

CHAPTER 155 – PERSONNEL REGULATIONS

Section 155.01	Applicability.....	1
Section 155.02	Classification of Employees.....	1
Section 155.03	Hiring Practices.....	2
Section 155.04	Compensation.....	2
Section 155.05	Compensation of Elected officials.....	4
Section 155.06	Annual Uniform Allowance.....	5
Section 155.07	Educational Benefits.....	5
Section 155.08	Longevity Pay Plan.....	6
Section 155.09	Leave of Absence Provisions.....	6
Section 155.10	Medical and Life Insurance.....	12
Section 155.11	Retirement and Pension.....	12
Section 155.12	Drug Testing Policy.....	13

SECTION 155.01 APPLICABILITY

These Personnel Regulations shall apply to all exempt City employees and those non-exempt, unclassified employees not subject to a collective bargaining agreement that is contrary to these sections.

SECTION 155.02 CLASSIFICATION OF EMPLOYEES

(a) Exempt and nonexempt unclassified employees not subject to a collective bargaining agreement are “at-will” employees. “Unclassified employees” are those identified as being in the unclassified service by O.R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton.

(b) “Full-time” employees are those, other than non-exempt Fire, E.M.S., and seasonal, who are regularly scheduled to work at least 37.5 hours per workweek.

(c) “Part-time” employees are those, other than nonexempt Fire and E.M.S., who are regularly scheduled to work less than 29 hours per workweek, and nonexempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than 53 hours in a seven-day tour of duty in an individual job classification.

(d) “Seasonal” employees are those hired with the expectation that such employment will last no longer than six months of any calendar year and who are regularly scheduled to work less than 29 hours per workweek.

SECTION 155.03 HIRING PRACTICES

To fill any position listed in the Full-Time Schedule of Compensation, the Mayor (or in the case of a Council/Law/Finance position, City Council) shall post the open position for a minimum of two weeks on the City's website, bulletin boards in each City facility, and in a local newspaper. The posting may also be advertised on websites and/or in trade publications relevant to the position.

SECTION 155.04 COMPENSATION

(a) Exempt employees' salaries are not subject to minimum wage and overtime provisions pursuant to the Fair Labor Standards Act and R.C. 4111.03, as may be amended from time to time. Exempt employees shall work the hours necessary to perform their assigned duties, subject to the direction and discretion of their appointing authorities, supervisors, or department heads.

(b) Non-exempt employees are subject to minimum wage and overtime provisions pursuant to the Fair Labor Standards Act and R.C. 4111.03, as may be amended from time to time.

(c) Tracking Time Worked.

- (1) To ensure timely payment of their salaries, employees shall see that their timesheets, which have been approved by their supervisors, are submitted to the City's payroll manager no later than 12:00 noon on the first City workday following the last day for the applicable time sheet's reporting period. The timesheet shall include both times worked as well as applicable leave used during the reporting period.
- (2) Although full-time exempt employees earn a predetermined salary, the City must account for their sick, vacation, and personal time. As a result, full-time exempt employees shall report leave used during the reporting period to the City's payroll manager no later than 12:00 noon on the first City workday following the last day for the applicable reporting period.

(d) Overtime.

- (1) There is an overtime rate of time and one-half after a scheduled eight hours or working a holiday for part-time police officers and part-time radio dispatchers.
- (2) All hourly employees not covered in Division (1) hereof shall be allowed and paid extra compensation at
 - (A) the rate of 1 ½ times the employee's regular hourly rate or
 - (B) compensatory time computed at the same rate to be taken in the future as approved in advance when required to perform services in excess of regularly scheduled services.
- (3) For the purposes of administering overtime, an employee must actually work or be on authorized paid leave, with the exception of sick leave, in

excess of 40 hours in any workweek. Upon accumulation of 40 hours of compensatory time, all further overtime worked by the employee shall be compensated in the form of overtime pay and may not be added to the employee’s compensatory time bank.

- (4) For computing overtime pay, holidays, vacations, and funeral leave days shall be counted as hours worked.

