and is strictly voluntary.

B. EXEMPT EMPLOYEES

Exempt employees are not eligible for overtime compensation.

C. UNION EMPLOYEES

Overtime for employees covered by a collective bargaining agreement shall be paid in accordance with the applicable collective bargaining agreement.

D. COMPENSATORY TIME

Only when it is not possible to use flexible scheduling, employees may receive compensatory time in lieu of being paid overtime with prior approval from their Department Director or their designee. Employees will receive one and one-half (1 ½) hour compensatory time for each hour (or portion thereof) of overtime worked, and the use of compensatory time off must be scheduled for a time mutually satisfactory to the employee and the City. No employee may accrue more than forty (40) hours of compensatory time in any given calendar year. Furthermore, unless otherwise authorized by the Mayor or their designee, all compensatory time must be used in the calendar year it is accrued. The City may cash out any and all compensatory time at the employee's current rate of pay in its sole discretion at any time; however, in any event, any accrued but unused compensatory time will be cashed out at the employee's current rate of pay at the end of each calendar year.

Section 3.7**REIMBURSEMENT OF EXPENSES****A. TRANSPORTATION**

1. Travel by air, train, bus or another common carrier should be at a reasonable rate.
 - a. Employees will be reimbursed for the cost of the employee's actual transportation ticket. Additional expenses such as a seat upgrade, early check-in, wi-fi, movies, etc. are not reimbursable.
 - b. Expenses, if not included in the ticket price, are approved for one checked bag and one carry-on bag.
2. Mileage reimbursement for travel in privately owned vehicles will be deemed to cover all expenses incurred by use of the privately-owned vehicle including oil, gasoline, tires, depreciation, insurance and all other expenses of operation. Employees shall be reimbursed for mileage at the then-current IRS established business use mileage rate.
3. Employees who regularly use their own private vehicle during the course of their employment shall carry automobile/liability insurance on their vehicle and a copy of current coverage shall be produced to the Finance Director and maintained in the employee's personnel file.
4. When two (2) or more employees are traveling to the same destination, at the same time, they should travel together and only one may claim mileage reimbursement.
5. An employee who chooses to use their own vehicle for business outside the City limits will be reimbursed for actual mileage.
6. Reimbursement for taxi fare, ride share (Uber/Lyft), bridge, highway and tunnel tolls, parking and garage charges may be claimed upon presentation of itemized receipts. The amount reimbursed for taxi fare or ride share tips is 20% or less.
7. Prior approval of the Mayor or their designee is required for all overnight out of City travel.
8. No reimbursement will be made for travel between the employee's home and the work site.

B. LODGING

1. Overnight lodging expenses will be reimbursed in the amount of actual lodging expenses up to the maximum of the GSA lodging per diem rate plus hotel taxes.
 - a. Employees shall confer with the Finance Director prior to securing reservations.
 - b. When paying for lodging expenses, employees are required to submit a sales tax exemption form to the lodging provider. Sales tax exemption forms are available from the Finance Department.

2. All lodging expenses require prior approval of the Mayor or their designee.
3. Only business telephone calls will be reimbursed.
4. No reimbursement will be made for entertainment, in-room movies, restocking in-room snacks, room service, dry cleaning or laundry charges.
5. Lodging at the event site or lodging at a hotel identified in the event registration materials as one of the event hotels may be reimbursed at actual cost, provided such cost is reasonable as determined by the Mayor or their designee.

C. MEALS AND INCIDENTALS

1. An employee authorized to travel on official City business may claim reimbursement up to the GSA meals and incidentals per diem. Reimbursement for meals will only occur when an employee is in travel status for the City. Meals are not reimbursed separately where the meal is included as part of a workshop or seminar.
 - a. The amount reimbursed for meals does include taxes and tips of 20% or less in the rate, so employees will not be reimbursed separately for those items.
 - b. Meal reimbursements require an itemized meal receipt.
2. When in travel status for less than a full day, the maximum meal reimbursement shall be prorated as follows:
 - a. 25% of the maximum meal reimbursement if travel status is less than six (6) hours.
 - b. 50% of the maximum meal reimbursement if travel status is 6-12 hours.
 - c. 75% of the maximum meal reimbursement if travel status is 12-18 hours.
 - d. 100% of the meal reimbursement if travel status is over 18 hours.
3. Alcoholic beverages and entertainment are not reimbursable.

D. REQUESTING REIMBURSEMENT

An employee shall complete an employee reimbursement form for all reimbursable expenses. Each form will be verified, approved and signed by the Mayor, Finance Director and Department Director. Itemized receipts must be submitted with the reimbursement request.

**SECTION 4
BENEFITS**

Section 4.1	Insurance Benefits Health, Prescription Drug and Dental Coverage Life Insurance Supplemental Life and Disability
Section 4.2	Sick Leave Eligibility Accumulation and Use Sick Leave Pay Out at Retirement, Death, or Separation Sick Leave Credit Cash-Out Voluntary Sick Leave Transfer
Section 4.3	Bereavement Eligibility Benefit
Section 4.4	Vacation Eligibility Use of Vacation Time Payment for Unused Vacation Leave at Time of Separation Service Credit
Section 4.5	Holidays and Personal Days Holidays Personal Days
Section 4.6	Retirement Ohio Public Employees' Retirement System Police and Firemen's Disability and Pension Fund
Section 4.7	Court Leave
Section 4.8	Family and Medical Leave Act Family and Medical Leave Act Definitions Approval Process Compensation and Benefits While on Family and Medical Leave Return to Work
Section 4.9	Other Leaves Disability Leave/Separation Military Leave

Unpaid Leaves of Absence

Section 4.10

Developmental Training and Tuition Reimbursement

Eligibility

Attendance

Continuing Education to Maintain Required

Licenses

Tuition Reimbursement

Section 4.1**INSURANCE BENEFITS****A. HEALTH, PRESCRIPTION DRUG AND DENTAL COVERAGE**

The City shall offer group medical insurance for all full-time employees. Full-time employees are eligible for hospital, medical and prescription drug coverage and major dental under the policies chosen by the Mayor and City Council.

1. Part-time, temporary, and seasonal employees are not eligible for coverage unless specifically authorized in a contractual agreement approved by City Council.
2. Details of coverage are outlined in the healthcare plan booklet, which is available in the Finance Department. All participants in the City's Health Care Coverage are required to contribute a percentage of the COBRA equivalency for medical and prescription coverage, plus any deductibles and co-pays as defined in the City's Plan. The City reserves the right to modify the terms of the employee's contributions with appropriate notice to employees and subject to collective bargaining agreements, based on negotiations with insurance companies and changes in health care laws.
3. Eligible employees may enroll in the health coverage plan immediately after beginning employment and in the open enrollment period or after a qualifying event. Coverage is effective the first day of the month following the employee's enrollment in that health care coverage.
4. The City will continue to pay its portion of the premium for an employee who is on a family/medical leave. The employee is required to pay their portion of the premium by the first of each month.
5. An employee who is not in the active pay status during part of any month will be required to pay the employee's portion of the premium in order to maintain coverage, unless injured on the job and paid through the City's Workers' Compensation plan. The full premium will need to be received by the City by the first of the month in which coverage is to be continued.
6. Any employee receiving paid hospitalization coverage as a benefit of employment with the City may, in lieu of the hospitalization benefits and upon written request, along with proof of other coverage to the Finance Director, receive payment as an addition to the employee's annual compensation. The amount of said payment shall be established by ordinance and will be paid in 24 equal installments (i.e., twice a month). The period for making such an election is limited to the open enrollment period or occurrence of a qualifying event.

B. LIFE INSURANCE

The City provides a fully paid term life insurance policy currently in the amount of fifty thousand dollars (\$50,000.00) to each full-time equivalent employee under conditions established in the policy.

C. SUPPLEMENTAL LIFE AND DISABILITY

1. The City offers supplemental insurance policies through payroll deductions. The available supplemental policies include life and short-term disability.
2. All full-time employees are afforded the option of purchasing supplemental insurance at their own expense.

Section 4.2**SICK LEAVE****A. ELIGIBILITY**

1. All full-time and part-time employees, who are not covered by a collective bargaining agreement, shall be entitled to accrue sick leave at a rate not to exceed 4.6 hours for each eighty (80) hours worked. Employees working more or less than 80 hours per pay period will accrue the sick leave on a prorated basis. Sick leave shall be cumulative.
2. An employee who transfers from another public agency to the City or who is reappointed or reinstated shall be credited with the unused balance of their accumulated sick leave, up to a maximum of two hundred forty (240) hours. Documentation of sick leave transfer must be submitted to, and verified by, the Finance Director.
3. Temporary and seasonal employees are not entitled to sick leave benefits.

B. ACCUMULATION AND USE

1. Sick leave may be requested in the case of personal illness, disability, injury or medical/dental treatment. Sick leave or other paid time off may also be used to care for an illness or injury affecting a member of the employee's family.
2. Accrued sick leave may be used in minimum increments of one-quarter (1/4) hour.
3. An employee requesting sick leave must inform their supervisor or designee of the request and reason at least one (1) hour before the employee's scheduled starting time. If the employee's supervisor is unavailable, the employee should speak with the Administrative Assistant of that department. During an extended illness, the employee must report weekly, if able.
4. Proof of illness from a physician may be required if the illness continues for more than three (3) consecutive days. Upon return to work, the employee may be required to furnish a statement from a healthcare provider verifying that they were ill and certifying their ability to perform job duties.
5. An employee unable to report to work or work a full day due to a planned medical appointment shall notify their Department Director or designee of the pending absence at least twenty-four (24) hours in advance of the scheduled start time for the day they will be absent.
6. Any employee who is absent after requesting sick leave or who is on leave as provided by this Section may not engage in work or other activities that conflict with the reasons given by the employee for being on sick leave. While on sick leave, an employee must not engage in any activity that would hamper their ability to return to work.
7. Under no circumstances will outside employment be performed while an employee is on sick leave.

8. Employees who request sick leave for reasons other than illness, medical condition, injury or medical appointment, or who falsify the reporting of sick time records, may be subject to disciplinary action. Excessive absenteeism may be grounds for disciplinary action regardless of whether the employee used sick time for each occurrence and/or has a remaining balance of sick time.
9. An employee absent on sick leave is paid at their regular rate of pay.

C. SICK LEAVE PAY OUT AT RETIREMENT, DEATH OR SEPARATION

1. Except as otherwise set forth herein, employees who end employment with the City for any reason other than retirement or death are not eligible to be paid for their unused, accrued sick leave. Previously accumulated and unused sick leave credit of an employee who has been separated from public service shall be placed to their credit upon reemployment in public service, provided that such re-employment takes place within ten (10) years from the date of separation.
2. Upon the retirement of an eligible employee, the employee shall, upon written notification to the City, be entitled to a lump sum payment for the accumulated, unused sick leave credit subject to the provisions of this policy. For the purposes of this section, an employee shall be deemed to be retired when they apply for and obtain a retirement pension under pension plans provided to employees as a result of their public employment. When giving the City written notification, the employee shall request payment either immediately after retirement or within one (1) year after retirement. In either case, only one (1) payment shall be made. If the employee elects payment at a later date, it will be at the hourly rate at retirement and no interest earnings will be accrued or added to the payment.

In the event of the retirement of an employee, payment of accumulated, unused sick leave credit shall be determined as follows: twenty-five percent (25%) of the first 2,000 hours of their accrued, but unused, sick leave balance, and the remainder of the unused sick leave balance to be paid at forty percent (40%). Such payment shall be based upon the employee's base pay rate at the time of retirement. Such payment shall eliminate all sick leave credit accrued by the employee at that time and payment shall be made only once to any employee.

3. Upon death of an eligible employee, the employee's spouse or their representative shall provide notification to the City and be eligible for a lump sum payment for accumulated, unused sick leave credit subject to the limitations set forth: twenty-five percent (25%) of the first 2,000 hours of the employee's accrued, unused sick leave balance, and the remainder of the unused sick leave balance to be paid at forty percent (40%). Such payment shall be based on the employee's base pay rate at the time of retirement. Such payment shall eliminate all sick leave credit accrued by the employee at that time and payment shall be made only once to the employee's spouse and/or legal representative.
4. Upon voluntary separation of employment from the City, providing the employee has completed ten (10) or more years of service with the City, the employee may elect, by

filing written notice to the City within fifteen (15) calendar days prior to the effective date of voluntary separation, for a lump sum payment of accrued, unused sick leave credit, not to exceed 2,000 hours. Entitlement will be based on over ten (10) years of public service calculated at one percent (1%) per year. For example, ten (10) completed years equals ten percent (10%) of unused sick leave credit and fifteen (15) completed years equals fifteen percent (15%) of unused sick leave credit. Such payment shall be based on the employee's annual compensation at the time of termination divided by 2,080 hours. Such payment shall eliminate all sick leave credit accrued by the employee at that time and payment shall be made only once to any employee.

5. Upon involuntary separation of employment from the City, the employee is not eligible for the payment of the accrued, unused sick leave credit.

D. SICK LEAVE CREDIT CASH-OUT

An eligible employee who is credited with sick leave credit may elect to convert a maximum of eighty (80) hours of sick leave credit per calendar year into a cash benefit. For a sick leave credit cash-out to occur, the following conditions must be met:

1. The employee must retain after the sick leave credit cash-out, a minimum balance of two hundred forty (240) hours of sick leave credit measured as of November 30th of that year.
2. The cash conversion rate will be paid at a rate of one (1) hour of pay for two (2) hours of sick leave converted, payable at the employee's base pay rate on the last day of the calendar year. The sick leave credit cash-out must be requested in writing on the City form by November 30th of each year. Payment will be paid after the end of that calendar year as designated by the Finance Director.
3. Absent such an election by an employee, the sick leave credit earned and unused in a calendar year will be added to the total accrued sick leave credit balance of the employee.
4. Sick leave credit cash-out is not conferred upon the collective bargaining units as an additional benefit, unless specifically negotiated with the respective collective bargaining unit. Sick leave credit cash-out is offered to non-bargaining employees as a replacement of the previous offering of sick leave incentive to non-bargaining employees.

E. VOLUNTARY SICK LEAVE TRANSFER

1. Any covered employee may donate a portion of their available sick leave hours to any other employee who has a personal or family medical emergency and has exhausted all other available paid leave.
2. Employees may donate no more than the number of sick leave hours accrued at the time of the donation. Employees shall not donate available sick leave hours such that the donor employee has less than forty (40) hours remaining after the donation is made. For non-bargaining employees who otherwise meet the minimum sick leave balance

requirements of the sick leave conversion, donations of available sick leave hours shall not affect the donor employee's eligibility for the sick leave cash conversion. For employees subject to collective bargaining donations, donations of available sick hours shall not affect the donor employee's ability to receive a Sick Leave Incentive.

3. Employees receiving the donation shall be limited to a maximum of six (6) months of donated leave. However, any unused donated sick leave hours shall be returned to the sick leave donor(s) when the medical emergency ends in equal proportion to the number of hours donated.
4. Employees receiving any sick leave donations are not eligible to participate in the sick leave cash conversion for the year they received the donation of sick leave.
5. All donations shall be submitted to the Finance Department on an authorized Voluntary Sick Leave Transfer Form.
6. Voluntary sick leave donations will remain confidential, subject to all federal and state laws.
7. The voluntary sick leave transfer policy is intended as a courtesy to employees in need of additional sick leave for use as short-term disability. The voluntary sick leave transfer policy is not intended as a substitute for filing appropriate claims of pension disability, pension retirement, workers' compensation, or private disability insurance.

Section 4.3**BEREAVEMENT****A. ELIGIBILITY**

All full-time and part-time employees are eligible for bereavement leave for days they are regularly scheduled to work.

B. BENEFIT

1. Bereavement leave for up to three (3) days shall be granted for the death of a family member.
2. Employees will be permitted, with proper authorization, to take additional days for funeral leave when necessary. Such leave will be charged to any accumulated leave the employee chooses. If no leave is available, an unpaid leave of absence may be granted.
3. No amount of unused bereavement leave will be paid at year-end or upon separation.
4. For purposes of this policy, "family" includes parents, parents of spouse, spouse and children of the employee, brothers and sisters of the employee, brothers and sisters of spouse, grandparents, grandchildren, spouse of children, step-parents of the employee, step-parents of the spouse, step-children, as well as other relatives living with the employee if the employee is acting as parent or guardian.

Section 4.4 VACATION

Vacation benefits are as specified in this policy, unless otherwise dictated by a collective bargaining agreement.

A. ELIGIBILITY

1. Eligible employees can earn vacation leave while in active pay status at a rate based on years of continuous employment with the City. Employees will be credited with their entire vacation accrual beginning each calendar year.
2. Each employee who has completed less than one (1) year of continuous employment shall receive one (1) workday off for each month worked, but not more than five (5) workdays, with pay. This applies only to employees who do not receive credit for their prior service. Employees resigning their position before completion of the first year are not compensated for the hours earned.
3. Only full-time employees will receive vacation benefits in accordance with the current vacation schedule below:

YEARS OF SERVICE WITH THE CITY	VACATION WEEKS (HOURS)
Employee's first calendar year with less than one (1) year of service credit	One (1) workday off for each month worked but not more than five (5) workdays, with pay
Employee's second calendar year with less than one (1) year of service credit	Two weeks (80) hours
1-5	Two weeks (80) hours
6-11	Three weeks (120) hours
12-18	Four weeks (160) hours
19-22	Five weeks (200) hours
23+	Six weeks (240) hours

B. USE OF VACATION TIME

1. Use of vacation time shall be in minimum increments of one-quarter (1/4) hour and is subject to the approval of the employee's Department Director or designee. Vacation scheduling for safety force and service employees is as established by their Department Directors/Chiefs and in accordance with any applicable collective bargaining agreement.

2. Vacation schedules will be established with due regard to seniority, and in such a manner that the efficiency of the department is not diminished and that overtime costs are minimized.
3. Vacations shall be taken during the calendar year in which it is accrued. An employee must request use of vacation time to the Department Director as soon as is practical.
4. Vacation leave may be denied during a specific period if the workload dictates and for any other reasonable operational reasons.
5. An employee will not be charged for vacation when a holiday occurs during a vacation period.
6. Vacation leave must be taken in the calendar year in which it is accrued, unless special arrangements have been agreed upon prior to year-end. A request to carry over unused vacation time must be both approved by the Department Director and submitted to the Mayor's office at least ten (10) days prior to the end of that year.
7. Vacation shall be forfeited if not used within the calendar year in which it is accrued. There will be no cash payout for unused vacation time.