(e) Minimum Wage. Effective January 1 of each year, any employees receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

(f) Full-Time Schedule of Compensation. Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Maximum Annual Compensation
Director of Administration	\$118,450.00
Director of Finance	\$118,450.00
Director of Law	\$118,450.00
City Engineer	\$118,450.00
Chief of Fire and Emergency Medical Services	\$97,850.00
Chief of Police	\$97,850.00
Superintendent of Drinking Water Plant	\$87,550.00
Superintendent of Streets and Sewers	\$87,550.00
Superintendent of Water Distribution and Parks	\$87,550.00
Fire Battalion Chief	\$87,550.00
Deputy Director of Administration and Development	\$82,400.00
Deputy Director of Finance	\$82,400.00
Operations Manager (Drinking Water Plant, Parks, Recreation and Building Maintenance, Streets and Sewer, or Water Distribution)	\$82,400.00
Construction Engineer	\$68,557.00
Clerk of Council or Law Department	\$56,650.00
Assistant Clerk of Council	\$34,000.00
Position	Maximum Hourly Rate
Accountant/Payroll Manager	\$30.70
Accountant	\$28.22
Administrative Specialist	\$27.23
Client Coordinator	\$26.74
Administrative Assistant	\$24.76

(Ord. 67-2020 eff. 12/23/2020)

(g) Part-Time Schedule of Compensation. Part-Time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Maximum Hourly Rate
Public Safety – Fire/EMS	
Assistant Chief	\$19.06
Fire Captain	\$18.54
Paramedic	\$18.54
Firefighter – Paramedic	\$18.54
Firefighter – basic	\$16.48
Firefighter	\$16.48
Basic	\$16.48
Public Safety – Police/Dispatch	
School Crossing Guard	\$13.04
Special Patrolman	
0-12 months	\$20.22
After 1 year	\$23.41
After 2 years	\$24.38
Radio Dispatcher C	
0-12 months	\$18.95
After 1 year	\$21.33
After 2 years	\$22.67
General	
Administrative Assistant	\$20.05
Client Coordinator	\$14.42
Casual Labor	\$14.00
Seasonal Casual Labor	\$14.00
Intern (Non-Accredited)	\$14.00

(Ord. 67-2020 eff. 12/23/2020)

(h) Beginning with the first day of the pay period within which January 1 falls each year maximum compensation rates will be adjusted by the Director of Finance based on the Federal Social Security Administration's 3rd quarter COLA, along with market rate adjustments.

- (1) The Director of Finance shall each year before December 31 present to Council at an open meeting of that body the adjustment to be made pursuant to Section 3 hereof. Two weeks after such presentment the Clerk of Council and the Mayor shall make the necessary changes for such adjustments in Section 155.04 Compensation, subsections (f) and (g) of the Codified Ordinances and certify and publish such changes pursuant to Ohio Revised Code Section 731.23.

SECTION 155.05 COMPENSATION OF ELECTED OFFICIALS

(a) Elected Officials Schedule of Compensation. Employee who are elected to their position by the public shall be paid an amount equal to the amount set forth in the following schedule:

Position	Monthly Compensation	Annual Compensation
Member of City Council	\$696.84	\$8,362.08
President of City Council	\$735.00	\$8,820.00
Mayor	\$1,455.00	\$17,640.00

(b) The rate of compensation for Councilmembers as detailed in Section 1 shall annually be increased on December 1 by 1.75% in accordance with the published schedule of Ohio Public Employees Retirement System minimum earnable salaries for a period of six years being the period from December 1, 2022, to December 1, 2027.

(Ord 40-2021 eff. 07/29/2021)

SECTION 155.06 ANNUAL UNIFORM ALLOWANCE

(a) An annual uniform allowance of \$1,000 shall be paid for the positions of Chief of Police and Chief of Fire and Emergency Medical Services.

(b) An annual uniform allowance shall also be paid for the following positions, in the following amounts:

(1) Special Patrolman.

(A) First year: \$300 if during first half of year; \$150 paid in second half of year.

(B) Each year thereafter, \$300.00 paid in first half of January.

(2) Auxiliary Patrolman

(A) First year: \$150 if during first half of year; \$75 paid in second half of year.

(B) Each year thereafter, \$150 paid in first half of January.

SECTION 155.07 EDUCATIONAL BENEFITS

(a) The City will provide reimbursement to full-time City employees for tuition, registration, and laboratory fees upon successful completion of college, university or other educational courses that are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City, as determined by the responsible departmental authority.

(b) This ordinance shall not affect any instruction or training required by state law.

(c) Reimbursement for expenses permitted is contingent upon appropriation of funds.

(d) The responsible departmental authority must provide prior written authorization to qualify for reimbursement. Upon successful completion of education courses so authorized, the departmental authority will authorize the reimbursement to the employee, and it shall be paid by appropriated funds. Prior written authorization by the departmental authority shall be

conclusive that authorized educational courses are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City.

(e) Under no circumstances will the employee be permitted to take education courses during the normal working hours.

SECTION 155.08 LONGEVITY PAY PLAN

Longevity payments of \$70 per year of service shall be made during the first half of the month of December of each year to permanent, full-time employees who shall have completed at least five years of continuous City service and who shall be in the employ of the City as of November 30th of the year in which the longevity payment is made. Determination of longevity pay shall be from December 1st to November 30th. Full-time employees hired after August 1, 2006, shall not receive longevity pay.

SECTION 155.09 LEAVE OF ABSENCE PROVISIONS

(a) Holiday Allowances.

- (1) The following paid holidays will be observed by all full-time employees of the City of North Canton and City Offices will be closed on:
 - (A) New Year's Day
 - (B) Labor Day
 - (C) Martin Luther King Day
 - (D) Thanksgiving Day
 - (E) President's Day
 - (F) Friday after Thanksgiving Day
 - (G) Good Friday
 - (H) Day before or day after Christmas
 - (I) Memorial Day
 - (J) Christmas Day
 - (K) July 4th
 - (L) Juneteenth
- (2) Holidays listed in Division (1) hereof that fall on Saturday, which is normally not a working day, shall be observed on the preceding Friday.
- (3) Holidays listed in Division (1) hereof that fall on Sunday, which is normally not a working day, shall be observed on the following Monday.
- (4) Holidays listed in Division (1) shall be considered as a day worked for accrual of fringe benefits.
- (5) On or before the first day of November of each year in respect to the holiday of the day prior or the day after Christmas, the Mayor shall, by administrative order, establish which of the days shall be the paid holiday. If the Mayor fails to make such designation by November 1st, the holiday shall be deemed the day prior to Christmas.

(Ord. 48-2021 eff. 7/29/2021)

(b) Sick Leave Regulations.

- (1) Sick leave shall be defined as an absence with pay necessitated by:

- (A) illness or injury to the employee;
 - (B) exposure by the employee to a contagious disease communicable to other employees; and/or
 - (C) illness, injury, or death in the employee's immediate family.
- (2) Allowance for sick leave for full-time employees shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.
 - (3) Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.
 - (4) Upon retirement, a full-time employee hired on or before August 1, 2006, shall:
 - (A) be paid for 50% of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and,
 - (B) shall receive an additional amount equal to 25% of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum payment of 240 hours.
 - (5) Upon retirement, an employee hired after August 1, 2006 shall be paid for 25% of the total number of accumulated but unused sick hours earned by the employee, as certified by the Finance Department, up to a maximum payment equal to 240 hours.
 - (6) Sick leave shall not be used where injury is service connected but shall be covered by Subsection (h) hereof.
 - (7) Any sick leave shall be considered as hours worked for accrual of fringe benefits.
 - (8) Sick leave may be taken in one-quarter hour increments.
 - (9) Leave Donation Program.
 - (A) An employee may receive donated sick or vacation leave, up to the number of hours the employee is scheduled to work each pay period, if
 - (i) the employee who is to receive donated leave or a member of the employee's immediate family has a serious illness;
 - (ii) has no accrued leave whatsoever, i.e., sick, vacation, personal, compensatory, or holiday leave; and
 - (iii) has applied for all paid leave, Workers' Compensation, or benefit programs for which the employee is eligible.
 - (B) An employee may donate leave if the donating employee:
 - (i) voluntarily elects to donate leave and does so with the understanding that donated leave shall not be returned;
 - (ii) donates a minimum of eight hours; and
 - (iii) retains a combined leave balance of at least 80 hours.
 - (C) Leave shall be donated in the same manner in which it would otherwise be used.

- (D) This leave donation program shall be administered on a pay-period-by-pay-period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise receive. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated sick leave during the employee's probationary period. Donated leave shall be considered sick leave but shall never be converted into a cash benefit.
- (E) Employees wishing to donate leave shall certify:
- (i) the name of the employee for whom the donated leave is intended;
 - (ii) the type of leave and number of hours donated;
 - (iii) that they must possess a minimum of 80 hours of combined leave balance beyond the amount donated; and
 - (iv) that the donation is voluntarily and shall not be returned.
- (F) The City shall ensure no employees are forced, compelled, or intimidated to donate leave.
- (G) The City shall respect an employee's right to privacy. However, it may, with the permission of the employee in need, or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave. The City shall not directly solicit leave donations from employees; indeed, the City shall confirm donations occur on a strictly volunteer basis.

(c) Vacation Regulations.