C. PAYMENT FOR UNUSED VACATION LEAVE AT TIME OF SEPARATION

Upon voluntary or involuntary separation of employment, including when it is due to an employee's death, the Finance Director is authorized to convert earned and unused vacation leave to the separated employee into a lump sum payment derived by multiplying the employee's hourly rate of pay times the number of unused vacation hours at the date of termination.

1. Separation (voluntary or involuntary): Employees will receive a lump sum payment for all earned and unused vacation leave at the time of their separation.
2. Retirement: Employees retiring under OPERS or OP&F will receive a lump sum payment for vacation leave that would have been accrued during the calendar year in which they retire.
3. Employees resigning before completion of one (1) year of continuous service forfeit all unused accrued vacation leave.

D. SERVICE CREDIT

1. For the purposes of calculating an employee's service time for vacation benefits, all full-time employees of the City shall be entitled to service credit for service with any political subdivision of the State of Ohio, or as otherwise provided for in this section.
2. In instances where a full-time employee had prior service credit with the City on a part-time basis, credit shall be given for such part-time service with the City based upon the number of hours worked as a part-time employee in relation to 2,080 hours for a full year of credit.

3. Service time shall not accrue during pay periods when an employee is not in active pay status unless the employee is on approved leave under the Family and Medical Leave Act.
4. The Mayor may grant prior service credit, in a negotiated amount, not to exceed the years of prior or similar service in either the public or private sector, to newly hired Director-level employees for the purpose of calculating vacation entitlement. Appropriate documentation must be provided.
5. Except as provided in Section 4.4(D)(4), an employee who has retired in accordance with the provisions of OPERS or any retirement plan offered by the State of Ohio and who is hired by the City shall not have their prior service with the City, State or any other political subdivision of the State counted for the purpose of computing vacation leave.

Section 4.5**HOLIDAYS AND PERSONAL DAYS****A. HOLIDAYS**

Full-time, non-bargaining employees receive the following paid holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	11th day of November
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

1. Collective bargaining agreements outline paid holidays for bargaining unit employees.
2. If a holiday falls on Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday.
3. If an employee's work schedule is other than Monday through Friday, they will be entitled to holiday pay for the day on which the holiday falls, regardless of the day of the week the holiday is observed.
4. If a paid holiday falls on a day a full-time employee is not scheduled to work, such as when the employee is on vacation or sick leave, the employee will nonetheless receive holiday pay and the holiday will not be charged against their vacation or sick leave balance.
5. Department Directors shall, at their own discretion, determine which, if any, employees are required to work on an official holiday. If an employee is required to work on a holiday, they may receive equivalent time off with pay in lieu of holiday pay for a worked holiday. The day off may be taken at any time during the year but must be approved in advance and will be granted based on business need.
6. If such employee is not afforded paid time off for a worked holiday, they shall be paid for such holiday at their regular rate of pay in effect when the holiday occurs. The payment shall be after the end of the calendar year in which the holiday occurred and shall be for no more than three (3) such holidays in any calendar year.
7. To qualify for a paid holiday, an employee must be on active status the day immediately preceding and immediately following the holiday.
8. Holiday pay rates for bargaining unit employees are as specified by the appropriate collective bargaining agreement.

B. PERSONAL DAYS

1. In addition to the holidays listed above, full-time employees are also eligible for two (2) personal days (16 hours total) in each calendar year.
2. Upon completion of six (6) months of continuous employment with the City, an employee shall become eligible for their personal days.
3. Although requests for personal leave may be made with same-day notice, employees should make a reasonable attempt to request personal leave with as much notice to the Department Director as possible.
4. In the event an employee separates from the City for any reason, an employee shall be entitled to payment for the prorated portion of any unused personal days. This does not apply to employees who have less than one (1) year of service with the City.
5. Personal days shall be taken during the calendar year in which they are accrued and shall not be carried over into the next calendar year.

Section 4.6**RETIREMENT**

- A. The City shall make contributions for covered employees to the Police and Firemen’s Disability and Pension Fund of Ohio or to the Ohio Public Employees Retirement System, whichever may be applicable. The amount of a covered employee’s mandatory contribution may be subject to change periodically by legislation through the State of Ohio.
- B. OHIO PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (OPERS)
1. OPERS enrollment is mandatory for all employees who do not participate in another public retirement system.
 2. Employees having questions regarding this program should call or write to:

Ohio Public Employees’ Retirement System
277 East Town Street
Columbus, OH 43215
1 (800) 222-PERS
- C. POLICE AND FIREMEN’S DISABILITY AND PENSION FUND (OP&F)
1. Full-time, non-civilian, safety forces will participate in the Police and Firemen’s Disability and Pension Fund.
 2. Eligible employees having any questions regarding this program should call or write to:

Police and Firemen’s Disability and Pension Fund
140 East Town Street
Columbus, OH 43215
1 (614) 228-2975

Section 4.7**COURT LEAVE**

- A. All employees will lose no straight time pay when summoned to a court of competent jurisdiction for jury duty or subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses, providing the employee is not a party to the action.
- B. An employee must notify their supervisor as soon as notice is received.
- C. Any compensation received by an employee from the court must be paid to the City unless all duty is performed outside regular works hours.
- D. An employee shall not be entitled to paid leave when the case arises out of the employee's personal matters. An employee who must appear in court on their own behalf may use vacation or compensatory time or may request an unpaid leave of absence if paid time off has been exhausted.
- E. An employee released from duty before the end of their scheduled workday must report to work for the remaining hours if a reasonable amount of time remains during their scheduled workday.
- F. Time served by an employee while in court does not constitute hours worked for purposes of calculating overtime, unless such court time is directly related to or is an integral part of the employee's work duties.
- G. Documentation of attendance and proof of compensation shall be required.

Section 4.8

FAMILY AND MEDICAL LEAVE

A. FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (“FMLA” or “Act”) entitles eligible employees of covered employers to take up to a total of twelve weeks of paid and/or unpaid leave during a twelve-month rolling leave period for one or more of the following conditions:

1. For the birth and care of the newborn child of the employee;
2. For the placement of a child for adoption or foster care;
3. To care for a spouse, parent, son or daughter with a serious health condition; or
4. When the employee is unable to work due to the employee’s own serious health condition.

B. DEFINITIONS

The definitions listed in this section apply only to the Family and Medical Leave policy.

1. **ACT or FMLA** means the Family and Medical Leave Act of 1993.
2. **Chronic serious health condition** is one which:
 - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
 - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); or
 - c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy)
3. **Eligible employee** means:
 - a. An employee who has been employed for a total of at least twelve (12) months by the City on the date on which the FMLA leave is to commence.

For the purposes of this policy, a twelve (12) month rolling leave period is defined as twelve (12) months prior to the date leave is requested to the employee’s first day of their request to use FMLA. The twelve (12) weeks of leave may be taken in a block, or, under certain circumstances, intermittently or on a reduced leave

schedule. When taken intermittently, the City's policy provides that leave may be taken in increments of one (1) hour or more.

- b. An employee who, on the date on which the FMLA leave is to commence, has been employed for at least 1,250 hours of service during the previous twelve (12) month period.
 - c. In addition, eligible employees who request FMLA and who have accrued leave (i.e., sick time, vacation, compensatory time, and/or personal days) on the books shall utilize their FMLA leave and accrued paid leave concurrently.
4. **Family leave** is leave taken for the birth and/or care of a newborn or child placed into the employee's home as a result of adoption or foster care placement. Family leave must be taken within twelve (12) months of the qualifying event (birth or placement).
5. **Health care provider** means:
- a. A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices;
 - b. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;
 - c. Nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice under State law;
 - d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
 - e. Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; or
 - f. A health care provider as defined above who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country.
6. **Intermittent leave schedule** means leave taken in separate periods of time due to a single illness or injury, rather than for one (1) continuous period and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken several days at a time spread over a period of six (6) months, such as for chemotherapy.

7. **Medical leave** means leave requested in order to care for an immediate family member with a serious health condition or for the employee's own serious health condition (includes leaves resulting from a Worker's Compensation-related injury or illness).
8. **Parent** means the biological parent of an employee or an individual who stands or stood *in loco parentis* to an employee when the employee was a child.
9. **Reduced leave schedule** means a leave schedule that reduces the usual number of hours per workweek or hours per workday, of an employee.
10. **Serious health condition** entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (meaning inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care;
 - b. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes a period of incapacity (i.e., an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than three (3) consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - c. Any period of incapacity due to pregnancy, or for prenatal care;
 - d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition (defined above);
 - e. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment

by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease; or

f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

11. **Son or daughter** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

12. **Spouse** means a husband or wife as defined or recognized under State law for purposes of marriage in the State of Ohio.

C. APPROVAL PROCESS

1. The following procedures shall be implemented to provide consistency for administering FMLA in the City:

a. FMLA shall commence when an employee meets any one of the conditions, listed under Section 4.8(A).

b. The employee is responsible for providing written notification of such need to their immediate supervisor and Department Director or designee thirty (30) days prior to the date the leave is expected to commence unless unforeseen circumstances exist, in which case, written notification shall be provided as soon as reasonably possible.

c. The written notice must contain the anticipated beginning and ending dates of the leave and the reason for (or type of) leave.

d. Employees on FMLA leave shall use their accrued leave time, (vacation, personal, compensatory or sick leave) during their FMLA. Accrued leave (including accumulated and earned while on FMLA) shall be used for all hours while on FMLA until exhausted or until the employee returns to work, whichever is sooner.

e. Employees may request an unpaid leave of absence under FMLA which is subject to the prior approval of their Department Director and the Mayor. In addition,

civil service employees who request unpaid leave must also abide by the Civil Service Rules covering such a request.

- f. An eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks of leave during any twelve (12) month period. The twelve (12) month period begins with the first day of the leave.
2. The notification provided by the Finance Director or their designee will include a notice of the employee's rights and responsibilities under FMLA, a request for medical certification from the employee's own health care provider or that of the immediate family member (if the leave is to care for such individual) and a waiver form.
 - a. The employee will be responsible for supplying either the required medical certification for their own health care or that of the immediate family member or the waiver within fifteen (15) days of the request by the City.
 - b. The City retains the right to request periodic medical certifications in order to establish the employee's ongoing need for medical leave in accordance with the conditions established in the FMLA request.
 - c. Failure to return the waiver or the medical certification by the date established by the City will be considered an express waiver of that employee's right to request FMLA leave and the employee's absence may be considered unauthorized.
 - d. If the City questions the validity of an employee's health care certificate, the City may request that the employee obtain the opinion of a second health care provider designated by the City. If the second opinion differs from the original certification, the City may require the opinion of a third health care provider jointly selected by the City and the employee. The City will pay for both the second and third exams. The third provider's opinion will be considered final and binding on both parties.
 - e. In the event an employee on family leave requests an intermittent or reduced leave schedule, the Finance Director or their designee will consult with the Department Director to determine if such a schedule can be approved with minimal disruption to services. An employee on medical leave may take intermittent or reduced leave as certified by their health care provider. However, the City retains the right to make a temporary transfer of the employee to an alternative position with equivalent pay and benefits if the temporary position better accommodates recurring periods of leave than the employee's regular position.

3. Once an employee reaches the twelve (12) week period of job protection provided by FMLA, their position with the City is subject to layoff and/or termination if deemed necessary and with legitimate reason, under the Department of Labor's provisions, unless further leave is authorized by the Mayor.
4. In addition, the National Defense Authorization Act for 2008 amended the FMLA to provide eligible employees working for covered employers two (2) important new leave rights related to military service:
 - a. Eligible employees are entitled up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
 - b. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled up to twenty-six (26) weeks of leave in a single twelve (12) month period of care for the service member. The military caregiver leave is available during "a single twelve (12) month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

D. COMPENSATION AND BENEFITS WHILE ON FAMILY AND MEDICAL LEAVE

1. Medical Leave
 - a. Employees on FMLA Leave must use their accrued leave time, (vacation, personal time, compensatory time or sick leave) during the period of their FMLA leave. Accrued leave (including accumulated and earned while on FMLA) shall be used for all hours while on FMLA until exhausted or until the employee returns to work, whichever is sooner.
 - b. Post-partum female employees can only use accrued sick time for that portion of the family leave which is certified as medically necessary (e.g., immediate post-partum recovery of approximately six (6) weeks) then accrued vacation and personal time (in that order) until all such time is exhausted or until the employee returns to work.
 - c. Male employees who request leave following the birth or adoption of a child may only use accrued sick time for that portion of the family leave which is certified as medically necessary to care for their spouse and/or child, then accrued vacation and personal time (in that order) until all such time is exhausted or until the employee returns to work.

- d. An employee will not be required to use all paid leave benefits if they are on a medical leave due to a compensable injury resulting from a certified Workers' Compensation claim.

2. Healthcare Coverage

- a. Throughout the approved duration of the family or medical leave, the City will continue to pay premiums for City-sponsored health care, prescription, and life insurance policies held by the employee prior to the start of the leave in the same percentage and amount as paid prior to the start of the leave.
- b. Employees are responsible for the timely payment of their portion of such premiums.

- E. RETURN TO WORK

1. An employee wishing to return to work before the scheduled end of a leave must give at least two (2) working days advance notice to their supervisor.
2. If the employee is on a medical leave due to a serious health condition, the employee will be required to provide a fitness-for-duty certification before the employee is permitted to return to work.
3. Upon return from a family/medical leave, an employee will be restored to the position held when leave commenced, or a position with equivalent benefits, pay, and other terms and conditions of employment if the same position is no longer available or vacant.
4. If an employee is no longer qualified for the position because of their inability to attend a necessary course, renew a license, etc. as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.
5. All benefits accrued prior to the leave will remain intact, however, the employee will not accrue benefits during any unpaid portion of the leave.
6. An employee who fails to return to work at the expiration or cancellation of an approved family/medical leave of absence, without satisfactory explanation to the Department Director, will be terminated. The employee's termination date will be established as the first day following the date on which the FMLA leave period expires. In such event, the employee is required to reimburse the City for the cost of benefits paid during any unpaid leave.

Section 4.9 OTHER LEAVES

A. DISABILITY LEAVE/SEPARATION

For all other situations not already covered by FMLA and/or other leave policies, an employee who is not covered by a collective bargaining agreement may invoke the following policy:

1. Eligibility for Leave

- a. During an extended, incapacitating illness or disability, including a disabling condition related to pregnancy or adoption, an employee may request a leave of absence for a period not to exceed six (6) months.
- b. All prior approved paid or unpaid leaves related to the incapacitating illness or disability will be included in the calculation of the six (6) month leave period. The original date of the disability related leave will be established as the first day of the leave.
- c. Except in emergencies, the request for leave must be submitted in writing thirty (30) days prior to commencement of the leave. The employee must demonstrate that the probable length of the leave will not exceed six (6) months. Granting of the leave is at the discretion of the Mayor.

2. Eligibility for Separation

- a. An employee who has exhausted their leave of absence benefits and is unable to return to work due to the same disabling condition may request a disability separation for up to three (3) years from the employee's last date of work.

To qualify for disability separation, an employee must have exhausted all accumulated sick leave and must have been hospitalized or institutionalized, must have been in a period of convalescence following hospitalization or institutionalization, or, must have been declared incapable of performing the essential job duties of their position as defined by the Americans with Disabilities Act.

- b. Involuntary Separation: A classified employee declared to be incapable of performing the essential job duties of their position is entitled to a pre-separation hearing in front of the City's Civil Service Commission. The Mayor or Finance Director will provide the employee with advance notice of the hearing. The employee has the right at the hearing to examine the City's evidence, rebut the City's evidence and present testimony and evidence on their own behalf. Unclassified employees are not entitled to a pre-separation hearing.
- c. Voluntary Separation: An employee voluntarily requesting disability separation must make the request in writing and submit supporting medical documentation.

B. MILITARY LEAVE

The Ohio Revised Code grants broad rights to persons serving in the Armed Forces. Employees excluded are those who hold elective office and those whose employment is temporary or casual. These rights are granted to all permanent employees without regard to whether they are full-time or part-time, or classified or unclassified, in accordance with this policy. See Title 59 of the Ohio Revised Code for all laws and rules regarding military leave.

1. Reserve Duty Leave

Employees who are members of the Ohio National Guard, Defense Corps, Naval Militia or U.S. Armed Forces reserve components, are entitled to a military leave of absence from their duties, without loss of pay, for such time as they are in the military service on field training or active duty for a period not to exceed one (1) month in any calendar year. The maximum number of hours for which payment can be made in any one calendar year is twenty-two (22) eight (8) hour work days or one hundred and seventy-six (176) hours; or for a public safety employee, seventeen (17) twenty-four (24) hour days or four hundred eight (408) hours. A public safety employee is defined as a firefighter or emergency medical technician. The employee must submit a copy of the "Active Duty for Training" orders and complete all required leave forms. Employees must submit all required military pay documentation prior to receiving pay from the City for the reserve time. Failure to submit complete and accurate pay records shall subject the employee to disciplinary action.

2. Active Duty Leave

There is hereby established a policy of maintaining the wages, benefits and other terms and conditions of employment for all municipal employees of the City when they are performing service in the uniformed services under Ohio Revised Code Sections 5923.05 and 5903.02, and any amendments thereto. The Finance Director is specifically authorized to continue paying the employee's base wages and other benefits during their service in the uniformed services as defined in Ohio Revised Code Section 5903.02, and any amendments thereto, and as set forth in Ohio Revised Code Section 5923.05(A)-(C), and any amendments thereto. If a full-time employee remains in the uniformed services beyond any period entitling them to full pay provided by the Ohio Revised Code, the Finance Director is then authorized to continue to compensate the employee the lesser of (a) the difference between their gross base military pay while the employee remains in military service or (b) \$500.00 per month. In addition, the employee shall be entitled to receive all of their respective benefits during both the initial period and extended period of pay while in military service. Said sections of the Ohio Revised Code are hereby incorporated by reference as if fully set forth in this policy.