- (1) For the sole purpose of the application of this subsection, full-time employees who were employed by the City of North Canton in a calendar year prior to January 1, 2003 shall be deemed to have a service date of January 1 of that year in that year in which their employment commenced.
- (2) Annual Vacation Allowances.
- (A) Full-time employees having been employed one through four years by January 1st shall be granted a paid vacation allowance of two calendar weeks in that calendar year of employment.
 - (B) Full-time employees having been employed five through nine years by January 1st shall be granted a paid vacation allowance of three calendar weeks in that calendar year.
 - (C) Full-time employees having been employed ten through fourteen years by January 1st shall be granted four calendar weeks in that calendar year.
 - (D) Full-time employees having been employed fifteen through nineteen years by January 1st shall be granted five calendar weeks in that calendar year.

- (E) Full-time employees having been employed twenty years or more shall be granted six calendar weeks in that calendar year.
 - (F) Full-time employees having been employed less than one year, but not yet employed on January 1st, may be granted one day of vacation for each full month remaining in that calendar year, to a maximum of 10 vacation days, effective on the first day of the first full month of employment during the calendar year, without the requirement of accrual.
 - (i) Unless Item (ii) hereof applies, full-time employees may be granted a paid vacation allowance during the first year of employment up to a maximum of two calendar weeks at the discretion of the appointing authority.
 - (ii) The appointing authority may grant up to four weeks of vacation for the positions of Director of Administration, Director of Law, Director of Finance, Deputy Director of Administration and Development, Deputy Director of Finance, Clerk of Council, City Engineer, Chief of Fire & EMS, Chief of Police, Superintendent, and Operations Manager.
- (3) Leave Approving Authority.
- (A) The Director of Finance is the leave approving authority for Finance Department employees.
 - (B) The President of Council is the leave approving authority for Directors of Law and Finance and Council Department employees.
 - (C) The approving authority for all other employees is the applicable department head with concurrence of the Director of Administration.
- (4) A vacation schedule based on the seniority standing of employees will be made up by the department head each year with vacation periods so staggered that an employee's absence will not seriously jeopardize the departmental work schedule.
 - (5) An extra day of paid vacation allowance will be permitted for all paid holidays falling within a selected vacation period.
 - (6) When the normal work week is forty hours, the paid vacation allowance will be based thereon.
 - (7) Three weeks of paid vacation allowance may be carried over to the next calendar year. The three weeks shall be the maximum amount which may be carried over regardless of the year to which the allowance is attributable.
 - (8) Any employee who shall resign, retire or be laid off shall be entitled to be paid for vacation allowance earned in the previous year and eligible to be taken in the current year plus vacation earned in the current year at the pro-rata amount of one-twelfth for each full month worked subsequent to January 1st.
 - (9) Vacation shall be used in increments of one week or more except that vacations may be used in lesser increments when authorized by the proper

departmental authority; however, vacation may not be taken in lesser increments than one hour.

(d) Military Leave. Military leave shall be granted in accordance with federal and state law.

(e) Funeral Leave.

- (1) Three days excused absence with pay upon the death of the employee's mother, father, sister, brother, spouse, son, daughter, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchildren, grandchild and grandparent-in-law.
- (2) With permission of the department head and the concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office, the employee may be allowed one day for a funeral other than that of a relative. This time off shall not be charged against sick leave or vacation allowance but shall be leave with pay.

(f) Jury Duty Leave.

- (1) Any employee who is called for jury duty, either Federal, County or Municipal, shall be paid the employee's regular salary, less any compensation received for jury duty, as provided for in the Revised Code when said jury duty conflicts with the employee's work schedule.
- (2) Paid Jury Duty Leave will not exceed eighty hours per year without approval of City Council. It will be the employee's responsibility to present to the City the necessary documents, including pay vouchers/check from the Clerk of Courts.

(g) Maternity Leave.

- (1) This policy applies only to those not eligible for maternity leave pursuant to Family Medical Leave Act of 1993("FMLA"). Employees eligible for FMLA maternity leave shall receive leave pursuant to that Act in the manner described in the City of North Canton Personnel Handbook. Maternity Leave shall include pregnancy, childbirth and related medical conditions.
- (2) Upon written request to the Director of Administration, Director of Finance, or President of Council, whoever is applicable, a pregnant employee may be granted a leave of absence without pay, subject to the following rules.
 - (A) Length of Leave: Leaves of absence for maternity leave shall be limited to the period of time that the pregnant employee is unable to perform the substantial, material duties of the employee's position. This period may include reasonable pre-delivery, delivery and recovery time, as certified in writing by a physician, not to exceed one hundred and eighty days. Such leave shall not

include time being requested for the purposes of child care following the recovery of the employee.