3. Return from Military Service

Upon honorable discharge or the completion of reserve duty, an employee is to be reinstated to their previous position unless it no longer exists, is filled by a more senior employee, or if the employee is disabled. If the position no longer exists or is filled by a more senior employee, the former employee is entitled to appointment to a similar position. Employees who are physically disabled as a result of military service are to be reinstated to a position within their capabilities.

C. UNPAID LEAVES OF ABSENCE

1. Eligibility

- a. An employee may request the Mayor's approval for an unpaid leave of absence of one (1) year or less when the employee has no remaining paid time benefits for reasons outside of the scope of the City's other leaves of absence and/or after exhausting their eligibility under other forms of leave.
- b. A leave of absence without pay may be granted for any personal reason except other employment. Reasons for requesting an unpaid leave include, but are not limited to:
 - i. Voluntarily serve in any government sponsored program of public betterment;
 - ii. Education or training that would benefit, but is not required by, the City;
 - iii. Family or medical reasons that do not fall within the circumstances outlined in the family and medical leave policy; or
 - iv. Family or medical reasons that fall within the family and medical leave policy after the employee's twelve (12) week entitlement has been exhausted.

2. Use

- a. The request for a leave of absence must be submitted in writing and must include the reasons for the leave and the dates for which the leave is being requested. Approval of the request by the Mayor and the employee's Department Director is required.
- b. Employer-paid insurance benefits will not be provided to employees on an unpaid leave of absence for any reason that does not qualify for family/medical leave. An employee may extend benefits under COBRA for the time allowed by law.
- c. Benefits do not accrue during an unpaid leave.
- d. Employees are ineligible for unemployment compensation during any leave period.
- e. If it is discovered that an unpaid leave of absence granted for a specific purpose is not being used for that purpose, the Mayor may cancel the leave and direct the employee to report to work. Such a refusal to return to work may result in discipline, up to and including termination, or the City declaring that the employee has voluntarily resigned or abandoned their position.

Section 4.10**DEVELOPMENTAL TRAINING AND TUITION REIMBURSEMENT****A. ELIGIBILITY**

1. The City encourages the professional growth of all employees through continuing education and training. Employees in certain positions are required as a condition of continuing employment to take coursework and training.
2. Participation in employee development activities must have the prior approval of the employee's Department Director and the Mayor.
3. The Department Director will advise employees of any required coursework and training. Employees who wish to attend other development opportunities that are not required must submit requests to their Department Director.

B. ATTENDANCE

1. The City will pay an employee for time spent at education conferences, professional meetings, and training seminars when attendance is required to maintain a license or certification that is required or helpful for that employee's position. An employee may request paid or unpaid leave to attend similar developmental opportunities that are not required to maintain a license or certification. Leave is granted at the discretion of the employee's Department Director and the Mayor.
2. The City will pay registration costs, travel expenses, and related expenses when the employee's attendance is required. When attendance is not required, any reimbursement of registration costs and travel expenses is at the discretion of the Mayor and the employee's Department Director.
3. In reviewing requests to attend non-required developmental activities, the following criteria will be considered:
 - a. Nature and purpose of the activity;
 - b. Benefits to be derived by the employee and the City;
 - c. Level of responsibility, performance and length of service of the employee;
 - d. Estimated cost and available funds;
 - e. Potential lost time from work; and
 - f. Ability to adequately staff services during the employee's absence.

4. Whenever there are multiple requests for an activity, such as a seminar or workshop, or if attendance will be during an employee's regularly scheduled workday, the employee's Department Director and the Mayor will determine how many and which employees may participate.
5. If an employee is required to attend school or a formal training session, those hours will count towards compensation.

C. CONTINUING EDUCATION TO MAINTAIN REQUIRED LICENSES

1. The City encourages employees to attend continuing education to maintain licenses or to obtain licenses/certifications necessary to perform certain work within the City. Upon approval of the Mayor and the Finance Director, the City will pay the cost of tuition and materials to attend the required schooling and will pay the employee's wages for time actually spent in the classroom. The City will reimburse mileage but will not pay wages for off-duty time to drive to and from the location of any schooling.
2. Upon prior approval of the Mayor, the City will pay the employee's wages for the regular workday (not overtime) for travel and for time to take an exam for a license necessary to perform certain work within the City.
3. An employee who fails to pass a test for a license for which the City has paid any tuition costs, or any costs in taking an examination or test, is ineligible for further reimbursement for a period of two (2) years. The employee may take the test again at their own expense and on their own time, and if they pass, the two (2) year limitation will be waived for future license classes or test.

D. TUITION REIMBURSEMENT

1. A Tuition Reimbursement Program is available for established employee development programs that lead to a degree, professional certification, or license. Classes must be taken at a fully accredited institution of higher learning. The courses must be related to the individual's work and approved by the Mayor, Finance Director, and the employee's Department Director.
2. Tuition reimbursement does not obligate the City in any way to reward successful completion with promotion, transfer, reassignment or a salary increase.
3. Employees must be employed by the City for a minimum period of six (6) months in order to be eligible for the tuition reimbursement program. If an employee does not remain in the employment of the City for a period of three (3) years following the completion of any course for which the employee received tuition reimbursement, the employee must repay any tuition reimbursement received from the City within three (3) years from the date of separation from the City, excluding involuntary termination, on a prorated basis.
4. An employee must be employed by the City on the date the course or semester begins as well as ends, in order to receive reimbursement. The City may, however, agree to

reimburse costs if the employee is affected by a reduction in work force before the completion of a course or semester.

5. The maximum amount allowed for reimbursement is Five Thousand Two Hundred and Fifty U.S. Dollars and No Cents (\$5,250.00) per year per employee.
6. To be eligible for tuition reimbursement, the employee must pass any course with at least a "C" or better as a grade.
7. Any variation of this policy for employees covered by a collective bargaining agreement is as specified in the applicable collective bargaining agreement.
8. All undergraduate and graduate courses must be completed at accredited colleges and universities located in the State of Ohio, unless specifically authorized by the Mayor.
9. Employees requesting reimbursements for graduate courses/degrees must obtain the approval of the Finance Committee and Finance Director, in addition to the approvals required elsewhere in this section.
10. Registration to participate in the Ohio Certified Public Management Degree course is limited to two (2) City employees per semester.
11. Regardless of whether an employee meets the other criteria above for eligibility, the request for tuition reimbursement may be denied on the basis of available annual budget and appropriations.

**SECTION 5
CONDITIONS OF EMPLOYMENT**

Section 5.1	Employment Status Hours of Work Status FLSA Status To Report Violations of This Policy, Communicate Concerns, or Obtain More Information
Section 5.2	Employment Records Personnel Files Medical Records Reference Checks
Section 5.3	Medical Examinations
Section 5.4	Hours of Work Regular Hours Meal Period Rest Breaks
Section 5.5	Disability Accommodation Introduction Accommodating Individuals with Disabilities
Section 5.6	Exposure to Contagious Disease
Section 5.7	Workplace Safety and Health
Section 5.8	Safety Training
Section 5.9	Work from Home Policy Guidelines Determining Positions Appropriate for Telecommuting Employee Qualities Appropriate for Telecommuting Written Proposal Expectations
Section 5.10	Fraternization Introduction Procedures

A. HOURS OF WORK STATUS

1. Full-time employment status is defined as employees who are scheduled in an active pay status for not less thirty-five (35) hours per week. For the purpose of this provision, active pay status is defined as conditions under which an employee is eligible to receive pay, and includes, but it not limited to, regular pay, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, on-duty injury leave, holidays, FMLA and paid personal leave. Unpaid time does count as hours worked under this policy unless such leave is covered by FMLA. Full-time employees are eligible for all benefits including health insurance at a premium rate established by the City.
2. Part-time employment status is defined as employees who are in an active pay status and not regularly scheduled for more than 35 hours per week. Part-time employees receive accrued benefits (i.e., sick leave, vacation leave, holidays, personal time) on a pro-rated basis. Such employees are not eligible for health insurance benefits unless they are regularly scheduled to work at least thirty (30) hours per week.
3. Seasonal employees are appointments to a position whereby an employee works a certain regular season or period of each year performing some work or activity limited to that season or period of the year.
4. Temporary employees are defined as individuals appointed by the Mayor for a period not to exceed three (3) months. Such appointment may be extended, but the appointment may not exceed six (6) months.
5. Independent Contractors are individuals or entities that provide goods and/or services to the City under a written contract. Independent contractors are NOT employees of the City and said relations are governed by the respective written agreements.

B. FLSA STATUS

1. Fair Labor Standards Act

Positions in the City are designated exempt or non-exempt in accordance with the Fair Labor Standards Act.

- a. Exempt positions are those which meet the definitions for executive, administrative or professional positions as established in the Fair Labor Standards Act. These positions are exempt from the overtime pay provisions of the Act.
- b. Non-exempt positions are those which do not meet the definitions for executive, administrative or professional positions as established in the Fair Labor Standards Act. The City is required to pay overtime to employees assigned to non-exempt positions when they work over forty (40) hours in a work week.

- c. It is the City's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, employees must correctly record all work time and review their paychecks promptly to identify and to report all errors. Employees also must not engage in off-the-clock or unrecorded work.

2. Review Pay Stubs

The City makes every effort to ensure employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the City's attention, the City will promptly make any correction that is necessary. Employees must review their pay stubs when received to make sure it is correct. If an employee believes a mistake has occurred or if an employee has any questions, the employee should use the reporting procedure outlined below.

3. Non-Exempt Employees

If an employee is eligible for overtime pay or extra pay (including pay due under the City's handbook or a collective bargaining agreement), the employee must maintain a record of the total hours worked each day. These hours must be accurately recorded on a timecard or other manner required by the City. Each employee must sign their timecard to verify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). An employee's timecard must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each week, an employee should submit their completed timecard for verification and approval. When an employee receives each paycheck, they should immediately verify that they were paid correctly for all regular and overtime hours worked each workweek.

4. Exempt Employees

- a. If an employee is classified as an exempt salaried employee, they will receive a salary which is intended to compensate that individual for all hours worked for the City. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.
- b. Each exempt employee will receive their full salary for any workweek in which work is performed. However, under federal law, the individual employee's salary is subject to certain deductions. For example, absent contrary legal requirements, an employee's salary can be reduced for the following reasons in a workweek in which work was performed:

- i. Full day absences for personal reasons, including vacation;
 - ii. Full day absences for sickness or disability, based on the fact that the City has a sick day pay plan and short-term disability insurance plan;
 - iii. Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others);
 - iv. Family and Medical Leave absences (either full or partial day absences);
 - v. To offset amounts received as payment for jury and witness fees or military pay;
 - vi. Unpaid disciplinary suspensions of one (1) or more full days for significant infractions of major workplace conduct rules set forth in written policies; or
 - vii. The first or last week of employment in the event an employee works less than a full week.
- c. An exempt employee's salary also may be reduced for certain types of deductions, such as: the employee's portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a pension plan. In any workweek in which the employee performed any work, their salary will not be reduced for any of the following reasons:
- i. Partial day absences for personal reasons, sickness or disability;
 - ii. An absence because the facility is closed on a scheduled work day;
 - iii. Absences for jury duty, attendance as a witness, or military leave in any week in work was performed; or
 - iv. Any other deductions prohibited by state or federal law.
- d. Please Note: Exempt employees will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, an exempt employee's salary will not be reduced for partial day absences if that individual does not have accrued paid time off.

C. TO REPORT VIOLATIONS OF THIS POLICY, COMMUNICATE CONCERNS, OR OBTAIN MORE INFORMATION

- 1. It is a violation of the City's policy for any employee to falsify a timecard, or to alter another employee's timecard. It is also a serious violation of City policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or

alter another employee's timecard to under- or over-report hours worked. If any manager or employee instructs an employee to (a) incorrectly or falsely under- or over-report your hours worked, (b) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (c) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Finance Department.

2. Employees should not work any hours outside of their scheduled work day unless their supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your timecard. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed but not reported on an employee's timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.
3. Any questions about deductions from pay should be directed to the Finance Director. If an employee believes their wages have been subject to any improper deductions or does not accurately reflect all hours worked, that employee should report their concerns to a supervisor immediately. If a supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply within three (3) business days), the employee should immediately contact the Finance Director.
4. Every report will be fully investigated and corrective action will be taken, up to and including termination of any employee who violates this policy.
5. In addition, the City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the City's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

A. PERSONNEL FILES

1. An official personnel file will be maintained for each employee. This official personnel file shall be retained in the Finance Department. Files will include, but are not limited to:
 - a. The employee's resume for employment;
 - b. References;
 - c. Employee's current job description;
 - d. Performance evaluations;
 - e. Documentation of all training received;
 - f. Disciplinary actions;
 - g. Date of hire and termination or discharge date, if applicable;
 - h. Documents relating to pay and fringe benefits;
 - i. Employment status or position changes, termination letter;
 - j. Signed and unsigned requests for references and copies of reference letters sent;
 - k. I-9 forms regarding citizenship (kept in a separate file); and
 - l. Background check authorization forms.
2. Personnel files and information shall be confidential to the extent permitted by law. However, in general, all personnel records with the exception of statutorily determined confidential items are public documents and subject to inspection by the public.
3. Personnel records may be retained permanently. After an employee leaves employment, the records may be stored in microform or electronic data. Under Ohio law, personnel records may not be destroyed except in conformance with the procedures of the City's Records Commission. The City shall comply with all sections of Chapter 149 of the Ohio Revised Code.
4. An employee may arrange a time with the Finance Director or their designee to review their personnel file during regular business hours. The employee may not remove the personnel file from the office, but may request a copy of any items in the file.

5. When a member of the public requests an opportunity to examine an employee's personnel file, the Finance Director will notify the employee of the request and will arrange an appointment for the individual to review the file in the presence of a City official. Any request will be responded to within a reasonable amount of time and requested copies shall be provided at a reasonable cost to the requesting party.
6. Payroll records shall be maintained which reflect each employee's regular hourly rate of pay, basis on which wages are paid, and exclusions. Daily records shall reflect hours worked each day, total hours worked per week, total weekly overtime, total deductions, total wages paid each pay period, date of payment, and pay period covered by payment. Payroll records shall be maintained for at least three (3) years. These records shall be maintained by the Finance Department.
7. Each employee is responsible for maintaining the following current information on file with the City:
 - a. Name, home address, home telephone number, marital status, citizenship, military status, emergency contact and the filing status and number of exceptions claimed for tax purposes;
 - b. Current information on dependents and beneficiaries of health or life insurance policies, as applicable;
 - c. Changes must be reported in writing to the Finance Department.

B. MEDICAL RECORDS

Generally, the Finance Director maintains employee files regarding medical records, including enrollment forms, claims information, random testing, and physician notes regarding sick time.

1. To the extent medical records are kept, an employee's medical records are maintained in a file separate from their personnel file and are secured in a locked, fire-proof cabinet in the Finance Department.
2. Medical records are confidential and may be released only in the following circumstances:
 - a. Supervisors and Department Directors may be informed of restrictions and accommodations that are a part of an agreed upon plan of reasonable accommodation;
 - b. First aid and safety personnel may be informed if an employee may require emergency treatment;
 - c. Government officials investigating compliance with the law may be provided with relevant information;

- d. The City gives information to state workers' compensation offices, state injury funds or workers' compensation insurance carriers in accordance with state workers' compensation laws. The records are stored in a separate fire-proof cabinet in the Finance Department; and
- e. The City may use the information for insurance purposes and/or in accordance with the Health Insurance Portability and Accountability Act of 1996 and/or other applicable State and Federal Laws.

C. REFERENCE CHECKS

1. Under the authorization of the Mayor, and subject to the restrictions of this policy, the Finance Director may provide information on a current or former employee to a prospective employer or creditor. Authorized employees may provide prospective employers with factual information about current or former employees. Employees who have not been authorized by the Mayor to give employment information on behalf of the City may not do so.
2. Prospective employers of past and current employees who request to see an employee's personnel file will be given access to the file according to the procedure outlined in this policy.

Section 5.3**MEDICAL EXAMINATIONS**

- A. The Mayor may require a current or prospective employee to submit to an examination to determine if they can perform the essential job duties of the position with or without reasonable accommodation. The examination will be conducted by a licensed practitioner approved by the Mayor. If a post-offer medical and/or psychological examination is required of one candidate for a position, the medical and/or psychological examination will be required of all candidates for the position. "Candidate" shall mean an applicant who has received a conditional offer of employment from the City.
- B. Medical and psychological examinations for safety force officers shall be as dictated by the appropriate collective bargaining agreement, or as established by those departments.
- C. If a current employee is incapable of performing the duties of the job, with or without reasonable accommodation, they may be placed on sick leave, family/medical leave or an unpaid medical leave of absence in accordance with the provisions of Section 4.9(C) – Unpaid Leaves of Absence. An employee who otherwise does not qualify for a leave may request a voluntary disability separation in accordance with Ohio law.
- D. A classified employee who is being considered for placement on an involuntary disability separation will be required to submit to a medical or psychological examination to be conducted by a licensed practitioner approved by the Mayor or the Civil Service Commission. For more information, see Section 4.9(A) – Disability Leave/Separation.
- E. The cost of any examination required by the City will be paid for by the City, except as specified elsewhere in this Manual. Both the Mayor and the employee will receive the results of any examination conducted under this section.
- F. Employee medical records are not public records.

Section 5.4**HOURS OF WORK****A. REGULAR HOURS**

Regular work hours for the City are Monday through Friday from 8:00 A.M. to 4:30 P.M. However, each employee's schedule is to be determined by the employee's Department Director or supervisor, while taking into account any applicable collective bargaining agreement, and may differ from the typical hours set forth above.

B. MEAL PERIOD

1. Full-time employees may be entitled to an unpaid meal period each workday. The meal break, if taken, will be taken at the time set by the employee's supervisor. If an unpaid meal break is taken, the employee on break is prohibited from engaging in any work during that time. Employees covered by a collective bargaining agreement should refer to their contracts.
2. Employees may not work through an unpaid meal break in exchange for arriving at work late or leaving early, unless expressly authorized by the Department Director.
3. Non-exempt employees will be relieved of all duties during the meal period unless stated otherwise in a collective bargaining agreement.
4. Authorized meal periods may vary by department. Employees are to check with the Department Director to determine specific times and practices.

C. REST BREAKS

1. A paid rest break of no more than fifteen (15) minutes in the first half of the shift and fifteen (15) minutes in the second half of the shift may be permitted as scheduled by the supervisor. Employees engaged in field operations may take no more than fifteen (15) minutes away from the work site for a break as scheduled by the supervisor.
2. Employees must remain on the work premises during rest breaks unless they are on an assignment in the field and specifically authorized by their supervisor to remain there on rest breaks. Employees engaged in outdoor field operations may take up to fifteen (15) minutes.
3. Rest breaks are a privilege, not a right, with the exception of State or Federal laws that state otherwise.
 - a. Breaks may only be taken at the beginning or end of a workday or to extend a meal break with supervisory approval.
 - b. Rest breaks may not be accumulated and used at a later time.
 - c. Excessive breaks or overstaying breaks will be grounds for disciplinary action.

A. INTRODUCTION

1. The City prohibits discriminating against individuals with a qualifying disability, on the basis of such disability, in all employment practices including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions and privileges of employment.
 - a. "Individuals with a qualifying disability" includes applicants for employment and employees. An individual is considered to have a "disability" if they have a physical or mental impairment that substantially limits one (1) or more major life activities,¹ has a record of such an impairment,² or is regarded as having such an impairment.³ Persons discriminated against because they have a known association or relationship with an individual with a disability are also protected.
 - b. "Qualifying disability" means a physical or mental impairment that substantially limits one (1) or more "major life activities."
 - c. "Major life activities" include seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself and working.
 - d. "Qualified individual with a disability" is a person who meets legitimate skill, experience, education or other requirements of an employment position that they hold or seek, and who can perform the essential functions of the position with or without reasonable accommodation.
 - e. "Essential functions" are the basic job duties that form the core of the position – the duties that are central to performing the most basic function of the job.
2. The City will make reasonable accommodations for an individual with a known (qualifying) disability to participate in the application process and for a qualified individual with a disability to perform essential job functions so long as the accommodation does not impose an undue hardship on City operations.
 - a. "Reasonable accommodation" is any modification or adjustment to a job or the work environment that will enable a qualified applicant employee with a disability

¹ Examples include epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation or a specific learning disability (versus minor, non-chronic conditions such as a sprain, broken limb, or the flu).

² Examples include a person who has recovered from cancer or mental illness.

³ Examples include a person with a severe facial disfigurement being denied employment because an employer fears the 'negative reactions' of customers or co-workers.

to participate in the application process or to perform essential job functions.⁴ Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

- b. "Known disability" means that unless readily observable by the City, an individual's disability will only be known if the information is shared as part of a request for a reasonable accommodation.
- c. "Undue hardship" is defined as an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation in relation to the size, resources, nature and structure of the City's operation. Undue hardship is determined on a case-by-case basis.

B. ACCOMMODATING INDIVIDUALS WITH DISABILITIES

1. The City will not make pre-employment inquiries of applicants regarding disabilities or the nature or severity of a disability. The City will ask questions about the applicant's ability to perform specific job functions and may, with certain limitations, ask an individual with a known disability to describe or demonstrate how they would perform these functions.
2. The City will make reasonable accommodations to adjust the application and/or any pre-employment testing processes for an applicant with a known disability so long as the accommodations do not prevent the City from being able to evaluate the applicant's abilities.
3. The City will not require job applicants to take medical examinations before making a job offer. The City may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if required of all entering employees in the same job category.
4. If an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the City will demonstrate how:
 - a. the disability negatively affects the individual's ability to perform the job and how no reasonable accommodation was available that would enable the individual to perform the essential job functions or that the accommodation would impose an undue hardship; or
 - b. the individual would pose a direct threat in the workplace (e.g., a significant risk of substantial harm to the health or safety of the individual or others) that cannot be eliminated or reduced below the direct threat level through reasonable accommodation.

⁴ Examples include restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters or appropriately modifying examinations, training or other programs.

5. Post-hire, an employee who develops a disabling condition making them unable to perform the essential functions of a job without posing an undue threat to themselves or others may request:
 - a. that permanent or temporary alterations be made to the job and/or work environment which accommodate the employee;
 - b. a transfer to a vacant position at the same or lower classification where they can perform the essential functions with or without reasonable accommodation;
 - c. a leave of absence to recuperate if the employee is able to present medical certification that the disabling condition may be temporary or at least improve so as to allow the employee to return to work with or without reasonable accommodation; or
 - d. a voluntary disability separation if the employee is in a classified position.
6. Prior to granting any accommodation, the City requires receipt of medical documentation from a licensed practitioner establishing such need. If the City is not able to approve a request from the employee for any of options listed in subsection (5)(a)-(c) above, the employee may be terminated. In the case of classified employees, the City will process the involuntary disability separation in accordance with Civil Service Rules, local ordinances and/or state laws.
7. Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Section 5.6**EXPOSURE TO CONTAGIOUS DISEASE**

- A. Employees are required to report any exposure to a contagious disease that might pose a direct or indirect threat to health and safety in the workplace.
- B. The Mayor may remove or reassign an infected or contagious employee or co-worker if a secondary infection would pose a higher than usual risk to the employee, co-worker or others.
- C. The Mayor or Department Director reserves the right to subject the employee to a medical examination as a condition of continued employment.
- D. Employees who are at risk of exposure to blood-borne pathogens or contagious diseases will follow a system of “universal precautions” to limit the spread of infection in the workplace. Department Directors will instruct employees about any special precautions necessary in individual work areas.
- E. An employee concerned about being infected with a contagious disease while in the workplace should convey this concern to their supervisor or Department Director. The Department Director will have authority to decide what, if any, action should be taken to protect all parties. After any complaint about an employee having a potentially contagious disease has been investigated by the Department Director, any employee who refuses to work with or perform services for a person known or suspected to have contagious disease, if ordered to do so, is subject to discipline.
- F. The City will adhere to all Federal and State medical privacy laws; however, when it is deemed necessary by the City, information relating to a contagious disease in the workplace may be disclosed to employees when the information is necessary to protect the health and safety of employees or others. The necessity and scope of disclosure will be determined by a physician designated by the City or other necessary governmental entities.

Section 5.7**WORKPLACE SAFETY AND HEALTH**

- A. The Mayor and the City Council regard workplace safety as a fundamental value of the organization and are committed to the safety and health of its employees and the public it serves. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of both supervisory and non-supervisory personnel to ensure that all equipment is properly used and safety procedures and practices are observed. The City will ensure that work processes and work sites are regularly inspected in order to anticipate and prevent harmful incidents.
- B. Employees must comply with all applicable Ohio Public Employment Risk Reduction standards and with the established work safety rules.
- C. Any employee engaging in grossly negligent or intentionally detrimental conduct when operating equipment that results either in damage to the equipment or an accident shall be subject to discipline, up to and including termination.
- D. Employees will receive periodic training on all aspects of the City's safety policies and procedures. See Section 5.8 – Safety Training.
- E. An employee must immediately notify their supervisor of any accident or serious near-miss incident that occurs on the job, on City property, or involving City equipment.
- F. An employee who observes a hazard must immediately report their observations to their supervisor or Department Director. Damaged or malfunctioning machines or equipment must be reported immediately.
- G. An employee may refuse to do work they believe to be unsafe only if all of the following conditions are met:
 - 1. The employee acts in good faith and believes the work conditions present an imminent danger of death or serious physical harm such as loss of limb, and are not a normal, reasonable component of their job.
 - 2. The employee has filed a written report requesting correction of the conditions; or, if there was insufficient time to eliminate the danger through the reporting process, the employee perceives themselves or others to be in imminent danger of death or serious harm. In the event the employee perceives themselves in imminent danger of death or serious harm, the employee must notify their supervisor at the earliest opportunity.
 - 3. The employee must immediately submit a written signed statement of the conditions presenting imminent danger of death or serious harm to their supervisor or Department Director who shall determine the necessity of any further action.
- H. An employee having met all of the conditions outlined above, and refusing to work, may be reassigned, but only for as long as the threat to safety remains. The City, consistent with its safety policies, will make every effort to resolve the issue leading to the threat of safety as quickly as possible.

- I. Disciplinary action, up to and including termination, will be imposed on any employee who refuses to perform assigned tasks without meeting the conditions set forth for refusal.

Section 5.8**SAFETY TRAINING**

- A. Employees will receive safety training deemed appropriate by the City.
- B. Training may include proper safety measures for the general work site, and specific safety training on any equipment, machinery, or other elements that are considered a normal part of the job.
- C. Employees are required to attend periodic retraining sessions, as determined by the City.
- D. It is the employee's responsibility to be certain of the safety procedures for all parts of their job and to notify their supervisor if they become uncertain of proper safety practices for any part of the job.
- E. Employees will be paid for required training sessions.
- F. Each City building will assign a minimum of one (1) individual as the Safety Officer, and this individual will be required to obtain sixteen (16) hours of safety training education each year. Proof of such training shall be submitted to the Finance Department and maintained in the individual's personnel file.

Section 5.9**WORK FROM HOME POLICY****A. GUIDELINES**

1. Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, health emergencies, or other situations deemed appropriate by the Mayor or Department Director. These arrangements are approved on an as needed basis only, with no expectation of ongoing continuance.
2. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the City and, if applicable, with the consent of the employee's healthcare provider to determine if any work restrictions apply.

B. DETERMINING POSITIONS APPROPRIATE FOR TELECOMMUTING

1. In making decisions about which positions are appropriate to designate or approve for telecommuting, there will be a thorough analysis of the duties of the position and how the work is performed. The employee and their supervisor or Department Director will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
2. Generally, the following types of positions may be appropriate for telecommuting:
 - a. Require independent work;
 - c. Require little face-to-face interaction;
 - c. Require concentration;
 - d. Result in specific, measurable work products; and
 - e. Can be monitored by output, not time spent doing the job.

C. EMPLOYEE QUALITIES APPROPRIATE FOR TELECOMMUTING

1. In making decisions about which employees are designated or approved for telecommuting, supervisors and Department Directors should review the work qualities of the employee, in addition to ensuring that their position is appropriate for telecommuting.
2. Generally, employees who are successful in telecommuting:
 - a. Are able to work productively on their own;
 - b. Are self-motivated and flexible;

- c. Are knowledgeable about the job;
- d. Have a low need for social interaction;
- e. Are dependable and trustworthy;
- f. Have above average performance records;
- g. Are organized; and
- h. Have good communication skills.

D. WRITTEN PROPOSAL

A written proposal for permission to work at home during the period defined would require the concurrence of the supervisor, Department Director and the Mayor. The employee shall submit a proposal to specify the duties expected to be performed from home. Types of duties that could be undertaken during an authorized period of work at home could conceivably include, and may not be limited to: reviewing incoming mail, publications, etc.; responding to mail or email correspondence either electronically and/or by telephone; preparing correspondence, reports, etc.; receiving and reviewing applications for financial assistance; developing agendas and agenda items for review of committees or boards; responding to inquiries, etc., received by the department and forwarded to the employee; maintaining communication with department employees and supervisors on a daily basis; etc. No employee authorized to work from home shall work more than the number of hours authorized in the employee's regular daily work schedule. No employee shall work from home on a City-observed holiday. Any request for an exception to the limit of authorized work hours requires prior approval from the Mayor or their designee.

D. EXPECTATIONS

1. When employees are authorized to work at home, the City shall notify the employee, and the employee will be required to: complete a time sheet for the pay period(s) involved and to identify hours worked at home; regularly update their supervisor of the scope of work completed through defined methods of communications; provide a log of all work activities undertaken; update their supervisor on matters requiring assistance of other staff members; and, if applicable, notify their supervisor of a return to work date as soon as such a date is known.
2. Any approval of work at home shall be subject to review at least every pay period and may be revoked at the sole discretion of the Mayor on recommendation of the employee's supervisor.

A. INTRODUCTION

1. The City strongly believes that a work environment where employees maintain clear boundaries between an employee's personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.
2. Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.
3. This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship.

B. PROCEDURES

1. During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
2. During non-working time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on City premises, whether during working hours or not.
4. Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to disciplinary action, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities will be viewed as a serious disciplinary matter.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

6. Any supervisor, manager, Department Director or other City official in a sensitive or influential position with the City must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure may be made to the individual's immediate supervisor or the Finance Director. The City will review the circumstances to determine whether any conflict of interest exists.
7. When a conflict of interest or potential risk is identified due to a City official's relationship with a co-worker, the City will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance evaluations, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer of one (1) or both parties to other positions or departments. A refusal to accept a reasonable solution may result in disciplinary action.
8. Failure to cooperate with the City to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action, up to and including termination.
9. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
10. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments based on the overall spirit and intent of this policy.
11. Any concerns about the administration of this policy should be addressed to the Finance Director.

**SECTION 6
EMPLOYEE CONDUCT**

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State of Ohio Ethics Law
Conflicts of Interest

Section 6.2

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Public Records Policy

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Section 6.1**CODE OF CONDUCT**

- A. An employee must always conscientiously perform all assigned job duties.
- B. An employee must be tactful, patient, and courteous when conducting City business.
- C. An employee must serve the public in an honest, effective, and cheerful manner.
- D. An employee may not grant special consideration to any citizen or group of citizens.
- E. An employee may not engage in any outside employment or have a financial interest that conflicts with their duties or may be detrimental to the City.
- F. An employee may not request or permit the use of City vehicles, equipment, materials, or property for personal convenience or profit.
- G. An employee may not accept or ask for any gift or consideration from any person or firm doing or seeking to do business with the City or intending to influence the employee to provide preferential treatment.
- H. An employee may not use the City's name or tax-exempt status for their personal advantage on any purchases.
- I. An employee may not discuss or reveal confidential City information to anyone, under any circumstances, except within the scope of their job duties.
- J. When using social media sites and other parts of the public internet as a medium of self-expression, communication, and public conversation, employees should keep in mind that their postings can affect how the general public perceives the City.
- K. Limits on Gifts: the job of the officials and employees of the City is to serve the residents and businesses of University Heights. All City employees and officials are limited to the following when accepting gifts, meals, tickets to events, or other personal benefits from individuals or companies who are doing business with the City or who are seeking to do business with the City:
 - 1. The only gifts accepted from individuals or groups shall be of nominal value such as mugs, lapel pins, t-shirts, or mouse pads in accordance with the Ohio Ethics Commission.
 - 2. Questions pertaining to accepting gifts shall be addressed to the Law Director and/or the Ohio Ethics Commission at 1-614-466-7090.
 - 3. All City employees and officials are directed to report any wrongdoing or apparent violation of the Code of Ethics by a City official or employee to the Mayor and Law Director, who shall report the violation, if appropriate, to the Ohio Ethics Commission.
- L. STATE OF OHIO ETHICS LAW

1. No public employee shall knowingly authorize or use their authority or influence to secure:
 - a. a public contract for themselves, their family or their business associates; or
 - b. the investment of public money in any security in which they, their family or their business associates have an interest, or for which they, their family or their business associates have an interest, or for which they, their family or their business associates act as an underwriter or receive brokerage, origination or servicing fees.
2. No public employee shall knowingly profit, both during their term of office or for one (1) year thereafter, from the execution of a public contract authorized by themselves or by a legislative body, commission or board for which they were a member when the contract was authorized, if the contract was not competitively bid or the contract was not selected as the lowest and best bidder.
3. No public employee shall knowingly have an interest in the profits or benefits of a public contract. Employment with a public office is considered to be a contract with the public office. Therefore, the use of one's position to obtain employment for a family member is prohibited by law.

M. CONFLICTS OF INTEREST

1. No public employee shall participate as a public official in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation or association in which they or their immediate family owns or controls more than five percent (5%) or any business to which they or their immediate family has sold goods or services of more than One Thousand U.S. Dollars and Zero Cents (\$1,000.00) during the preceding year.
2. No public employee shall use or authorize the use of the authority or influence of employment to secure anything of value or the offer or promise thereof that is of such a character as to influence their duties.
3. No public employee shall solicit or accept anything of value that is of such a character as to influence their duties.

Section 6.2

ATTENDANCE AND TARDINESS

A. APPLICABILITY

1. Attendance and tardiness issues regarding an employee covered by a collective bargaining agreement shall be dealt with in accordance with the applicable collective bargaining agreement.
2. Attendance and tardiness issues regarding an employee not covered by a collective bargaining agreement shall be dealt with in accordance with this policy.

B. EXPECTATIONS FOR ATTENDANCE

1. Regular and punctual attendance is expected of all employees in order for the City to conduct business and serve residents in an efficient and effective manner.
2. Absence is defined as the failure of an employee to report for, or remain at, work when the employee is scheduled to work including scheduled overtime shifts or hours. Days and hours of scheduled and pre-approved vacation and personal leave, bereavement leave, court leave, family medical leave, and paid or unpaid discretionary leave are not considered to be absences for purposes of this policy.

C. REPORTING ABSENCES

1. Unscheduled absences must be reported to the employee's supervisor or another designated person within one (1) hour prior to the scheduled start time or as soon as possible on the first day of absence and each day thereafter unless emergency conditions make it impossible or previous arrangements have been made. During an extended illness, an employee must report weekly.
2. The Mayor and Department Director will determine what constitutes an emergency.
3. The Mayor and/or Department Director may require a physician's statement certifying the reason for the absence and stating when an employee is able to resume normal work duties where an employee has unscheduled absences of more than three (3) consecutive workdays due to illness or suspected sick leave abuse.

D. DISCIPLINE

1. Employees with a record of frequent absences or a pattern of absences will be counseled and may be subject to disciplinary action, up to and including termination.
2. Four (4) or more incidents of unscheduled absence in any six (6) month period is considered excessive and is subject to disciplinary action if the employee's supervisor has reasonable cause to believe the employee is abusing sick time.
3. Absence from work for more than three (3) consecutive days without providing proper notice to the employee's supervisor will subject the employee to discipline, up to and including termination, or the absence being considered a voluntary resignation.

E. EXPECTATION TO ARRIVE TO WORK ON TIME

1. Employees are expected to be in their assigned work location and ready to begin work at their scheduled start time.
2. An incident of tardiness is defined as:
 - a. Arrival at work location after the scheduled start time;
 - b. Departure before the scheduled end time; or
 - c. Overstaying a scheduled meal period.

F. REPORTING TARDINESS

An employee who expects to be late, leave early, or overstay a scheduled meal period must report that expectation and the amount of time the employee expects to be tardy to a supervisor as soon as the employee knows they will be tardy. It is up to the discretion of the Department Director to determine consequences (i.e., make up time, discipline, or both).

G. DISCIPLINE FOR FREQUENT TARDINESS OR A PATTERN OF TARDINESS

1. Employees with a record of frequent tardiness or a pattern of tardiness will be counseled and may be subject to disciplinary action, up to and including termination.
2. A non-exempt employee who is late may have their pay reduced accordingly.

Section 6.3**WEATHER RELATED AND EMERGENCY CLOSING**

- A. When a severe weather or other emergency is declared by the Mayor and City buildings are closed, employees will be compensated for the time they were scheduled to work during the emergency period.
- B. An employee will be notified by their supervisor when offices are closed.

Section 6.4

OUTSIDE EMPLOYMENT

A. PROHIBITION ON CONFLICTING EXTERNAL EMPLOYMENT

1. Under no circumstances shall an employee have other employment that conflicts with the policies, objectives and operations of the City.
2. An employee must not become indebted to a second employer whose interests might be in conflict with those of the City.
3. Employment “conflicts,” as set forth in this policy, shall be defined as when the second job impairs the employee’s ability to perform the duties of their position with the City.

B. INFORMING SUPERVISOR OF OTHER EMPLOYMENT

1. Employees shall be required to inform their supervisor in writing if they are employed elsewhere to determine whether there is a conflict with the time or duties required of them on their assigned job.
2. If, in the opinion of the City, outside employment is adversely affecting an employee’s job performance, they may be asked to refrain from such activities as a condition of continued employment with the City. Refusal to conform to such request shall be cause for dismissal.

C. EMPLOYMENT WITH CITY AS PRIMARY OCCUPATION

1. Employment by the City shall be considered the employee’s **primary** occupation, taking precedence over all other occupations.
2. Under no circumstances shall an employee engage in other employment duties while working their primary occupation with the City.

Section 6.5**CITY EQUIPMENT**

- A. Each employee is responsible for all keys, tools, City identification cards and other equipment assigned to them and must return all items upon termination of employment. Cellular telephone equipment must be returned when leaving employment. An employee may be required to pay for lost or damaged equipment.
- B. Lost keys must be reported immediately to the employee's supervisor.
- C. The use of City equipment, machines and property for purposes other than City business is strictly prohibited. This includes, but is not limited to, the use of copying machines, computers, facsimile machines, telephones and service equipment.
- D. Equipment or supplies removed from City offices or premises must be recorded by the employee's supervisor, noting when it is removed, when it will be returned, and the individual responsible for its return.
- E. Each employee is responsible for reporting malfunctioning, damaged, or defective equipment to their supervisor.
- F. When tools, supplies, or equipment needed to perform job duties are provided by the City, each employee is responsible to see that they are properly used and maintained.
- G. Misuse, neglect, theft, or abuse of tools, supplies, and equipment is prohibited. Incidents involving misuse of tools or equipment will be subject to disciplinary action. Loss of equipment will require payment by the employee.

Section 6.6**COMPUTER SOFTWARE, DATA AND EMAIL USAGE****A. INTRODUCTION**

1. Technology systems are the property of the City. Computers, computer files, the e-mail system, and software furnished to employees are City property intended for City business use only. City technology system resources are intended to support City objectives.
2. This policy establishes standards designed to protect the City from unwarranted and unauthorized technology usage. It provides a structure for the most effective use of computer systems/technology and helps prevent occurrences of abuse.
3. This policy applies to all employees, as well as contractors who have access to the City's technology systems.
4. The restrictions in this policy are not applicable to internet use when required in police investigations. In addition, the access to police databases such as LEADS/NCIC, CRIS, CAD, OLEN and any other law enforcement information system shall be exempt when used as required in police department operations.
5. To ensure compliance with this policy, computer and e-mail usage may be monitored.

B. RESTRICTIONS

1. The City strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.
2. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.
3. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-City business matters.
4. Downloading or storage of non-City related files, such as music, video, or picture files is not permitted. Desktop wallpaper is permitted.
5. Excessive use of electronic media and services should not be used in a manner that could cause network congestion or significantly hamper the ability of other people to access and use the system.

C. SOFTWARE

1. The City purchases and licenses the use of various computer software for City purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one (1) computer.

2. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The City prohibits the illegal duplication of software and its related documentation.
3. The software on any City computer must have been purchased and installed by the City. Installing multiple copies of a piece of software without a multi-user license is not permitted. Bringing a copy of software from home and installing it on a City computer is not permitted. No personal software may be installed on a City computer. No employee is permitted to use non-approved software, discs, CDs, tapes or online internet transfer on City computer. This standard is necessary in order to reduce the likelihood of a virus from entering into and endangering the City's computer system.

D. PURCHASES, SERVICES AND BUDGETING

The Finance Director must approve all technology systems equipment, software, and any consultant source requisitions. Department Directors shall make requirements known each year through the Finance Department's budget process.

E. WORK REQUESTS

Submit work requests through the appropriate Department Director to the Third Party Network Administrator. All work requests for any technology-related matter must be completed by e-mail and sent to the Third Party Network Administrator. This request must include the employee's name, department, division, date, and request stated in a simple, but complete manner.

F. IMPLEMENTATION OF HARDWARE AND SOFTWARE

The Third Party Network Administrator determines configuration of equipment. The Third Party Network Administrator approves all installation or removal of equipment or software. Equipment may not be attached to or detached from the network without the permission of the Third Party Network Administrator. Under the direction of the Finance Director, the Third Party Network Administrator may reconfigure systems and delete any unauthorized software and data discovered. Employees are to register any and all USB-related hardware and/or software with the Third Party Network Administrator. The Third Party Network Administrator reserves the right to refuse, by physical and non-physical means, the ability to connect removable media and USB devices to corporate connected infrastructure through policy enforcement.

G. COMPUTER USE

Computers are not to be used to play games during working hours except as part of formal training programs. Users are responsible for backing up critical data files. Employees will discretely communicate passwords (sign on, document, or data) to the Department Director and are not permitted to share passwords without the approval of the Department Director. All pass codes are the property of the City. No employee may use a pass code or voicemail access code that has not been issued to that employee or that is unknown to the City. Employees are not permitted to log on with their own credentials to another employee's computer. Employees cannot copy

programs from City-owned systems for use at home. City-owned technology products may not be removed from a City-owned building without the approval of the Department Director.

H. E-MAIL

The City provides e-mail for employees to conduct City business. Employees are not to exchange their e-mail passwords with any other individual. Communication by e-mail is encouraged when it results in the most efficient and/or effective means of communication. The sender of e-mail messages must retain the primary responsibility for seeing that those intended receive the communication.

1. Public Record: Electronic mail may be a “public record” and subject to disclosure in the same way that messages of similar substance contained in or upon media are defined as “public record” pursuant to applicable law. Employees should, therefore, exercise care regarding the content of their e-mail transmissions.
2. City Property: All e-mail messages are a part of the City’s technology system and, therefore, are considered City property. City management reserves the right to review all communications made by City personnel.
3. Monitoring E-Mail: The City reserves the right to monitor all employee electronic messages, except messages that are protected by attorney-client privilege, or by other privilege recognized under state or federal law. The City will refrain from accessing any employee’s electronic mail, unless its reasons for so doing are consistent with the City’s need for supervision, control, and efficiency in the workplace. Subject to the foregoing limitations, once an e-mail message has left a sender’s computer workstation, the sender relinquishes all control and domain over all future use of the e-mail.
4. Retention: Generally, records transmitted through the e-mail system will have the same retention period as records in other formats related to the same program function or activity. Employees may comply with the retention requirements of the public records law by doing the following: the recipient of e-mail must determine if incoming e-mail should be printed before being deleted. If the recipient prints the e-mail, the hard copy must be stored in the relevant subject matter file and retained pursuant to the City’s retention schedule.
5. Acceptable E-Mail Use: The use of the network must comply with the rules appropriate to that network. Transmission of any material in violation of any Federal or State regulation is prohibited. It is not acceptable to interfere with or disrupt other users. Such interference or disruption includes but is not limited to: distribution of unsolicited advertising; propagation of computer worms or viruses; and using the network to make unauthorized entry to other communications devices or resources.
6. Etiquette: Employees are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
 - a. be polite: do not get abusive in messages to others.

- b. use appropriate language: do not swear, use vulgarities, or any other inappropriate language.
- c. do not use the network in such a way that you would disrupt the use of the network by other users.
- d. prohibited uses of electronic systems and information include but are not limited to: illegal activities; threats; harassment; slander; defamation; obscene or suggestive messages or offensive graphical images; racially offensive or derogatory material; political endorsements; commercial activities; chain letters; copies of documents in violation of copyright laws or trade secrets; or any use which compromises the integrity of the City in any way.

I. VANDALISM

Vandalism is defined as any malicious attempt to harm or destroy data of another user. This includes, but is not limited to, the uploading or creation of computer viruses. Vandalism may result in the cancellation of privileges and/or disciplinary action.

J. SECURITY

Security on any computer system is a high priority, especially when the system involves many users. If an employee feels they have identified a security problem, that employee must notify the Third Party Network Administrator. Do not demonstrate the problem to other users. Do not use another individual's account without written permission from that individual.

K. DOWNLOADING

Downloading and installation of programs from the internet falls within the policy of installation of software and requires the approval of the Third Party Network Administrator.

L. USE OF THE INTERNET

Use of the internet includes all restrictions which apply generally to the use of the City's e-mail and other electronic equipment. In addition, the following rules apply with respect to internet usage:

1. Browsing of Web Sites: Browsing/accessing web sites that contain pornographic material is prohibited.
2. No Participation in Web-Based Surveys Without Authorization: When using the internet, the user implicitly involves the City in their expression. Therefore, users should not participate in web or e-mail based surveys or interviews without authorization from the Department Director.
3. No Use of Subscription-Based Services Without Prior Approval: Some internet sites require that users subscribe before being able to use them. Users should not subscribe to such services without the express approval of the Department Director.

4. No Violation of Copyright: Many of the materials on the internet are protected by copyright. Even though they may seem to be freely accessible, many of the intellectual property laws which apply to print media still apply to software and material published on the internet. Please do not copy or disseminate material that is copyrighted. Employees having any questions regarding such materials should contact the Law Department for guidance.
5. Website Monitoring: Website access is tracked and monitored by user access and local IP address. At any time, access can be revoked as needed.

M. WIRELESS USAGE

1. Connection of any smart devices, phone, tablets, laptops, computers, etc., to the City's Wireless Network must be approved exclusively by the Third Party Network Administrator.
2. Visitors requiring internet access may be provided with a guest username and password for the City "Guest" Wireless Network or will be given a time-sensitive token that will unlock "Guest Internet" accessibility for a period of time. At no time is a guest allowed to access the City's internet/intranet with their laptop, tablet or any type of mobile device.
3. The City's "Guest" Wireless Network may be made available to employees for mobile device connectivity and the City assumes no liability for any content uploaded, shared, transmitted, or downloaded by an employee or any third party, or for anything an employee or third party may encounter or any data that may be lost while connected to the City's "Guest" Wireless Network.
4. All mobile devices, City-provided or personal, will be subject to any and all applied internet usage policy standards and shall be limited to activities that adhere to legal and ethical conduct.
5. To protect these networks from unauthorized use, all activities are monitored, recorded and subject to audit.

N. USE OF CITY-ISSUED EMAIL ADDRESS FOR COLLECTIVE BARGAINING PURPOSES

It shall not be a violation of this policy for any bargaining unit employee to use their City-issued email address to notify other bargaining unit members of union-related business or activities, provided that said emails are directly related to union business or activities and not political activity.

O. VIOLATION

1. Employees who violate this policy will be subject to disciplinary action, up to and including termination.
2. Employees should notify their immediate supervisor, the Finance Director, or any member of management upon learning of violations of this policy.

Section 6.7**USE OF TELEPHONES****A. INTRODUCTION**

The primary purpose of this policy is to establish fundamental rules for the use of City-issued cell phones. This policy about cell phone usage applies to any City-owned device that makes or receives phone calls, leaves messages, sends text messages, accesses the internet or downloads and allows for the reading of and responding to email.

B. APPLICABILITY

This policy applies to all City employees, including full-time, part-time, temporary and seasonal.

C. STATEMENT OF POLICY

1. City-issued cell phones are to be used for City business only.
2. The City may issue cell phones to employees whose jobs require them to make calls while away from work or require them to be accessible for City-related matters.
3. All cell phone requests must be submitted to the employee's supervisor and must be included in the employee's Department's budget. The cell phone, the plan, and any accessories must be included on the request along with the related business justification. Contracts for cell phone service will be in the City's name. Cell phones and accessories (e.g., battery chargers, etc.) remain City property. To the extent permitted by applicable law, employees will be responsible for lost or stolen cell phones, etc. belonging to the City. Employees must immediately report lost, stolen, damaged, or malfunctioning cell phone to the Finance Department.
4. Employees assigned a cell phone shall, during business hours, have the phone turned on and with them.
5. Unless otherwise authorized, City-issued cell phones must be used only to perform City business. In addition, employees should use a City provided cell phone only when a less costly alternative does not exist, i.e., land line, mobile radio, etc.
6. Cell phones issued by the City are City property. Employees must comply with City requests to make their City-issued cell phones available for any reason, including upgrades, replacement, or inspection. When an employee's employment relationship with the City concludes, for any reason, the employee must turn in their City-issued cell phone.
7. Employees are to use cell phones in a safe manner. Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance. Cell phones are not to be used for illegal activities.

8. Employees should not use hand-held cell phones while driving. Should an employee need to make a business call while driving, they should locate a lawfully designated area to park and make the call.
9. Employees may use hands-free cell phones to make business calls, but only in emergency situations. Such calls should be kept short and should the circumstances warrant (e.g., heavy traffic, bad weather, etc.), the employee should locate a lawfully designated area to park to continue the call.
10. The prohibition of cell phone or similar device use while driving includes receiving or placing calls, text messaging, browsing the internet, receiving or responding to email, checking for phone messages, or any other purpose related to the employee's employment or the City.
11. Employees may not use cameras, video and audio recording devices, or video or recording features of cell phones, MP3 players or personal digital assistants with wireless communications capabilities or other digital devices that contain such capability at work that can cause violations of privacy and breaches of confidentiality.
12. The City allows employees to bring their personal cell phones to work. Employees are to keep personal conversations to a minimum. A personal cell phone is not to be used regularly or typically to conduct City business. Nothing in this rule is intended to prohibit a supervisor or their designee from contacting an employee at their personal cell phone number.
13. Employees in possession of a City-issued cell phone shall not delete from the phone any data, text messages, electronic mail, call records, or internet browsing history.
14. If accessing the internet on a City-issued cell phone, employees shall comply with the City's policy on computer and email usage.

D. VIOLATION

Violation of this policy will subject an employee to disciplinary action, up to and including termination.

Section 6.8**USE OF CITY PROPERTY**

No employee shall use City property, including lands, buildings, equipment, or supplies for any personal reason. Any violation of this policy will be grounds for disciplinary action.

Section 6.9**USE OF CITY VEHICLES**

- A. The purpose of this policy is to provide a clear set of policies and guidelines regulating the use of City owned vehicles by City employees and to avoid any conflicts or misunderstandings regarding their use. Any violation of this policy may result in disciplinary action, up to and including termination.
1. Use of City vehicles is authorized by Department Directors and shall be restricted to official City business, or as approved by the Mayor, City Council or as specifically proscribed by codified ordinance.
 2. City owned vehicles are to be utilized exclusively for City business and matters relating to the operation of the services provided by the City to the community. This policy covers all vehicles owned by the City.
 3. The Mayor may grant temporary use of City vehicles for commute purposes when deemed appropriate or necessary, subject to the restrictions set forth above.
- B. Employees operating a City vehicle are required to have a proper and valid motor vehicle operator's license or commercial driver's license, if necessary. Proof of a valid license may be required by the City. The City may require a copy of the valid license of each person who is authorized to drive any vehicle on City business. The City shall also maintain a current list of all employees who may operate a City vehicle.
- C. Employees are required to provide their own transportation to and from work. City vehicles are not to be used for this purpose, unless explicitly authorized by the Mayor.
- D. City vehicles are not to be kept overnight unless approved by the Mayor.
- E. It is the responsibility of all City employees to maintain and service the vehicles assigned to their individual Department. All vehicles are to be operated and maintained in a safe and efficient manner. The operator of a City vehicle shall be responsible for reporting any defect, damage or unsuitable condition of a City vehicle to their Department Director.
- F. An employee who operates any vehicle on City business shall exercise caution and responsibility and shall obey all safety regulations and traffic laws. This shall include a requirement to wear a seat belt and a prohibition of the use of cellular phones while driving a City vehicle, unless a hands-free phone system is used or, the use of the cellular phone is for an urgent situation requiring immediate phone use.
- G. Should any employee be involved in a traffic accident involving any vehicle on City business, the employee shall notify local law enforcement immediately and provide all necessary information. The employee shall also report, in writing, the details of such occurrence to their Department Director. This notice is required of any employee who sustains or causes injury or damage to any person or property while driving any vehicle on City business.

- H. In the event an employee's driver's license expires or is revoked, suspended, forfeited, or restricted in any manner, an employee is required to report that information within seventy-two (72) hours of its occurrence to their Department Director.
- I. City-owned gas and fuel shall be placed in City vehicles only. No employee is permitted to place City-owned gas or other fuel in their personal or other private vehicle under any circumstances.
- J. Employees who operate their personal vehicle for City business shall be paid a mileage allowance at the IRS established business use mileage rate.
- K. The Finance Director shall report the use of vehicles in accordance with the guidelines of the Internal Revenue Service Code. The vehicles are not an inducement for employment nor should they be considered as compensation.
- L. A vehicle that is purchased or leased for use by the Mayor is considered a necessity for the performance of their duties as the Mayor. The Mayor's use of this vehicle shall be at their discretion.
- M. No employee shall use alcohol (or any beverage, mixture or preparation including medication containing alcohol) while operating any vehicle for City business within four (4) hours prior to carrying out such activities. Employees who are driving any vehicles for City business are not permitted to use controlled substances even if prescribed to them by a licensed physician. For purposes of this policy, "controlled substances" shall include any drug or substance that is tightly controlled by the government because it may be abused or cause addiction. Controlled substances include, but are not limited to, opioids, stimulants, depressants, hallucinogens and anabolic steroids.
- N. Non-employees are not permitted to ride in a City vehicle except for business-related reasons.
- O. Seatbelts are to be used at all times when driving or riding in any vehicle for City business.

Section 6.10**CONFIDENTIALITY AND RELEASE OF INFORMATION**

- A. Employees authorized to have access to confidential information should handle it in a manner that ensures confidentiality.
- B. Discussion of confidential City information with unauthorized persons, including members of the employee's family, is prohibited.
- C. When an employee is asked for information about City records, the request should be referred to the Mayor or Department Director and, if the request pertains to personnel records, to the Finance Director.
- D. Only the Mayor or their designee is authorized to release information to the news media.
- E. Records or copies of records may not be taken home without approval from the Mayor.
- F. Employees who are designated as public record custodians are authorized to release public records upon proper requests and after review by the Mayor or their designee. Employees not designated as public records custodians are prohibited from releasing information or records without prior authorization of the Mayor.

Section 6.11**POLITICAL ACTIVITY**

- A. Employees in the classified service are prohibited under state law from engaging in certain types of political activity. Employees in the unclassified service are generally not prohibited from engaging in political activity. "Political activity," for purposes of this policy, refers to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- B. Examples of permissible activities for employees in the classified service include, but are not limited to, the following:
1. Registration and voting;
 2. Expression of opinions, either oral or written;
 3. Voluntary financial contributions to political candidates or organizations;
 4. Circulation of non-partisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation;
 5. Attendance at political rallies;
 6. Signing nominating petitions in support of individuals;
 7. Display of political materials in the employee's home or on the employee's property;
 8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
 9. Serving as a precinct election official under R.C. 3501.22.
- C. The following activities are prohibited to employees in the classified service:
1. Candidacy for public office in a partisan election;
 2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
 3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
 4. Circulation of official nominating petitions for any candidate participating in a partisan election;
 5. Service in an elected or appointed office in any partisan political organization;

6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
7. Campaigning by writing for 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;
8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
9. Solicitation of the sale, or actual sale, of political party tickets;
10. Partisan activities at the election polls, such as solicitation of votes for other than non-partisan candidates and non-partisan issues;
11. Service as witness or challenger for any party or partisan committee;
12. Participation in political caucuses of a partisan nature; and
13. Participation in a political action committee which supports partisan activity.

A. STATEMENT OF COMMITMENT

All City employees are entitled to work in an environment free from harassment. The City will take all appropriate and necessary steps to ensure that employees of the City and other individuals interacting with City employees are free from unlawful harassment. The City will not tolerate harassment of its employees by any outside client, vendor, or any other non-employee of the City, or harassment by a City employee towards any outside client, vendor, or any other non-employee of the City. Employees are encouraged to report any such behavior that is directed towards them or another employee. The City will investigate claims and take remedial action which is reasonably calculated to stop the harassment and prevent future harassment. Such remedial action may include discipline, up to and including termination.

B. UNLAWFUL HARASSMENT

1. Unlawful harassment refers to any unwelcome behavior that is based on a protected class (such as gender, age, religion, national origin, color, creed, sexual orientation, race, physical ability, or political affiliation) where such behavior has the purpose or effect of interfering with the employee's ability to work, or creates a hostile or intimidating work environment
2. Unlawful harassment encompasses any objectionable and unwelcome act that humiliates, intimidates, or threatens. It is persistent behavior found to be threatening or disturbing to others. Unlawful harassment may include, but is not limited to, yelling, threatening, name-calling, rude remarks or gestures, and unwanted sexual advances. It may also include discrediting a person's reputation through gossip, isolating a person from social contact, and intentionally setting a person up for failure.

C. QUID PRO QUO SEXUAL HARASSMENT

1. "Quid Pro Quo" sexual harassment is defined as any unwelcome verbal or sexual advance, sexually explicit derogatory remark, request for sexual favor or other verbal or physical conduct of a sexual nature made by someone in the workplace which is offensive or objectionable to the recipient, or which causes the recipient discomfort or humiliation when:
 - a. Submission to the conduct is either an explicit or implicit term or a condition of employment;
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the person who did the submitting or rejecting; or
 - c. The conduct interferes with job performance or creates an intimidating, hostile or offensive working environment.
2. The City neither condones nor tolerates sexual harassment in the workplace, whether committed by supervisory or non-supervisory employees. No one is permitted to imply or threaten that cooperation with, or refusal of, sexual advances will have any effect on

an individual's status, advancement, assignment, career development, compensation or any other condition of employment or appointment.

3. The responsibility for administering and complying with this policy is to be delegated and communicated to all levels of management. Supervisors and other management employees will ensure that all employees are aware of this policy against sexual harassment and that adequate procedures are in place to facilitate prompt reporting, investigation, and remedial action.
4. Any supervisor or management employee who observes or receives information about any behavior that could be interpreted as sexual harassment is responsible for taking prompt action to stop the behavior and to investigate the behavior.

D. BULLYING/INTIMIDATION

1. The City hereby adopts the Workplace Bullying Institute's ("WBI") definition of workplace bullying: "repeated, health-harming mistreatment of one (1) or more persons (the targets) by one or more perpetrators" that take one (1) or more of the following forms:
 - a. Verbal abuse;
 - b. Offensive conduct or behaviors, including nonverbal, that are threatening, humiliating, or intimidating; and/or
 - c. Work interference (i.e., sabotage) that prevents work from getting done.
2. This definition encompasses such actions as having work product criticized constantly, yelling, being reminded constantly of past mistakes, spreading rumors or lies and being intentionally avoided or excluded.
3. When evaluating complaints, it is important to look at the big picture, or in legal terms, the totality of the circumstances. Repeated mistreatment is a key element of the WBI's definition of workplace bullying. Bullying is not a one-time altercation. Rather, it is persistent harassment or abuse. Another key element of the definition is that the mistreatment must cause harm to the target's health.
4. All employees shall be provided a copy of this policy.
5. All employees shall participate in training for harassment in the workplace within the first year of hire, and thereafter as deemed necessary.

E. REPORTING PROCEDURE

Whenever an employee believes they are a victim of any job-related harassment by another employee, a member of management, or a City contractor, the following investigation procedure will be followed:

1. An employee who believes that they are a victim of any type of harassment should attempt to tell the harasser to stop the unwelcome behavior. If the employee does not feel comfortable confronting their harasser, they should report the harassment to their immediate supervisor. If the immediate supervisor is the harasser, or the employee feels uncomfortable reporting to them for any reason, they may report the issue to any other manager or Department Director. If the employee is uncomfortable reporting to any other manager or director, the employee may report the conduct to the Mayor or the Law Director.
2. If a supervisor is the subject of a complaint, the Mayor or their designee will conduct the investigation. If the Mayor is the subject of the complaint, the Law Director will appoint an individual to conduct the investigation.
3. The supervisor/manager/Department Director should urge the complainant to put the complaint in writing and to be as specific as possible to protect the rights of all parties. The supervisor/manager/Department Director is required to immediately notify the Mayor, who will order a thorough investigation.
4. When the supervisor or other appropriate individual is advised of the alleged harassment, either on the basis of a written or verbal report, a thorough investigation of the situation will be made in the following manner:
 - a. The complaint will be documented by the Investigator. The report will include a factual description of the incident(s).
 - b. The Investigator will interview all parties or witnesses and gather all relevant documents, including, if available, any audio or video tapes or emails and text messages.
 - c. The Investigator will interview any parties or witnesses as necessary, so that they may respond to information given in the initial interviews by other parties or witnesses.
 - d. The Investigator will write a report of their findings, which will include the allegations, responses and other factual information gathered. The Investigator's report should include the Investigator's conclusions and recommendations for possible discipline.
 - e. If, at the conclusion of that report, the Investigator has reason to believe that a form of harassment has occurred, the employee will be advised that such conduct is improper, in violation of federal and state law, and that the employee is subject to disciplinary action, up to and including discharge.
 - f. If the Investigator determines that the incident did not occur or does not constitute any form of harassment, no document indicating that a complaint was filed or that an investigation was undertaken will be placed in the personnel file of either the complainant or the accused employee. Documents will be retained in a separate file as proof of the investigation.

- g. The Investigator will determine if any form of harassment occurred, and if so, what action they recommend. They shall then document their recommendation and submit it along with the employee's written complaint to the Mayor and the employee's Department Director for final disposition. In the event that the Mayor and/or the Department Director is the subject of the harassment complaint and/or investigation, the Investigator shall submit the final report to the Law Director.
- h. The Mayor and Department Director (or Law Director) will take whatever action they deem appropriate to help ensure that the offensive conduct is stopped.

F. RETALIATION PROHIBITED

The City prohibits any form of retaliation against any employee for reporting or filing a complaint under this policy or for assisting in a complaint investigation.

Section 6.13**DRUG AND ALCOHOL-FREE WORKPLACE****A. PURPOSE**

The goal of this policy is to maintain a healthy and productive work environment; preserve the quality of services rendered to the public; and uphold the integrity and reputation of the City and its employees.

B. PROHIBITED CONDUCT

1. City employees are prohibited from distribution, use, sale, possession, transfer, or purchase of illegal drugs during work hours.
2. Alcohol use, possession, transfer, sale, or purchase is prohibited during work hours. Use is also prohibited during lunch or break periods.

C. BASIS FOR TESTING EMPLOYEES

1. Pre-employment testing shall only occur where required for insurance purposes, or otherwise required by an administrative agency for certain positions (i.e., as required by ODOT for employees possessing a CDL).
2. Employees may be tested for drug and alcohol use during working hours where there is a reasonable suspicion that the employee to be tested is using illegal drugs, abusing legal drugs, or using alcohol during work hours. Such reasonable suspicion must be based upon objective facts or specific circumstances that form a basis to conclude that an employee is engaging in illegal drug use.

The procedure to follow when an individual is reasonably suspected to be under the influence of drugs or alcohol while on duty is as follows:

- a. An employee (including a supervisor) who suspects that another employee is under the influence of drugs or alcohol should notify the employee's supervisor. In a case where the supervisor is suspected, the Department Director and/or the Mayor shall be notified.
- b. The supervisor, or other observer, shall observe the employee to determine if they exhibit signs that they are under the influence of drugs or alcohol. The supervisor shall record their observations, specifically noting the objective reasons for suspecting drug or alcohol use.
- c. The employee will be escorted to a testing facility to undergo appropriate testing.
- d. Documentation of the supervisor's, or other observer's, observations shall be made in writing and signed within twenty-four (24) hours or prior to obtaining the results from the testing laboratory, whichever is earlier.

3. All CDL or other employees who are required to drive as an essential function of the job and who are involved in or the cause of a work-related accident that results in (a) a fatality; (b) bodily injury requiring medical treatment away from the scene of the accident; (c) one (1) or more motor vehicles has to be towed away; or (d) a citation received by the employee under State or local law for a moving traffic violation arising from the accident will be required to submit to a post-accident drug and alcohol test.

D. SAMPLING PROCEDURE

1. A testing facility, approved by the City, under the supervision of authorized personnel, will conduct drug and alcohol testing and analysis. The procedure will not demean, embarrass, or cause physical discomfort to the employee. Specimen samples will be split, sealed, labeled, and checked to ensure the results match the identity of the employee tested.
2. Authorized personnel shall review all test results with the employee. If test results are negative or are below the levels established by the NIDA-approved laboratory as positive, all items in the employee's file with regards to a supervisor's observations and testing shall be clearly marked with respect to final disposition.
3. Upon request, the employee shall be entitled to the presence of a bargaining unit representative before testing is administered.

E. TESTING PROCEDURE

1. The laboratory selected by the City to conduct drug and alcohol analysis shall be certified by the State of Ohio as a medical and forensic laboratory that complies with the scientific and technical guidelines for federal drug testing programs and Standards for Urine Drug Testing for Federal Agencies issued by the Alcohol, Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services. All testing and analysis shall conform to NIDA and DHHS standards. The cost of any tests requested by the employee, that go beyond those required under the regulation, will be the responsibility of the employee.
2. All work time spent administering an alcohol or drug test, including travel time, shall be paid at the employee's regular rate of pay, or at their overtime rate, if applicable. Any employee who is not allowed to return to work while awaiting test results will be allowed to use accrued sick, vacation, compensatory, or personal time. If the employee has no accrued paid leave, they will be placed on unpaid leave.

F. VIOLATION

An employee who is found to be under the influence of alcohol (i.e., a test that results in an alcohol concentration of 0.04 or greater) or illegal drugs during work hours shall be disciplined in accordance with Section 8 of this Manual, or a collective bargaining agreement, as applicable.

Section 6.14**ON-THE-JOB INJURY**

A. All employees are covered by Workers' Compensation insurance, which compensates employees for lost time, medical expenses, and loss of life or dismemberment from an injury arising out of or in the course of their work with the City. The payment of benefits is in accordance with state law. Union employees should refer to their collective bargaining agreement for additional information regarding on-the-job injuries.

B. REPORTING PROCEDURE

1. Any employee injured arising out of and in the course of employment with the City must notify their immediate supervisor as soon as possible under the circumstances. Regardless of whether or not the employee required medical attention, they must complete an accident report recording all pertinent and factual information about the accident and submit this report to their immediate supervisor. The failure of an employee to report an injury or accident to their supervisor may result in disciplinary action.

2. Supervisors are responsible for obtaining injury reports from employees and forwarding them to the Finance Director within one (1) business day of the accident. The failure of a supervisor to forward injury reports to the Finance Director may result in disciplinary action. In the event of an accident resulting in serious injury, the supervisor must notify the Finance Director immediately.

a. If an injury requires medical attention, the supervisor will provide the injured employee with a workers' compensation packet which is to be completed by the attending healthcare provider and returned to the Finance Director.

b. An employee who, in the course of working, sustains an injury that requires departure for immediate medical attention will be compensated at their regular rate of pay for the balance of time left in the scheduled workday.

c. Workers' compensation claims for injuries sustained in accidents that were not reported may not be certified by the City.

C. VIOLATION

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

D. RETURN TO WORK

1. The employee is responsible for notifying their supervisor of their expected date of return as soon as it is known and to keep their supervisor apprised of their condition.

2. An injured employee is required to comply with all treatment plans prescribed by the attending licensed practitioner and to return to work as soon as possible.

E. USE OF OTHER LEAVE

1. An injured employee may elect to use accrued sick leave and/or vacation during the first seven (7) calendar days after a work-related injury. After the initial seven (7) day period, payments will be made in accordance with Ohio's Workers' Compensation laws.
2. Employees are prohibited from receiving payments for sick leave while simultaneously receiving payments from Workers' Compensation.

F. DRUG AND ALCOHOL TESTING AND REBUTTABLE PRESUMPTION

1. Any on-the-job injuries may result in the employee submitting to drug and alcohol testing within the first hour of the incident occurring if ordered to do so by the employee's supervisor. Life-threatening injuries are excluded from this time frame requirement.
2. Ohio Bureau of Workers' Compensation Required Posting: Effective October 13, 2004, Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.
3. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of other work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

Section 6.15**DRESS STANDARDS**

- A. Employees are expected to dress in an acceptable, professional manner. Clothing must be clean, neat, in good repair, appropriate for the assigned duties and set standards which are in the best interests of the City.
- B. The Mayor will determine the proper dress standards for the City. Certain employees may be required to meet special dress, grooming, and/or hygiene standards, such as wearing a uniform or special equipment depending on the nature of the job.
- C. Employees may not display stickers, buttons, or advertising of any type, except those authorized by the Mayor, on their person, while at work, at their workstation or on City vehicles.
- D. Any City-issued "City of University Heights" marked clothing should not be worn at social gatherings after work hours. City-marked clothing items that are offered or sold to the general public are excepted.
- E. City employees must maintain appropriate, professional attire while working at City Hall or any City office. Employees are not to wear clothing that is too revealing.
- F. Employees who do not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Work time missed by a non-exempt employee will not be compensated.

Section 6.16**CREDIT CARD USAGE**

All City-issued credit cards shall be used in accordance with Ordinance No. 2019-15. Any questions regarding the use of a City-issued credit card shall be directed to the Finance Department.

A. INTRODUCTION

1. The City is committed to the belief that every employee has the right to a place of employment that is safe and productive. The City will not tolerate any form of workplace violence and will not hesitate to immediately terminate any employee found to be in violation of this policy if such action is deemed necessary. As such, the City is committed to the prevention of workplace violence and will take reasonable precautions to protect the life, health, safety, and welfare of its employees.
2. “Workplace violence” is defined as, but is not limited to, the following:
 - a. any act of physical or verbal aggression, including “horseplay” or other conduct that may be dangerous to others;
 - b. possessing a firearm or other deadly weapon while on City property and/or performing work for the City, except as otherwise provided by law;
 - c. any act of physical aggression against City property;
 - d. some forms of harassment;
 - e. attempts to commit acts of aggression or harassment; and/or
 - f. conduct that threatens, intimidates, or coerces another person.

B. REPORTING VIOLENCE

1. Employees are encouraged to immediately report all threats of or actual violence, direct or indirect, as well as suspicious individuals or activities to their supervisor as soon as practicable.
2. Included are threats or violence by or toward employees, residents, vendors, solicitors or other members of the public.

C. INVESTIGATION

1. The City will promptly and thoroughly investigate all reports of threats of or actual violence and suspicious individuals or activities. The identity of the individual filing the report will be kept confidential to the extent possible.
2. The City may suspend employees, either with or without pay, while conducting an investigation.

D. VIOLATION

1. Employees determined to be responsible for threats of or actual violence or other conduct that violates these guidelines will be subject to disciplinary action, up to and including termination.
2. The City will not discipline or retaliate against any employee for reporting, in good faith, incidents of workplace violence.

Section 6.18**WEAPONS IN THE WORKPLACE****A. PROHIBITION ON WEAPONS IN THE WORKPLACE**

1. All employees, except law enforcement officers engaging in official duties, are prohibited from the carrying or possessing firearms, explosives, or weapons on City property at any time without proper authorization, except as otherwise provided by law.
2. The term “weapon” means any instrument, device or thing capable of inflicting death or other serious injury and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon, and includes, but is not limited to, firearms, handguns, ballistic knives (switchblades, butterfly knives, daggers, etc.) and explosive devices.
3. The City reserves the right to prohibit other items considered to be dangerous or inappropriate for the workplace. Legal, chemical dispensing devices, such as pepper sprays, that are sold commercially for personal protection, are permissible under this policy.

B. REPORTING REQUIREMENTS

1. All employees are required to report the presence of a weapon on City property or any other violation of this policy to their supervisor.
2. This policy shall not be construed to create any duty or obligation on the part of the City to take any action beyond those required of an employer by existing law.

C. SEARCHES

1. The City reserves the right to contact the police department to request a search of any employee, person, vehicle, or object that enters onto City property if there is reasonable suspicion of a violation of this policy.
2. An appropriate management representative of the City may request the police department to search any item in which a weapon may be hidden, including, but not limited to, desks, lockers, purses, briefcases, baggage, lunch sacks, clothing, or vehicles.
3. The police department may search a City-owned vehicle used by the employee or a vehicle owned by an employee that is being used to conduct business on behalf of the City.

D. VIOLATION

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Section 6.19**TOBACCO-FREE ENVIRONMENT****A. SMOKING ON CITY PROPERTY PROHIBITED**

1. In accordance with Ohio law and City policy, smoking is prohibited on all property and in all buildings and vehicles owned, leased, managed, or operated by the City.
2. This policy shall be construed to include the use of electronic cigarettes and any and all other forms of tobacco use.

B. VIOLATION

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

A. INTRODUCTION AND GENERAL GUIDELINES

1. Professionalism, ethics, and integrity are of paramount importance in public sector employment. To achieve and maintain the public's highest level of respect, the City must place reasonable restrictions on employees' conduct and appearance and hold to these standards of conduct whether on or off duty. An employee's actions must never bring the City into disrepute, nor should conduct be detrimental to its efficient operation.
2. The term "social media" refers to works of user-created video, audio, text or multimedia that are published and shared in an electronic environment, such as a blog, wiki, instant messaging, e-mail, or video hosting site. It includes, but is not limited to, Facebook, YouTube, Twitter, LinkedIn, Instagram, Vine, Pinterest, Google +, Tumblr, Flickr, Snapchat, TikTok, and personal blogs.
3. Only the Mayor or their designee is authorized to release City information, either verbal or written, to the news media or on social media. Employees are not permitted to make statements to the news media or on social media on behalf of the City unless expressly authorized to do so by the Mayor or their designee.
4. Employees receiving news media or social media requests for information or comment must direct the inquiry to their Department Director or the Mayor.
5. The City has the right to ensure that no employee makes authorized use of or discloses confidential information (e.g., personal and/or protected information about employees and/or residents).

B. PURPOSE

1. The purpose of this policy is to establish guidelines concerning personal web pages, internet sites, social networking sites, and/or any other public or private internet forums, and guidelines for responding to a news media request or inquiry.
2. As the subject of social media is constantly changing, with new opportunities emerging daily, this policy is meant to establish reasonable guidelines for the use of such resources.

C. OFFICIAL CITY SOCIAL MEDIA SITES

1. All official City social media sites are owned and operated by the Mayor or their designee. Only the Mayor or their designee may create or edit any official City social media sites.
2. Any content posted to official City social media sites should be current and accurate. If an employee does make an error, they should take responsibility for it and quickly correct it. No employee shall post any information that is obscene, defamatory, libelous, threatening, harassing, or intimidating to another person or entity. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex,

disability, religion or any other status protected by law or City policies. Individuals may be held personally liable for such remarks.

3. Members of the public are welcome to access and post comments on any official City social media sites. These pages are meant to present matters of public interest for the City. Questions, comments, and concerns are welcome, but members of the public shall be advised that the social media pages are moderated online discussion sites and not public forums. Members of the public shall also be notified that the social media sites utilized by the City do not reflect the opinions and/or position of the City or its employees. Once posted, the City reserves the right to delete submissions that contain the following:
 - a. vulgar language;
 - b. personal attacks of any kind;
 - c. offensive comments that target or disparage any ethnic, racial, or religious group;
 - d. spam or include links to other sites;
 - e. clearly off topic comments;
 - f. advocate illegal activity;
 - g. promote particular services, products, or political organizations; or
 - h. infringe on copyrights or trademarks.
4. These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available.
5. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

D. EMPLOYEES' PERSONAL SOCIAL MEDIA SITES

1. Employees may not use City computers, smartphones, or other devices to access private mail or personal social media sites.
2. Employees may not access personal social media sites during work hours, except when on break.
3. Employees may not disseminate non-public confidential information through social media.
4. Employees may not engage in any threatening, harassing, or unlawful behavior through any social media.

5. The City reserves the right to restrict all employees' use of social media sites during work hours.
6. Employees may identify themselves as an employee of the City. However, when posting, employees should use the following whenever possible to clearly indicate that the employee is not posting on behalf of the City: "The views expressed here are my own and not those of the City of University Heights." An employee may not claim to speak on behalf of the City in an official capacity on any social media site unless they have been specifically authorized to do so by the Mayor or their designee.
7. Employees may not disclose any public records except through the public records policy procedures.
8. Employees may not post any negative or derogatory comments about co-workers, supervisors, managers, or the general public.
9. Employees may not use a City-issued e-mail address as a credential for creating or editing a personal social media site.
10. If an employee sees a posting from a member of the public that speaks adversely about any City operation or service, the employee is encouraged to forward the post to their supervisor instead of responding directly to the poster.

E. PROCEDURES

1. Employees must report critical posts of other employees to the Finance Director.
2. Employees are to utilize the harassment policy and procedures for reporting alleged misconduct of other employees on social media.
3. If any employee is contacted by a member of the accredited media about a posting or comment on a social media site, the employee must immediately contact the Mayor or their designee prior to responding.

F. APPROVAL PROCESS

1. Any employee who wishes to create an official City social media site to conduct City business must first notify and receive approval from the Mayor.
2. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties. Department Directors may allow or disallow employee participation in any social media activities in their departments.

G. LIMITATIONS

1. Nothing in this policy or any other policy of the City will be construed to prohibit employees from discussing or communicating about wages, benefits, or other terms and conditions of employment, or from engaging in concerted activity for the purpose of addressing terms and conditions of employment or the employees' mutual aid and

protection in the workplace. However, if an employee chooses to use social media to post complaints or criticisms about the City, the City asks that the employee avoid using statements, photographs, video or audio that could be reasonably viewed as malicious, obscene, threatening, intimidating, disparaging to other City employees and clients, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policies.

2. The City shall never do any of the following:
 - a. demand an employee's social media login credentials;
 - b. use an employee's social media login credentials;
 - c. demand to become an employee's "friend;"
 - d. confiscate an employee's personal electronic devices; or
 - e. shut down an employee's social media account.

H. OTHER APPLICABLE POLICIES

In addition to this policy, an employees' use of social media is also subject to all other applicable City policies and provisions of the Ohio Revised Code, including, but not limited to:

1. Solicitation, Distribution and Selling;
2. Ethics of Public Employment;
3. University Heights Code of Ethics;
4. Political Activity;
5. Cell Phone Usage;
6. Computer & Email Usage;
7. Harassment;
8. Workplace Violence;
9. Public Records Policy;
10. Ohio Revised Code Chapter 102 (Ohio's Ethics Law);
11. Ohio Revised Code §124.57 (Prohibition Against Partisan Political Activity); and

12. Ohio Revised Code §2915.02 (Gambling).

I. RESPONDING TO REQUEST OR INQUIRY FROM NEWS MEDIA

1. An employee who receives a request or inquiry from any news media outlet must forward that request to the Mayor or their designee.
2. The Mayor will determine which Department Director will gather and provide the information necessary to respond to the request or inquiry.
3. Employees dealing with the news media should be sensitive to their deadlines and should treat the media with respect and professionalism. Any employee who is harassed or badgered by a media representative should immediately contact the Mayor for assistance.
4. Employees are not prohibited from speaking to the news media when they are not at work as long as they make it clear they are not acting as a spokesperson for the City. However, any such employee who wishes to speak with the news media will be held accountable for their statements, including ensuring their correctness, accuracy, and any statements that may be interpreted as slander or libel.

J. COVERAGE AND VIOLATION

1. The rules, guidelines, policies and obligations described in this policy apply to all City employees, independent contractors, agents and any other individuals (hereinafter "Users") granted access to the City's computer network.
2. Violations of this policy will be treated seriously and may result in disciplinary action, up to and including termination.
3. This Policy may be revised and/or amended at any time as needed due to changes in technology, business activities, and/or as mandated by law. Users will be provided with a copy of all amendments and/or revisions.
4. Employees with any questions or concerns about creating, editing, or posting on a social media site, or responding to a news media request or inquiry, are encouraged to contact the Mayor or the Finance Director.

A. INTRODUCTION

It is the policy of the City that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the City to strictly adhere to Ohio's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

B. PUBLIC RECORDS

1. The City, in accordance with the Ohio Revised Code, defines records as the following: any document – paper, electronic (including, but not limited to, electronic mail and text messages), or other format – that is created or received by, or comes under the jurisdiction of, a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City are public unless they are specifically exempt from disclosure under the Ohio Revised Code.
2. It is the policy of the City that, as required under Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (see Section E for the electronic mail record policy). Record retention schedules are to be updated regularly and posted prominently.

C. RECORD REQUESTS

Each request for public records should be evaluated for a response using the following guidelines:

1. Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve and review the records. If it is not clear what records are being sought, the records custodian must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.
2. The requestor does not have to put a records request in writing and does not have to provide their identity or the intended use of the requested public record(s). It is the City's general policy that this information is not to be requested.
3. Public records are to be available for inspection during regular business hours, with the exception of official holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

4. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (20) pages of copies are requested, or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. If more copies are requested, an appointment should be made with the requestor on when the copies or computer files can be picked up.
5. All requests for public records must either be satisfied or be acknowledged in writing by the City within three (3) business days following the City's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:
 - a. an estimated number of business days it will take to satisfy the request;
 - b. an estimated cost if copies are requested; and
 - c. any items within the request that may be exempt from disclosure.
6. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

D. COSTS FOR PUBLIC RECORDS

1. Those seeking public records will be charged only the actual cost of making copies.
 - a. The charge for paper copies is \$0.05 per page;
 - b. The charge for downloaded computer files to a compact disc is \$1.00 per disc; and
 - c. There is no charge for documents that are e-mailed.
2. Requestors may ask that documents be mailed to them. Requestors will be charged the actual cost of postage and mailing supplies.

E. ELECTRONIC MAIL

1. Documents in electronic mail format are records, as defined by the Ohio Revised Code, when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

2. Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City are instructed to retain their e-mails that relate to public business (See Section B) and to copy them to their business e-mail accounts and/or to the office's records custodian.
3. The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

F. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The City recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City's failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requestor's attorney's fees and damages.

**SECTION 7
COMPLAINT PROCEDURE**

Section 7.1

Complaint Procedure

Purpose of the Complaint Procedure

General Guidelines Governing the Complaint
Procedure

Complaint Procedure

Section 7.1**COMPLAINT PROCEDURE****A. PURPOSE OF THE COMPLAINT PROCEDURE**

1. The City is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which employees voicing complaints receive a timely response from a member of the management team.
2. The complaint procedure is a formal process which ensures that employee complaints across the organization will be addressed in a consistent manner.
3. The complaint procedure may be used by an employee:
 - a. believing that an application of the City's policies and/or procedures affects them in a way that is unjust or inequitable;
 - b. believing that the management of the City has violated a policy; or
 - c. who is not a member of a bargaining unit recognized by the City.
4. The Mayor, Law Director, or their designee is responsible for accepting, investigating, and responding to complaints involving civil rights violations (discrimination on the basis of race, age, sex, religion, national origin, or disability). Employees with harassment or civil rights complaints should follow the complaint procedure as detailed in Section 6.12 – Harassment.
5. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, employees electing to file a complaint with another administrative body or court are responsible for meeting the filing criteria of that body or court.

B. GENERAL GUIDELINES GOVERNING THE COMPLAINT PROCEDURE

1. An employee must have successfully completed their probationary period to be eligible to file a complaint under this policy.
2. Employees may request assistance from the Mayor or their designee at any step of the procedure. Assistance is limited to providing interpretations and copies of policies and other public records and does not include drafting the text of the complaint.
3. The complaint procedure is designed to address the complaint(s) of a single employee and may not be utilized by groups of employees.
4. Employees must proceed through each step of the complaint procedure in proper order and within the prescribed timeframes. If an employee fails to appeal from one (1) level to the next within the timeframe for the next level, the complaint shall be considered settled

on the basis of the last decision and the complaint submitted by the employee shall not be subject to further consideration. When a supervisor is not available to meet with an employee and/or does not respond within the established timeframes, the employee may appeal the complaint to the next level.

5. Employees proceeding beyond the informal resolution stage may be accompanied by one (1) other employee during any meetings held for purposes of discussing or addressing the complaint. The accompanying employee may only observe the hearing and may not be a part of the discussion during the meeting.
6. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint will be sent by the Mayor to the Law Director for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Law Director is received.
7. Supervisors, Department Directors, and the Mayor may conduct an investigation, including interviews of other employees, for purposes of obtaining information needed to clarify issues relative to the complaint. The identity of the complainant will be kept confidential whenever possible.
8. The Mayor is the only person with the authority to address a complaint via the rewriting of a policy or operating procedure. Department Directors have the authority to address a complaint via the rewriting of departmental operating procedures, with approval of the Mayor.
9. Regardless of the step at which it is issued, the Mayor's response to the complaint is final and may not be appealed.
10. No employee will be disciplined for filing a complaint in accordance with this procedure, nor shall the fact that an employee filed a complaint be considered in promotional, compensation, or retention matters. However, an employee may be disciplined for excessive, redundant, and/or abusive use of the complaint procedure.
11. Documentation of, and related to, a complaint will not be included in the employee's official personnel file but will be maintained by the Department Director for a reasonable amount of time or in accordance with record retention guidelines.

C. COMPLAINT PROCEDURE

The following procedure will be followed in processing a complaint:

1. Informal Resolution: Within five (5) workdays of the event prompting the complaint, the employee must meet with their supervisor or an appropriate management level employee to try to resolve the issue.
2. Level One: If the issue is not successfully resolved through the informal resolution step, the employee may, within five (5) workdays of the informal resolution meeting, file a written complaint with their supervisor. The supervisor will reply in writing to the written complaint within five (5) workdays of its receipt.

3. Level Two: If the Level One response is not acceptable, the employee may, within five (5) workdays of its receipt, appeal in writing to the Department Director. The Department Director will respond in writing within five (5) workdays of receipt of the appeal.
4. Level Three: The decision of the Department Director may be appealed to the Mayor or their designee, within five (5) workdays of receipt by the employee. The Mayor or their designee will conduct an investigation, if necessary, and will submit their written decision within three (3) workdays following the conclusion of the investigation.

The Mayor's decision will be final and may not be appealed. If an employee submits a complaint on an issue for which the Mayor has already issued a decision, the complaint will be considered void.

- D. Copies of each complaint, response, and correspondence about the complaint must be filed with the Mayor on the day of its execution or receipt.
- E. The complaint procedure is to be used by all non-bargaining unit employees. Bargaining unit employees may use the complaint procedure for any issues that cannot appropriately be processed through the grievance procedure of the applicable collective bargaining agreement. Complaints of harassment or discrimination should be handled in accordance with Section 6.12 – Harassment.

**SECTION 8
DISCIPLINE**

Section 8.1	Progressive Discipline
Section 8.2	Types of Corrective Action
Section 8.3	Retention of Disciplinary Records
Section 8.4	Grounds for Corrective Action and Penalties
Section 8.5	Pre-Suspension, Reduction or Removal Procedure
Section 8.6	Appeals

Section 8.1**PROGRESSIVE DISCIPLINE**

- A. Department Directors and the City's other management personnel shall follow this system of corrective discipline when correcting improper job behavior.
- B. This policy is a guide for uniform administration of discipline. It neither delegates nor limits the powers and duties conferred upon the City, its Departments, or the Mayor by the Ohio Revised Code.
- C. This policy provides standard penalties for specific offenses. The examples of specific offenses given in each grouping are illustrative and not inclusive.
- D. The inclusion of standard penalties in this policy does not preclude the application of a more or less severe penalty for an infraction when circumstances warrant it. In any case where a non-standard penalty is imposed, the reason for deviation must be reduced to writing and sent by the supervisor to the Finance Director.
- E. Different offenses within the same group and related offenses within different groups will be disciplined progressively; that is, each incident will be disciplined at the next higher level. Unrelated offenses may also be disciplined progressively at the discretion of management, depending on the situation.
- F. As a result of their heightened responsibilities and positions of authority, all management personnel shall be held to a higher standard of professional conduct and the discipline imposed on management personnel may be more severe than the discipline imposed on an employee for the same or similar offense if warranted by the circumstances.

Section 8.2**TYPES OF CORRECTIVE ACTION**

- A. Verbal Counseling – Supervisors and Department Heads shall address unsatisfactory behavior promptly by discussing the problem with the employee and counseling more suitable behavior. Such verbal counseling will be reduced to writing.
- B. Written Reprimand – If verbal counseling does not resolve the misbehavior or where more severe action is warranted, supervisors and Department Heads may issue written reprimands/written warnings. Prior to issuing a written reprimand, the supervisor or Department Head will discuss the action with the Finance Director, Mayor or their designee. The original shall be forwarded to the Finance Director and placed in the employee’s personnel folder and a copy given to the employee.
- C. Suspension – If verbal counseling or written reprimands/warnings fail or where more severe action is warranted, Department Heads may issue a suspension from work, without pay. Prior to issuing a suspension, the supervisor or Department Head will discuss the action with the Finance Director. Such recommendation will be reduced to writing and the original shall be forwarded to the Finance Director and placed in the employee’s personnel folder and a copy given to the employee.
- D. Demotion – If reprimands and suspensions fail, Department Heads may issue a demotion. Demotion is an involuntary reduction of an employee in classification and job duties for just cause. A demotion may or may not result in an immediate reduction in pay. Prior to issuing a demotion, the supervisor or Department Head will discuss the action with the Finance Director. Such recommendation shall be reduced to writing and the original shall be forwarded to the Finance Director and placed in the employee’s personnel folder and a copy given to the employee.
- E. Termination – If lesser disciplinary actions fail or the offense is such that the most severe action is warranted, employees may be discharged by the Department Head, Mayor or their designee. Employees being considered for discharge may be suspended with pay pending an investigation. Prior to issuing a termination, the supervisor or Department Head will discuss the action with the Mayor and/or the Finance Director.
- F. **Note:** Certain offenses may warrant immediate termination.

Section 8.3**RETENTION OF DISCIPLINARY RECORDS**

- A. Disciplinary records relating to a verbal counseling will cease to have any force and effect twelve (12) months after the date of the oral counseling if there has been no other discipline imposed during the previous twelve (12) months.
- B. Disciplinary records relating to a written reprimand will cease to have any force and effect eighteen (18) months after the date of the written reprimand if there has been no other discipline imposed during the previous eighteen (18) months.
- C. Other disciplinary records beyond an oral counseling or written reprimand (i.e., suspension) shall cease to have any force and effect twenty-four (24) months after the date the discipline was imposed if there have been no other discipline imposed during the previous twenty-four (24) months.
- D. The retention periods above may be extended by a period equal to employee leaves of fourteen (14) consecutive days or longer, except for approved periods of vacation leave or FMLA.
- E. Inactive records will not be considered when processing subsequent disciplinary actions. However, all records and disciplinary action, verbal or written, involving incidents of moral turpitude will remain in effect during the entire period of an employee's employment with the City, unless precluded from consideration by a controlling collective bargaining agreement.

Section 8.4 **GROUNDS FOR CORRECTIVE ACTION AND PENALTIES**

- A. The Group I, II, and III Offenses which follow illustrate the kinds of offenses which historically warrant the penalties established for the group.
- B. In general, Group 1 Offenses are of a relatively minor nature. Group I offenses cause minimal disruption to the City in terms of a slight yet significant decrease in productivity, efficiency and/or morale. If ignored, Group I Offenses usually cause only temporary or minor impact to the City unless they are compounded over time.

- 1. Appropriate disciplinary action for Group 1 offenses include:

First Offense: Verbal Counseling

Second Offense: Written reprimand

Third Offense: Written documentation and one (1) to three (3) day suspension without pay

Fourth Offense: Written documentation and five (5) to fifteen (15) day suspension without pay

Fifth Offense : Discharge

- 2. Group I Offenses include, but are not limited to, the following:

- a. Failure to “report off” work or any absence.
- b. Failure to commence duties at the beginning of the work period or leaving work prior to the end of the work period.
- c. Leaving the job or work area during working hours without authorization.
- d. Making preparations to leave work without authorization before lunch, any scheduled break, or before quitting time.
- e. Leaving a continuous operations position before being relieved by another employee.
- f. Two (2) or more timecard violations in a ninety (90) day period. Timecard violations include the following:
 - i. failure to complete timecard or punch time clock;
 - ii. tardiness; or
 - iii. clocking out early.

- g. Unauthorized absence from work.
- h. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
- i. Distracting the attention of others, or otherwise causing disruption on the job.
- j. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
- k. Failure to cooperate with other employees as required by job duties.
- l. Abuse of City property or equipment.
- m. Unauthorized use or possession of another employee's equipment.
- n. Failure to observe departmental rules.
- o. Obliging the City for any expense, service or performance without prior authorization.
- p. Disregarding job duties by neglect of work, conducting personal business or reading for pleasure during working hours.
- q. Unsatisfactory work or failure to maintain required standard of performance.
- r. Use of telephone or computer for other than City business purposes without authorization.
- s. Violation of departmental uniform regulations.
- t. Improper operation of City vehicles or equipment.
- u. Failure to fill out or turn in forms or reports as required by the City or policies contained herein.
- v. Failure to do the daily maintenance check on any piece of equipment assigned for the employee's use.
- w. Any accident, traffic or otherwise, caused by the employee's negligence.
- x. Improper use or misuse of two-way radios (i.e., use of foul language or using radio for other than legitimate City business).
- y. Inefficiency, loitering or loafing while on duty.

- z. Discourteous treatment of the public.
- aa. Threatening, intimidating, coercing, or interfering with subordinates or other employee.

C. Group 2 Offenses are of a more serious nature than Group 1 Offenses and if left undisciplined may cause a serious and lasting disruption to the operation of the City.

1. Appropriate disciplinary action for Group 2 Offenses include:

First Offense: Written documentation and up to a three (3) day suspension without pay

Second Offense: Written documentation and five (5) to fifteen (15) day suspension without pay

Third Offense Discharge

2. Group II Offenses include, but are not limited to, the following:

- a. Willful discourteous treatment of the public.
- b. Willful discourteous treatment of co-workers.
- c. Unauthorized sleeping during working hours.
- d. Reporting for work or working while unfit for duty.
- e. Conduct violating morality or common decency.
- f. Unauthorized use of City property or equipment.
- g. Performing private work on City time or with City resources.
- h. Willful failure to sign in or out, clock in or out, or signal in or out when required.
- i. Unauthorized failure to report for overtime work after being scheduled to work according to overtime policy.
- j. Willful failure to make required reports.
- k. Unauthorized solicitation on City premises.
- l. Making or publishing false statements concerning employees, supervisors, the City or its operations.
- m. Refusing to testify in court, before the Civil Service Commission, during an accident investigation, or any type of public hearing.

- n. Lying during a complaint or grievance investigation or hearing.
- o. Unauthorized posting or removal of notices or signs from bulletin boards.
- p. Unauthorized distributing or posting written or printed matter of any description on City premises.
- q. Willful disregard of departmental rules.
- r. Use of abusive or threatening language toward supervisors or subordinates.
- s. Unauthorized political activity pursuant to state law.
- t. Gambling of any type on City premises.
- u. Willful misuse of City equipment resulting in damage to the equipment or an accident.
- v. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
- w. Failure to follow safety rules or disregard of common safety practices.
- x. Failure to report accidents, injuries or equipment damage.

D. Group 3 Offenses are of a very serious, or possibly criminal, nature and cause critical disruption to the operation of the City.

1. Appropriate disciplinary action for Group 3 Offenses include:

First Offense: From fifteen (15) day suspension to discharge

Second Offense: Discharge, if discharge was not implemented at the first offense

2. Group III Offenses include, but are not limited to, the following:

- a. Wanton or deliberate neglect of duty or in the care, use or custody of any City property or equipment; wanton or deliberate destruction, in any manner, of City property, tools, equipment or the property of employees.
- b. Lying during accident investigations; falsifying or assisting in falsification or destruction of any City record; lying or withholding information required on employment applications; falsifying or altering any timecard (the employee's own or another employee's).
- c. Making false claims or misrepresentations in an attempt to obtain any City benefits.

- d. Illegal gambling during working hours.
- e. Drinking alcoholic beverages on the job.

- f. Theft or concealment of any property of the City or of another employee.

- g. Use or the sale of controlled substances, anytime, and sale of alcoholic beverages on the job.

- h. Fighting or attempting to injure another employee, supervisor or person.

- i. Unauthorized carrying or possession of firearms on City property.

- j. Concealing a communicable disease, such as TB, which may endanger other employees or people.

- k. Instigating, leading, or participating in any unauthorized walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other curtailment, restriction or interference with work in or about the City's work sites.

- l. Dishonesty or any dishonest action (examples include, but are not limited to: theft; pilfering; opening desks assigned to other employees without authorization; theft or pilfering of lunch boxes, refrigerator, tool kits of other property of the City or other employees without authorization; inserting slugs in vending machines; lying to secure an excused absence or to justify an absence or tardiness; etc.).

- m. Insubordination or disregard of a directive from a supervisor.

- n. Unlawful harassment and harassment of any kind.

- o. Violation of confidentiality resulting in disruption of any law enforcement action.

Section 8.5**PRE-SUSPENSION, REDUCTION OR REMOVAL PROCEDURE**

Classified and unclassified, full-time, employees are entitled to certain due process rights prior to suspension, demotion, or termination. When a non-union employee allegedly commits an offense that could result in a suspension, reduction or removal, or is involuntarily placed on disability separation or denied reinstatement, the following procedure will be followed:

- A. The employee will be provided by their supervisor with a written notice advising them of the nature of the disciplinary charges or the pending decision to separate or deny reinstatement. The notice shall also inform the employee of the date and time of a meeting to discuss the charges, if applicable.
- B. The employee will be given an opportunity to give their version of the events leading to the inquiry or supporting factual information in the case of separation or denial of reinstatement. The employee may be accompanied by one (1) other employee or a non-employee representative during the meeting.
- C. Should management decide that a disciplinary suspension, reduction or removal is warranted, the employee will be provided a written statement affirming the charges and imposing discipline.
- D. When an employee receives a disciplinary suspension of more than three (3) days or is removed from their position, the City will furnish the employee with a copy of the order stating the reasons for the action. If the employee is classified, a copy will be filed with the Civil Service Commission.
- E. In the event an employee's behavior or alleged misconduct warrants immediate removal from the premises, and in the absence of a collective bargaining provision noting otherwise, the employee may be suspended with pay for the remainder of the workday. Written notice of the disciplinary charge and the date and time of the meeting may be provided after the employee has been ordered to leave the premises.
- F. Bargaining unit employees shall be entitled to a pre-suspension, pre-reduction or pre-termination procedure as well. If such a procedure is not outlined in their respective collective bargaining agreement, the procedure herein shall be followed.

Section 8.6**APPEALS**

- A. Personnel actions such as removals, suspensions of more than three (3) days, reductions in a pay or position, and layoff of classified employees may be appealed through the Civil Service Commission in accordance with the Civil Service Rules. Unclassified employees serve at the pleasure of the Mayor and do not have the right to appeal to the Civil Service Commission.

- B. Appeal of a removal, reduction in pay or position, or suspension of more than three (3) days must be filed with the Civil Service Commission in accordance with the Civil Service Rules.

**ACKNOWLEDGEMENT OF RECEIPT OF
THE CITY OF UNIVERSITY HEIGHTS'
EMPLOYEE POLICIES AND PROCEDURES MANUAL**

I acknowledge that I have been either provided a copy of, or access to, the City of University Heights' Employee Policies and Procedures Manual ("Manual") and been provided an opportunity to read and/or review the Manual. I understand that I should consult my supervisor and/or the Human Resources Department if I have any questions about the policies contained in the Manual. I further understand and acknowledge that this Manual may be updated as necessary to be in compliance with State and Federal law, as well as other necessary changes.

EMPLOYEE NAME (PRINTED)

EMPLOYEE SIGNATURE

DATE

DEPARTMENT

**CITY OF UNIVERSITY HEIGHTS
INTEROFFICE MEMORANDUM**

TO: CITY COUNCIL MEMBERS/MAYOR MICHAEL BRENNAN

FROM: DENNIS KENNEDY, FINANCE DIRECTOR

SUBJECT: INCREASE IN AUDITING CONTRACT

DATE: APRIL 29, 2021

CC: KELLY THOMAS, CLERK OF COUNCIL

Attached is a Modification Agreement submitted on behalf of the Auditor of State's Office and James G. Zupka, CPA, Inc. for the financial audit of the City for the year ending December 31, 2020. Council approved by motion the original contract amount of \$24,850 at the meeting held on April 5, 2021.

Once the audit team commenced field work, they have determined they need more substantive testing with respect to the Building Department. The turnover of employees during 2020 in that department requires the auditors to expand their level of testing to comply with audit guidelines.

The increase requested by the auditors is an additional \$1,400 that covers 20 more hours of field work. The new total value of the contract with Zupka for the financial audit of 2020 will be \$26,250.

Please be advised that the additional testing is necessary based on audit principles and should not be construed as being indicative of any problems or issues having been identified by the audit team. We are currently on schedule to have the audit completed by mid-June.

I would request that Council approve the modification agreement by motion at the next regularly scheduled meeting.

Attachment



Auditor of State of Ohio

MODIFICATION AGREEMENT

This Agreement between Auditor of State Keith Faber (Auditor), City of University Heights, Cuyahoga County (Public Office), and James G. Zupka, CPA, Inc. an independent public accountant (IPA), modifies an existing agreement between these parties as identified in SECTION I below and incorporated herein by reference. These parties agree to abide by all terms and conditions of the original agreement, except as specifically identified in Section II below, and that **no remuneration will be granted in relation to work performed under this modification prior to the execution of this Agreement by all parties.**

SECTION I – ORIGINAL CONTRACT INFORMATION

Public Office Name on RFP	City of University Heights		
Original Contract Period	01/01/2020 To: 12/31/2024		
Date RFP was issued	11/19/2020	Date MOA Executed	01/19/2021
Public Office Contact	Dennis Kennedy, Finance Director	E-mail	dkennedy@universityheights.com
IPA Contact	James Zupka	E-mail	jgz@jgzcpa.com

SECTION II – MODIFICATION INFORMATION

Modifications are only appropriate for engagement services that were not known at the time of the original proposal and could not have reasonably been anticipated by the parties during the bid process. The hourly rate for modified services should not exceed the hourly rate originally proposed by the IPA firm. If multiple engagement periods are involved with this modification, contact the regional representative noted in the RFP for further instructions.

Fiscal Period Impacted by this Modification: From 01/01/2020 through 12/31/2020

IPA Engagement Due Date: 06/30/2021

Category (check all that apply):

	Change in Accounting or Auditing Standards		Change in Laws or Regulations
X	Change in Scope		Change in IPA Report Due Date
	Other:		

NOTE: If the Modification is the result of a Change in Scope from a full audit to an AUP, a breakdown of budgeted hours for the AUP engagement is required to be submitted with the Modification Agreement for approval. The Breakdown of Budgeted Hours form in Appendix A must be completed for AUP engagements.

Explanation for Modification (include any additional reports required):

During our fieldwork involving the City’s Building Department, we noted extensive personnel turnover and lack of segregation of duties during the audit period. We anticipate an additional 20 hours will be needed to expand the scope of the audit of the Building Department.

SECTION II – MODIFICATION INFORMATION (Continued)

Impact on Cost:	HOURS	RATE	COST	Subcontractor Cost Impact
Original Contract for Impacted Period	355.0	\$70.00	\$24,850	\$0
Previous Modification(s)	0.0	\$70.00	\$0	\$0
Current Modification for Impacted Period	20.0	\$70.00	\$1,400	\$0
New Contract Total for Impacted Period	375.0	\$70.00	\$26,250	\$0

SECTION III – RECITALS/APPROVAL

Due to the need for a contract modification, as stated in SECTION II above, the parties with intent to be legally bound agree as follows:

1. IPA shall, in the performance of its engagements related to the Public Office for the fiscal period set forth in the original Contract, previous Modification Agreements, and in this Agreement, perform all engagement work as set forth in the original Memorandum of Agreement, previous Modifications Agreements and in this Agreement;
2. In consideration of the modification to the engagement work documented herein, the Public Office shall make payment to the IPA as set forth in the original Memorandum of Agreement, as modified in SECTION II of this agreement above;
3. The performance of the engagement work provided for in this Agreement, and all related payments provided for herein, shall in all respects be subject to the terms and conditions set forth in the original Contract;
4. Should this modification cause the total hours of the contract to exceed the threshold established for use of a MBE/EDGE subcontractor, the IPA shall follow all minority participation and other relevant requirements of the original contract. If applicable, the required MBE/EDGE subcontractor with respect to this Agreement will be:

Subcontractor:

5. Should this modification involve the use of other subcontractors, the IPA shall follow all relevant requirements of the original contract. If applicable, the other subcontractor with respect to this Agreement will be:

Subcontractor:

Address:

In the event of any conflict or inconsistency between the provisions of this Agreement and the parties' prior contract, the provisions of this Agreement shall control in all respects.

IN WITNESS WHEREOF, Auditor, Public Office and IPA have executed this agreement.

James Zupka (James G. Zupka, CPA, Inc.)

[IPA Firm]

04/20/2021

Date

Legislative Authority or Designee for Public Office

Date

Auditor of State

Date



GPD GROUP.

Stutz, Pyle, Schomer, Burns & DeHaven, Inc.

Cleveland Office

5595 Transportation Blvd

Suite 100

Cleveland, OH 44125

tel 216.518.5544

fax 216.518.5545

www.gpdgroup.com

April 20, 2021
2021003.03

Honorable Michael D. Brennan, Mayor
City of University Heights
2300 Warrensville Center Road
University Heights, Ohio 44118

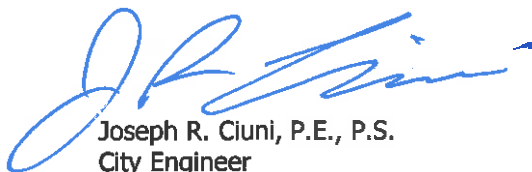
RE: 2021 Sewer Improvements

Dear Mayor Brennan:

The bid documents for this project are ready for bidding purposes and we hereby request permission to advertise for contractor bids. The tentative schedule is to advertise in May and be in front of council in June for award. Construction can begin in July and be completed in approximately 30 days. This goal of this schedule will be to begin right after Dominion is complete with their gas line replacement project and before the resurfacing project begins.

The project includes sanitary sewer repairs on Cedar Road between Thayne and Cranston Road. The cost estimate for the repairs is estimated at \$80,000.

Very Truly Yours,



Joseph R. Ciuni, P.E., P.S.
City Engineer

Cc: Jeff Pokorny, Service Director
File 2021003.03