- (B) Physician Certificate: A pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will not be able to perform substantial, material duties of the employee's position due to pregnancy, childbirth or related medical conditions.
- (C) Sick Leave Usage: Upon request to the Director of Administration, Director of Finance, President of Council, whoever is applicable, and in accordance with the rules of the City of North Canton with regard to sick leave, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time as certified by the physician's certificate that the employee isn't able to work as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence for maternity leave purposes without pay for the remainder of the period.
- (D) Service Credit: Authorized leaves of absence under this rule for maternity leave without pay will count as service credit for all purposes related to seniority, provided the employee has properly returned to service and is not serving a probationary period. Employees that do not return to service from a personal leave of absence for maternity leave shall not receive service credit for the time spent on such leave.
- (E) Employee Benefits: Hospitalization and life insurance benefits will remain in effect as long as the employee is on maternity leave as provided for herein.
- (F) Return to Service: Upon completion of a leave of absence for maternity leave purposes, without pay, the employee shall be returned to the same or similar position within the employee's former classification.
- (G) Failure to Return: An employee who fails to return to duty upon completion or valid cancellation of leave of absence without pay and without explanation to the Director of Administration, Director of Finance, President of Council, whoever is applicable or their representatives, may be removed from the service of the City. An employee who fails to return to service from a leave of absence without pay and is subsequently removed from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.
- (H) Abuse of Leave: If it is found that a leave is not actually being used for the purpose for which it was originally granted, the Director of Administration, Director of Finance, or President of Council, whoever is applicable, may cancel the leave and direct the

employee to report for work by giving written notice to the employee.

(h) Disability Pay. For a period of up to 12 months, a full-time employee injured in the line of duty, whose claim is allowed by the Bureau of Workmen's Compensation, may receive the difference between the amount allowed by the Bureau of Workmen's Compensation and the employee's regular pay.

(i) Unpaid Leave of Absence. Leave of Absence without pay may be granted upon written request and approval of Director of Administration. Attendance at job related conferences, meetings, seminars, require prior written request and approval from the responsible departmental authority.

(j) Public Accountability Salary Deduction. To the extent permitted by law, exempt employees who are entitled to accrue personal leave and sick leave will have their salary reduced for absences of less than full work days when accrued leave is not used by an employee because: a) permission for its use has not been sought or has been sought and denied; b) accrued leave has been exhausted; or c) the employee chooses to use leave without pay.

SECTION 155.10 MEDICAL AND LIFE INSURANCE

(a) Full-time personnel shall be eligible for medical benefits in accordance with the City's group health benefits plan, according to the terms of such plan, as amended from time to time.

(b) Full-time personnel, and those part-time personnel designated by Council, shall be eligible for life insurance in accordance with the City's life insurance plan, according to the terms of such plan, as amended from time to time.

SECTION 155.11 RETIREMENT AND PENSION

(a) Retirement.

- (1) For the purpose of administering Section 155.08 retirement is defined as eligible retirement as determined by the Public Employees' Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund.
- (2) Disability Retirement is defined as recognition of eligible disability retirement from the Public Employees' Retirement System and the Police and Firemen's Disability and Pension Fund.

(b) Pension Pickup.

- (1) Any employee of the City of North Canton who is a member of the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund shall have the employee's compensation reduced by an amount equivalent to that employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, and that the amount of the employee's contribution to the Public Employees Retirement System of Ohio or the

Ohio Police and Fire Pension Fund; as the case may be, be paid by the City of North Canton on behalf of the employee; and that the amount of the contribution so paid on behalf of the employee by the employer be added to the salary or wage of the employee in the calculation of pensions and other benefits and is subject to the City of North Canton income tax. The employee is not given the option of choosing to receive said amount directly instead of having them paid directly to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund.

- (2) In respect to the employee's contribution to the Public Employees Retirement System of Ohio, that contribution shall be the employee's contribution to the employee's savings fund defined by R.C. 145.47.

SECTION 155.12 DRUG TESTING POLICY

(a) Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be solely for administration purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be released to a third party for the use in a criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.

(b) Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.

(c) All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometry procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.

(d) Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second confirmatory test of the split sample done at a lab of the employee's choosing, at the employee's expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.

(e) If all the screening and confirmatory tests are positive, then the employee involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.

(f) Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.

(g) An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

(h) Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to the employee's former position.

(i) Such employee may be subject to random retesting upon return to the employee's position for a period of one year from the date of return.

(j) Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed 90 days.

(k) If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or fails to complete a program of rehabilitation, or should test positive at any time within one year after return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

(l) Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

(m) For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one-year period after return from a rehabilitation program.

(n) For the purpose of implementing the provisions of this Article, each employee shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer."