

**North Canton City Council
Committee of the Whole Agenda
Monday, February 3, 2020**

North Canton City Council will meet as a Committee of the Whole, Monday, February 3, 2020, at 7:00 p.m. in Council chambers, North Canton City Hall.

Items to be discussed:

1. Finance & Property Committee

Chairperson: Stephanie Werren

Vice Chairperson: Matthew Stroia
Mark Cerreta
Doug Foltz
Dominic Fonte
Daniel Peters
Daryl Revoldt

The Director of Administration requests consideration for discussion of the Arrowhead Golf Course budget and other budgetary appropriations.

2. Personnel & Safety Committee

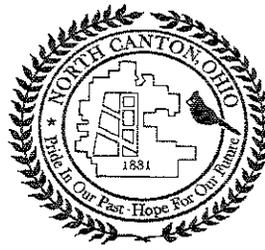
Chairperson: Daniel Peters

Vice Chairperson: Dominic Fonte
Mark Cerreta
Doug Foltz
Matthew Stroia
Stephanie Werren
Daryl Revoldt

The Director of Administration requests the consideration and review of the updated Employee Manual and to place it on the agenda for March 16, 2020 for consideration and legislative action.

3. Adjourn

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Patrick A. De Orio
Director of Administration
CITY OF NORTH CANTON

Agenda Request

To: Daniel J. Peters, Council President
Date: January 31, 2020
Subject: Agenda Item Request - Finance Committee Discussion

I am requesting to allow Administration allocated time at your earliest convenience to present to Council for discussion and consideration the Arrowhead Budget and Supplemental Appropriations as requested on the attached spreadsheet.

Respectfully submitted,

Patrick A. De Orio

A handwritten signature in black ink, appearing to be "P. De Orio", written in a cursive style.

Department	To Account	Purpose	Amount
Administraton	101.619.5215	Two Additional Phones	\$2,000.00
Administraton	101.619.5225	Professional Services	\$8,000.00
Insurance Fund	761.784.5225	COBRA Insurance Premiums	\$3,000.00
General Govt.	101.627.5225	Human Resources Consultant	\$5,000.00
Economic Dev.	101.416.5225	Professional Services	
		Consultant for CRA	\$33,000.00
		Zoning Consultant Phase II	\$95,000.00
		Farmers' Market	\$30,000.00
		Digital Archive Company	\$32,000.00
Golf Course	101.313.5229	Arrowhead Contract	\$50,000.00
Park/Rec Fac.	330.309.5501	Arrowhead	
		Pool Pavilion Roof	\$12,000.00
		Pool Skimmers	\$16,000.00
		Electrical Code Updates	\$9,000.00
		Lobby Restrooms/Toilets	\$4,000.00
Dispatch Wages	101.101.5102	Dispatch - Additional Position 1/2 year	\$30,000.00
			\$329,000.00

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Patrick A. De Orio
Director of Administration
CITY OF NORTH CANTON

Agenda Request

To: Daniel J. Peters, Council President
Date: January 29, 2020
Subject: Adoption of Updated Employee Manual

I am requesting consideration of the Updated Employee Manual to begin on February 3, 2020. No legislation is requested at this time. The manual is being provided for your review on your own time and we will place it back on Council's agenda on March 16, 2020 for discussion and legislative action.

EMERGENCY REQUESTED: YES NO

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. De Orio", is written over the signature line.

Patrick A. De Orio

**THE
CITY OF NORTH CANTON
PERSONNEL POLICY
AND PROCEDURE MANUAL**

THIS DOCUMENT IS NOT A CONTRACT

Prepared by:

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- F EEO/Anti-Discrimination Complaint Form
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X Record of Verbal Warning
Y Record of Written Reprimand
Z Request for Family and Medical Leave
AA Request for Leave of Absence
BB Temporary Appointment Letter
CC Transitional Work Program
DD Travel Expense Report
EE Waiver of a Predisciplinary Conference
FF Workplace Violence Incident Report

INTRODUCTION / DISCLAIMER

SECTION 1.01

A. POLICY

1. This policy manual offers guidance on how our City is managed and provides a general idea of what is expected of each employee. The policies serve as guidelines. They may change from time to time without notice. Since these guidelines cannot address every possible situation that may arise, the application of these guidelines may vary depending on the circumstances of each situation. The City reserves the right, whether in an individual case or more generally, to alter, add, reduce, or eliminate any practice, policy or benefit, in whole or in part, without notice. This guide is not a contract and should not be construed to impose any contractual obligation--expressed or implied.
2. Policies are the basic rules which guide administrative action for accomplishing an organization’s objectives. Comprehensive and clearly written policies, consistently and fairly administered, are essential to the success of any organization.
3. Written procedures provide members of the organization with administrative interpretation of the application of the organization’s policies and explain the specific manner in which such policies are implemented.
4. If any provision in this handbook is in conflict with an ordinance adopted by North Canton City Council, the ordinance will prevail.
5. This manual contains the policies and procedures of the City of North Canton, Ohio (hereinafter referred to as “Employer”).
6. THIS MANUAL IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY, AND MAY BE CHANGED AT ANY TIME BY THE EMPLOYER WITH OR WITHOUT NOTICE (THOUGH THE NORMAL PROCEDURE FOR AMENDMENT IS EXPLAINED LATER). THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT, EXPRESSED OR IMPLIED. NO REPRESENTATIVE OF THE EMPLOYER HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT WITH AN EMPLOYEE THAT IS CONTRARY TO THE FOREGOING.

OBJECTIVES

SECTION 1.02

A. POLICY

1. The employment of all personnel in the various departments of the City and all actions affecting such employees shall be based solely on merit, ability and justice, and, where applicable, shall be in accordance with the rules and regulations of the Civil Service Commission of the City.

2. The Employer recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective government. The policies and procedures set forth in this manual are designed to:
 - a. promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for advancement and consideration of employee needs;
 - b. maintain recruitment and internal promotional practices which will enhance the attractiveness of public employment and encourage employees to give their best efforts to the organization and the public;
 - c. encourage courteous and dependable service to the public;
 - d. provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;
 - e. ensure that operations are conducted in an ethical and legal manner to promote the Employer’s reputation as an efficient, progressive body in the community and the state; and
 - f. establish acceptable minimum standards of performance.

3. The primary obligation of the Employer is to provide the residents of the City of North Canton with superior services at the most reasonable cost. This is a continuing obligation to which all other obligations are secondary.

DEFINITION / ABBREVIATIONS

SECTION 1.03

A. POLICY

Unless otherwise indicated, the following definitions and abbreviations apply to the below listed terms as used in this manual.

Active Pay Status: Except where otherwise defined in this manual, active pay status is a period when an employee is eligible to receive pay directly from the Employer and includes hours worked, vacation leave, sick leave, compensatory time, paid military leave and paid court leave.

ADA: Americans with Disabilities Act.

Appointing Authority: Refers to the officer, commission, board or body having the power of appointment or removal from positions, officials, or the designees of such officials who are authorized by law with the power to appoint or remove positions in any office, department, commission, board or institution. The Appointing Authority for the employees covered by this manual may be the Appointing Authority or Board of Public Utilities/designee (Board President).

Auxiliary: Police Officers serving without compensation.

BWC: Abbreviation for Ohio Bureau of Workers' Compensation.

City: The City of North Canton, State of Ohio.

Classification (Class): A group of positions that involve similar duties and responsibilities, require similar qualifications, and that are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one (1) position in some circumstances.

Classification Plan (Class Plan): The alphabetically arranged compilation of the classification specifications for employees of the Employer.

Classification Series: Those classifications which are closely related, and grouped to form a career progression.

Classification Title: The descriptive name of a group of positions similar enough to be included under a single classification.

Classified Employee: An employee who, after serving a probationary period, may only be demoted, suspended or removed from public service for cause, in accordance with the State Civil Service statute O.R.C. 124.34.

Classified Service: Comprises all persons in the employ of the City not specifically included in the unclassified service. The classified service shall be divided into the "competitive class" and the "unskilled labor class" as provided for in paragraph (B) of O.R.C. 124.11.

Coinsurance: Copayment of health cost calculated by a contractual percentage.

Collective Bargaining Agreement: The written agreement(s) entered into between the Employer and an exclusive representative of employees of the Employer pursuant to O.R.C. Section 4117.

Compensatory Time (Comp Time): Time off work granted to nonexempt employees in lieu of overtime payment for overtime hours worked, and granted off at the rate of one-and-one half (1½) hours for each hour of overtime.

Day(s): Unless otherwise specified, means calendar day(s).

Demotion: A change in position that reduces the employee's scope of responsibility and compensation.

Department: A City organizational unit directed and controlled by the Employer and charged with a specific public service function and mission.

Department Head: A supervisor (as defined herein) charged with the responsibility of managing a department on behalf of the Employer. Also called Director or Executive Director, and Superintendent in some departments.

Section 1

INTRODUCTION

Designee: Any person authorized by the Employer or management official to perform a function with or on behalf of the Employer or management official.

Discourteous Treatment of the Public: Failure by an employee to treat any member of the general public with respect, in a polite and courteous manner.

Dishonesty: Conduct involving bad faith, a lack of integrity, or moral turpitude

Distribution: An act of distributing goods, materials and/or written materials or literature.

Employee: Any person holding a position subject to appointment, removal, promotion or demotion by the Appointing Authority.

Employer: The Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions. As context requires, Employer may also mean any designee who is authorized to carry out certain duties on behalf of the Appointing Authority.

Excused Absence: Absence from work with the approval of the Employer (e.g., sick leave, vacation, holiday, unpaid leave of absence, etc.).

Exempt Employee: A salaried employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who therefore does not have to legally be paid the statutory minimum wage and/or be compensated, at premium rates, for additional hours worked in the workweek.

Fines: A form of disciplinary action whereby the Appointing Authority imposes a monetary penalty as a disciplinary measure aimed at improving the employee's conduct. Such fine shall not exceed five (5) days' pay and shall not reduce the employee's pay below the minimum wage established by the FLSA. Fines may also be assessed against accrued leave time when appropriate.

Failure of Good Behavior: Failure by an employee to accept, adhere to or maintain the expected levels of performance and/or conduct required by the Employer, or reasonably expected by the Employer even in the absence of a written work rule.

Flex-time (Non-exempt Employees): Adjustment of an employee's work hours to avoid the employee working in excess of 40 hours in one (1) workweek, pay period, or any other standard work period established in accordance with the FLSA.

Flex-time (Exempt Employees): Rearrangement of hours in a pay period up to eight (8) hours.

FLSA: Abbreviation for the Fair Labor Standards Act.

FML: Abbreviation for Family and Medical Leave.

FMLA: Abbreviation for the Family and Medical Leave Act.

Section 1

INTRODUCTION

Immoral: Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

Immoral Conduct: Conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

Incompetency: Lack of ability, legal qualifications or fitness to perform duties required of an employee.

Inefficiency: Quality of being incapable or indisposed to perform duties required of an employee within reasonable standards.

Insubordination: Intentional failure to perform duties required of an employee; refusal to obey an order issued by the employee's supervisor.

Malfeasance: The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which a person ought not to perform.

Misfeasance: The improper performance or commission of some act which a person may lawfully do.

Neglect of Duty: Omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act. A designed failure, refusal or unwillingness to perform one's duty.

Nonexempt Employee: An employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of 40 in an established workweek or other standard work period established in accordance with the FLSA.

Nonfeasance: Nonperformance of some act which ought to be performed; the total omission to perform a required duty; or the total neglect of duty.

Non-work Area: Those areas of the Employer's property such as the parking lot or other areas where no official Employer business is transacted nor operations conducted.

Non-work Time: Any time during an employee's workday where the employee is totally relieved of work duties. Whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.

O.A.C.: Abbreviation for the Ohio Administrative Code.

OPERS: Abbreviation for the Ohio Public Employees Retirement System.

OP&E: Abbreviation for the Ohio Police and Fire Pension Fund.

O.R.C.: Abbreviation for the Ohio Revised Code. Also abbreviated as R.C. when followed by a chapter or section number.

Oral Reprimand: Written documentation of an oral counseling and instruction which is provided to the employee and placed in the employee's personnel file to correct any misconduct and improve the employee's conduct and performance.

OSHA: Abbreviation for Ohio's Occupational Safety and Health Act.

Overtime: Compensation for such time over forty (40) hours or over eight (8) hours in a given day at one and one-half times the regular rate for non-contractual employees, excluding sick leave.

Part-time Employee: Employees assigned a work schedule of less than forty (40) hours each week by their appointing authority.

Personnel Actions: A specific act by the Employer to implement a personnel decision (e.g., hiring, promotion, demotion, suspension, removal, layoff, wage increases).

Personnel Decisions: Such decisions include, but are not limited to: (1) recruitment; (2) selection; (3) placement; (4) testing; (5) training; (6) promotions and transfers; (7) layoff and recall; (8) removal; (9) disciplinary action; (10) social and recreational programs; (11) employee benefits and compensation; and (12) tangible program services and benefits.

Position: A group of duties and responsibilities assigned or delegated by competent authority to be performed by one (1) person. All of the positions listed in the organizational chart constitute positions within the City. Positions and the duties of a position may be revised, but the employee's classification remains the same unless the position is reclassified.

Promotion: Any change in position which results in an increase in an employee's compensation and responsibility.

R.C.: Abbreviation for Ohio Revised Code when followed by a chapter or section number.

Reduction: A change in the classification held by an employee to one having a lower base pay range, a change to a lower step within a salary range, or any decrease in compensation of an employee.

Seasonal: Appointed to work a specific season(s).

Shift Differential Pay: Additional hourly compensation for hours worked during specific shifts and is not part of the base salary.

Solicitation: An act of requesting an individual to purchase goods, materials or services, or a plea for financial contribution.

Supervisor: An individual who has been authorized by the Employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off,

recalling, promoting, discharging, assigning, rewarding or disciplining employees under the direction of the Employer; to responsibly direct employees; to adjust their grievances; or to effectively recommend any of these actions.

Suspension: Relief of an employee from duty without pay, usually for a short period of time (i.e., one (1) to fifteen (15) days), as a disciplinary measure aimed at improving the employee's conduct.

Transfer: The movement of an employee from one (1) position to another where there is no change in level of responsibility, classification or salary.

Unclassified Service: Comprises those positions set forth in paragraph (A) of O.R.C. 124.11 as applied to the Civil Service of the City. Positions in the unclassified service shall be exempt from all examinations required by O.R.C. 124.11 to 124.99. The Civil Service status of employees appointed without competitive examination to positions that are not subject to the discipline or removal provisions contained in R.C. Section 124.34. This includes employees who receive intermittent or temporary appointments pursuant to R.C. Section 124.30 (B), those employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation, and the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals, clerical and administrative support employees and other positions specified by the City of North Canton's Civil Service Rules and Regulations. Such employees serve at the pleasure of the Appointing Authority.

Vendor: Any individual or group engaged in or desiring to engage in the supply of goods, materials or services, (which are utilized in the conduct of public business) to the Employer and/or its employees.

Weekend Differential Pay: Additional hourly compensation for hours worked during the weekend and is not part of the base salary.

Work Area: Any office, room, or physical location where official Employer business is transacted and/or operations of the Employer are conducted.

Working Suspension: A form of discipline, whereby the Appointing Authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and will have the same effect as a suspension without pay for the purpose of progressive disciplinary action.

Work Time: All the time when an employee's duties require that the employee be engaged in work tasks, not including scheduled breaks or time before or after work.

Work Unit: A division under the Employer's control usually directed by a supervisor and charged with a specific work function which contributes to the accomplishment of the Employer's public service function.

Section 1

INTRODUCTION

Written Reprimand: The written record of disciplinary action, usually issued after an oral reprimand has failed to improve an employee’s conduct or when the employee has committed a more serious violation, which is provided to the employee and placed in the employee’s personnel file in an attempt to improve the employee’s conduct and performance.

SCOPE OF COVERAGE

SECTION 1.04

A. POLICY

1. The policies and procedures in this manual generally apply to classified, unclassified, and bargaining unit employees. These policies do not establish tenure or contractual rights for employees not required by law. Although the Employer subscribes to these policies, the Employer may waive irregularities or ambiguities in policies and procedures to the Employer’s benefit.
2. To the extent not prohibited from doing so by law, the Employer retains the right to hire, fire, set compensation, and manage unclassified and probationary employees without restriction.
3. For those employees covered by a union contract, contractual employment provisions prevail over the general provisions of the employees of the City of North Canton. Where employment related issues are not addressed in the employment contract, the general provisions of the City of North Canton apply.
4. These policies and procedures supersede all previous written and unwritten personnel policies and past personnel practices of the Employer, and any current department policy or procedures, unless the department policy or procedure is more restrictive due to operational needs of the department.
5. In the event there is a conflict between these policies and procedures and the provisions of a collective bargaining agreement, the collective bargaining agreement shall prevail. To the extent this manual confers benefits not granted by a collective bargaining agreement, the policy shall not apply to those employees covered by the agreement.
6. In the event of a conflict between this manual and any applicable law, the law shall prevail, unless the conflict is with a state employment law which the City has superseded by ordinance under its “Home Rule” authority as granted by the Ohio Constitution.

MANAGEMENT AUTHORITY

SECTION 1.05

A. POLICY

1. The Employer retains the full right and responsibility to direct the operations, promulgate policies, rules and regulations and otherwise exercise the prerogatives

of management, which more particularly include but are not limited to the following:

- a. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, layoff, or to reprimand, suspend, discharge, or otherwise discipline according to law or agreement.
 - b. To promulgate and enforce work rules and regulations;
 - c. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed;
 - d. To determine goals, objectives, programs, services, and budget and to utilize personnel and technology in a manner designed to effectively meet these purposes;
 - e. To determine work methods, the size, composition and duties of the work force, and the organizational structure;
 - f. To determine the hours of work, the number of shifts required, and work schedules;
 - g. To relieve employees from duty due to lack of work, lack of funds, reorganization, or job abolishment;
 - h. To determine when a job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained;
 - i. To determine staffing patterns, including but not limited to assignment of employees, qualifications required and areas worked;
 - j. To determine the necessity to schedule overtime and the amount required thereof;
 - k. To maintain the security of personnel, financial records, and public records;
 - l. To maintain and improve the efficiency and effectiveness of the operations; and
 - m. To determine and implement necessary actions in emergency situations.
2. The exercise of any such right, power, authority, duty, or responsibility by the Employer and the adoption of such rules, regulations, or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law and any contractual agreement with employees under Ohio’s collective bargaining law.

A. POLICY

1. The Employer has the exclusive right and authority to create and issue policies and procedures.
2. All employees shall be notified of the existence of this manual. A copy of the manual shall be available for review by employees. Employees are encouraged to ask their supervisor questions regarding any issue which is unclear.
3. All supervisory personnel responsible for administering policy shall receive and be thoroughly familiar with this manual, administer each policy contained herein, and ensure that subordinate personnel do likewise.
4. This manual shall remain the exclusive property of the Employer and shall be surrendered upon request. Unauthorized reproduction is prohibited.

B. PROCEDURE

1. This manual shall be adopted as the Employer’s official policies and procedures by ordinance of the City Council. Upon adoption, the Appointing Authority or designee shall provide sufficient copies of this manual to each department. The Appointing Authority or designee shall also provide copies for review pursuant to the prior notice requirements of each collective bargaining agreement.
2. The Appointing Authority shall thereafter make and distribute a copy of the manual to each of the Employer’s department heads and maintain a list of each department head receiving a copy and the date issued.
3. Department heads shall make and distribute a copy of the manual to each of their supervisors and maintain a list of each supervisor receiving a copy and the date issued.
4. Each employee shall be provided with access to a copy of the manual to read. After reading or having it read to them, the employee shall sign an Acknowledgment Form, which shall be placed in the employee’s personnel file. Employees shall not read this manual during work time unless authorized to do so by their department head.

AMENDMENT

SECTION 1.07

A. POLICY

1. Changes within the organization will necessitate changes in this manual. Policies and procedures may only be amended, revised, or deleted by the Appointing Authority, and submitted to City Council for approval.

B. PROCEDURE

Section 1

INTRODUCTION

1. All ordinances adopted by City Council shall be reviewed by the Appointing Authority to determine whether the ordinance amends, adds, or deletes a section or sections of this manual.
2. When an ordinance amends, adds, or deletes a section or sections of this manual, the Appointing Authority shall entirely rewrite the effected manual section(s). At the bottom of the new section(s), the original adoption date and revision date shall be filled in.
3. The original of the new section shall be placed in the Appointing Authority's master volume of the manual.
4. A copy of the new section shall be given by the Appointing Authority to each department head with a copy of the manual. Each department head shall give a copy of the new section to each supervisor with a copy of the manual
5. The Appointing Authority shall determine by what means the new or amended policy is to be communicated to employees (i.e., group meetings, posting on bulletin boards, etc.).
6. All new sections of the manual shall be posted by the Appointing Authority on department bulletin boards pursuant to the prior notice and posting requirements of each collective bargaining agreement.

PERSONNEL ADMINISTRATION

SECTION 1.08

A. POLICY

1. The Appointing Authority is charged with the responsibility to administer the Employer's personnel system. The Appointing Authority, in the exercise of this function, shall:
 - a. recruit qualified personnel;
 - b. prepare, schedule, and hold examinations other than civil service examinations;
 - c. establish classification specifications;
 - d. prepare and recommend to City Council for approval and publication, necessary rules to establish and maintain the City's merit system;
 - e. conduct background investigations of prospective employees; and
 - f. perform other related personnel duties.

SEVERABILITY

SECTION 1.09

A. POLICY

Section 1

INTRODUCTION

If any section or part of this manual or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any article or section of this manual is restrained by a court, the remainder of this manual and any amendments shall not be affected and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the Employer’s intent.

B. PROCEDURE

Whenever any section of this manual is amended by operation of law or by court order, the section shall be amended by the Appointing Authority pursuant to the Amendment Section of this manual.

CITY ADMINISTRATIVE STAFF

SECTION 1.10

Commented [C1]: Does the City want this section? If so, names and numbers?

A. CITY ADMINISTRATIVE STAFF

IMPORTANT PHONE NUMBERS AND ADDRESSES

SECTION 1.11

Commented [C2]: Does the City want this section? If so, which departments and numbers would you like included?

Commented [C13]: Do you have a current TO?



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Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 2.01

A. POLICY

1. The City of North Canton is an Equal Opportunity Employer. The City of North Canton or its agents shall not discriminate against any employee or application for employment because of race, religion, color, sex, gender, sexual orientation, national origin, disability, age, veteran status, military status, ancestry, genetic information, or any other protected criteria. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion or Transfer; Recruitment or Recruitment Selection for Training including Apprenticeship.
2. The Director of Administration or designee s the Employer's EEO/ADA Coordinator. The EEO/ADA Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the department head.
3. The EEO/ADA Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.
4. No inquiry shall be made prior to employment regarding the applicant's race, color, religion, gender, military status, national origin, ancestry, age, sexual orientation, or disability, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicant's part.
5. It is the policy of the City to comply fully with all federal, state, and local nondiscrimination laws.
6. City employees shall not discriminate against any other employee or anyone requiring services from the City because of that individual's race, color, gender, age, religion, familial status, disability, military status, national origin, ancestry, sexual orientation, or marital status.
7. Posters shall be displayed in locations throughout the City offices in such a manner as to be easily readable from a wheelchair.
8. It is the policy of the City of North Canton to provide courteous and efficient service. In that regard, the City shall make every reasonable effort to accommodate persons with disabilities, as well as those persons with language and literacy barriers.

B. PROCEDURE

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

Complaints, comments, or questions regarding the City's compliance with nondiscrimination laws should be filed in accordance with the Discrimination Complaint Procedure contained in Section 2.04 of this manual.

AMERICANS WITH DISABILITIES ACT **SECTION 2.02**

A. POLICY

1. It is the policy of the City of North Canton to provide qualified individuals with disabilities equal access to employment. A "qualified" individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds position with reasonable accommodation or reasonable accommodation is not necessary. This policy prohibits discrimination against individuals with disabilities in all hiring, firing, advancement, compensation, training, and the terms, conditions and privileges of employment.
2. Employment: The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and will not discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions and privileges of employment.
3. Accessible Features: The Employer shall maintain in operable working order all features of facilities and equipment which are for the use, benefit, aid, or service of the public, in a manner which is readily accessible to and usable by persons with disabilities.
4. Accessible Facilities: Each service, program, and activity shall be operated in a manner that, when viewed in its entirety, shall be readily accessible to and usable by individuals with disabilities.
5. Accessible Communications: The Employer will make reasonable accommodation to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others.
6. Information: The Employer shall ensure that all interested persons (including those with impaired vision or hearing) can obtain information on the existence and location of accessible services, activities, and facilities.
7. Action to achieve accessibility may not be taken when it would result in a fundamental alteration in the nature of a service, program or activity, or cause undue financial and administrative burdens.
8. EEO Coordinator - The Equal Employment Coordinator (see Section 2.01) shall be responsible for:
 - a. Providing information about the ADA to employees and others;

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

- b. Receiving and resolving complaints involving non-accessibility of services, programs, or facilities and alleged discrimination against disabled individuals.

B. PROCEDURE

1. The Employer will conduct an interactive dialogue with an individual who has claimed a disability or has requested an accommodation. The interactive dialogue may also be triggered by the Employer's perception of a potential problem with an employee's performance.
2. The interactive dialogue is an informal interactive discussion between the Employer and the individual aimed at finding a means by which the disabled individual can perform the essential functions of the job. The purpose of the meeting is to identify the precise limitations resulting from the disability and to discuss the potential reasonable accommodations that could overcome those limitations.
3. Upon being notified by an individual of a disability or a need for accommodation, or upon the Employer's perception of a potential problem, the following process will be followed:
 - a. The Employer will analyze the particular job involved and determine its purpose and essential functions;
 - b. The Employer will consult with the potentially disabled individual to ascertain the precise job-related limitations imposed by the claimed disability and how those limitations could be overcome with a reasonable accommodation;
 - c. Provided the individual's condition meets the definition of a disability (see paragraph 4), the Employer will consult with the disabled individual to identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
 - d. The Employer will consider the preference of the disabled individual and select and implement the accommodation that is most appropriate for both the employee and the Employer, provided the accommodation does not impose an undue hardship on the operation of the Employer's business.
4. Definitions:
 - a. Disability: The term disability means, with respect to an individual:
 - (1) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (2) a record of such an impairment; or

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

- (3) being regarded as having such an impairment.
- b. Essential Functions: Fundamental or core duties of the position.
- c. Major Life Activities:
 - (1) Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, lifting, learning, eating, sleeping, bending, reading, concentrating, thinking, and communicating, and working.
 - (2) A major life activity also includes the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- d. Regarded as Having Such an Impairment:
 - (1) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the Americans with Disabilities Amendments Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - (2) Paragraph 4. a. (3) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

DISCRIMINATORY HARASSMENT

SECTION 2.03

A. POLICY

It is the policy of the City of North Canton to maintain an environment free from all forms of unlawful discriminatory harassment for all employees, including gender-based discrimination due to sexual harassment. Sexual harassment is an issue that can affect employees at all levels. Sexual harassment is inappropriate and interferes with the well-being and productivity of the employee and the efficiency of our organization, negatively affecting morale, motivation, and job performance. The City of North Canton, in the commitment to eliminate this inappropriate behavior, has established the following policy. For purposes of this policy conduct of a sexual nature will not be tolerated. To maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, of opposite or same gender is strictly prohibited.

This policy applies equally to men and women; to same and opposite sex relationships; to supervisor-subordinate relationships; and to peer relationships. It may also apply to customer/client and other relationships with non-staff members with whom we do business.

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

1. Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, gender, military status, national origin, ancestry, age, religion, sexual orientation, or disability. Sexual harassment includes, but is not limited to the following:
 - a. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
 - b. Repeated verbal abuse of a sexual nature;
 - c. Graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation;
 - d. The display of sexually suggestive objects, pictures, or the display of same through other media in a location where others can see it;
 - e. The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee's or applicant's submission to sexual harassment in any form; and,
 - f. Any offensive, abusive, or unwanted physical contact.

2. Responsibility:
 - a. It is the responsibility of all employees to aid the Employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any instances of discriminatory harassment to the proper authority (see Complaint Procedure, Section 2.04). Any employee who observes any conduct that may constitute discriminatory harassment of any City employee, but fails to report same, may be subject to disciplinary action.
 - (1) Adhering to this policy
 - (2) Discouraging sexual harassment
 - (3) Reporting any incident to appropriate persons
 - (4) Cooperating in any investigation which might result
 - (5) Directing any questions to their supervisor or department head
 - b. It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

- c. It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.
- d. Management shall also ensure that all employees are aware of this maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training in this policy as a part of their employee orientation. An employee who has questions or concerns regarding this should contact their Supervisor or Appointing Authority.

3. Procedure:

- a. Once a complaint of discriminatory harassment has been received, or an instance of such harassment has been reported (see Complaint Procedure, 2.04), the proper member of management will immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.
- b. If, after a thorough and prompt investigation, it is determined discriminatory harassment has occurred, the employee who has been found to have committed such harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
- c. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not such harassment has occurred, the complaining employee and/or reporting employee will be informed of same.

DISCRIMINATION COMPLAINT PROCEDURE

SECTION 2.04

A. POLICY

Any employee who believes that he/she has been the subject of discrimination, discriminatory harassment, or sexual harassment, and/or any employee who has witnessed an incident, or incidents of such discrimination or harassment, or wish to raise questions or concerns, should report the matter(s) to the proper authority immediately.

B. PROCEDURE

- 1. Any employee who believes that he/she has been the subject of or witness to discrimination, including sexual harassment, should immediately report the alleged act(s) to his/her immediate supervisor, department head, or the EEO/ADA Coordinator.

Section 2 EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION

If the immediate supervisor, department head, or EEO/ADA Coordinator is the subject of the complaint, the employee should report to the next higher ranking person in the facility's table of organization.

The employee should report the complaint to the Appointing Authority if all lower positions in the chain of command are implicated in the complaint. Should the Appointing Authority be the subject of the complaint, the employee should report the matter to the City Law Director.

2. The employee alleging discrimination or discriminatory harassment shall complete the EEO/Anti-Discrimination Complaint Form provided for that purpose. The employee should provide:

- a. The employee's name;
- b. The name of the subject of the complaint;
- c. The act(s) complained of;
- d. The date(s) of the act(s);
- e. Any witnesses to the alleged acts; and
- f. The remedy the employee is seeking.

This form should be completed by the employee as soon as possible following the alleged act giving rise to the discrimination or harassment complaint.

- 3. If the employee alleging the discrimination or discriminatory harassment is unwilling to complete the complaint, the matter should be addressed under the "duty to report" section and the form completed by the person to whom the verbal complaint was made. This form should be completed as soon as possible and no later than two (2) days after the date the alleged act of discrimination or harassment was reported.
- 4. After the EEO/Anti-Discrimination Complaint Form has been completed, the complaint will promptly be investigated by the Appointing Authority or designee, or other authorities as stated in this section.
- 5. If the investigation reveals that the complaint is valid, prompt action will be taken to end the discrimination or harassment immediately.
- 6. The investigation will begin with private interviews of the employee allegedly committing the harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. Determinations shall be made on a case-by-case basis.
- 7. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken. Complainants will be protected from retaliation.

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

8. The City encourages employees to come forward to discuss situations which might make them uncomfortable and discuss their options.

DISCRIMINATION DISCIPLINARY PROCEDURE **SECTION 2.05**

A. POLICY

1. All allegations of discrimination and/or discriminatory harassment shall be promptly investigated.
2. Although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. Any employee that makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline in accordance with the Employer's policy. Failure to prove sexual harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint may be subject to discipline.
3. Disciplinary action will result and be reflective of the seriousness of the violation. If the investigation establishes that the accused employee engaged in sexual harassment, discipline will be administered which may include removal. Offenders will be disciplined without regard to their position or job performance. Any individual exhibiting discriminatory or harassing behavior towards an employee who had knowledge of sexually harassing conduct that allows the conduct to go unaddressed will be subject to discipline.

B. PROCEDURE

When it is determined that there is cause for believing that an act of discrimination or discriminatory harassment has occurred, the following steps will be followed:

1. All complaints alleging illegal discrimination or discriminatory harassment shall be filed on the EEO/Anti-Discrimination Complaint Form. This form shall be filed as soon as possible after the date the alleged discrimination occurred.
2. The department head, Appointing Authority, City Law Director, or other designated individual shall investigate all complaints and respond to the complainant as soon as possible following completion of the investigation. If the complainant is not satisfied with the initial response, he/she may file the complaint with the EEO/ADA Coordinator or the Appointing Authority.
3. The charged party may immediately be suspended with pay or temporarily transferred pending the final resolution of the complaint.
4. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to respond to the charge. The Employer may require that the response be in writing and submitted to the person conducting the investigation.

Section 2 **EQUAL EMPLOYMENT OPPORTUNITY / NON DISCRIMINATION**

5. Following the meeting and/or completion of the investigation, a final determination will be made. If it is determined that a prima facie case of discrimination or discriminatory harassment has been established, the charged employee will be notified and disciplinary action will be implemented.
6. Any employee that makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline in accordance with the Employer's policy.
7. Nonemployees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately as allowed by law.
8. When reviewing complaints alleging a violation of the ADA, the department head, Appointing Authority, City Law Director, or other designated investigator will determine whether the complainant is a "qualified person with a disability," whether the Employer may have discriminated against the complainant, and, if so, whether the Employer can "reasonably accommodate" the complainant or otherwise resolve his/her complaint.

**REQUIREMENTS FOR EMPLOYMENT / RESIDENCY
REQUIREMENT****SECTION 3.01****A. POLICY**

1. The appointing authorities for the City of North Canton have the ability to hire employees based on their experience for the job in which they are applying and can determine which step in that grade the perspective employee will be placed at.
2. The Employer appoints, employs, fixes compensation for, disciplines, and establishes policies and procedures and other conditions of employment for its employees. Employment with the Employer is employment in a public agency, subject to federal, state and local laws and the requirement that employees recognize and agree to abide by all applicable laws and all applicable policies and procedures as a condition of employment.
3. Licensing/Certification: Any employee required to have a license or certification in order to perform the duties of his/her position, shall obtain said license or certification prior to employment with the city or within a reasonable period thereafter as determined by the Appointing Authority. The employee shall be required to maintain any required license or certification as a condition for continued employment by the city. Incumbents who lose the license required for their classification will be deemed to be incompetent to perform the duties of their classification and shall be terminated.
4. Non-volunteer Emergency Response Employees: To ensure adequate response times by certain employees of the City of North Canton to emergencies or disasters, any employee of the Employer who was hired prior to the adoption of this manual and whose position requires that the employee respond to emergency and/or disaster situations, shall, as a condition of employment, reside within Stark County or within any adjacent county in Ohio. To “reside” shall mean that the employee’s primary and permanent residence from which he would regularly respond in the event of an emergency or disaster is in one of the designated counties.
5. Operator’s/CDL Licenses: Certain classifications require that the occupants of that classification have and maintain a motor vehicle operator’s or commercial driver’s license, whichever is applicable to that position. Applicants without the required license may be considered less qualified for a vacancy requiring such license than an applicant who already possesses a license. However, the employer may allow an applicant to obtain the required license, per a pre-employment agreement that indicates a period of time in which the required license must be obtained. Employees who fail to obtain a required license or who have their license suspended or revoked, will be deemed incompetent to perform the duties of their classification and will be terminated from employment.
6. Bonding: State law or the employer may require that certain employees be bonded. The employer will pay the cost for bonding. Should an employee fail to remain bonded, the employee will be considered incompetent and may be terminated from employment with the city.

Section 3

EMPLOYMENT

7. Insurability: An employee must be insurable under all applicable city insurance plans designed to protect the city from liability and remain eligible for such coverage during the term of his/her employment. The city may conduct a review of the employee's driving record to ensure the employee possesses a valid license, remains insurable, and remains eligible to operate city vehicles and equipment.

B. PROCEDURE

1. Applicants applying for a position which is subject to the residency requirements specified in this policy, shall be required to sign an Acknowledgement of Residency Requirement form as a condition for employment.
2. Current employees subject to the residency requirements specified in this policy shall be notified in writing that their position is subject to this policy and be provided a reasonable deadline in which to comply.
3. Any employee violating this policy shall be subject to removal from employment with the Employer.
4. In the event of a change in this policy, employees subject to any newly established residency requirements will be notified in writing and given a reasonable deadline in which to comply.

CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

SECTION 3.02

A. POLICY

1. Employment with the Employer is governed by the State of Ohio Civil Service laws. All positions in the civil service fall into one of two general categories: "Classified" or "Unclassified."
2. All employees of the City are presumed to be classified civil servants unless the position an employee occupies has been exempted from the classified service by a lawful request of the Employer, or by operation of law or by resolution/ordinance. All positions in the service of the City shall be filled pursuant to open competitive examinations, except for those exempted positions. Most classified employees may only be disciplined for cause and by following the procedures set forth in O.R.C. Chapter 124. Exceptions include probationary employees, who may be removed or reduced for unsatisfactory service during the probationary period without a showing of cause (see Probationary Periods Policy) and certain employees covered by a collective bargaining agreement who have waived their rights under Chapter 124. Classified status does restrict an employee's ability to participate in partisan politics (see Political Activity Policy).
3. Some City employees serve in the unclassified civil service, or occupy positions which have been exempted from the classified service. The following positions are exempt from open competitive examinations:
 - a. Members of Council;

- b. Clerk of Council;
- c. President of Council;
- d. Vice-President of Council;
- e. Safety Service Director;
- f. Directors of departments;
- g. Superintendents and/or heads of departments except for Police and Fire;
- h. Administrative Assistant;
- i. Executive Assistant to the Mayor & Safety Service Director;
- j. Members of Boards and Commissioners;
- k. Any elected official;
- l. Seasonal, temporary, and part-time employees; and
- m. Chief Building Inspector;

Such employees serve at the pleasure of the Employer (or the electorate). Unclassified employees are not prohibited by law from engaging in partisan political activity on their own time and away from areas in public buildings where official business is transacted or conducted (see Political Activity Policy).

- 4. Employees appointed to positions on temporary or intermittent basis are unclassified and serve at the pleasure of the Appointing Authority and, therefore, have no right to appeal any suspension or removal to the Civil Service Commission.

B. PROCEDURE

- 1. Appointment: Employees in the classified service may be appointed to their positions (hired or promoted) by “certified” appointment or “non-competitive” appointment.
 - a. Certified Appointment: A certified appointment occurs when an appointment is made from a list of certified eligible applicants who have passed a civil service examination. Employees hired by certified appointment are not subject to displacement, except in cases of layoff or job abolishment.
 - b. Non-competitive Appointment: A non-competitive appointment is made when a qualified person has been hired in the absence of a list of certified applicants, or when a list is provided by the Civil Service Commission that contains less than ten (10) names and a selection is not made from that list.

Commented [C15]: This is a sample list of typical unclassified employees? Do you have a master list of all of your unclassified positions?

Non-competitive appointees may obtain permanent status in one (1) of the following ways:

- (1) demonstrate merit and fitness for the position by successfully completing the probationary period for the position, or
 - (2) remain in the position for a period of six (6) months of continuous service, whichever period is longer.
- c. When a certified list of applicants for City positions is not available from the Civil Service Commission, City employees are hired by non-competitive appointment, but obtain permanent status after successfully completing their probationary period or after six (6) months of service with the City, whichever period is longer.
2. Unclassified Service: “Unclassified” employees serve at the pleasure of the Appointing Authority. They need not take a civil service examination for initial appointment to, or retention of, their position. All of the terms and conditions of employment contained herein apply to unclassified employees unless specifically stated otherwise.

The Employer must notify newly appointed unclassified employees of the nature of unclassified employment. The Employer must provide a position description to newly hired, unclassified employees within 30 days of employment.

EMPLOYEE STATUS

SECTION 3.03

A. POLICY

1. In addition to being categorized as classified or unclassified, all employees shall be categorized in one (1) of the following employee status types:
- a. Hours Assigned:
 - (1) Full-time: An employee who works at least 40 hours per week on a regularly scheduled basis or the standard full-time workweek as designated by the Employer.
 - (2) Part-time: An employee who works less than 40 hours per week but at least 20 hours per week on a regularly scheduled basis, or less than the standard full-time workweek designated by the Employer, but on a regularly scheduled basis.
 - (3) Intermittent: An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee generally works less than 1,000 hours in any 12 month period. Intermittent

employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.

b. Duration of Appointment:

- (1) Temporary: An employee appointed to a non-permanent position, on a full-time, part-time or intermittent basis, for a specified period of time, not to exceed six (6) months. Successive temporary appointments to the same position may be made with the approval of the Appointing Authority. Temporary employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.
- (2) Seasonal: An employee who works on the academic program year or who works on a recurring but temporary basis annually (e.g., life guards, summer, mowing season, tax collection period, etc.). A seasonal employee may be appointed on a full-time, part-time or intermittent basis.
- (3) Student: An employee who is a student at an educational institution and employed by the Employer in cooperation with such educational institution to provide training to the student employee. (Student appointments are in the unclassified service by operation of law).

- 2. Contract service providers and/or vendors are not considered to be employees and are not eligible for benefits provided by the City.
- 3. The categories outlined above apply for civil service purposes, such as order of retention in the event of layoff. However, these categories may not apply to certain benefit programs, such as eligibility for health care coverage, especially where eligibility and categories of employee status are established by those benefit programs.
- 4. If an employee works the number of hours per week on a regular basis for six (6) consecutive months which might justify a change in employment status, the employee may request to have their employment status changed.

B. PROCEDURE

- 1. Employees shall be informed upon appointment of their employment status. Temporary, seasonal, intermittent, and student appointments should be communicated in writing to employees, and that a condition of their appointment is one of a temporary or seasonal nature. Such notification shall also include the approximate dates of employment and cessation of employment (see applicable form letters, located in Section 9 of this manual).
- 2. Employees may submit a request to their department head for a change in employment status if they believe they are working more time on a regular basis than their employment status indicates.

CLASSIFICATION PLAN

SECTION 3.04

Commented [C16]: Do you do this? If not, it will be removed.

A. POLICY

- 1. The Appointing Authority shall maintain and administer a plan of classification specifications (or class specs), known as a “Classification Plan” (or “Class Plan”). A classification includes one (1) or more positions that are so similar they can be described by a common job classification title. Each position within a job classification may have its own “working” title and its own description. Classifications are used to determine order of layoff and certified status. The Appointing Authority will create or amend the class plan and class specs based upon an analysis of the duties, responsibilities, essential functions and qualifications of the positions affected.

B. PROCEDURE

- 1. As positions are changed or added, the class plan must be revised. Factors which may necessitate a revision to the plan are:
 - a. The addition of a new duty or responsibility to a position.
 - b. The abolishment of a current duty or responsibility from a position.
 - c. The reassignment of current duties or responsibilities between or among positions.
 - d. A new or revised licensure or certification requirement as dictated by law for a position.
- 2. When any of these factors occurs, the department head shall submit the change or addition to the Appointing Authority, who shall review the change or addition and make any appropriate changes or additions to the class spec or class plan.
- 3. The Appointing Authority shall also make all changes to applicable payroll, personnel, and operational records necessitated by changes or additions to the class plan.

ORIGINAL APPOINTMENT — CLASSIFIED SERVICE

SECTION 3.05

A. POLICY

- 1. Original appointment to a position in the classified service shall be made from an eligible list of candidates certified to the Employer by the Civil Service Commission. If no eligible list exists for a particular position (other than police and fire), names may be certified from eligible lists most appropriate for the classification.

B. PROCEDURE

Section 3

EMPLOYMENT

1. When a position in the classified service for which original appointment tests are given becomes vacant, the Appointing Authority shall notify the Civil Service Commission of the vacancy. The Commission shall certify to the Appointing Authority the names and addresses of the ten (10) candidates standing highest on a suitable eligible list.
2. Upon receipt of an eligible list, the Appointing Authority shall evaluate the candidates as provided in the Evaluation of Applicants for Classified Positions Section of this manual and may thereafter select one (1) of the ten (10) candidates. Upon making an appointment from an eligible list, the Appointing Authority shall report to the Commission the name of such appointee, the title and salary of the position and other required information.
3. Provisional Appointment: If no eligible list for the classification of the vacancy is certified, the Appointing Authority shall be authorized to make a provisional appointment to the position, pursuant to the procedure contained in the Vacancies in the Classified Service Section of this manual.

PROMOTION

SECTION 3.06

A. POLICY

1. If an individual has a promotion within the City, they will be moved to the grade for which their promotion applies and to the lowest step that gives them an increase in salary.

PROMOTION — POLICE AND FIRE

SECTION 3.07

A. POLICY

1. In the case of promotional appointments in the police and fire departments, the Civil Service Commission shall certify to the Appointing Authority the name of the person standing highest on the eligible list of employees.

B. PROCEDURE

1. When a classified position in the police or fire departments to be filled by promotion becomes vacant, the Appointing Authority shall notify the Civil Service Commission of the vacancy. The Commission shall certify to the Appointing Authority the name of the person standing highest on the eligible list.
2. Police and Fire: Upon certification of the person standing highest on the eligible list, the Appointing Authority shall appoint such person within 30 days for police promotions and ten (10) days for fire promotions.

VACANCIES IN THE CLASSIFIED SERVICE

SECTION 3.08

A. POLICY

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1. When a list of certified applicants is not available from the Civil Service Commission or the list supplied contains less than ten (10) names, appointment from a certified list is not mandatory and vacancies in classified positions shall be filled at the discretion of the Appointing Authority as provided herein.
2. The Appointing Authority shall announce all vacancies in the classified service by appropriate means and maintain a list of announced vacancies for public inspection.
3. Each announcement, insofar as practical, shall specify the job title, compensation range, nature of the job, the required qualifications and the deadline, method and place of application. The announcement shall also include the essential functions of the job or contain a reference to a contact person or posting location that will advise applicants of the essential functions of the position.
4. The Employer shall post on employee bulletin boards internal vacancies in the classified service which occur or are imminent. The Employer will attempt to fill vacancies from among interested, current employees of the Employer who meet the necessary qualifications and are able to perform the essential functions of the position provided such internal promotion is in the best interest of the City.
5. An Employment Application form must be properly completed and submitted before an applicant will be considered for employment. Current employees wishing to be considered for the position must apply in the same manner.
6. The Employer will make reasonable accommodations to assist qualified persons with disabilities to apply for vacancies.
7. Nothing in this section shall be construed to prevent the Employer from advertising for external applicants concurrently with the internal advertising of vacancies.
8. Normally, employment applications will be accepted only when a vacancy exists or is imminent and has been announced. Applications will be considered active for a period of not to exceed 60 days; after which a new application form is required.

EVALUATION OF APPLICANTS FOR CLASSIFIED POSITIONS SECTION 3.09

A. POLICY

1. When a valid list (containing at least ten (10) names) of certified applicants is not available from the Civil Service Commission, applicants will be evaluated and selected in accordance with the policy and procedures herein.
2. Appointments by the Appointing Authority to vacant positions in the classified service either by internal promotion or external selection will be based solely on the applicant meeting the job-related qualifications and possessing the knowledge, skills, and ability to perform the essential functions of the position as ascertained through job-related selection methods.

B. PROCEDURE

1. The Appointing Authority will first review all applications to determine those applicants who possess the minimum, job-related qualifications as stated on the position description (e.g., minimum licenses, certifications, experience, etc.).
2. Once the Appointing Authority has determined those applicants who meet the minimum job-related qualifications, he/she will consider each applicant's:
 - a. knowledge, skill, and ability to perform the essential functions of the position;
 - b. work experience in positions comparable to the vacant position;
 - c. work history (i.e., length of past employment, reasons for leaving, etc.);
 - d. work record (i.e., attendance, performance, disciplinary actions, etc.);
 - e. application appearance.
3. Applicants may be required to submit to any or all of the following: reference checks, background checks, job-related performance tests, interviews, criminal history checks, and other job-related selection procedures.
4. Otherwise qualified applicants may be eliminated from consideration for a position if the applicant:
 - a. makes a false statement of material fact in the application/other hiring documents or examination;
 - b. has committed or attempted to commit a fraudulent act at any stage of the selection process;
 - c. is an alien not legally permitted to work;
 - d. has previously been terminated for just cause, except in unusual circumstances to be determined by the Employer;
 - e. has been convicted of a felony or a crime involving moral turpitude;
 - f. is addicted to drugs or alcohol;
 - g. has a pattern of poor work habits and performance with the current or previous employer.

If an applicant is hired and it is subsequently discovered that one of the above disqualifying criteria apply, the employee may be removed from employment.

5. If the department head performs the initial interviews, the department head shall determine the most qualified applicant for the position and submit a recommendation to the Appointing Authority, who shall approve or disapprove the

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EMPLOYMENT

department head’s recommendation. The Appointing Authority may decide to be involved in the initial interviews or may elect to interview only a selected number of candidates following the department head’s preliminary screening of qualified candidates.

6. Once the preferred candidate is selected, the Appointing Authority or department head may inquire whether the candidate requires an accommodation to perform the job. The Employer will not classify a candidate who requires a reasonable accommodation as unqualified solely because that candidate requires such accommodation. However, if the accommodation is unreasonable, or would cause undue hardship to the Employer, the candidate may be considered unqualified.
7. The applicant shall not be required to submit to a medical examination, until the Employer has made a conditional offer of employment to the applicant (see Medical Examination policy).
8. The Employer is responsible for maintaining a record keeping system reflecting the disposition of all job applicants. Such records shall be kept on file for at least two (2) years and shall include a completed job application, medical examination data, test results, and/or other job-related information.

PERFORMANCE EVALUATIONS

SECTION 3.10

A. POLICY

The City performs one (1) performance evaluation each year. This evaluation will be scheduled each year on the employees current position anniversary date or otherwise at the discretion of the Appointing Authority Employees in the police department will receive two (2) performance evaluations each year, one (1) every six (6) months. No employee, part-time and full-time, shall receive more than one (1) step increase per year and then only upon receiving one (1) above average performance evaluation by the respective department head.

MEDICAL EXAMINATION

SECTION 3.11

A. POLICY

1. A medical examination by a licensed practitioner may be required by the Employer prior to appointment to evaluate selected job applicants’ physiological and/or psychological condition as it relates to the applicants’ ability to perform the essential duties of the positions for which they are applying. Examinations may include any job-related examination determined to be a pre-employment requirement.
2. For purposes of this policy, a “licensed practitioner” is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or licensed independent social worker who is licensed to perform the appropriate examination.

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3. All employees are required to maintain their physical fitness at a level which will permit them to efficiently perform the essential duties of their position and avoid endangering themselves or those they serve.
4. All applicants for original appointment in the police and fire departments, within 120 days prior to appointment, must pass a physical examination, given by a licensed physician, certifying that the applicant is free of cardiovascular and pulmonary diseases, and show that he or she meets the physical requirements necessary to perform the duties of a police officer or fireman, as established by the Civil Service Commission.

The appointing authority shall, prior to making any such appointment, file with the Ohio Police and Fire Pension Fund, a copy of the report or findings of the licensed physician (see O.R.C. 124.41 and 124.42).

B. PROCEDURE

1. When a medical examination is required, such requirement shall be included in the vacancy announcement.
2. No medical examination will be conducted until after the Employer has made the applicant a conditional offer of employment.
3. The Appointing Authority shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the Appointing Authority, a waiver of the medical examination requirement for the following reasons:
 - a. verified religious opinion or affiliation, or
 - b. reinstatement within one (1) year of separation.

Any applicant requesting to waive the examination requirement for one of the above reasons shall submit a written affidavit describing the applicant's state of health at the time of employment.

4. After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the City. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the duties of their position. Examples include examination to certify eligibility for Family and Medical Leave or other leaves of absence, examination to assess eligibility for Workers' Compensation, examination required by Occupational Safety and Health programs, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

IMMIGRATION REFORM AND CONTROL ACT

SECTION 3.12

A. POLICY

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1. Generally: In accordance with the Immigration Reform and Control Act of 1986 and as a condition of employment, the Employer shall verify both the identity and the employment eligibility of all applicants considered for employment.
2. Anti-discrimination Policy: It is the intention of the Employer not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The Employer will not discriminate against any citizen or person intending to become a citizen in so far as that person has completed a declaration stating that such person intends to declare U.S. citizenship within six (6) months of the effective date of the Act or six (6) months of eligibility for naturalization.

B. PROCEDURE

1. All applicants shall be required to complete the biographical information requested by Form I-9. The applicant shall attest that the applicant is eligible for employment and has presented authentic, original documentation of identity and employment eligibility.
2. The applicant shall furnish one (1) of the documents listed below in order to substantiate both the applicant's identity and employment eligibility:
 - a. U.S. Passport (unexpired or expired);
 - b. Unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization;
 - c. Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-551);
 - d. Unexpired Temporary Resident Card (Form I-688);
 - e. Unexpired Employment Authorization Card (Form I-688A);
 - f. Unexpired Employment Authorization Document issued by the DHS that contains a photograph (Form I-688B or I-766).
3. In lieu of any of the documents specified above, the applicant may submit to the Employer one (1) of the documents outlined below to establish employment eligibility and one (1) of the documents outlined below to verify the applicant's identity;

<u>Documents that Establish Identity</u>	<u>Documents that Establish Employment Eligibility</u>
a. Driver’s license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address;	a. U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment);
b. ID card issued by federal, state or local government agencies or entities provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address;	b. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350);
c. School ID card with a photograph;	c. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
d. Voter’s registration card;	
e. U.S. military card or draft record;	
f. Military dependent’s ID card;	d. Native American tribal document;
g. U.S. Coast Guard Merchant Mariner Card;	e. U.S. Citizen ID card (Form I-197);
h. Native American tribal document;	f. ID card for use of Resident Citizen in the United States (Form I-179);
i. Driver’s license issued by a Canadian government authority;	
<u>For persons under age 18 who are unable to present a document listed above:</u>	g. Unexpired employment authorization document issued by DHS (other than those listed under List A).
j. School record or report card;	
k. Clinic, doctor or hospital record;	
l. Day-care or nursery school record.	
4. If an alien applicant attests to the Employer that the applicant intends to apply or has applied for legalization or amnesty, the Employer need not require evidence of work authorization as specified above. The applicant must, however, provide to the Employer evidence of the applicant’s identity.	

- 5. Post-hiring Requirements
 - a. Within three (3) business days after the appointment of the applicant, the Employer shall physically examine the documentation presented by the new employee, then complete the remaining portions of Form I-9.
 - b. The Employer shall retain Form I-9 and photocopies of the supporting documentation for three (3) years after the effective date of hire or for one (1) year from the date of the employee's separation from service, whichever is later.
 - c. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any department or person other than for the purpose of complying with the requirements of the Act.
 - d. Should an employee be rehired or reinstated by the Employer within one (1) year of the date of separation, the Employer may use the original I-9 form and supporting documentation for the purpose of complying with the Act.

PROBATIONARY PERIODS

SECTION 3.13

A. POLICY

- 1. A newly hired employee will be evaluated after a 90 day period. Each employee newly hired or promoted into a classified position shall serve a probationary period. The purpose of the probationary period is to determine the employee's suitability for the appointed position. If a probationary employee's performance does not merit continued employment, the employee may be removed at any time during the probationary period.
- 2. The department head and/or Appointing Authority shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Likewise, the employee is encouraged to bring questions or concerns to the department head or supervisor, to enhance the employee's performance. The department head has a responsibility to recommend to the Appointing Authority the retention of those employees who meet acceptable work standards during the probationary period and to recommend removal of those employees who fail to meet such work requirements.
- 3. Promoted Classified Employees: Promoted classified employees shall also serve a probationary period. If a promoted employee's performance does not merit continued employment, they may be returned to their former position, or a similar position, any time during their probationary period. If the same or similar position is not vacant, the employee shall be treated as if the position to which the employee is being demoted had been abolished. In such case, the employee will be offered the appropriate displacement rights. No new probationary period is required following such a demotion. Such reduction is not disciplinary action and shall not preclude advancement to other vacant positions.

4. **Probationary Period:** The probationary period for classified non-safety forces employees is ninety (90) days. Only time during which an employee is in active pay status and performing the duties of the classification into which the employee was originally appointed shall be counted as part of the probationary period. The probationary period for police officers and firefighters is one (1) year.
5. **Bargaining Unit Employees:** Employees covered by collective bargaining agreements serve probationary periods as described in the applicable collective bargaining agreement.
6. Employees appointed to unclassified positions do not serve a formal probationary period, since they continuously serve at the pleasure of the Employer for the duration of their employment.

B. PROCEDURE

Dismissal or reduction of a classified employee may be made anytime during the probationary period, at the discretion of the Employer.

1. If a newly hired classified employee's performance during probation is found to be unsatisfactory, the employee shall be removed.
2. Removal of a newly hired or return of a promoted classified employee during the employee's probationary period is accomplished as follows:

The department head or supervisor shall notify the employee in writing of the respects in which their performance was unsatisfactory. A predisciplinary conference as described in this manual is not required, although a meeting should be held to give the employee an opportunity to respond. A copy of the written notice of removal or reduction shall be filed with the Civil Service Commission.

3. Any non-bargaining unit employee failing a promotional probationary period may appeal through the grievance procedure outlined in this manual within five (5) days following notice of failure of probation.
4. Supervisors shall consult collective bargaining agreements for the procedures applicable to probationary periods for bargaining unit employees.
5. Time on unpaid leaves of absence shall not be counted toward the completion of the probationary period.
6. The Appointing Authority does not intend to waive any right to remove an unclassified employee, at the Appointing Authority's pleasure, by adopting this policy.

DEMOTION

SECTION 3.14

A. POLICY

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A demotion is the transfer of an employee to a position which has a lower level of responsibility, classification, and compensation. Demotions generally result from an employee's failure to perform the duties of their position at an acceptable level or as a result of discipline. Demotions may also be voluntarily requested by an employee or result from an accommodation of a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but can perform the essential functions of a lower classification with or without a reasonable accommodation. Demoted employees shall always be assigned to the appropriate pay range assigned to their new classification. The exact pay rate shall be determined by the Appointing Authority or designee, but such rate shall never exceed the amount the employee was receiving in the classification from which they were demoted.

B. PROCEDURE

Employees who desire to be considered for a posted vacancy in a lower classification shall complete the required Employment Application form and submit it to the Appointing Authority or designee within the posting period.

LAYOFF

SECTION 3.15

A. POLICY

1. General Policy: Layoffs of classified employees shall comply with O.R.C. Sections 124.321 - 124.328 and 124.37. If it becomes necessary to reduce staffing levels of classified employees, the Appointing Authority shall lay off employees by using a system which systematically considers length of service in order to determine the order of layoff. (This policy generally explains the rules for layoffs; however, the City's Civil Service Rules and Regulations may provide additional detailed information regarding the process.) Layoffs shall only occur when one of the following reasons can be demonstrated:
 - a. lack of work;
 - b. lack of funds;
 - c. job abolishment.
2. Definitions: The following definitions shall be applied to the procedures set forth in this policy:
 - a. Lack of Funds: means that there is a current or projected deficiency in funding to maintain current, or to sustain projected, levels of staffing and operations.
 - b. Lack of Work: means that there is a current or projected temporary decrease in the workload, expected to last less than one (1) year which requires a reduction of current or projected staffing levels.

- c. Length of Service: means the continuous, uninterrupted service of the employee, where no break in service has occurred. For the purpose of this definition, any separation lasting 30 days or less shall not be deemed a break in service; nor shall an authorized leave of absence be deemed a break in service. If an employee was separated, but was re-employed or reinstated by specific action of the Appointing Authority within the time period that the employee carries the right to reinstatement, the employee's absence does not constitute a break in service.
- d. Pay Range: means the minimum and maximum wage or salary within the compensation schedule that employees can earn in their position.
- e. Retention Points: means the system of establishing points for length of service, in order to establish the order of layoff.

B. PROCEDURE

1. Method: When it is demonstrated there is reason to reduce staffing levels, the Appointing Authority shall determine the number of positions and the classification(s) in which layoffs will occur, and seek permission from the Civil Service Commission to proceed with a layoff. The Appointing Authority shall also prepare a retention point listing of all employees who have been appointed to the classification(s) selected for the layoff, and the lower classification(s) where displacement may occur. Such list should be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.
2. Civil Service Rules and Regulations: All layoffs shall be implemented in accordance with Civil Service Rules and Regulations.
3. Retention Points: Retention points are based on length of continuous service. Employees receive 100 points, plus one (1) point for each biweekly period of full-time service and one-half (½) point for each biweekly period of other service, for so long as the service has been continuous up to the date for calculating retention points.
4. Order of Layoffs: Employees shall be laid off consistent with the needs of the department, as determined by the Appointing Authority, using the following order of layoff: first seasonal, then part-time permanent, and then full-time permanent within the affected classification(s).

The layoff lists shall be developed separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the employee having the most recent date of continuous service from which no break in service has occurred shall be laid off first. If the dates are the same, the Appointing Authority shall decide the order of layoff.

5. Notification of Layoff or Displacement: Employees shall be mailed a written notice of their layoff or displacement by another employee at least 17 calendar days prior

to the layoff, or such notice shall be personally delivered 14 calendar days prior to the layoff or displacement by another employee. The written notice shall include:

- a. Reason for layoff or displacement.
- b. Date the layoff or displacement becomes effective.
- c. The right of such employee to appeal to the Civil Service Commission, and the time in which to file an appeal (ten (10) days after receipt of notice or the date of displacement).
- d. A statement advising the employee of the employee's right to displace another employee and the length of time within which the employee may displace (bump) another employee (five (5) calendar days after receipt of notice).
- e. A statement advising the employee of the employee's right to reinstatement or re-employment.
- f. A statement that, upon request by the employee, the Appointing Authority will make available a copy of the Civil Service Commission rules regarding layoffs.
- g. A statement that the employee is responsible for maintaining a current address with the Appointing Authority.

Employees must notify the Appointing Authority in writing of their intention to exercise their displacement rights within five (5) calendar days following receipt of the layoff notice.

- 6. Displacement: Laid off employees may be permitted to displace employees in the next lower classification and successively lower classifications within the classification series when:
 - a. The lower classification is within the same classification series;
 - b. The employee has more retention points than an employee in the lower classification.

Employees may not displace to a higher appointment type (e.g., part-time employees may not displace full-time employees, etc.). Employees may not displace into positions which require specialized skills or training which they do not possess. Other rules on displacement may apply, as provided in the Civil Service Rules and Regulations.

- 7. Displacement under Job Abolishment: Whenever the Appointing Authority reduces staffing due to job abolishment, employees have the right to displace as follows:

- a. If a vacancy is designated available in the classification of layoff, the employee shall first displace to that vacancy, regardless of seniority within the classification.
 - b. If the employee whose position has been abolished has more retention points than any other employee serving in the same classification, then the employee with the fewest retention points shall be displaced.
 - c. If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall have the right to fill an available vacancy in a lower classification in the classification series, provided the employee is qualified for the position.
 - d. If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series, provided the employee is qualified for the position.
8. **Pay Following Displacement:** Whenever an employee displaces to a lower classification as a result of layoff, every effort shall be made not to reduce the employee's pay; however, pay rates shall be established according to the following provisions:
- a. If the lower pay range permits, the employee's rate shall be set at the same or most nearly the same pay level, without receiving an increase.
 - b. If the employee's pay rate exceeds the pay range of the lower classification, the employee's rate shall be set at the top level of the lower pay range.
9. **Appeals:** Employees who believe they have been laid off in error may appeal the action to the Civil Service Commission within ten (10) days of receipt of the notice of the layoff or the date the employee is displaced. Such appeal must be in writing, and include reasons as to why the layoff or displacement was improper.
10. **Recall Rights:** The Appointing Authority shall establish a recall list, and employees shall be eligible for re-employment for one (1) year following layoff. Employees who are qualified to perform the duties of the applicable positions, shall be offered positions that become available at their classification level and lower classification levels within their classification series, according to their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points shall be first on the recall list).

A. POLICY

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1. Employees may voluntarily resign by submitting a written letter of resignation to their immediate supervisor. Department heads shall give such notice at least four (4) weeks in advance and all other employees at least two (2) weeks in advance of the effective date of separation. Failure to give proper, timely notification shall render the employee ineligible for future re-employment with the City of North Canton.
2. Only the Appointing Authority or designee may respond to requests for employment references regarding former or current employees. In addition, it is the City's policy to provide only the following information:
 - a. employment dates;
 - b. employee's classification;
 - c. beginning and ending pay rates;
 - d. whether the employee was terminated or resigned, and the employee's reason for resigning if stated in a letter of resignation.
3. Upon termination of City employment, the employee is responsible to return all city property to their supervisor. Items could include, but not limited to the following: ID badges, pagers, radios, and keys.

B. PROCEDURE

1. Letters of resignation shall be submitted to the immediate supervisor and contain the following information:
 - a. a statement indicating the employee's intention to resign;
 - b. the date of the letter;
 - c. the effective date of resignation;
 - d. the reason for resignation (optional);
 - e. the employee's signature.
2. The supervisor shall forward the letter of resignation to the department head immediately upon receipt, who shall, in turn, notify the Appointing Authority and Auditor's offices.
3. The department head shall provide the resigning employee with an Exit Interview Form as soon as possible and request that the employee complete the form and discuss its contents with the department head at an exit interview, which shall be scheduled and held prior to the employee receiving their last paycheck. The exit interview is for the purpose of:

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- a. discovering any unknown grievances or problems relating to the resigning employee's employment;
 - b. determine all compensation and benefits owed;
 - c. determine the resigning employee's availability for future employment (if applicable); and
 - d. obtaining the resigning employee's correct mailing address.
4. Upon termination of employment, employees receive compensation at the current rate of pay for all accrued vacation leave and unused compensatory time.
 5. The department head shall sign, date and place the Exit Interview Form in the employee's personnel file.

NEW HIRE REPORTING

SECTION 3.17

A. POLICY

1. Generally: In accordance with O.R.C. 3121.89-3121.8911, the Employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other state agencies to help detect and prevent erroneous unemployment or workers' compensation payments.
2. Employee Definition: The statute defines employee as any individual who is employed to provide services to an employer for compensation and includes an individual who provides services to an employer under a contract as an independent contractor and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.
3. Deadline: Information regarding newly hired, rehired, or returning employees shall be submitted within 20 days of the hire or rehire date.

B. PROCEDURE

1. There are a variety of ways to report new hires, including online reporting, electronic reporting, and by mail or fax. These options for reporting are discussed in detail on the Ohio New Hire Reporting Center's website at: www.oh-newhire.com.
2. If the Employer prefers to submit the Ohio New Hire Reporting Form by mail or fax the Employer shall complete and forward the form to the address or fax number contained in the top left-hand corner of the form. A copy of this form is included in this manual or can be obtained from the above listed website.

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3. For questions or technical assistance regarding the new hire reporting process employers can contact the Ohio New Hire Reporting Center at (614) 221-5330 or call the toll-free number (888) 872-1490.

NEPOTISM

SECTION 3.18

In order to prevent the appearance of impropriety and any conflicts of interest from developing, the City of North Canton will employ, or consider for employment, related individuals subject to the following limitations:

1. Related individuals are not permitted to have supervisory and/or disciplinary authority over one another.
2. Related individuals shall not audit or review the work of one another as part of their job duties.

An employee is not permitted to work in a position where his supervisor, or any person above him in the established chain of command, is a relative. Should a promotion, transfer, or marriage create such a relationship, one of the affected employees will be transferred, if possible, be asked to resign, or separated from employment. Every effort will be made to seek an accommodation through transfer prior to requesting an employee's resignation or separating an employee from employment.

No person in the employ of the City, prior to the adoption of this policy, will be retroactively affected. If, however, two (2) employees of the City marry subsequent to the adoption of this policy, all of its requirements shall be applicable to them.

For the purposes of this policy, the terms "related individuals" and "relatives" include: spouse, child/step-child, son-in-law, daughter-in-law, parent, sibling/step-sibling, uncle, aunt, nephew, niece, grandparent, grandchild, or any other person related by blood or marriage and residing in the employee's household.

Further, this policy's application is intended for the administrative operations of the City. Persons are not barred or precluded from employment with the City based on a relationship with a member of the City's legislative body.

COMPENSATION

SECTION 4.01

A. POLICY

1. Generally: The compensation practices of the Employer shall comply with sound personnel management principles and practices and be in accordance with applicable laws and regulations.
2. Bargaining Unit Employees: Bargaining unit employees shall be compensated according to the provisions in the applicable collective bargaining agreement.
3. Non-bargaining Unit Employees: Non-bargaining unit employees shall be compensated according to the management employee pay plan established by City Council ordinance and administered by the Appointing Authority.

B. PROCEDURE

All changes in the pay of individual employees shall be reported to the Auditor by completion of an Evaluation/Performance Appraisal Form. For unclassified employees, this form must be accompanied by a letter that includes the date and the new pay rate. For classified employees, the form must be accompanied by a letter that includes the date and next pay step. The form and the letter must be signed by the department head and Appointing Authority and submitted to the Auditor.

PAY PERIODS / PAYCHECKS

SECTION 4.02

A. POLICY

1. The City payroll is based on a two (2) week work period which begins on a Sunday and ends on a Saturday. There is a two (2) week delay between the work period and the pay date for that work period. There are normally twenty-six (26) pay periods per year, each consisting of two (2) weeks. The biweekly pay period begins at 12:01 a.m. Sunday and ends at 12:00 p.m. the second succeeding Saturday.
2. Payday shall be the second (2nd) Friday following the end of each two (2) week pay period. If a payday occurs on a holiday, pay will be issued on the preceding day, except under extenuating circumstances, in which case pay will be issued on the next following workday.
3. Employees are expected to participate in direct deposit to a financial institution.
4. For those employees who still receive a paycheck or paystub, paychecks are distributed by the Auditor to each department head for distribution to employees. Only an employee or previously authorized person with proper identification may obtain the employee's paycheck.

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COMPENSATION AND HOURS OF

5. An annual work period and pay date schedule is distributed to each department for posting. If an employee has any questions, he/she may contact their Supervisor, Appointing Authority, or the City Auditor.

B. PROCEDURE

Employees must inform their department head in advance of the identify of any person authorized to obtain the employee's check on the employee's behalf.

WORK SCHEDULING

SECTION 4.03

A. POLICY

1. The Appointing Authority shall establish the standard workday, workweek, and starting and quitting times for each department under the Appointing Authority's authority in consideration of current and anticipated workload, public service needs and other factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the Appointing Authority's right to restructure the workday or workweek.
2. The regular work week for all full-time employees, except those listed in this section, shall be forty (40) hours. Part-time employees shall work as determined by the director of each department and/or the Board of Public Utilities. The regular work week for employees in the Police Department shall be forty (40) hours.
3. The Employer may utilize "time off" or flexible hours in order to avoid employees working in excess of the standard workday or workweek or when dictated by the department's work load.
4. This section is subject to the terms of any applicable collective bargaining agreement.

TIME RECORDS

SECTION 4.04

A. POLICY

All employees are required to record all hours worked for the Employer, including all times the employee starts work and stops work each workday. Each employee is responsible to complete his/her own time sheet and sign where indicated. The employee's supervisor must also approve and sign where indicated. Time cards must be submitted to the City Auditor's Office by Tuesday following the end of the work period. Each department head may establish his/her due date for completed time cards so that each department head can review and submit timely to the City Auditor's Office. If an employee has used sick leave, used vacation, used a personal day, used compensatory time, earned overtime, earned compensatory time, or any other special uses or earnings or time, the proper documentation needs to also be submitted. Time clocks, time sheets and other records are used by department heads to document the hours worked by nonexempt employees so that wages

Commented [C17]: When does time have to be turned in?

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can be determined. Failure to adhere to the reporting procedures adopted by the department head may result in the loss of pay for the hours of work in question and disciplinary action.

B. PROCEDURE

1. Nonexempt employees are responsible to clock/sign in each time they start work and clock/sign out each time they stop work. Employees shall also clock/sign out and in for their lunch break.
2. Employees shall only sign their own time card. An employee who punches another employee's time card shall be subject to discipline.
3. Failure to properly clock in and out, misrepresentation of time worked, the altering of any time record or allowing a time record to be altered by others shall result in discipline.
4. Employees must document all time spent working.

C. EXEMPT EMPLOYEES

1. Salaried employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay as defined in the FLSA. Such employees shall not receive a reduction in pay for absences of less than one (1) day. Such employees are, however, required to follow the procedures for requesting paid leave hereunder, and all pre-scheduled vacation and sick leave of one (1) day or more shall be deducted from the employee's accumulated sick leave or vacation leave balances.
2. Public Accountability: For purposes of public accountability, exempt employees may be required to maintain a record of the hours they work and any paid leave utilized.

STARTING / LUNCH / QUITTING TIMES

SECTION 4.05

A. POLICY

1. Nonexempt employees are not permitted to commence work and/or sign/clock-in prior to seven (7) minutes before their scheduled starting time or continue working and/or sign/clock-out more than seven (7) minutes after their scheduled quitting time without the advanced approval of the employee's supervisor, except in emergency situations where advance approval cannot be granted.
2. Nonexempt employees shall be provided a lunch period each workday as determined by the department head. The lunch period is to be a non-work period of time during which employees are free to pursue their own personal activities. Employees who choose or are required to remain at their work location are not to perform work assignments during this period, and will not be compensated for such period, unless approved in advance by the department head.

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The Appointing Authority has the discretion to authorize paid lunch to nonexempt employees.

3. Bargaining Unit Employees: Bargaining unit employees' starting/lunch/quitting times are provided for in the applicable collective bargaining agreement.

OVERTIME

SECTION 4.06

Commented [C18]: Review

A. POLICY

1. Any employee may be required to work in excess of the normal workday or workweek schedule to fulfill the operational demands of the department. When employees are required to work more than eight (8) consecutive hours or more than forty (40) hours in any workweek, they shall receive compensation of one and one half (1½) times their regular hourly rate for each hour worked in excess of eight (8) hours a day or forty (40) hours per week. Overtime work shall be avoided so far as possible, but may be required by the Board and/or the director of each department in the interest of the efficient operation of such department. If overtime work is required, a nonexempt employee, as defined by the Federal Fair Labor Standards Act (FLSA), shall be paid at the rate of one and one-half (1½) times the employee's regular hourly rate or shall receive compensatory time off at a rate of one and one-half (1½) hours for each hour of overtime worked.

DO YOU WANT ME TO INSERT THE ACTUAL LANGUAGE FROM THE CBAs HERE

2. The standard workweek for employees will be seven (7) consecutive days, beginning Sunday 12:00 a.m. (midnight) and continuing through Saturday 11:59:59 p.m. Eligibility for overtime shall be based upon all hours worked in the normal workweek. For purposes of overtime, hours worked shall include prescheduled vacation, prescheduled personal days, compensatory time, bereavement leave, and all hours paid, but shall exclude sick leave.
3. All employees holding employment in more than one (1) position with the City must notify their department head in writing of such joint employment. All of the hours worked by the employee are added together to determine overtime compensation.
4. If a FLSA nonexempt employee's combined total hours worked for two (2) City agencies/departments exceeds forty (40) hours during the workweek, the employee shall be paid at the rate of time and one-half (1½) times the higher pay rate of their two (2) different rates of pay for each hour worked in excess of forty (40) hours.
5. When a FLSA nonexempt employee incurs an overnight stay on City business, time spent traveling and time spent overnight on official City business shall not be considered time worked for purposes of calculating overtime, except to the extent such time coincides with the employee's normal working hours or to the extent the employee is doing actual work (i.e., driving a vehicle, attending meetings).

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6. Hours spent by FLSA nonexempt employees at lectures, meetings, training programs and similar activities designed to assist the employee in performing the employee's current job more effectively, are counted as working time for purposes of determining eligibility for overtime if such training is required or authorized by the Employer.

However, attendance outside of regular working hours at specialized or follow-up training which is required by law for required certification does not constitute compensable hours of work even if all or part of the cost of the training is paid by the Employer. Likewise, any training courses designed to prepare an employee for advancement to another position shall not be considered compensable hours of work provided the following criteria are met:

- a. Attendance is outside the employee's regular working hours;
 - b. Attendance is voluntary;
 - c. The employee does not perform any productive work while attending the training program.
7. Normally, overtime must be authorized by the department head or designee in advance of the overtime being worked. However, unusual or emergency circumstances (i.e., emergency call-outs) may require employees to work overtime without having prior authorization of the department head. Whenever such circumstances occur the department head shall be notified by the next scheduled workday. Compensation for overtime worked in unusual or emergency instances shall be determined by the department head.
 8. Scheduled overtime which is subsequently cancelled for any reason shall not entitle the employee to overtime compensation.
 9. **Bargaining Unit Employees:** Bargaining unit employees shall be compensated for overtime according to the provisions of the applicable collective bargaining agreement.
 10. Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the calculation of the overtime hours cannot reasonably be calculated within this time frame, such overtime shall be paid with the next regular pay.

COMPENSATORY TIME

SECTION 4.07(A)

A. POLICY

1. The decision of whether the employee is given compensatory time off or actual compensation shall be by agreement between the employer and employee prior to the overtime hours. Nonexempt, non-bargaining unit employees may request to accrue compensatory time in lieu of receiving cash payment for overtime worked,

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at the rate of one and one-half (1½) hours off for each hour of overtime worked. The maximum compensatory time which may be accrued by any affected employee shall be INSERT hours for an employee engaged in a public safety or seasonal activity and INSERT hours for any other employee. All accrued but unused compensatory time on the books at the rate prior to the change shall be paid in cash.

Commented [C19]: Do you have a cap?

2. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours of work. An employee shall utilize the compensatory time allowed by the end of each calendar year. If it is impossible for the compensatory time to be used during that period of time, the individual shall be paid at their regular scheduled rate for the compensatory time that is not utilized.
3. Bargaining Unit Employees: Bargaining unit employees shall be entitled to compensatory time benefits as provided in the applicable collective bargaining agreement.
4. The department head may schedule an employee to compensatory time off at the department head's discretion.
5. An employee shall be permitted to use accrued compensatory time within a reasonable period, provided that the time off would be mutually agreeable between the Appointing Authority or designee and the employee
6. Payment for accrued compensatory time, upon termination of employment, shall be calculated at the final regular rate received by the employee.

B. PROCEDURE

1. Employees may request to accrue compensatory time in lieu of receiving cash payment by proper notation on the employee's time sheet or time card, and will be considered as submitted for approval by the department head.
2. Employees shall request compensatory time off in writing on a Request for Leave of Absence Form.

COMPENSATORY TIME (Salaried, Exempt)

SECTION 4.07(B)

- A. The City will allow salary exempt employees to accrue paid time off outside of the mandates of the Fair Labor Standards Act which is earned and accrued for hours worked in excess of forty (40) hours in a workweek. Compensatory time for salaried, exempt employees shall be calculated at a rate of one (1) hour of compensatory time for each hour worked over forty (40). Exempt employees shall not be permitted carry a bank of more than forty (40) compensatory time hours. Accrued, but unused, compensatory time for salaried, exempt employees may not be cashed out.
- B. Exempt Employees: Administrative, executive, professional, and certain other employees paid on a salary basis are specifically exempt, or fall into one of the specific

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categories of the “noncovered” employees under the FLSA. Salaried employees, determined to be exempt from the overtime requirements of the FLSA, shall not be eligible for overtime pay time as defined in the FLSA.

- C. Compensatory time that has accrued must be used in the calendar year in which it is earned. Accrued but unused hour-for-hour non-FLSA compensatory time is not required to be paid out at the time of separation, or any other time.
- D. Such exempt employees generally do not receive a reduction in pay for absences of less than a full workweek except as provided by applicable law. Such absences will, when applicable, be deducted from the employee’s sick leave or vacation leave if the employee has such leave accumulated. Exempt employees are expected to normally work forty (40) hours per week unless additional work time is required to fulfill the responsibilities of their position. Sick leave, vacation leave, and holiday pay are based upon a forty (40) hour week for exempt employees.
- E. Public Accountability for Exempt Employees: For purposes of public accountability, exempt employees may be required to maintain a record of the hours they work and any paid leave utilized. Exempt employees may be absent, with approval of the agency, for part of a workday without a deduction from their accrued paid leave.
- F. Employees who believe that improper deductions have been made to their wages shall contact Human Resources. If a mistake has occurred, it will be corrected.

INCLEMENT WEATHER

SECTION 4.08

On certain days it may be difficult or impossible for a scheduled employee to come into work, due to excessive snow, ice, or other inclement weather. If Employer offices remain open, employees are to make every effort to report to work. If the Appointing Authority determines that inclement weather conditions exist, the following policy will be applied.

- A. Scheduled employees, able to come to work, shall be paid their regular wage for actual time worked. Employees, unable to come to work, may use accrued vacation leave or personal days, if available, or, if unavailable, may receive an excused day off without pay, if the employee follows the notification of absence policy applicable to the employee’s department.
- B. Certain employees are to come to work regardless of weather conditions (i.e., safety, maintenance, line department, snow removal personnel, etc.). When weather conditions are extremely severe, such employees should contact their supervisor and, where possible, arrangements may be made to pick them up at their homes.

CALL-IN PROCEDURE

SECTION 4.09

Employees of the City of North Canton Street Department, shall be subject to call-in in accordance with the procedure outlined below. Employees actually called in will receive appropriate call-in pay as provided for in the applicable collective bargaining agreement.

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The procedure for such call-in shall be as follows:

1. The City will call all eligible employees in order of most seniority to least seniority and offer the opportunity to accept the call-in. The City will continue down the list until the operational needs of the City are met.
2. If, after all eligible employees are called and offered the chance to voluntarily accept the call-in, the City has not met its operational needs, then the employer will begin mandating eligible employees accept the call-in until the City's operational needs are met. The City will call down the list of eligible employees, who did not accept the call-in voluntarily, in order of least senior to most senior.
3. Employees subject to this policy must answer the City's call. Failing to answer when called by the City will be considered an act of insubordination, and the employee will be subject to discipline up to and including termination.
4. Once an employee has been mandated to accept a call-in, said employee will move to the top of the mandatory list. The order of this list will revert back to least senior to most senior at the beginning of each month.

SICK LEAVE

SECTION 5.01

A. POLICY

1. Accrual: Employees of the City shall be entitled for each completed eighty (80) hours worked to sick leave of four and six-tenths (4.6) hours with pay. Employees do not accrue more than four and six-tenths (4.6) hours with pay per eighty (80) hour pay period or a proportionate amount of sick leave for employees working less than eighty (80) hours in a pay period. Employees may accumulate and carry over all sick leave accrued without limit. Full-time salaried employees shall accrue sick leave based on a forty (40) hour workweek. Full-time employees shall earn sick leave at the rate of four and six-tenths (4.6) hours for every biweekly pay period in active pay status and may accumulate such sick leave to an unlimited amount.
2. Credit for Prior Public Service: Employees who transfer between City Departments, or who were previously employed by another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years and provided the employee has not cashed in any portion of that balance under O.R.C. 124.39. The words "public agency" as used above means those entities required to provide sick leave under R.C. 124.38 and 124.382, including the state, counties, municipalities, all boards of education, civil service townships, etc. within the state. Villages, Private Industry Councils, non-civil service townships, libraries organized as non-profit corporations, and other entities not required to provide sick leave under R.C. 124.38 or 124.382 are not "public agencies" for purposes of this policy. Notwithstanding the above or the Sick Leave Conversion Policy herein, if any "person removed for conviction of a felony" within the meaning of R.C. 124.34 is "subsequently re-employed" by the City, such person is only qualified to accrue sick leave as if the individual were a new employee receiving no credit for prior service.

The requirements for allowing sick leave transfers have been the subject of differing interpretations and legislative revisions. Therefore, to the extent the Employer has already allowed employees to transfer in sick leave credit prior to the adoption of this policy, that credit is not negated with respect to employees already credited as of the adoption of this policy or revision.

3. Employees of the City shall be entitled to use sick leave due to illness, injury, or death in the employee's immediate family. Family emergencies follow the same procedure as sick leave.
4. Usage: Upon approval of the responsible administrative office of the employing unit, sick leave may be used for the following reasons:
 - a. Personal illness, injury, pregnancy-related condition or exposure to contagious disease which could be communicated to other employees;
 - b. Illness, injury or pregnancy-related condition of employee's immediate family where the employee's attendance is reasonably necessary; or

- c. Medical, dental, psychological, or optical examinations or treatment of employee, or of a member of the employee’s immediate family when the employee’s attendance is reasonably necessary, and when such examination or treatment cannot be scheduled during non-work hours.

- 5. Immediate Family: For purposes of this policy, “immediate family” is defined as the employee’s: mother, father, brother, sister, child, spouse, grandparent, grandparent-in-law, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-parents, step-children, step-siblings, legal guardian, or other person who stands in the place of a parent.

- 6. Charging Sick Leave: Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. Sick leave payment shall not exceed the employee’s normal straight time hourly, daily or weekly earnings. If an employee is paid for sick leave which is subsequently denied, the amount overpaid shall be deducted from the employee’s next paycheck. Sick leave shall be charged in minimum increments of one (1) hour.

- 7. Three (3) consecutive work days means three (3) consecutive scheduled shifts.

- 8. Written Statement for Approval: The employee is required to provide the department head a written statement justifying the use of sick leave taken in excess of three (3) consecutive work days. If medical attention is required by the employee or a member of the employee’s immediate family, a physician’s certificate may be required. The Employer maintains the right to investigate the circumstances surrounding an employee’s request for sick leave. A request for sick leave may be denied if:
 - a. The employee fails to comply with the procedure for proper sick leave usage;
 - b. The employee fails to present a required physician’s certificate or a properly completed request form by 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used;
 - c. An investigation of a sick leave request discloses facts inconsistent with the proper use of sick leave, such as a pattern of using sick leave before or after regular days off, falsification of sick leave records including a physician’s statement/certificate, acting inconsistent with the request for sick leave or other evidence of intent to defraud; or
 - d. The employee requesting sick leave is working another job or participating in any recreational or social activity which is inconsistent with the reason the employee requested sick leave.

These circumstances shall also be grounds for disciplinary action which may include dismissal.

- 9. Sick Leave Abuse: Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to

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and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off, and/or weekends or the excessive use of sick leave may result in sick leave denial and appropriate disciplinary action. Employees are expected to be home or hospitalized while on sick leave unless on a medical-related errand or appointment.

- 10. **Bargaining Unit Employees:** Bargaining unit employees shall accrue and use sick leave pursuant to the applicable collective bargaining agreement.
- 11. Each full-time employee of the City with ten (10) or more years of service shall, at the time of his or her retirement, receive payment for twenty-five percent (25%) of unused sick leave based on the employee's accrued but unused sick leave at retirement, up to a maximum of 30 days, which is equal to 240 hours.

Commented [C110]: My notes indicate that the City currently doesn't have a cap on sick leave payout upon retirement. Is that something you want to keep?
The CBAs have a 240 hour cap

B. PROCEDURE

- 1. An employee requesting sick leave for a scheduled medical appointment shall notify the employee's immediate supervisor as soon as possible. An employee requesting sick leave for other than a scheduled appointment must notify the department head or designee of the employee's absence and reason therefore as soon as possible and no later than one (1) hour before the employee's scheduled starting time. Certain departments may require an earlier notification period in order to obtain a replacement to cover the employee's absence. Employees must follow this notification requirement each and every day the employee will be absent, unless otherwise instructed by the department head. In the case of an absence exceeding three (3) consecutive workdays, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be required.
- 2. Upon return to work from sick leave, an employee must complete a Request for Leave of Absence Form and submit same to the department head as soon as possible but by no later than 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used. If the employee is sick the last day of the pay period the employee must make arrangements to complete and submit a Request for Leave of Absence Form within above described time frames.
- 3. If an employee sought medical treatment for an illness or injury, if an employee's illness or injury extends for three (3) or more consecutive workdays, or in cases of a pattern of sick leave usage, the department head shall require a Medical Practitioner's Statement on the third day of the illness or injury stating the date and nature of the illness or injury and when the employee is able to return to work and perform the duties of the position.
- 4. If the employee is unable to return to work and perform the duties of the position by the original date the physician indicated in the Medical Practitioner's Statement, the department head shall require another Medical Practitioner's Statement to be provided which indicates the new date when the employee will be able to return to work.

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5. The department head shall review the completed Request for Leave of Absence Form and the circumstances surrounding the absence. The department head shall recommend or not recommend approval of the sick leave and sign the Request for Leave of Absence Form. The form shall then be forwarded to the Executive Assistant, BPU, Law Director, Mayor & Director of Administrative Services, and then to the Auditor.
6. The department head shall inform any employee, whose sick leave request is denied, the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.

SICK LEAVE CONVERSION

SECTION 5.02

A. POLICY

1. Each employee of the City with ten (10) or more years of service shall, at the time of his or her retirement, receive a payment for twenty-five percent (25) of unused sick leave based on the employee's accrued but unused sick leave at retirement, up to a maximum of 30 days, which is equal to 240 hours. Payments authorized by this subsection shall be made from the appropriate fund.
2. As used in this policy, "retirement" shall mean disability or service retirement under any state retirement system applicable to the employee. Payment shall be based on the employee's base rate of pay at the time of retirement.
3. Payment under this policy shall be considered to eliminate all sick leave credit accrued by the employee at the time of payment.
4. Payment of accrued but unused sick leave will be made to the beneficiaries of a deceased employee who would have qualified for the sick leave conversion benefits as described herein, in compliance with O.R.C. Section 2113.04.
5. Payment in Lieu of Leave: No cash payments to employees shall be made in lieu of unused vacation or sick leave, except when an employee is permanently separated from employment and in special circumstances when the director of each department and/or the Board determines that it would be in the best interest of the City. No such payment shall be made to an employee dismissed for cause.
6. Bargaining Unit Employees: Payment of accrued but unused sick leave will be made to each bargaining unit employee pursuant to the applicable collective bargaining agreement.

B. PROCEDURE

1. Employees eligible to receive the retirement conversion payment hereunder shall, upon retirement from active service under PERS, see their department head to complete the required request form.

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2. Payment to eligible employees shall be made based on the employee’s hourly rate of pay at the time of retirement and the documented hours of unused sick leave reflected in the records maintained by the City. Salaried employees shall be compensated based upon an eight (8) hour workday and a work year of 2,080 hours.

VACATION

SECTION 5.03

A. POLICY

1. Accrual: Full-time employees accrue paid vacation leave according to the following schedule:

INSERT SCHEDULE

See Article 19 Patrol CBA

See Article 19 Dispatch CBA

See Article 18 – Rank CBA

2. Less than Full-time Employment: Employees working less than permanent, full-time employment (i.e. temporary, part-time, intermittent, irregular, seasonal, etc.) shall not be eligible for vacation.
3. Eligibility:
 - a. Full-time employees shall be entitled to utilize vacation leave as it is accrued consistent with the policies and procedures outlined herein, after the completion of the first year of employment.
 - b. Most employees are entitled to credit for prior service with the City only for purposes of determining the rate at which the employee will accrue vacation. However, an employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the City on or after June 24, 1987, shall not have the employee’s prior service counted for purposes of computing vacation leave.

Notwithstanding the above, any person removed for conviction of a felony “within the meaning of R.C. 124.34” who is subsequently re-employed by the City is only qualified to accrue vacation as if the individual was a new employee receiving no prior service credit.

4. Scheduling and Approval:
 - a. Vacation scheduling is subject to the approval of the department head and the operational needs of the City.
 - b. Vacation leave will be taken in a minimum of eight hours increments unless the department head/appointing authority approves a lesser number of hours in advance, provided however, that employees earning two (2) weeks or

Commented [C11]: Can you forward me your current schedule? You also mentioned some unique schedules for certain employees.

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more of vacation annually, must take vacation in a forty (40) hour increment at least once each calendar year. Employees who earn four (4) weeks or more of vacation annually must take vacation leave in forty (40) hour increments at least twice in each calendar year. In lieu of taking the second forty (40) hour vacation leave, employees earning at least four (4) weeks of vacation leave annually may request to be paid for forty (40) hours of vacation leave. Such request must be submitted to the City no later than December 13 of each calendar year. Payment shall be at the employee's hourly rate on December 31 of the calendar year in which the request is made. The City shall make the payment to the employee no later than January 31 the following calendar year.

- c. Employees who resign or retire are entitled to compensation, at their current rate of pay, for any earned but unused vacation leave at time of separation. To be eligible, the employee must have given two (2) weeks' notice.
- d. Request for vacation must be made by **MONTH** of any calendar year. In such event, employee's seniority and operation considerations shall be used in determining which employee shall be entitled to the vacation time. After this date employees must submit requests for vacation leave of forty (40) hours or more at least fourteen (14) days in advance. Vacations will then be granted on a first come first serve basis with operation considerations.

Commented [C12]: When are requests required to be submitted?

5. Carryover and Payment for Unused Vacation Leave:

- a. Upon separation from the City an employee shall be entitled to compensation at his current rate of pay for all lawfully accrued and unused vacation leave to his credit at the time of separation up to three years. In the event of the death of an employee, the unused vacation balance shall be paid to the employee's estate.
- b. Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of **three (3) weeks**. Such excess leave shall be eliminated from the employee's leave balance.
- c. The department head shall determine the number of employees that may be on vacation leave at the same time.
- d. Vacation credits are not earned while an employee is in a non-paid status (i.e., disability leave, absence without leave, disciplinary suspension, etc.).

Commented [EA13]: Correct?

6. Bargaining Unit Employees: Bargaining unit employees shall accrue and use vacation pursuant to the applicable collective bargaining agreement.

B. PROCEDURE

- 1. Employees shall request vacation leave in writing on a Request for Leave of Absence Form following the guidelines outlined in subsection 4 above.

Section 5

EMPLOYEE BENEFITS

2. The Request for Leave of Absence Form shall be submitted to the department head who shall approve or disapprove the request based on its timeliness and the operational requirements of the department

HOLIDAYS

SECTION 5.04

A. POLICY

1. Full-time employees shall be paid for the holiday hereinafter set forth, but shall not be required to work on such holidays, unless, in the opinion of the employee's responsible administrative superior, failure to work on such holidays would impair the public service. All employees who are required to work by their Supervisors shall receive regular pay in addition to the holiday pay for the services rendered.
2. Holidays: All eligible non-bargaining unit employees are entitled to the following holidays:
 - a. New Year's Day (January 1)
 - b. Martin Luther King Day
 - c. President's Day
 - d. Good Friday
 - e. Memorial Day
 - f. July 4th
 - g. Labor Day
 - h. Thanksgiving Day
 - i. Friday after thanksgiving
 - j. Day before Christmas
 - j. Christmas Day

Commented [C114]: Review with client

If any of such holidays fall on a Saturday, the Friday immediately preceding shall be observed as the holiday. If any of such holidays fall on a Sunday, the Monday immediately succeeding shall be observed as the holiday.

3. Holiday Pay: Holiday pay shall be an employee's regular hourly rate of pay times the employee's normal daily work hours.
4. Work on Holiday: Any eligible employee required to work on a day of holiday observance shall be paid for all hours actually worked at one and one-half (1½) times the employee's applicable rate, plus holiday pay.
5. Employees on Paid Leave: If a holiday occurs while an employee is on sick leave or vacation leave, the holiday will not be charged against the employee's sick, injury or vacation leave balance.
6. Part-time Employees: Part-time bargaining unit employees hired after January 1, 2017 shall receive holiday pay pro-rated by the regular work schedule.
7. Bargaining Unit Employees: Bargaining unit employee's holidays are provided for in the applicable collective bargaining agreement.

PERSONAL DAY

SECTION 5.05

A. POLICY

Commented [C15]: Do your non-bargaining employees receive personal days? Also, you have a provision that provides for additional personal days if someone doesn't use sick leave in the CBAs - is this something you want to include in the PPM.

Article 19.2 and 25.03 (Lt and Sgt CBA)

Article 20.12 and 26.01 (Patrol)

Article 20.12 26.01 (Dispatch)

BEREAVEMENT LEAVE

SECTION 5.06

A. POLICY

1. The City of North Canton employees may have up to three (3) days paid leave to attend the funeral of the employee's immediate family. Additional days may be granted by the Department Head if deemed necessary. Days used for funeral leave shall not be charged against accrued sick leave.
2. Immediate family, for purposes of bereavement leave, is defined as grandparents, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, spouse, grandchild, and legal guardian.

B. PROCEDURE

1. Usage: Funeral leave may be used to attend the funeral, make funeral arrangements, or attend to other matters directly related to the funeral. Funeral leave shall not be charged against accrued sick leave. Funeral leave shall not be granted for any days following the funeral unless approved by the Appointing Authority.
2. An employee requesting funeral leave must complete a Request for Leave of Absence Form and submit the request to the employee's department head.

CIVIL LEAVE

SECTION 5.07

A. POLICY

1. Eligibility: All City employees shall be entitled to paid leave when subpoenaed for a court appearance or jury duty by the United States, the State of Ohio or any political subdivision during regular working hours, unless such court appearance is in connection with the employee's personal business (e.g., traffic court, divorce proceedings, etc.). This section shall not apply to employees who appear in court as part of their employment, with such appearances compensated as hours worked.
2. Payment: Employees on eligible civil leave shall pay all sums paid to them by the court to the Auditor and be paid the employee's applicable hourly rate for all time on court leave.

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3. Return to Work: An employee released from court or jury duty prior to the end of one-half (½) of the employee’s scheduled workday shall report for the remaining hours of work.

B. PROCEDURE

Employees shall complete an Application for Leave, and attach thereto a copy of the subpoena or other evidence of appearance and submit the completed form to their supervisor as soon as possible after receipt of the subpoena. Failure to comply with this notice requirement may result in non-payment of civil leave pay.

MILITARY LEAVE

SECTION 5.08

A. POLICY

1. Active Duty Leave: Military leave is governed by both state and federal laws. In general, any permanent public employee with more than 90 days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay (e.g., members of the Ohio National Guard, the Ohio Military Reserve, the Ohio Naval Militia, or members of other reserve components of the armed forces of the United States).

If not accepted for active duty, the employee shall be reinstated to the employee’s former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous position within 30 days after their written request, provided such request is submitted within the statutorily required period following discharge or release from active duty. If temporary physical disability precludes the employee from performing the previous job, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting seniority status, rank, rating, increments, qualifications, etc., as though they had been continually employed for periods not to exceed twenty-two (22) eight (8) hour work days or one hundred seventy-six (176) hours in any one calendar year, for each calendar year in which military means the year beginning on the first day of January and ending on the last day of December.

2. Military Reserve Leave: R.C. 5923.05 requires that permanent public employees, who are members of Ohio National Guard, Ohio Organized Militia, or other reserve components of the armed forces of the United States be authorized up to 176 hours of leave (or for a “public safety employee” seventeen (17) 24-hour days or 408 hours) without loss of pay per calendar year for military duty or training. This payment is in addition to the gross uniformed pay and allowances the employee receives from the military.
3. Military Reserve leave in excess of 176 hours: Any permanent public employee called to military duty for a period in excess of the 176 hour, or 408 hours in the case of a “public safety employee”, because of an executive order issued by the

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president of the United States, because of an act of Congress, or because of an order to perform duty issued by the governor pursuant to R.C. section 5919.29, is entitled to be paid the difference between the employee's gross monthly wage or salary and the gross uniformed pay and allowances up to \$500.00 per month. If the gross uniformed pay and allowances equals or exceeds the employee's regular gross monthly wage or salary normally paid by the employer, the employee is not entitled to any additional compensation from the employer after being compensated for the initial 176 hours per calendar year.

4. Request for Leave: Employees are required to submit to the Employer a copy of the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete and submit a Request for Leave of Absence Form.

B. PROCEDURE

Employees are required to submit to their department head a copy of their military orders and a completed Request for Leave of Absence Form outlining the anticipated duration of the military leave.

C. DEFINITIONS

1. Permanent Public Employee: means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.
2. Public Safety Employee: means a permanent public employee who is employed as a police officer, fire fighter, or emergency medical technician.

FAMILY AND MEDICAL LEAVE

SECTION 5.09

A. POLICY

1. It is the policy of the City of North Canton that employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993 (FMLA).
2. Definition: Family and Medical Leave (FML) is a leave of absence, taken for specified medical reasons, during which the Employer shall maintain the employee's health insurance in the same manner as if the employee remained in active pay status. During the leave, however, employees must continue to pay their share of the premium.

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3. Eligible Employees: Employees who have been employed for a total of at least 12 months and who have completed at least 1,250 hours of actual service with the City during the previous 12 month period will be eligible for FML.
4. Employees Not Covered: The following employees are not entitled to FML: elected officials; personal staff of elected officials; unclassified, policy-making appointees; immediate legal advisors to elected officials; unclassified employees of City Council; independent contractors; etc.
5. Entitlement to Leave: Eligible employees will be entitled to a total of 12 workweeks of FML during a rolling 12 month period measured backward from the date on which an employee uses Family and Medical Leave. Employees may take the leave for any of the following reasons:
 - a. Birth of a child of the employee and to care for a newborn child;
 - b. Placement of a child with the employee by way of adoption or foster care;
 - c. To care for the spouse, child, parent or one who stood in place of a parent of the employee, if that person has a serious health condition; or
 - d. Because of serious health conditions that make the employee unable to perform any of the essential functions of the employee's job, including a workers' compensation qualifying injury; or
 - e. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
6. An eligible employee may be permitted a total of 26 workweeks of unpaid leave during the 12 month period measured forward from the first date the employee uses Family and Medical Leave in order to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. However, when Family and Medical Leave is used for this reason and one (1) or more of the reasons listed in "3" above, the eligible employee will be entitled to a maximum combined total of 26 workweeks of leave.
7. Use of Paid Leave: Employees are required to use all paid leave (i.e., accrued vacation, holidays, compensatory time, personal leave, sick leave, etc.), prior to entering non-paid status while on FML. The combined period of leave, including paid and unpaid leave, shall not exceed the total of 12 or 26 workweeks during the leave year defined herein.
8. Further Unpaid Leave of Absence: In the event of the continuation, reoccurrence or onset of a serious health condition after the employee has exhausted the 12 workweeks of leave, the employee may request an unpaid leave of absence in accordance with this manual.

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9. The Employer will require the employee to provide appropriate certification in order to support a leave request because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness.
10. Husband and Wife: In a case in which a husband and wife, both employed by the City, request leave due to the birth or placement of a child (see A.4.), the total number of workweeks of FML to which both employees are entitled shall be limited to 12 workweeks during any 12 month period.
11. Intermittent/Reduced Leave Schedule: Leave due to the serious health condition of the employee or the employee's spouse, child, or parent, or to care for a covered servicemember with a serious illness or injury, can be taken intermittently or on a reduced leave schedule when medically necessary. In all other cases, it may only be taken with permission of the Appointing Authority. The Appointing Authority may require an employee taking leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis.

FML due to the birth or placement with the employee of a child shall not be taken on an intermittent or reduced leave schedule which would reduce the usual number of hours per workweek or per workday.

12. Seniority: An employee granted FML will continue to accrue seniority during FML.
13. Reinstatement: When an employee returns from FML, he/she will be restored to the position held by the employee when the leave began or a similar position of equivalent pay and benefits. Where the employee is returning from unpaid leave, the Employer may require that the employee's physician certify that the employee is able to resume work as a condition of return to employment, when the leave is due to the employee's own serious health condition.
14. Failure to Return:
 - a. If the employee fails to return from the leave, the employee shall reimburse the City for the total insurance premium paid by the City during any time the employee was on an unpaid leave of absence, unless the failure to return is due to:
 - (1) Continuation, recurrence or onset of a serious health condition; or
 - (2) Other circumstances beyond the employee's control.

In such a case, the Employer may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid by the City.

- b. If an employee does not report to work or request and receive further approved leave after the applicable FML expires, the employee will be absent without leave and may be subject to disciplinary action.

15. Records: The Employer shall maintain the following records for three (3) years:

- Employee wage records;
- Dates of FML taken (including paid leave taken);
- Hours of FML; if intermittent or reduced leave is taken;
- Copies of all notices given to employees;
- Copies of all documents describing benefits, policies and practices affecting FML;
- Copies of employee requests for FML;
- Records of the Employer's and employee's health insurance payments;
- Records of any disputes between the Employer and employee over designation of FML.

Records of medical certification of employees or their family members shall be kept confidential as they are "confidential medical records" under the law.

16. Family and Medical Leave Definitions:

- a. Spouse: Husband and wife. However, common-law marriages after October 10, 1991, have been abolished by Ohio law.
- b. Parent: The biological parent or person standing in place of a parent to the employee when the employee was a child. "In-laws" are not included.
- c. Child: A biological, adopted, foster, or step child; a legal ward; or a child of an employee who is standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- d. Serious Health Condition: An illness, injury, impairment, or physical or mental condition which involves a period of incapacity or treatment that requires absence from employment for more than three (3) calendar days and involves care by a health care provider. "Serious health condition" also includes continuing treatment of chronic or long-term incurable conditions and prenatal care.
- e. Continuing Treatment: Continuing treatment by a health care provider which includes at least one of the following:
 - (1) a period of incapacity for more than three (3) consecutive days which requires subsequent treatment relating to that condition on two (2) or more occasions or on one (1) occasion which results in a regimen of continuing treatment;
 - (2) incapacity due to pregnancy;

- (3) a period of incapacity or treatment due to a chronic serious health condition, which may be episodic but includes periodic visits to health care provider and continues over an extended period of time;
 - (4) any period of incapacity which is permanent or long term, due to a condition for which treatment may not be effective;
 - (5) any period of absence due to receiving multiple treatments, e.g., after surgery, accident or for a condition which, if left untreated, would result in absence of three (3) consecutive days.
- f. Health Care Provider: Either: 1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or 2) any other person determined by the Secretary of State to be capable of providing health care services.
 - g. Intermittent Leave: Leave taken in separate blocks of time due to a single qualifying reason.
 - h. Reduced Leave Schedule: Leave that reduces an employee's usual number of working hours per workweek or workday.
 - i. Qualifying Exigency: A non-medical activity that is directly related to the covered military member's active duty or call to active duty status. For an activity to qualify as an exigency, it must fall within one (1) of seven (7) categories of activities or be mutually agreed to by the Employer and employee. The seven (7) categories of qualifying exigencies are short-notice deployment (leave permitted up to seven (7) days if the military member receives seven (7) or less days' notice of a call to active duty), military events and related activities, certain temporary childcare arrangements and school activities (but not ongoing childcare), financial and legal arrangements, counseling by a non-medical counselor (such as a member of the clergy), rest and recuperation (leave permitted up to five (5) days when the military member is on temporary rest and recuperation leave), and post-deployment military activities.
 - j. Next of Kin: Nearest blood relative.
 - k. Covered Servicemember: A current member of the Regular Armed Forces, National Guard, or Reserve, including those on the temporary disability retired list (TDRL), but not including former members or members on the permanent disability retired list. The servicemember must be receiving medical treatment or oversight by a Department of Defense or Veterans Affairs health care provider or by a Department of Defense TRICARE network or non-network authorized private health care provider.
 - l. Serious Injury or Illness: A condition that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

B. PROCEDURE

1. General Notice: The Employer shall post written notice of employees' rights and ability to file a complaint. The Employer shall also distribute the general notice to employees through the Employee Handbook or by providing the notice to each new hire.
2. Eligibility Notice: The Employer will provide an eligibility notice to any employee who applies for FMLA leave informing the employee of whether the employee is eligible for FMLA leave. If the employee is not eligible, the notice must state at least one (1) reason why the employee is not eligible. The eligibility notice must be provided within five (5) business days after the first time in each of the Employer's FMLA leave year that an employee requests FMLA leave for a particular qualifying reason. During that same FMLA leave year, a new notice is required only if the employee's eligibility status changes.
3. Rights and Responsibilities Notice: The Employer will provide a rights and responsibilities notice each time an eligibility notice is required. This notice includes numerous pieces of information, including the Employer's designated 12 month FMLA leave year, whether a certification and other documentation will be required, whether the Employer will require the use of paid time off benefits while the employee is on leave, and a number of other rights and responsibilities of the employee.
4. Designation Notice: Once the Employer has determined that a leave is FMLA-qualifying, the Employer will provide written notice to an employee who has requested FMLA leave either designating the leave as FMLA-qualifying or notifying the employee that the leave does not qualify as FMLA leave. The notice must be provided within five (5) business days after the Employer determines if the leave is FMLA-qualifying. If the leave qualifies, the notice must specify the amount of leave that will be counted as FMLA leave if known, and if not known at that time, a designation notice must be provided upon the employee's request but no more often than every 30 days (if leave was taken during the prior 30 days). The notice must also state whether a fitness-for-duty certification will be required.
5. Employee's Notice Responsibility: Eligible employees requiring FML shall notify the Employer not less than 30 days prior to the date such leave is to begin by completing the written application for FML.

However, where the need for leave is not foreseeable 30 days in advance, the employee shall complete the FML Application Form and provide as much advance notice as practicable. Leave forms shall be submitted to the employee's immediate supervisor who shall forward them to the Appointing Authority.

Absent unusual circumstances, employees must comply with the Employer's usual and customary notice and procedural requirements for requesting leave. If an employee fails to comply with the Employer's usual notice and procedures, absent unusual circumstances, the Employer may delay or deny FMLA-protected leave. The 30 day advanced notice requirement for foreseeable leave does not apply to

qualifying exigency leave when a covered family member is called to active duty in the Armed Forces.

6. Initial Certification:

- a. Employees who request Family and Medical Leave must provide the Employer with certification of the condition from the health care provider in cases involving serious health conditions and attach the certification to the application for leave.
- b. Upon receipt of the certification, the Employer may, at its expense, require the employee to obtain a second opinion from a health care provider selected by the City.
- c. If the second opinion differs from the first, the Employer may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by the City and the employee. This third opinion shall be final and binding.
- d. If an employee submits a complete and sufficient certification signed by the health care provider, the Employer may not request additional information from the health care provider. However, the Employer may contact the health care provider for purposes of clarification and authentication of the medical certification after the Employer has given the employee an opportunity to cure any deficiencies. To make such contact, the Employer must use a health care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances, however, may the employee's direct supervisor contact the employee's health care provider. The Employer may not ask health care providers for additional information beyond that required by the certification form.
- e. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

7. Subsequent Certification:

- a. The Employer may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraph b or c below apply.
- b. If the minimum duration of the incapacity specified on a certification is more than 30 days, the Employer may not request recertification before the minimum duration of the specified leave expires unless one of the conditions of paragraph c is met. In all cases, the Employer may request a recertification of a medical condition every six (6) months in connection with an absence by the employee.
- c. The Employer may request recertification in less than 30 days if:

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- (1) the employee requests an extension of leave;
 - (2) circumstances described by the previous certification have changed significantly (i.e., duration or nature of the illness, complications, etc.); or
 - (3) the Employer receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.
- d. If one (1) of the conditions of paragraph c occurs, the Employer may immediately request recertification.
8. **Certification Deadline:** The employee shall provide the requested recertification at the employee's expense within 15 calendar days unless this time limit is not practicable. Certifications not provided within this time limit without adequate excuse may invalidate the FMLA leave.
9. **Employee's Failure to Pay Insurance Premium:** Upon commencement of FML, the Employer shall continue the employee's health insurance as if the employee was not on leave. However, the Employer's obligation shall cease if the employee is more than 30 days late in tendering his/her share of the premium, unless COBRA has been elected. In such a case, the Employer shall provide the employee written notice 15 days prior to ceasing the premium payment by mail.

LEAVE OF ABSENCE WITHOUT PAY

SECTION 5.10

A. POLICY

1. **Eligibility:** All employees who have completed their probationary period may request a leave of absence from employment without pay. Approval of such request is solely at the discretion of the Appointing Authority and each request will be determined on its own merits. A leave of absence without pay shall not exceed six (6) months.

Absence without proper authorization or approval shall be considered sufficient cause for suspension or dismissal. Leave without pay may, where necessary, be granted by the Board of Public Utilities or by the director of any department, but shall not exceed two (2) months in any one (1) calendar year.

2. **Return from Leave:** Upon returning from an approved leave of absence, the employee shall be placed in the employee's original position, or another position in the same classification should the employee's original position be unavailable. Should no similar position be available, the employee will be laid off. The leave of absence of a provisionally appointed classified employee is subject to the establishment of an eligible list and terminates automatically in case an eligible list is established during the period of the leave of absence.

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3. Failure to Return or Properly Use Leave: Failure to return to work within three (3) working days after the scheduled end of an authorized leave of absence without acceptable justification will be deemed a voluntary resignation effective as of the scheduled expiration of the authorized leave. Failure to use a leave of absence for the reasons stated in the request for leave may result in cancellation of the leave.
4. Effect on Employment: Sick leave, vacation leave, holiday pay and seniority credit are not earned by employees while on an authorized leave of absence without pay, except that a leave of absence without pay related to military service shall not be considered a break in service for seniority purposes.

B. PROCEDURE

1. All requests for leaves of absence without pay shall be submitted to the Appointing Authority on a Request for Leave of Absence Form, indicating the specific reason for the requested leave and with all requested or supporting documentation attached.
2. All leaves of absence of classified employees must be reported to and approved by the Civil Service Commission.

ADMINISTRATIVE LEAVE

SECTION 5.11

A. POLICY

An Appointing Authority may place an employee on administrative leave with pay in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. An appointing authority may place an employee on unpaid administrative leave pursuant to ORC 124.388.

B. PROCEDURE

The Employer will provide the employee with notification when they are being placed on administrative leave. Compensation for administrative leave with pay shall be equal to the employee's base rate of pay.

DISABILITY LEAVE / SEPARATION

SECTION 5.12

- A. This section outlines the conditions under which a disability leave or disability separation may be granted to classified employees, and procedures for administering their use. It is intended to outline the procedures to be followed after determining that no reasonable accommodation can be made which would allow the employee to perform the essential functions of the employee's position or other available vacant position for which the employee is qualified.
 1. Voluntary Reduction: When an employee becomes physically unable to perform the essential functions of the employee's position even with a reasonable

accommodation, but is still able to perform the duties of a vacant lower level position, the employee may voluntarily request reduction to the lower level position. Such request shall be in writing, addressed to the department head, EEO Coordinator, or Appointing Authority, shall state the reason for the request and, if approved by the Appointing Authority, will be attached to the implementing personnel action.

2. Disability Leave: A physically incapacitated employee, who has exhausted Family and Medical Leave, and for whom voluntary reduction or reasonable accommodation is not practicable, may request up to one (1) year of disability leave without pay in increments of 30 days, only if the employee can present evidence as to the probable date on which the employee will be able to return to the same or similar position within the one (1) year period. Such request shall be submitted in writing to the department head with a copy of a physician’s statement attached. The Appointing Authority shall approve or disapprove the request in his or her discretion. An employee requesting or receiving approval for a disability leave of absence due to a disabling illness, injury or condition is subject to the provisions of the Leave of Absence without Pay Section of this manual.
3. Involuntary Disability Separation or Termination for Failure to Report for Work: Involuntary disability separation is effective in the following cases:
 - a. If an employee becomes unable to perform the essential job duties of the employee’s position, subject to the Americans with Disabilities Act, and if the employee has exhausted Family and Medical Leave the Appointing Authority may involuntarily disability separate the employee.
 - b. If an employee on disability leave is unable to return to work when the employee’s disability leave is exhausted, then the Appointing Authority shall involuntarily disability separate the employee if the employee cooperates under this procedure, or remove the employee for being absent-without-leave if the employee does not cooperate. (Please note that disability leave is only granted after Family Medical Leave is exhausted. See 2 above.) The Appointing Authority shall do so by completing an order of removal indicating the reasons as “incompetency, neglect of duty and nonfeasance” with an adequate explanation to make clear the underlying reasons are the employee’s failure to report for work able to perform the essential functions of the employee’s position. However, if the employee refuses to submit to an examination or to provide proof of disability, grounds for terminating employment shall be neglect of duty, nonfeasance, and failure of good behavior for failure to report for work without approved leave.
4. Medical Examination: Medical examinations are either required or permitted in relation to involuntary disability separation as follows:

When required:

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- a. When requested by an Appointing Authority, a medical or psychological examination conducted by a licensed practitioner selected by the Appointing Authority, substantiating the disabling illness, injury, or condition, shall be required prior to involuntarily separating the employee unless the employee is hospitalized at the time the employee is involuntarily separated. The Appointing Authority shall bear the cost of the examination. Both the Appointing Authority and the employee shall receive the results of that examination and related documents, subject to division (C)(1) of R.C. 1347.08.

When permitted:

- b. An Appointing Authority may require an employee to submit to a medical or psychological examination in order to determine the employee's capability to perform the essential job duties of the employee's position with or without a reasonable accommodation. Such examination shall be conducted by a licensed practitioner as determined by the Appointing Authority. Prior to examination, the Appointing Authority must supply the examining practitioner with facts relating to the perceived disabling illness, injury, or condition and must supply additional information including physical and mental requirements of the employee's position, duty statements and position description. The cost of the examination shall be paid by the City. Both the Appointing Authority and the employee shall receive the results of the examination and related documents subject to division (C)(1) of R.C. 1347.08.

Failure to Appear for Examination or Refusal to Submit:

- c. The refusal to submit to the examination, the unexcused failure to appear for an examination or the refusal to release the results of an examination will subject the employee to removal, as explained in subsection (3)(b) above.

5. Right to Pre-separation Conference Rights of Appeal:

- a. The Appointing Authority shall institute pre-separation proceedings when the results of a medical or psychological examination conducted as provided by subsection 4 have been received and the Appointing Authority initially determines an employee is incapable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, and initially determines the employee is not eligible to receive benefits under a program provided by the Appointing Authority. Under such proceedings, a conference shall be scheduled and advanced written notice shall be provided to the employee. If the employee does not waive the right to the conference, then at the conference the employee has a right to examine the Appointing Authority's evidence of disability, to rebut such evidence and to present testimony and evidence on the employee's own behalf.

- b. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-separation conference, that the employee is capable of performing the essential job duties, then the pre-separation conference shall cease and the employee shall be considered to be fit to perform the essential job duties of the employee's position. If the Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation conference, that the employee is unable to perform the essential job duties, then the Appointing Authority shall issue to the employee an order of involuntary disability separation, as described in subsection (3)(b) above.
- c. A classified employee so separated shall have the right to appeal in writing to the Civil Service Commission within ten (10) days following the Appointing Authority's service upon the employee of the order of involuntarily disability separation.
- d. The Appointing Authority shall notify the employee, at the time of the involuntary disability separation, of the required procedures to apply for reinstatement.

6. Right to Reinstatement Rights of Appeal:

- a. An employee may make a written request to the Appointing Authority for reinstatement from an involuntary disability separation. The request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential functions of the employee's job. Such requests shall be made not more than once every three (3) months and not later than two (2) years following the beginning of the disability separation, or a leave of absence followed by a disability separation.
- b. When an involuntarily separated employee presents to the Appointing Authority substantial, credible medical evidence as provided by (6)(a) above, showing the employee is once again capable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, the Appointing Authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination conducted as provided by subsection (4) (b) above.
- c. The Appointing Authority shall reinstate the employee after receiving the results of the examination if the Appointing Authority determines the employee is once again capable of performing the essential duties of the employee's assigned position with or without a reasonable accommodation.
- d. The Appointing Authority shall institute pre-reinstatement proceedings if the Appointing Authority has received the results of the examination and initially determines the employee remains incapable of performing the essential job duties of the employee's assigned position with or without a

reasonable accommodation. Under these proceedings, a hearing shall be scheduled and adequate advanced written notice shall be provided to the employee. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the Appointing Authority's evidence of continuing disability, to rebut such evidence and to present testimony and evidence on the employee's own behalf.

- e. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is once again able to perform the essential job duties of the employee's assigned position with or without a reasonable accommodation, then the Appointing Authority shall reinstate the employee. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is not able to perform the essential duties of the employee's assigned position with or without a reasonable accommodation, then the Appointing Authority shall not reinstate the employee.
- f. If the Appointing Authority determines an employee, who has been involuntarily separated, has committed an act which is inconsistent with the employee's disability, illness or injury, then that act may be considered by the Appointing Authority when determining an employee's eligibility for reinstatement.
- g. Once an Appointing Authority properly determines an employee is to be reinstated, the employee has a right to be assigned to a position in the classification the employee held at the time of involuntary disability separation. If the classification the employee held at the time of involuntary disability separation no longer exists or no longer is utilized by the Appointing Authority, then the employee shall be placed in a similar classification. If no similar classification exists, the employee may be laid off in accordance with the layoff procedures outlined elsewhere within this manual and may exercise any displacement rights which may exist under such procedures.
- h. If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for up to five (5) years, except a licensed practitioner shall be appointed by the Public Employees Retirement Board and application for reinstatement shall not be filed after the date of service eligibility retirement.
- i. An employee refused reinstatement as provided in subsection (6)(e) shall be notified in writing of the refusal to reinstate and of the right to appeal in writing to the Civil Service Commission within ten (10) days of receiving notice of the refusal to reinstate.
- j. An employee who fails to apply for reinstatement within two (2) years following an involuntary disability separation, or a leave of absence followed by an involuntary disability separation, shall be deemed

permanently separated from service except as otherwise provided in subsection (6)(h) above.

GROUP HEALTH INSURANCE

SECTION 5.13

A. POLICY

1. Eligibility: All full-time employees in active pay status may be eligible to participate in the Employer’s health insurance program. All full-time salaried employees of the City shall be eligible to receive medical insurance. Said medical and hospitalization insurance premium shall be paid for by both the City and the employee at rates to be determined by the City.
2. Election: Employees may elect coverage under the insurance plan at initial appointment, or apply for coverage at a later date by showing evidence of insurability through the completion of a health insurance questionnaire and subject to restrictions or rejection for coverage.
3. Coverage: Eligible employees approved for coverage by the insurance carrier at initial appointment shall become covered within 30 to 90 days after appointment. Current employees become covered after showing evidence of insurability.
4. Paid Leave: The Employer will continue to pay its share of the health insurance premium for employees on all paid leaves of absence for so long as the employee is in active pay status as defined in the Definitions Section of this manual.
5. Unpaid Leave of Absence: For employees who apply for and are granted an unpaid leave of absence, the Employer will continue to pay the employee’s health insurance premium for the term of the unpaid leave of absence, up to one (1) year. After one (1) year, the employee shall no longer be eligible for coverage hereunder, but shall become eligible for continuation coverage at the employee’s sole expense as provided in this manual.

B. PROCEDURE

1. Employees desiring insurance coverage shall complete an application at commencement of employment and submit to the City Auditor's Office within thirty days of his/her appointment. The effective date of coverage is the first of the month following thirty days of employment. Employees declining coverage shall sign a waiver of coverage at commencement of employment.
2. The department head or designee shall immediately inform the Auditor’s Office in writing when an employee is:
 - a. separated from service;
 - b. off work on workers’ compensation; or
 - c. on any other unpaid leave of absence.

A. POLICY

1. Employees who separate from service and/or their spouses and children may be eligible for continuation of health insurance coverage for 18 or 36 months upon the happening of certain events, at their own expense, as described herein. The same health insurance coverage shall continue for eligible employees/individuals under this policy as is provided to other employees who maintain employment with the Employer.
2. Employees, spouses, and dependent children who are covered under the Employer's health insurance plan shall be offered the opportunity to continue health insurance coverage according to the following schedule:
 - a. An employee who is terminated or discharge for misconduct (other than by discharge for gross misconduct) shall be eligible to purchase health insurance coverage for up to 18 months following the termination.
 - b. An employee whose total hours worked are reduced, which reduction causes the employee to be ineligible for continued health insurance coverage, shall be eligible to purchase health insurance coverage for up to 18 months following such reduction.
 - c. If a second qualifying event occurs during this 18 month period, coverage may be extended for an additional 18 months.
 - d. If any beneficiary becomes disabled under the Social Security Act and provides timely notice of that status to the Employer, coverage may be extended for up to 29 months.
 - e. The spouse and dependent children of an employee shall be eligible to purchase health insurance coverage for up to 36 months when the employee:
 - (1) Dies;
 - (2) Would otherwise lose coverage due to termination and/or reduction as described in the above paragraphs; or
 - (3) Becomes entitled to Medicare coverage.
 - f. The spouse and/or dependent children shall be eligible to purchase health insurance coverage for up to 36 months when:
 - (1) The spouse and dependent children would lose eligibility for continued coverage due to a divorce or legal separation; or
 - (2) The dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.

B. PROCEDURE

1. Full-time employees, spouses, and dependent children shall be notified of the provisions of this policy as follows:
 - a. Employees shall be notified of this policy at the time they begin coverage under the Employer's health insurance plan or in the event they are either terminated or reduced.
 - b. Spouses shall be notified of this policy at the time family or spouse coverage begins under the Employer's health insurance plan or in the event the employee is either terminated or reduced.
 - c. Service of Notification on the employee's spouse shall be deemed notice to dependent children.
 - d. A sample COBRA notice is located in Section 9.
2. Each employee shall be responsible for notifying the Employer of any action which might trigger a spouse's or dependent child's eligibility for continuation of insurance coverage under this policy. Such notice shall be given by the employee to the Employer immediately upon gaining knowledge of the event and shall include divorce, legal separation, or loss of dependent eligibility under the Employer's health plan.
3. The Employer or designee shall notify the individual(s) who are eligible for continued health insurance plan coverage of their rights and obligations under this policy, within 14 days after the occurrence of a triggering event. The notice shall contain a final date by which the employee, spouse or dependent child must respond to the notice.
4. The eligible employee/individual shall notify the Employer of their decision to continue or not continue coverage within 60 days of the triggering event.
5. As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct, but including layoff, resignation, voluntary/involuntary leave without pay, discharge, and any other termination which results in the employee's ineligibility for continued health insurance benefits. Employees who are separated in accordance with civil service law for gross misconduct are not eligible for continuation of health insurance plan coverage.
6. An employee, spouse or dependent child who elects continued health insurance coverage shall only be eligible until the earliest date that any of the following occur:
 - a. Coverage expires either 18 or 36 months after the triggering event;
 - b. The group health care plan is terminated by the Employer;
 - c. The individual fails to timely pay the required premium;

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- d. The employee becomes covered under another group health care plan; or
- e. The individual becomes eligible for Medicare benefits.

OTHER INSURANCES

SECTION 5.15

A. POLICY

The Employer may provide vision care, dental care, and liability insurance at the Employer's expense and may offer other insurance benefit programs at the Employer's and/or employee's expense. Employees should see their department head for an explanation of currently available insurance benefits and programs.

- 1. The City shall provide life insurance and accidental death insurance. All full-time employees have a \$25,000 term life policy.
- 2. The City offers payroll deductions for several optional insurance coverages. Employees should see their department head for an explanation of currently available insurance benefits and programs.

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B. PROCEDURE

- 1. A full-time employee must complete an enrollment form and submit to the City Auditor's Office within thirty (30) days of his/her appointment. The effective date of coverage is the first of the month following thirty days of employment.
- 2. If an employee is interested in any optional insurance policy, he/she may contact the City Auditor's Office or the appropriate insurance company/agent.

WORKERS' COMPENSATION

SECTION 5.16

A. POLICY

- 1. State law provides that all employees are covered by Workers' Compensation for injuries that arise out of or in the course of employment. The Employer contributes to the Workers' Compensation Insurance Fund an amount determined by the Fund, based on the Employer's experience rate.
- 2. All injuries which arise out of or in the course of employment shall be reported and compensated for under this Workers' Compensation section and not under the Employer's health insurance plan.

B. PROCEDURE

- 1. Injury Reports: When an employee is injured during the course of employment, the employee's supervisor shall provide the employee with an Injury/Accident Report Form. The form shall be completed regardless of the apparent seriousness of the injury and whether or not medical attention is required. The form shall be completed by the employee and forwarded to the employee's supervisor within 24

hours of the injury. For fire department personnel, the form shall be completed by employee and forwarded to the employee's supervisor within 72 hours of the injury. The supervisor or department head shall investigate the accident, review and complete the form and forward same to the Auditor.

2. Application for Payment of Medical Benefits Only: When an employee's injury requires any type of medical attention, the supervisor shall, in addition to the Accident Report described above, provide the injured employee with a First Report of an Injury, Occupational Disease, or Death. This form shall be prepared and signed by the employee and given to the employee's supervisor, who shall forward same to the Auditor. The Auditor shall send the form to the attending physician for completion.
3. Application for Payment of Compensation and Medical Benefits: When, in addition to medical attention, an employee's injury results in an employee's absence from work for seven (7) days or more, the employee may complete a First Report of an Injury, Occupational Disease, or Death, if such employee desires compensation for lost wages. This form shall be given to the employee's supervisor, who shall forward same to the department's payroll officer for completion. This form shall then be forwarded to the Auditor for completion.
4. Serious Injury: In the event of a serious injury, the injured employee's supervisor shall notify the department head immediately so that an investigation can be initiated.
5. Return to Work: The Employer must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to their Employer their expected date of return (if known). The department head is responsible for immediately notifying, in writing, the Auditor when an employee is able to return to work.
6. Documentation: Any documents received from the injured employee, the employee's physician, the hospital or the State regarding Workers' Compensation claims must be immediately forwarded to the Auditor.
7. Wages on Injury Date: Employees who are injured during the course of employment and who must leave work before completing their work period shall be paid at their regular rate for the balance of time left in their scheduled workday.
8. Repurchase of Used Sick Leave: An employee injured during the course of employment, and who makes application for Workers' Compensation payments, may elect to use accrued sick leave in accordance with Employer policy prior to receiving payments from Workers' Compensation. Employees shall sign a Repurchase of Sick Leave Agreement directing all Workers' Compensation payments to the Employer as reimbursement for such payments and shall have a proportionate amount of their sick leave re-credited upon receipt of the Workers' Compensation payments by the Employer. Payment of sick leave in this manner shall not exceed 12 weeks for each injury authorized for payment by the Bureau of Workers' Compensation.

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9. Simultaneous Payments: Employees are prohibited from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

10. Accommodation of Disabled Employee: When confronted with an employee claiming a disability under the Workers' Compensation system, who is disabled as defined in the ADA, the Employer will consider making a reasonable accommodation that would allow the employee to continue performing the essential functions of the employee's position. When submitting information to the Bureau of Workers' Compensation or the Industrial Commission, the Employer will include:
 - a. copies of the employee's classification specification and essential functions list;
 - b. related medical records; and
 - c. any offer of reasonable accommodation.

The Employer will provide the same information to any examining physician or other appropriate, licensed practitioner.

11. Post-accident Testing: The results of a post-accident drug/alcohol test, or the employee's refusal to submit to such test, could affect an employee's eligibility to receive Workers' Compensation benefits. An employee who refuses to submit to a drug/alcohol test is "rebuttably presumed" to have been intoxicated or under the influence of a controlled substance not prescribed by the employee's physician. Once such a presumption is established, the employee must then prove that the presence of such drugs or alcohol was not the proximate cause of the workplace injury.

In order for the results of a post-accident drug/alcohol test to be considered by the Bureau of Workers' Compensation, the test that is employed must be a "qualifying test." A test is "qualifying" if it is administered under one of three (3) circumstances:

- a. Where the Employer had "reasonable cause" to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician; or
- b. Where the examination is conducted at the request of a police officer following an arrest, traffic stop, or auto accident; or
- c. Where the examination is ordered by a licensed physician who is not employed by the Employer and is not at the Employer's request.

The determination of reasonable cause, as addressed in paragraph a. above, and the procedure for having an employee tested upon reasonable suspicion are addressed in Section 7.06 of this manual, Alcohol and Drug Abuse.

WAGE CONTINUATION POLICY

SECTION 5.17

- A. Any employee who suffers a compensable industrial injury or illness can, subject to this section, receive regular wages instead of Workers' Compensation lost-time benefits. Payment for related medical benefits is the responsibility of the employer's Managed Care Organization (MCO).

- B. Qualifications.
 - 1. The injury or illness must be determined to be compensable by the company, or in the case of dispute, the Ohio Industrial Commission. In no event will compensation commence before all initial paperwork is completed and filed with the appropriate agency(ies).
 - 2. Competent medical proof of disability must be provided via Form C-84 or Physician's Update and Physical Capabilities form. The attending physician must complete the form in its entirety and affix his or her original signature to the form. Copies are unacceptable.
 - 3. The employee must complete a FROI-1 First Report Injury application and sign a wage agreement, medical release, and an election form.
 - 4. The company reserves the right to have the employee examined by a physician of its choice at the company's cost to confirm the medical diagnosis and/or the period of disability. Failure to submit to examination will result in termination of wage continuation benefits.
 - 5. Wage continuation benefits will be paid only for those periods of lost time that otherwise would qualify the employee for receipt of workers' compensation lost time benefits, subject to the following limitations.

- C. Termination Conditions. Wage continuation payments will cease upon any of the following conditions:
 - 1. Attending physician releases employee to return to work.
 - 2. Employee returns to work for another employer.
 - 3. Employee fails to return to a transitional "limited duty" assignment consistent with his or her medical restrictions as approved by the injured workers' treating physician.
 - 4. Employee fails to appear for employer-sponsored medical examination.
 - 5. Employee has reached maximum medical recovery and/or the condition has become permanent.
 - 6. The claim is found to be fraudulent after payment has been commenced.

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7. The injured worker attempts to collect both wage continuation and temporary total compensation.
8. Employment termination.
9. Violation of any company policy or guideline.
10. Regardless of the above conditions of termination, management may, at its sole discretion, terminate wage continuation benefits at any time if disability exceeds ninety days.
11. The wage continuation plan and all benefits can be terminated at management's discretion at any time.

RETIREMENT

SECTION 5.18

A. POLICY

1. Non-uniformed Personnel: All employees (except uniformed personnel, elected officials and certain seasonal employees) are required by law to participate in the Ohio Public Employees Retirement System (OPERS). Both the employee and the Employer are required to contribute to OPERS, in amounts set by state law. The employee's contribution is paid by payroll deduction. The Employer may elect to "pick-up" or pay the employee's share on a "pre-tax" basis.
2. Uniformed Personnel: All full-time police officers and firefighters are required by law to participate in the Ohio Police and Fire Pension Fund. The employee's contribution is paid by payroll deduction.
3. Volunteer Firefighters: Volunteer firefighters are required to participate in all federal, state, and local withholdings.
4. Employees who separate from service prior to retirement eligibility may withdraw their own contributions without interest from these plans.
5. Notice: All employees are required to notify their department head of their anticipated retirement in writing at least 30 days prior to the effective date of their retirement.
6. Questions regarding these plans should be directed to:

Ohio Public Employees Retirement System
277 E. Town Street
Columbus, Ohio 43215
1-800-222-PERS (7377)

Ohio Police and Fire Pension Fund
140 E. Town Street

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Columbus, Ohio 43215
(614) 228-2973

7. Deferred Compensation: The City Auditor is hereby empowered to take all necessary steps to establish and adopt a deferred compensation program for all eligible City employees.

B. PROCEDURE

Employees shall submit a signed, dated letter to their department head stating their intention to retire and the effective date of their retirement at least 30 days in advance. The department head shall forward a copy of this letter immediately to the Auditor to allow benefits and separation payments to be determined.

TRANSITIONAL WORK/MODIFIED DUTY

SECTION 5.19

A. POLICY

1. This policy is limited in its application to injuries and/or illnesses suffered during the course of employment. The purpose of transitional work is to provide such injured employees, who cannot effectively perform the essential functions of his/her position due to a work related illness/injury, the opportunity to continue working for a limited duration, with transitional work, (i.e., modified duty) during such period of temporary partial disability.
2. The temporary assignment to transitional work is made at the discretion of the Employer. The Employer may require the employee to provide medical certification from a licensed practitioner, as to the nature and extent of the employee's injury/illness and the probable length of time the employee needs to be assigned to transitional work.
3. During the transitional work period the employee shall continue to be paid his/her regular rate of compensation and accrue all benefits, in the same manner as before. Placement into transitional work does not constitute a break in continuous service, nor does it affect the employee's status, as defined in Section 3.03 of this manual. The employee's job duties are temporarily modified as a result of the employee returning to work with medical restrictions.
4. The period of transitional work shall not exceed 30 days without advance approval by the Appointing Authority. An employee may be granted one (1) additional period of transitional work, upon special and meritorious circumstances.

B. PROCEDURE

1. When an employee has been injured during the course of employment, rendering the employee unable to perform the essential functions of the position, that employee will be evaluated for a transitional work assignment. This should, if possible, be done within 24 hours of the worker's injury or physician's visit. Only

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after authorization from the employee’s department head has been received, may the employee begin to perform transitional work (i.e., modified duty). A transitional work period is a temporary assignment of limited duration, not to exceed 30 days. The employee shall be offered an appropriate transitional work assignment within his/her department first. If no such modified job within the department exists, then within the City if such modified assignment exists.

2. The cognizant physician or medical provider makes the ultimate decision to determine an employee’s capability to return to work after any work related accident, injury, or illness. The physician makes the decision as to whether the employee’s capability to return to work fits within the scope of transitional work as defined in this policy.

The physician or medical provider will evaluate the modified job duties to ensure that the employee will not be required to perform duties that would further aggravate their condition.

3. The result must be the performance of meaningful work that includes productive output during the time of strengthening and healing.
4. If after 30 days of performing transitional work, the employee is still unable to perform the essential functions of his/her assigned position, and special and meritorious circumstances are shown to exist, the employee may request only one (1) additional 30 day period of transitional work. This should be done in accordance with the same procedure as discussed in paragraph B1 above.
5. The Transitional Work Evaluation Form is for use by physicians and medical providers and establishes the employee’s eligibility for a transitional work assignment.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)	SECTION 5.20
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PURPOSE

To identify the responsibilities of the City of North Canton under the privacy regulations issued by the US Department of Health and Human Services through the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

A. POLICY

1. Protected Health Information: The City must ensure the privacy of “protected health information.” This term is defined as information that:
 - a. Is created or received by an employer;
 - b. Relates to an individual’s health, provision of care or payment for care; and

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- c. Identifies or could reasonably be used to identify the individual.

Protected health information (PHI) includes such information maintained or transmitted in any form. Thus, electronic information, paper records and oral communications are all subject to the privacy rules.

B. PROCEDURE

- 1. **Disclosing Health Information:** Subject to certain exceptions, the City may not use or disclose protected health information (PHI) for purposes other than for treatment, payment or health care operations without the employee’s consent. When it is necessary to release PHI, the City will comply with the standards and procedures set forth in the HIPAA regulations.

When using or disclosing protected health information, the City will make every reasonable effort to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.

- 2. A breach of patient confidentiality of protected health information (PHI) by an employee may result in disciplinary action, up to and including termination of employment.

UNIFORM ALLOWANCE

SECTION 5.21

A. POLICY

Commented [C117]: Would you like the terms of the CBAs to be spelled out here.

ABSENCE WITHOUT APPROVED LEAVE

SECTION 5.23

- A. Any employee who fails to report to work as scheduled without having such absence approved in advance by the Employer (i.e., vacation, court leave, military leave, etc.) shall be considered absent without approved leave.
- B. Employees with an illness or injury qualifying for sick leave, who have sufficient accrued sick leave to cover the period of absence, may notify their supervisor or designee in accordance with Section 5.01 herein and request approval of said absence after its occurrence by submitting the Request for Leave of Absence Form. However, employees without sufficient sick leave to cover their absence, regardless of the reason for their absence, shall be considered absent without approved leave unless the employee has some other form of leave (i.e., vacation, compensatory time, family and medical leave) approved in advance of such absence.
- C. Any employee absent without approved leave shall be subject to disciplinary action including possible removal from employment with the City.

BUSINESS EXPENSE PAYMENT / REIMBURSEMENT**SECTION 6.01****A. PURPOSE**

To outline the City of North Canton's policy and procedures for the authorization, payment and reimbursement of expenses incurred in the performance of official city business.

B. POLICY

1. Application of Policy: The following policy applies to all departments of the city, all divisions of each department, and all employees of the department and division. This policy also applies to elected officials and their employees.
2. Authority and Definitions:
 - a. Incurring business related expenses on behalf of the City of North Canton requires the prior, written approval of the employee's division head and Appointing Authority or President of City Council for elected officials.
 - b. The City will reimburse employees for the necessary and reasonable expenses (as defined herein) incurred to attend authorized meetings, conferences, and conventions.
 - c. Travel which involves the use of a city vehicle and does not involve any expense requires the prior, written approval of the employee's division head and Appointing Authority or President of City Council for elected officials.
 - d. Travel which involves business related expenses to be paid by the city requires the prior, written approval of the division head and Appointing Authority or President of Council for elected officials.
 - e. If an employee travels and incurs expenses without the required approvals, the determination of whether or not to reimburse the employee is at the discretion of the Appointing Authority, and may be denied.
3. Business Expenses — Transportation.
 - a. Generally: The City of North Canton will pay the cost of city business travel, and certain expenses related to such travel. These costs may be paid by travel expense advance to the employee (partial payment as addressed in paragraph 7 B below), paid directly to a vendor by the Auditor or paid as a reimbursement to the employee, as provided herein.
 - b. Transportation — Common Carrier: Transportation by air, rail, or bus must be approved in advance by the division head, department head, and Appointing Authority and be at the lowest available rate.

- c. Transportation — City Vehicle:
 - (1) City employees must possess a valid Ohio operator’s license to drive a city vehicle or personal vehicle on city business. When traveling by automobile on city business, employees are to use a city vehicle. If no vehicle is available, the division head should contact the department head to secure a vehicle. Only if no city vehicle is provided by the city is the use of a personal vehicle permitted.
 - (2) Employees approved to use city vehicles for city business related travel shall operate such vehicle in full compliance with PPM Section 6.02, Use of Vehicles on City Business.
 - (3) Costs resulting from parking and traffic violations or accidents while operating a city vehicle are not reimbursable, if the employee is at fault.

- d. Transportation — Personal Vehicle:
 - (1) If transportation in a personal vehicle for city business is authorized per Section 3 (c) above, the employee must carry liability insurance in the minimum amounts and provide proof of same as provided in PPM Section 6.02.
 - (2) Expenses for the use of a personal vehicle shall be reimbursed at the current IRS reimbursement rate for all business related miles traveled.

Reimbursement will be paid only once and only to the approved operator when two (2) or more employees are traveling together in the same vehicle.

- e. Transportation — Rental Vehicles:
 - (1) Use of a rental vehicle while on city business must be approved in advance by the department head and Appointing Authority, and must be at the lowest available rate for the most economical vehicle available based on the number of occupants and the intended use of the vehicle.
 - (2) Rental of a vehicle may only be approved if no other transportation is available at a lesser cost.
 - (3) Costs resulting from parking and traffic violations or accidents while operating a rental vehicle on city business are not reimbursable, if the employee is at fault.
 - (4) Rental vehicle insurance coverage — prior to travel, employee must get proof of insurance and coverage requirements from the City’s current insurance carrier.

4. Business Expenses — Lodging

- a. Generally: The City of North Canton will pay the costs of lodging while an employee is away from home on city business. These costs may be paid by travel expense advance to the employee (partial payment as addressed in paragraph 7 B below), paid directly to a vendor by the Auditor, or paid as a reimbursement to the employee, as provided herein.
- b. Lodging Expenses:
 - (1) Authorized expenses as provided herein will not be paid for events within 50 miles of North Canton, in a geodesic (aka “as the crow flies”) line regardless of the event’s starting time. For events between 50 miles and 150 miles of North Canton in a geodesic line which begin at or before 9:00 a.m., lodging expenses will be paid if the event lasts for more than one (1) calendar day, and then only beginning the night before the second day of the event. For events beyond 150 miles of North Canton in a geodesic line, which begins at or before 9:00 a.m., lodging expenses may be paid for the night previous to a day of the event. Lodging may be approved for the night after the last day of an event at the discretion of the department head and Appointing Authority based on the ending time of the event and/or the distance to be traveled. The starting time of the conference or meeting must be documented and such documentation must be attached to the Travel Expense Report.
 - (2) A single room rate is the standard for payment. Employees should choose a moderately priced facility convenient to the location of the city business. Most hotels/motels offer a special “governmental” rate. Employees must ask for this rate and may only be reimbursed at this rate, if such rate was available.
 - (3) The City of North Canton is exempt from paying sales tax in Ohio for lodging, if payment is made directly to the vendor. If time permits, arrangements for direct payment should be considered.
 - (4) If two (2) or more city employees are approved to share a room, double or triple bed room rates may be approved. In such case, reimbursement will be made to only one (1) employee. The names of the other employees sharing the room must be provided.
 - (5) Only reasonable, business-related expenses associated with lodging will be paid by the city. Examples include, but are not limited to, one (1) “safe arrival call” from the employee, city business related phone calls, fax or copying costs, etc. Examples of personal expenses which will not be paid include, but are not limited to, personal phone calls, laundry/dry-cleaning service, in-room movies, etc. Any business-related expense must be itemized in the hotel bill or be separately invoiced to be paid.

5. Business Expenses — Meals

- a. Generally: The City of North Canton will pay the costs of meals eaten by employees while away from home on city business as provided herein. These costs are paid by travel expense advance, directly to the vendor, or as a reimbursement to the employee, as provided herein.
- b. Meals are reimbursed at rates as shown below.
- c. The following table contains payment amounts based upon the times of departure and return.

	DEPART BEFORE		
RETURN AFTER	6:00 a.m.	11:00 a.m.	5:00 p.m.
9:00 a.m.	\$10.00	N/A	N/A
1:00 p.m.	\$15.00	\$15.00	N/A
7:00 p.m.	\$26.00	\$26.00	\$26.00

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- d. Receipts are required to receive payment or reimbursement hereunder. Tips are an appropriate use of the meal payment amounts up to 18% of the cost. Alcoholic beverages are not includable, and the cost of same shall not be paid or reimbursed hereunder.
- e. When any seminar, meeting, etc., paid by the city includes a meal, employees will not receive payment hereunder or be reimbursed for an alternate meal.
- f. Meal costs incurred locally in the normal process of conducting business (i.e., meeting with officials, consultant, etc.), and which are not part of training or a seminar, are not reimbursable. “Local” for this purpose means within 50 miles of North Canton in a geodesic (aka “as the crow flies”) line.

6. Business Expenses — Miscellaneous:

- a. City business related expenses, in addition to travel, lodging, meal, and training expenses, may be reimbursed. Examples of such reimbursable expenses are parking, bridge, turnpike or bus fares, reasonable tips, stenographer fees, fax or copying charges, telephone charges for business-related calls, rental charges for equipment and facilities, etc. To be reimbursed, such items must be approved in advance, itemized, and supported with receipts/documentation.
- b. Examples of expenditures not reimbursable are any expense not deemed by the Appointing Authority to be city business related, and any expense which requires a receipt, and for which no receipt is provided.
- c. Entertainment: Expenditures for entertainment at night clubs, golf courses, ball games, etc. are payable only if the expenses are directly associated with the active conduct of city business. Such expenses may be incurred only

with the advance approval of the Appointing Authority, and after review by the Finance Office.

- d. Spouses may be permitted to accompany employees traveling on city business, with the approval of the Appointing Authority. In such case, all expenses incurred as a result of the spouses' presence are the employee's responsibility.

7. Business Expenses — Payment Methods:

- a. Direct Payment by Auditor: Substantial invoices for the costs of air travel, hotel, conference rooms, etc., may be paid directly to the vendor by the city on approval by the Appointing Authority. All requests (vouchers) for direct payments must be submitted to the Auditor at least five (5) working days before the date the payment is desired.
- b. Business Expense Cash Advance: The Auditor may advance city funds to employees to pay the cost of city business related expenses. Cash advance requested cannot exceed 75% of the total meals + transportation out of pocket estimates. Cash advances will be issued no more than two (2) business days prior to event. Unused portions of cash advances must be returned to Finance with receipts. All requests (vouchers) for advances must be submitted to the Auditor at least five (5) working days before the date the advance is desired.
- c. Reimbursement: The third method of paying city business related expenses is reimbursement to employees who have used their own funds to pay such expenses and who request reimbursement pursuant to the procedures contained herein.

8. Disabled Employees: When considering any employee's request for job-related travel, the Employer will consider the special needs of an employee with a permanent disability that substantially affects the employee's ability to drive, see, hear, etc. The Employer will not deny job-related travel opportunities to employees with a disability due to such disability.

C. **PROCEDURE**

1. Any employee desiring to attend a meeting, conference, convention, or otherwise incurring expenses on official city business shall make advance written application by use of a purchase order with program information and submit the same to their department head and the Appointing Authority for approval.
2. After returning from any meeting, conference, convention, or other official city function wherein reimbursable expenses have been incurred, an employee shall submit a Travel Expense Report along with a copy of the previously approved purchase order and all original receipts and other documentation to the department head or Appointing Authority for forwarding to the Finance Office for approval. The report shall be reviewed by the Finance Office and either approved for

reimbursement or returned to the employee for adjustment or further documentation. Once the report has been approved by the Finance Office, the Finance Office will process the report for payment.

D. FREQUENT FLIER MILES/CREDIT CARD POINTS

1. In accordance with the State of Ohio Ethics Commission rulings, employees may accrue frequent flyer miles from City travel.
2. These incentives must be redeemed for City business travel only.
3. It is the employee’s responsibility to track accrual/usage for auditing purposes.
4. Accumulation of travel incentives must be consistent with all policy requirements.

USE OF EMPLOYER-OWNED VEHICLES OR PERSONAL VEHICLE ON EMPLOYER BUSINESS	SECTION 6.02
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A. POLICY

The City of North Canton maintains a fleet of vehicles to meet City work requirements for the benefit of operations. The City issues some vehicles in a take home status for persons requiring this convenience. This policy details the usage, care, and accident notification process for all City of North Canton vehicles and sets general guidelines for all drivers.

1. Employers — Generally:
 - a. Vehicles purchased or leased by the Employer shall be subject to regulation by the Employer.
 - b. All vehicles owned or leased by the Employer shall be plainly marked as the property of the City, except law enforcement undercover vehicles.
 - c. Vehicles may be provided for those officials, department heads and employees who require transportation in the course of their duties. Employer-owned vehicles are not to be used for employee travel to and from work unless authorized by the Employer in writing.

The department head may also assign a City vehicle to employees attending training, seminars, conferences, or similar programs approved in advance by the Employer.
 - d. Employer-owned vehicles shall be used by employees whenever possible on approved City business.

2. Assignment of City Vehicles:
 - a. Permanent vehicle assignments or assignment of a vehicle to attend a conference, meeting, etc. will be made based on written request which

provides documented justification. Approval will be based on transportation needs, emergency requirements, call-out availability, after hours meetings, cost effectiveness, or as otherwise determined by the Employer.

- b. Permanent vehicle assignments shall be reviewed annually by the Employer during the budget appropriations process. All permanent vehicle assignments shall be reported to the Auditor for income tax purposes. Employees assigned vehicles shall comply with the Auditor's Office in meeting the IRS rules. All employees who have permanently assigned vehicles shall keep a daily record of any personal use of the vehicle. This shall include, but not be limited to, commuting to and from work. All costs associated with personal use must be added as income to the employee's W-2 statement. The records shall also include maintenance, insurance, fuel, etc. Failure to maintain and provide such information may result in loss of use of the vehicle.
- c. Daily vehicle assignment will be at the discretion of the department head based on the operational needs of the respective department.

3. Qualifications for Using Employer Vehicles or Personal Vehicles on Employer Business:

- a. All operators of Employer owned or leased vehicles or employees using their own vehicles for Employer business shall be at least 18 years of age.
- b. All drivers must have a current, valid Ohio driver's license that covers the type of vehicle to be operated. A copy of the license must be placed in the driver's file.

In those classifications which require a certain motor vehicle license, newly hired employees must generally possess such license as a condition of employment, and all current employees must maintain said license for the duration of their employment in said classification. Loss of license and driving privileges by such employees may result in termination of employment for incompetency.

- c. Employees operating a vehicle on behalf of the Employer are expected to operate the vehicle in a responsible manner. An individual's driving record as maintained by the State of Ohio Bureau of Motor Vehicles (BMV), or record from any other state or country in which the driver or applicant has resided or operated a motor vehicle during the previous 36 months, or any other legal source, will be used as an indication of the individual's ability to responsibly operate a vehicle. The Employer will review the BMV driving record of each City employee who operates a vehicle on behalf of the Employer annually.
- d. The following is a listing of motor vehicle related occurrences (violations, convictions and accidents), the appearance of which on the driving record

of a City employee during the previous 36 month period will normally result in the suspension of the employee's driving privileges for the City.

A conviction for:

- Driving while under the influence of alcohol or drugs;
 - Vehicular homicide or manslaughter;
 - Leaving the scene of an accident;
 - Attempting to elude or flee a police officer after a traffic violation;
 - Drag racing; or
 - Other intentional and dangerous or reckless use of a motor vehicle.
- e. The following is a listing of motor vehicle related occurrences (violations, convictions and accidents), the appearance of which on the driving record of a City employee during a 36 month period may result in the suspension of the employee's driving privileges for the City;
- (1) Two (2) or more "at fault" accidents, the nature and severity of the violations may be taken into consideration by the Employer.
 - (2) Two (2) or more moving violations, the nature and severity of the violations may be taken into consideration by the Employer.
 - (3) One (1) "at fault" accident and one moving violation, the nature and severity of which may be taken into consideration by the Employer.

In a case where the Employer or the State of Ohio has suspended the employee's driving privileges, or the employee becomes uninsurable under the Employer's policy, and driving is an essential function of the employee's position, the Employer may take appropriate disciplinary action up to and including termination of employment by the City.

The Employer may also require employees to participate in remedial or defensive driving courses when employees evidence poor driving records.

- f. An applicant may be denied employment on the basis of an unsatisfactory driving record. At the discretion of the Employer, denial may be made without regard to the number of points or violations or whether they occurred within the State of Ohio. The Employer will review the BMV driving record of any applicant who, if employed, will be operating a vehicle on behalf of the Employer, prior to making an offer of employment.
- g. Drivers shall report to their department head any moving violations or accidents which occur while they are on or off duty. On-duty accidents or moving violations shall be immediately reported to the department head. Off-duty accidents or moving violations shall be reported as soon as possible, not to exceed within five (5) calendar days of the occurrence.
- h. Employees who use their personal vehicle for official Employer business will be reimbursed on a mileage basis at the authorized rate. Insurance

coverage for personal vehicles used on Employer business shall be the responsibility of the owner of the vehicle.

4. Use of Vehicles:

- a. Employer-owned or leased vehicles shall not be used for any purpose other than official city business.
- b. Employees must continuously recognize that use of an Employer-owned vehicle is a privilege and that they are constantly visible as an official representative of the city. Employees should show every courtesy while operating a city vehicle or their personal vehicle on city business in order to enhance the good reputation of the city.
- c. Employees shall exercise caution and responsibility and adhere to all safety regulations when operating Employer-owned vehicles. Operators and passengers shall wear safety belts at all times while driving or riding in an Employer-owned vehicle or their personal vehicle on Employer business. Negligent, reckless, or improper operation of vehicles while on Employer business is grounds for disciplinary action.
- d. Except as otherwise provided herein, passengers not on official Employer business and hitchhikers are not permitted in Employer-owned vehicles. A family member or friend may be permitted as a passenger, but never as a driver, in Employer-owned automobiles on authorized trips to meetings, conferences, and conventions only if approved in advance by the Employer.
- e. Employees who must operate a city vehicle as part of their job or their personal vehicle on city business, either on a regular or occasional basis, are required to report any suspension or revocation of their driver's license to the department head immediately.
- f. Use of alcoholic beverages or controlled substances immediately prior to or during operation of a City vehicle is prohibited. Alcoholic beverages or controlled substances shall not be transported in a City vehicle except as required in the performance of the employee's duties (e.g., law enforcement). Any employee convicted of operating a City vehicle while under the influence of alcohol or drugs will be subject to immediate dismissal.
- g. Turn signals and warning signals shall be utilized by all vehicle operators. Vehicle headlights shall be used during periods of limited visibility or any time the vehicle windshield wipers are in use.
- h. Employees are responsible for ensuring any City vehicle which they are permitted to take home is properly maintained, kept locked, and parked in a safe and secure location.
- i. Employees shall ensure any City vehicle which they use is cleaned, fully fueled, and readied for service upon completion of its use.

- j. The operator of a vehicle shall be responsible for seeing that any service, safety, or maintenance items are corrected on the vehicle or reported to the proper authority.
 - k. Use of Tobacco and E-Cigarettes in city vehicles is prohibited. Violation may be grounds for disciplinary action.
5. Accidents/Traffic Citations Involving City Vehicles or Personal Vehicles While on Employer Business:
- a. Accident reports shall be completed and submitted to the Employer within 24 hours of an accident (Driver's Report Form, BWC form, and/or Injury/Accident Report).
 - b. Parking, moving violations, and other fines received while operating a City vehicle or a personally owned vehicle while on City business are the responsibility of the operator.
 - c. Operators involved in accidents while operating a City vehicle in a non-approved manner, will be subject to appropriate disciplinary action and may be liable for the cost to repair the vehicle.

B. PROCEDURE

1. Mileage Reimbursement Requests: Employees should use an Employer-owned vehicle whenever possible to conduct Employer business. However, any employee who uses a privately owned automobile on approved City business shall be reimbursed at the current reimbursement rate established by the Employer. The employee must obtain approval from the department head prior to incurring the expense. To receive reimbursement, the employee must submit the odometer readings of the vehicle showing starting and ending mileage. When air flight is less expensive than paying mileage, the cost of air flight may be approved at the discretion of the Employer.
2. Reporting Accidents: Employees shall immediately report all accidents involving Employer-owned vehicles or personally owned vehicles being used for Employer business. A Driver's Report/Accident Report Form shall be completed, signed and submitted by the employee to the department head. The department head shall review and submit the Driver's Report Form to the Appointing Authority. The driver will also report the accident to the appropriate law enforcement agency, obtain a copy of that agency's accident report and forward such report to the Appointing Authority. If the driver is in a safety-sensitive position, is a CDL holder, or if there is reasonable suspicion that the driver is under the influence of alcohol or drugs, the driver may be required to take a drug or alcohol test in accordance with the Employer's policy for CDL holders.

SECONDARY EMPLOYMENT**SECTION 6.03****A. POLICY**

1. Time Conflicts: Full-time employment by the City of North Canton shall be considered an employee's primary occupation and take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours or mandatory overtime obligations, if any, or when the demands of a secondary job prohibit adequate rest or otherwise affect the employee's job performance.
2. Interest Conflicts: No employee, regardless of employment status, shall have other employment which presents an "interest conflict" with their position. An interest conflict exists when an employee engages in any secondary employment which tends or may appear to compromise the employee's judgment, actions, or job performance or conflict with the policies, objectives, and operations of the Employer.
3. Police Department: An interest conflict also exists for police department personnel if they engage in any employment or business involving the sale or distribution of alcoholic beverages, work for bail bond agencies, perform investigative work for insurance agencies or private security services, or perform collection services for attorneys.
4. Uniforms and Equipment: No employee shall use Employer-owned uniforms or equipment in performing secondary job duties unless approved by the department head for special duty assignments.

B. PROCEDURE

1. Employees shall notify their department head in writing of any secondary employment (preferably prior to accepting such employment). The department head will thereafter notify the Appointing Authority of such secondary employment.
2. If the Appointing Authority feels an employee's secondary employment presents a conflict, the Appointing Authority may demand that the employee terminate the secondary employment relationship. Failure to follow such demand shall be cause for discipline.
3. Police officers shall notify the Police Chief in writing and receive permission from the Chief prior to accepting secondary employment.

TOOLS, SUPPLIES, AND EQUIPMENT

SECTION 6.04

A. POLICY

1. Tools, supplies, and equipment which are needed to perform job duties shall be properly used and maintained. An employee shall be held strictly responsible and accountable for equipment personally issued to the employee, in addition to any generally issued departmental equipment, tools, or supplies which are used by the employee.
2. Misuse, neglect, theft, and/or abuse of tools, supplies, or equipment is prohibited and shall subject an employee to appropriate disciplinary action. Accidents involving misuse or abuse of tools may also be cause for disciplinary action.
3. Employees may be required to pay for tools, equipment, and supplies lost or damaged, at the discretion of their department head.
4. Use of all tools, supplies, and equipment by an employee in the performance of the employee's duties is subject to the prior approval of the department head.

BULLETIN BOARDS

SECTION 6.05

A. POLICY

1. Bulletin boards are a means for the Employer and the bargaining unit(s) to provide information to employees. The following information may be posted by employees on Employer bulletin boards:
 - a. employee recreational and social affairs;
 - b. notices of employee meetings;
 - c. non-political publications.
2. No information may be posted on Employer-owned bulletin boards which contains:
 - a. personal, scandalous, or derogatory attacks upon any employee, public official, governmental agency, organization, or group;
 - b. unfavorable attacks or comments regarding a candidate for public office; or
 - c. any material promoting or advocating any particular religion in the workplace.

PERSONAL INFORMATION RECORDS

SECTION 6.06

A. POLICY

1. The Employer maintains and is responsible for personal information maintained concerning employees (Personnel File Data). “Personal information” includes all information about an employee as defined in O.R.C. 1347.04(E), and may include such information as:
 - a. personal data;
 - b. employment application documents;
 - c. references;
 - d. medical reports;
 - e. documentation pertaining to an employee’s change of status;
 - f. performance evaluations;
 - g. communications or disciplinary actions;
 - h. paid and unpaid leave records.
2. The Employer shall only use the personal information in the personal information system in a manner consistent with the system and in accordance with O.R.C. Section 1347.01 et seq., O.R.C. Section 149.43 et seq., or as otherwise required by Ohio law.

B. PROCEDURE

1. Each employee shall be allowed to review the contents of the file(s) pertaining to them; maintained by the City at any reasonable time. Employees may also request that the Appointing Authority conduct an investigation to determine if the information in their file is accurate, relevant, timely, and complete. This investigation must occur within 90 days of written request by the employee. All information determined by the Employer to be inaccurate as a result of such investigation shall be noted as such and removed from the employee’s file and placed in a separate inactive file. If the Employer determines the record to be correct, the employee may append a brief statement to the file. Personnel files are public records and subject to provisions in the Ohio Public Records Law.
2. Individuals requesting to obtain or review information about themselves must provide proof of identification.
3. The Employer will not initiate or contribute to any disciplinary action against an employee who brings to the attention of appropriate authorities, the media or any member of the public, evidence of unauthorized use of information contained in the personal information system.
4. The Employer shall monitor the accuracy, relevance, timeliness and completeness of its personal information systems, take reasonable precautions to protect personal information in the system from unauthorized and unlawful modification,

destruction, use or disclosure, and shall collect, maintain and use only that personal information necessary and relevant to the Employer's functions.

REPORTING CHANGES IN PERSONAL INFORMATION SECTION 6.07

A. POLICY

1. Failure to report changes in personal information may prevent employees from obtaining or maintaining valuable employee benefits or services. It is each employee's responsibility to report any change of personal information within three (3) calendar days of the occurrence of the change. Notification shall be made in writing to the employee's immediate supervisor.
2. For the purposes of this section, a change in personal information shall include the following:
 - a. Name change;
 - b. Address change;
 - c. Phone number change;
 - d. Marital status change;
 - e. Changes which may affect employee benefits (i.e., insurance and pension(s) such as changes in dependents or beneficiaries);
 - f. Number of exemptions for tax purposes;
 - g. Citizenship;
 - h. Selective service classification; or
 - i. Association with a government military service organization.

B. PROCEDURE

1. Employees shall report changes in personal information in writing to their immediate supervisor within three (3) days of such change.
2. Supervisory staff will make certain that notification of any change is immediately forwarded to the department head, Appointing Authority's office, and Auditor's office.

PUBLIC RECORDS — INSPECTION, RELEASE, AND RETENTION SECTION 6.08

The City of North Canton has adopted a Records Retention Schedule. The Retention schedule is included as Appendix A with this PPM.

Commented [C19]: Can you please send me your retention schedule?

The use of computer technology and assignment of an e-mail/Internet account through the City of North Canton is a benefit to the employee and should be treated as such. The following constitute proper use of these privileges. Computer, Internet, and electronic mail usage may be monitored by system or other personnel at any time. The use of any electronic technology resources of the City of North Canton implies acceptance of all current operational policies.

A. General Standards of Conduct for Internet Use:

1. Any use of City computers or on-line computer services to facilitate illegal activity is prohibited.
2. Use of the City's electronic services to access obscene or pornographic materials is prohibited, unless such use is authorized as part of a police investigation.
3. Use of the City's electronic services for political, commercial or for-profit purposes is prohibited. This includes buying, selling and bartering, including, but not limited to, the use of credit cards. Employees must use discretion when using the City's electronic services for personal use. When proper discretion is not used, disciplinary action will be taken. Employees are cautioned that network communications will be tracked. Employees are encouraged to use reasonable judgment with such use.
4. Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-City-owned software of any kind.
5. The use of electronic services to harass other users or to transmit materials likely to be offensive or objectionable is prohibited.
6. Users of electronic services are to protect themselves and others by not issuing or releasing confidential information, addresses, passwords or telephone numbers, remembering that on-line computer services are not private.
7. Employees shall not use a code or password, access a file or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer pass codes or passwords used on the City's equipment must be provided to supervisors. No pass code or password may be used that is unknown to the department head. Any employee who violates this policy or uses electronic services for improper purposes shall be subject to discipline, up to and including discharge.

B. E-mail:

1. Any message sent or received via a City of North Canton e-mail system may be monitored by the Appointing Authority at any time, with or without prior

notification. If the Appointing Authority discovers any misconduct or criminal activity, the information contained in such e-mail messages may be used to document such conduct and may be revealed to the appropriate authorities. All e-mail usage shall comply with the Appointing Authority's policy and all state and federal laws including those barring discrimination because of age, race, sex, religion, disability, sexual orientation, etc. Employees will not have access to e-mail after termination.

2. E-mail relevant to the course of business at the City of North Canton should be printed and filed in the same manner as written correspondence.
3. E-mail relevant to a specific client should be printed and filed, if appropriate.
4. E-mail accounts are to be used only by the authorized owner of the account or another person with the owner's specific authorization.
5. Subscriptions to unrelated services or news groups is not allowed as they create unnecessary traffic on the e-mail system.
6. It is permissible to transmit documents via e-mail as attachments. However, transmitting copyrighted material including software, research data and manuscripts without the consent of the copyright holder is strictly prohibited.
7. Caution should be exercised before opening any attachment to any incoming e-mail. If the e-mail is of unknown origin, or is not business-related, the attachment should not be opened.
8. The use of personal e-mail is not forbidden, but should be used with common sense and restraint as is the telephone for personal business.
9. The downloading of files/programs for personal use from the Internet without advance permission is prohibited. Permission is obtained from the department head, Appointing Authority, or designee.

C. Standards of Conduct for E-mail on a City of North Canton Electronic System:

1. Do not overuse e-mail by sending courtesy copies of messages to people who do not need them. Similarly, it is not generally necessary to reply to an e-mail just to inform the sender that you have received it.
2. Be careful when forwarding e-mail messages. Use common sense: if you would not forward a copy of a paper memo with the same information, do not forward the e-mail.
3. Global transmission of e-mail is prohibited without the advance written permission of the Appointing Authority.
4. Be careful what you write. E-mail is not the same as conversation. It is a written record, can be duplicated at will, and may constitute a "public record."

- 5. Use normal capitalization and punctuation. Typing a message in all caps is bad “netiquette.”
 - 6. When replying to e-mail, it is often useful to include a portion of the original senders message to put your reply into context. It is appropriate to delete unimportant portions of the original message in order to prevent the message from getting too long.
 - 7. If a user discovers defamatory, disparaging, or otherwise damaging statements about the City of North Canton on the Internet, the user should inform the appropriate department head to follow-up on that discovery.
- D. Use of the World Wide Web: The Internet is a powerful and useful tool for research and other functions. Employees are encouraged to develop computer and Internet skills to improve their job knowledge and to promote the interests of the City of North Canton. Employees should treat the Internet as a formal communications tool similar to the telephone, radio, video and written communications. All employees are responsible for their actions and communications using computers and the Internet.

USE OF TELEPHONES / CELL PHONE POLICY (INCLUDES PAGERS AND LAPTOPS)	SECTION 6.10
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- A. Scope: This policy applies to all employees under the appointing authority of the board or city who possesses and uses a cellular telephone, pager, or laptop computer purchased and/or provided by the City.
- B. Purpose: This policy defines the conditions for which the city will provide a cellular telephone, pager, or laptop computer to an employee as well as the expectations for proper use of such city-issued equipment, and identify how personal use of such city equipment will be reimbursed by the employee using the fair market value on a per minute basis. This policy shall apply to all cellular telephones, combination radio/cellular telephones, related necessary accessories when provided by the city, and all applicable service agreements.
- C. Policy: The city recognizes that cellular telephones, pagers, and/or laptop computers have become a valuable tool for city officials and employees to enhance their productivity while working on behalf of City. This communications tool can provide an effective and efficient means to coordinate work activities, provide and/or receive needed information, deliver public services with minimal delay and assure personal and public safety; therefore, the cellular telephones, pagers, and/or laptop computers may be provided for use regarding official city business to those officials and/or employees whose jobs require the ability to have constant contact, in accordance with this policy. The city expects all officials and/or employees to have appropriate and reasonable use of all city-owned telephones, pagers, and/or laptop computers.

Personal phone calls on the City’s landline telephones are not allowed. The City may allow personal phone calls in the event of an emergency with advanced permission from the employee’s supervisor.

- D. Procedure: It is the responsibility of each appointing authority to determine who, in their respective offices, shall be assigned a city-owned cellular telephone, pager, and/or laptop computer for official use. No official and/or employee shall be automatically eligible to receive a city-owned cellular telephone, pager, and/or laptop computer based solely upon position, title, or classification. In order to be eligible for a city-owned cellular telephone, pager, and/or laptop computer, the official and/or employee must meet at least one (1) of the following:
1. Public Safety: The city official and/or employee requires immediate and direct communication with local emergency responders in order to provide for the safety of the public.
 2. Accessibility: The city official and/or employee, while working outside of the office, must initiate immediate and direct communication with their office and/or other public or private entities or persons to access information in order to conduct official city business in a timely fashion where there is a likelihood that conventional telephones will not be readily accessible.
 3. Responsiveness: It is routinely necessary for other city officials and/or employees or members of the general public to reach this individual immediately and directly to discuss official city business when they are out of the office.
- E. Acquisition and Return of City Cellular Telephones: Once a cellular telephone has been provided, the recipient shall acknowledge in writing that they have received the equipment and a copy of this policy.
- If a city cellular telephone is damaged, lost, or stolen, it must be reported by the employee to their immediate supervisor as soon as possible; the immediate supervisor shall notify the appointing authority, who will make the necessary arrangements for termination of service and/or arrange a replacement.
- When an employee no longer needs a cellular telephone or terminates employment or otherwise loses the authorization to possess or use a city cellular telephone and/or pager, the employee shall return all city-provided cellular telephone equipment and/or accessories immediately.
- F. City employees, with a cell phone that has been provided by the city to conduct business, may also use the cell phone for personal calls.
- G. Even though personal calls are permitted, the employee is required to stay under the plan's free minutes. If an employee exceeds those minutes, the cost above the base bill must be reimbursed to the city. Personal calls shall not affect the employee's work performance and shall be kept to a minimum. Excessive personal use of cell phones during an employee's assigned work hours is prohibited and will be cause for disciplinary action as determined by the Appointing Authority or designee.
- H. Officials and/or employees are advised that all communications including, but not limited to, voice mails, text messages, pages, and/or email communications, are not confidential and are subject to review for the purpose of enforcing the policies stated herein.

- I. Employees will not be permitted to add a second line to a city-owned cell phone account for the employee's personal use.
- J. Employees who bring personal cell phones to work shall not attempt to use their cell phone while operating city vehicles and shall normally turn off their cell phones during regular working hours. Employees shall not waste work time talking or texting to family, friends, or conducting other non-work-related business during regular working hours. Conducting non-work related business is considered a waste of time. Employees may use their personal cell phones while on authorized work breaks in designated break areas; provided this does not interfere with operations nor extend the employee's authorized break period. If the employee has an emergency situation requiring him/her to remain in contact with the hospital, doctor, or a family member, the employee may request in advance that the department/division head temporarily suspend the above restrictions.

SOCIAL MEDIA POLICY**SECTION 6.11**

- A. Purpose: The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the city. Moreover, this policy is intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will also allow the city to ensure that the city's rules are followed and all employees are treated fair and consistent.
- B. Scope: All employees will be subject to and held accountable for any conduct outlined in this Social Media Policy. This policy works in conjunction with other related personnel policies and procedures.
- C. Consent: An employee's use of such technology constitutes consent to being monitored by the city.
- D. Social Media refers to the use of websites such as but not limited to Facebook, Myspace, Twitter, LinkedIn. For purposes of this policy, Blogs and other internet forums of communication will be covered. Nothing in this policy is meant to prohibit access of a work-related website.
- E. Policy.
 1. On Duty Conduct: While at work, an employee may only access social networking websites, blogs and/or other internet forums of communication during their non-compensated lunch or breaks. This includes access from a personal cellular device (e.g., Blackberry device, Smartphone, iPhone, etc.) during an employee's hours of work. Employees found to have violated this policy may be subject to discipline up to and including termination.
 2. Off Duty Conduct: An employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to a social networking website, blog, or other similar internet forum of communication. Although information may be posted to a "private" webpage, the employee should be aware this information can still be accessed by the public and other sources in a

number of ways. Because of this, an employee needs to use “common-sense” when posting comments, photos, opinions, or any other information related to his or her employment. By no means is this policy meant to infringe upon an individual’s First Amendment rights. However, anything that reflects negatively on the city, or their mission may be used as grounds for discipline up to and including termination. It should be recognized that the city shall not interfere with an employee’s rights under R.C. 4117.

- a. Posting one’s photograph while wearing the city’s uniform (or other similar attire, which could be misidentified as the official uniform) and being engaged in situations which reflect negatively on the City;
 - b. Posting pictures, videos, or comments that are insubordinate with respect to the employee’s employment;
 - c. Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior;
 - d. Knowingly or recklessly posting false information about the city, supervisors, coworkers, public officials, or those who have a relationship with the city. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above.
 - e. Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor.
 - f. Posting pictures, videos, or comments that are sexual, violent, offensive, harassing, or pornographic in nature along with any reference to the city or individual’s employment.
- F. Employees shall not imply they are speaking on behalf of the city and shall include a disclaimer when speaking on certain matters affecting the city or the employee’s employment.
- G. Confidential Information: An employee shall not disclose any work-related confidential or proprietary information on any social networking website, blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record’s request.
- H. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
- I. Any deviation from the above policy shall be approved by the city.
- J. Any questions regarding the policy should be directed to his or her immediate supervisor.

CREDIT CARD USE

SECTION 6.12

Commented [C120]: Did the City adopt a new policy when the law changed? If so, can you send it and if not I will insert a new one

LACTATION ACCOMODATION**SECTION 6.13**

- A. **Breastfeeding:** The 2010 Healthcare Reform Act amended the FLSA by requiring employers to provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time the employee has the need to express milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion of coworkers and the public to be used by an employee to express the breast milk. The City of North Canton intends to comply with this requirement so long as it does not impose an undue hardship. Employees requiring such time shall contact their department/division head.
- B. Break time to express breast milk shall be unpaid and the employee may be required to flex their work schedule to complete necessary work. Employees shall keep accurate time records of their break time.
- C. Employees shall be allowed access to a nearby clean and safe water source and a sink for washing hands and rinsing out any breast-pump equipment.
- D. Employees shall have access to hygienic/refrigerated storage alternatives for the mother to store her breast milk.

IDENTITY THEFT PROTECTION**SECTION 6.14**

- A. **Purpose:** The risk to the city, its employees, and customers from data loss and identity theft is of significant concern to the city and can be reduced only through the combined efforts of every employee and contractor. The city adopts this sensitive information policy to help protect employees, customers, contractors, and the municipality from damages related to the loss or misuse of sensitive information.
- B. **Scope:** This policy applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.
- C. **Definition of Sensitive Information:** Sensitive information includes the following items whether stored in electronic or printed format:
1. Credit card information, including any of the following:
 - Credit card number (in part or whole)
 - Credit card expiration date
 - Cardholder name
 - Cardholder address
 2. Tax identification numbers, including:
 - Social security number
 - Business identification number

- Employer identification numbers
3. Payroll information, including, among other information:
 - Paychecks
 - Pay stubs
 4. Cafeteria plan check requests and associated paperwork
 5. Medical information for any employee or customer, including but not limited to:
 - Doctor names and claims
 - Insurance claims
 - Prescriptions
 - Any related personal medical information
 6. Other personal information belonging to any customer, employee, or contractor, examples of which include:
 - Date of birth
 - Address
 - Phone numbers
 - Maiden name
 - Names
 - Customer or account number
 7. Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Ohio Public Records Act and the municipality's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor.
- D. Hard Copy Distribution: Each employee and contractor performing work for the municipality will comply with the following policies:
1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
 2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
 3. Desks, workstations, work areas, printers, and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
 4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.

- 5. When documents containing sensitive information are discarded, they will be immediately shredded. City records, however, may only be destroyed in accordance with the City’s records retention policy.

- E. Electronic Distribution: Each employee and contractor performing work for the municipality will comply with the following policies:
 - 1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
 - 2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

- F. Duty to Report Suspicious Fraudulent Activity. All employees have a duty to identify and report any suspected fraudulent activity by another employee, customer, contractor, or vendor. Once potentially fraudulent activity is detected, an employee shall:
 - 1. Gather all related documentation and write a description of the situation. Present this information to the department/division head or other designated authority.
 - 2. The department/division head or other designated authority will determine whether the attempted transaction was fraudulent or authentic.
 - 3. If a transaction is determined to be fraudulent one or more of the following actions will be taken:
 - (a) the transaction will be canceled;
 - (b) the appropriate law enforcement agency will be notified;
 - (c) the city’s law director will be contacted and the extent of the city’s liability be assessed; and
 - (d) the actual customer who’s identify may have been compromised will be notified that a fraud has been attempted.

NO EMPLOYEE EXPECTATION OF PRIVACY SECTION 6.15

- A. Employees working for the City of North Canton should have no expectation of privacy from the employer or a representative of the employer in regards to anything maintained or stored in any desks, lockers, vehicles, equipment, or other items owned, rented, leased or operated by the city. Such furniture, vehicles, equipment, etc. shall be subject to search by the employer or a designee at any time for any reason.

- B. Employees should also have no expectation of privacy from the employer or a representative of the employer in regards to any information stored on or recoverable from any computer, cell phone, I-pad, or other electronic device owned, rented, leased or operated by the city or used by the employee in the conduct of his/her duties as a city employee.

**ETHICS IN PUBLIC EMPLOYMENT AND
PUBLIC ACCOUNTABILITY****SECTION 7.01****A. POLICY**

1. All employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio and other rules and regulations as may be set forth by the Employer. It is important to remember that the compensation of all employees is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, effective and friendly manner.
2. In recognition of same, no employee shall:
 - a. Use their position for personal gain or engage in any transaction which is in conflict with the proper discharge of the employee's official duties.
 - b. Use or disclose confidential or proprietary information concerning the property, government or affairs of the City without proper legal authorization.
 - c. Solicit or accept anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City.
 - d. Accept from any person, firm, or corporation doing business with the City, any material or service for the private use or benefit of the employee.
 - e. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair independent judgment or action in the performance of official duties.
 - f. While an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee.
 - g. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the City unless excepted as provided in O.R.C. Section 102.04.
 - h. Have a personal interest in a contract with the City or use their position or authority to secure approval of a public contract in which the employee, a member of the employee's family or business associate has an interest.

B. PROCEDURE

1. Any employee in doubt as to the application of this Section or other ethics laws or regulations may seek the advice of the Ohio Ethics Commission.
2. Employees shall be provided with a copy of Ohio’s Ethics Laws, O.R.C. Section 102, at commencement of employment.
3. For purposes of public accountability, all employees, including overtime exempt employees, are expected to work a regularly scheduled work week. Public employees are expected to expend funds solely for authorized expenditures, whether in the scope of employment or otherwise.

TARDINESS

SECTION 7.02

A. POLICY

1. Habitual tardiness is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after the employee’s scheduled starting time, and such tardiness is not excused. Employees who are tardy shall not be paid for the period of time the employee is tardy.
2. In addition, a tardy employee, including those tardy by less than seven (7) minutes, shall be subject to progressive disciplinary action as follows:

<u>Event</u>	<u>Discipline</u>
1 time tardy	oral instruction and cautioning
2 times tardy.....	oral warning (documented)
3 times tardy.....	first written reprimand
4 times tardy.....	second written reprimand
5 times tardy.....	one (1) day suspension without pay
6 times tardy.....	three (3) day suspension without pay
7 times tardy.....	15 day suspension without pay
8 times tardy.....	up to and including termination

Commented [C121]: Do you want a fixed schedule like this?

B. PROCEDURE

1. Any documentation of warnings or reprimand shall cease to have any force or effect in the employee's personnel file eighteen (18) months subsequent to the date or such document providing there is no intervening disciplinary action of the same or similar nature during this eighteen (18) month period. Any documentation of suspension or demotion will be a permanent record.
2. Oral reprimands will generally be given by the supervisor and a Record of Oral Reprimand shall be given to the employee with a copy placed in the employee’s file. Written reprimands will also be issued by the employee’s supervisor and a Record of Written Reprimand or Suspension shall be given to the employee with a copy placed in the employee’s personnel file, and a copy to the department head.

- 3. Only the Appointing Authority has the authority to reduce in classification or pay, suspend or terminate an employee.
- 4. Suspensions of more than three (3) days, reductions in pay or classification and terminations of classified employees require the approval and signature of the Appointing Authority and must be filed with the Civil Service Commission in accordance with the Commission’s Rules and Regulations.

ABSENTEEISM AND NOTIFICATION OF ABSENCE	SECTION 7.03
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A. POLICY

- 1. Each employee is expected to report to work each workday and maintain a good attendance record. If you are unable to report to work, call your supervisor by phone as soon as possible. Let your supervisor know the reason for your absence and when you think you will return to work.
- 2. Absenteeism increases the workload of other employees and affects the quality of public services. An employee is absent for purposes of this section if they fail to report to work for an entire workday or leave work prior to the scheduled quitting time, and such absence has not been excused (as defined below) or for which the payment of sick leave as defined in this manual has been denied. In addition to not being paid for the time absent (to the next quarter (¼) hour), employees shall be subject to progressive discipline for accrued absences as follows:

<u>Absences</u>	<u>Discipline</u>
one (1) time absent.....	Oral reprimand
two (2) times absent.....	Written reprimand
three (3) times absent.....	Up to a 15 working day suspension without pay
four (4) times absent	Termination

The above progressive discipline does not apply to employees who are absent, without approval and who fail to notify their department head or designee (“no-call/no-show”). Employees who no-call/no-show are subject to discipline up to and including termination for a single offense.

- 3. Employees may be excused for absences for legitimate reasons if the notification procedures contained herein and otherwise in this manual are met. The Employer reserves the right to deny approval of otherwise legitimate excuses for employees who demonstrate a pattern of such absences.
- 4. Voluntary Resignation: If an employee fails to report to work at their regularly scheduled time and remains absent for three (3) or more consecutive workdays without reporting such absence, the Employer may deem such absence a voluntary resignation.

B. PROCEDURE

1. **Notification:** Absent employees must report to the employee's supervisor or designee by one (1) hour before the employee's scheduled starting time on each day of absence, and explain the reason for the absence. Upon return to work, the employee shall report to the employee's department head to further explain the reason for the absence and to provide all documentation required to substantiate the absence.
2. **Application of Discipline:**
 - a. Each full day of unexcused absence shall count as a separate absence (i.e., an employee absent for two (2) consecutive days is charged with two (2) absences).
 - b. Any documentation of warnings or reprimand shall cease to have any force or effect in the employee's personnel file eighteen (18) months subsequent to the date of such document providing there is no intervening disciplinary action of the same or similar nature during this eighteen (18) month period. Any documentation of suspension or demotion will be a permanent record.
 - c. Written reprimands will generally be issued by the supervisor and a Record of Written Reprimand or Suspension shall be given to the employee with a copy placed in the employee's personnel file and a copy to the department head.
 - d. Only the Appointing Authority has the authority to reduce in pay or classification, suspend or terminate an employee. Suspensions of more than three (3) days, reductions in pay or classification and terminations of classified employees require the approval and signature of the Appointing Authority and must be filed with the Civil Service Commission in accordance with the Commission's Rules and Regulations.
3. **Voluntary Resignation Procedure:** If an employee fails to report to work at their regularly scheduled time and remains absent for three (3) or more consecutive workdays without reporting such absence, the Employer will attempt to contact the employee at their last known address and notify them that failure to immediately return to work will be deemed a voluntary resignation of their position. If the Employer cannot locate the employee, or if the employee, after notification, fails to return to work, the Employer will deem such action a voluntary resignation and will remove the employee from the payroll.

SOLICITATION AND DISTRIBUTION**SECTION 7.04**

Non-solicitation/Distribution: Solicitation is the act of requesting an individual to purchase goods, materials or services, or a plea for financial contribution. Distribution is an act of distributing goods, materials and/or written literature. There shall be no solicitation or distribution by non-employees at any time on any Employer property or in any work area. This section shall not apply to vendors.

PERSONAL APPEARANCE/DRESS CODE**SECTION 7.05**

- A. The Employer reserves the right to prescribe appropriate dress and grooming and to set standards which are deemed to be in the Employer's best interest. Appropriate dress codes will be established by the Appointing Authorities and Supervisors of each department. Departmental dress codes will be posted.
- B. The Employer requires that an employee's clothing, grooming and overall appearance be appropriate, in good taste, present a favorable public image and be in conformity with regulations established by the Employer due to the specialized nature of service provided or the employment position maintained. Each appointing authority may prescribe appropriate dress and grooming standards which may differ from what has been prescribed City-wide.
- C. Clothing shall be conducive to the safe and effective performance of required job duties.

Commented [CI22]: This is pretty basic. I have found that when employers try to get really specific it becomes challenging.

DRUG FREE WORKPLACE ACT**SECTION 7.06**

- A. The City regards the illegal use of drugs and the abuse of alcohol as serious problems. In addition to achieving compliance with the Federal Drug Free Workplace Act of 1988, it is the purpose of this policy to create an alcohol and drug free workplace, which will enhance the health, safety, security, and performance of the employees of the City.
- B. The illegal use, sale, manufacture, distribution, dispensation or possession of drugs on City property is absolutely prohibited. Reporting to work or working while under the influence of alcohol or illegal drugs is also prohibited except in the limited case of City sponsored social activities as detailed below. In addition, any employee who is taking prescription medication that may impair their ability to perform the essential functions of their job must disclose the fact to his or her direct supervisor. Violation of this policy will result in disciplinary action up to and including termination.
- C. Events Resulting in Employee Drug and/or Alcohol Testing. All employees may be subject to drug and/or alcohol testing conducted under any of the following conditions:
 1. Preemployment, post-offer testing. All individuals applying for a safety-sensitive position and those transferring into a safety-sensitive position will be required to undergo and pass a drug and/or alcohol screening conducted by a contractor that the employer designates following a conditional offer made by the employer.
 2. Reasonable suspicion of drug and/or alcohol use. Whenever the employer has reasonable suspicion to believe that the employee is under the influence of alcohol or a controlled substance, the employer may require such employee to submit urine or other sample for alcohol and/or controlled substance testing. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.
 3. Post-accident testing. Post-accident alcohol and/or other drug testing will be conducted of anyone who may have caused or contributed to an accident following

an accident investigation with documentation of reasonable suspicion. No post-accident testing is required if all of the following conditions are met:

- The accident resulted in a minor injury, even when off-site medical attention was required;
 - There was no violation of work rules;
 - An accident investigation determined there was no reasonable suspicion related to the accident;
 - The accident is considered normal in relationship to the job functions of the injured employee.
4. Random drug/alcohol testing. The City conducts random drug testing for any employee who is considered safety-sensitive or as may be required by law. All employees who reside in a position deemed safety-sensitive will be required to undergo and pass random drug screening conducted by a contractor that the employer designates.
- a. CDL Employees: Tested in accordance with applicable regulations in accordance with the Department of Transportation.
 - b. Non-CDL Employees.
 - (1) The City will submit all employees' names who are considered safety-sensitive to a random selection system. The random selection provides an equal chance for each eligible employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The City will drug test, at a minimum, twenty-five percent (25%) of the average number of eligible positions in each calendar year. The City will select, at a minimum, ten percent (10%) of the average number of eligible positions in each calendar year for random alcohol testing. Random selection, by its very nature, may result in eligible employees being selected in successive selections or more than once a calendar year. Alternatively, some eligible employees may not be selected in a calendar year.
 - (2) The random drug test shall be unannounced. If an eligible employee is selected at random, for either drug or alcohol testing, a representative of the City will notify the employee. Once notified, every action the employee takes must lead to a collection. If the employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.
 - c. The random selection pool for the non-CDL employees is separate from any DOT/FMCSA pool for random testing.

5. Substance Abuse Professional. Any employee who tests positive for the use of alcohol or controlled substances while on duty may be evaluated by a substance abuse professional. The Employer may consider recommendations provided by the substance abuse professional but those recommendations are subject to this policy.
6. Safety-Sensitive: A position is considered safety-sensitive when any job position or work-related function or job task designated as such by the Employer, which through the nature of the activity could be detrimental or dangerous to the physical well-being of the employee, coworkers, customers, or the general public through a lapse in attention or judgment. Proper notice shall be given to those employees who are deemed safety-sensitive

- D. Testing Requirements. All drug screening tests shall be conducted by medical laboratories meeting the standards of, and certified by, the National Institute of Drug Abuse, the National Institutes of Health, and the Department of Health and Human Services.

Any employee who is notified of selection for drug and alcohol testing shall be relieved of any job responsibilities immediately, and shall proceed to the designated test site immediately. The employee shall be accompanied by a supervisor or his designee. A selected employee shall not make any stops from the time of notification until reaching the designated test site. Failure to proceed immediately to the drug-testing site may be considered a refusal to test.

The results of the testing shall be delivered to the appointing authority as well as the tested employee. An employee whose confirmatory test results are positive shall have the right to request a certified copy of the testing results in which the vendor shall affirm that the tests results were obtained using the approved protocol methods. The employee shall provide a signed release for disclosure of the testing results to the employer. Refusal to submit to the testing, or to execute the release may be grounds for discipline up to and including termination.

Costs of all drug screening tests and confirmatory tests shall be borne by the employer, except that any test initiated at the request of the employee shall be at the employee's expense, as required in this policy.

- E. Drug Urinalysis.

1. Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances:
 - a. Cannabinoids (THC/marijuana, hash).
 - b. Cocaine (and its derivative, including crack cocaine).
 - c. Opiates (heroin, codeine, etc.).
 - d. Amphetamines (including Methamphetamine – central nervous system stimulants).
 - e. Phencyclidine (PCP).

2. The City of North Canton may test for additional drugs in the 9-panel test below.
 - a. Cannabinoids (THC/marijuana, hash).
 - b. Cocaine (and its derivative, including crack cocaine).
 - c. Opiates (heroin, codeine, etc.).
 - d. Amphetamines (including Methamphetamine – central nervous system stimulants).
 - e. Phencyclidine (PCP).
 - f. Barbiturates (central nervous system depressants).
 - g. Propoxyphene (Darvon).
 - h. Methadone.
 - i. Benzodiazepines (Valium, Librium, etc.).
3. The urinalysis procedure starts with the collection of a urine specimen. Urine specimens will be submitted to a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory for testing. As part of the collection process, the specimen provided will be split into two (2) vials: a primary and a secondary vial. The laboratory will perform initial screenings on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the medical review officer as a positive.
4. All laboratory results will be reported by the laboratory to a medical review officer (MRO) designated by the City. Negative test results shall be reported by the MRO to the Employer's Representative. Before reporting a positive test result to the City, the MRO will attempt to contact the employee to discuss the test result. If the MRO is unable to contact the employee directly, the MRO will contact the Employer's Representative who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. In the MRO's sole discretion, a determination will be made as to whether a result is positive or negative. If, after failing to contact the MRO after five (5) days, or if the employee cannot be contacted at all within thirty (30) days, the MRO may verify the test as positive. After any positive verification, the employee may petition the MRO to reopen the case for reconsideration.
5. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

6. An individual testing positive may make a request of the MRO to have the secondary vial tested. The secondary vial must be tested by a different SAMHS-certified lab than tested the primary specimen. The individual making the request for a test of the second specimen must prepay all costs associated with the test. The request for testing of a secondary specimen is timely if it is made to the MRO within seventy-two (72) hours of the individual being notified by the Employer Representative of a positive test result.

F. Alcohol Tests.

The City will perform alcohol testing using a device that shall be an evidential breath testing device (EBT), and may be provided through a vendor or agent. The device will be operated by a technician who is certified and trained on the specific device he or she will be operating. The employee shall report to the alcohol testing site as notified by the Employer's Representative. The employee shall follow all instructions given by the alcohol technician.

1. Any initial test indicating a blood alcohol concentration (BAC) of .02 or greater will be confirmed on the EBT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test.
2. In the event the confirmation test indicates a BAC of .02 or greater, the employee shall be removed from duty and subject to discipline up to including termination of employment.

G. Refusal to Test. Refusal to submit to drug or alcohol tests as ordered by the employer will be grounds for disciplinary action up to and including termination. A refusal to test constitutes conduct that obstructs the proper administration of a test. The following is a list of some, but not all, of the actions an employee may take which will be considered a refusal to test:

1. Refusal to sign the form releasing test results to the employer.
2. A non-medical delay in providing urine, breath, blood, saliva or any other specimen.
3. Failure to report directly to the testing facility upon notification.
4. The use of any product to invalidate the test results.

H. Confirmatory Tests. If a drug screening test is positive, a confirmatory test shall be conducted in the manner prescribed in the laboratory's procedures. In the event the second test confirms the results of the first test, the employer may proceed with appropriate discipline. In the event that the second test contradicts the result of the first test, the employer may request a third test in accordance with the procedures prescribed above. The results of the third test, if positive, shall allow the employer to proceed with discipline as set forth in this policy. If the results of the third test are negative, discipline shall not be imposed.

- I. Discipline. The Employer may place an employee on administrative leave with pay before the time the confirmatory test results are complete. If the testing required above has produced a positive result, the Employer may terminate the employee.

- J. Employee Assistance. When an employee has a substance problem and voluntarily seeks help, the City may meet with the employee to discuss the problem and any violation of this policy. After meeting with the employee, the City may provide assistance to employees who would like to take action on their own behalf to address a substance problem. Assistance may include rehabilitation or a detoxification program, providing a list of local community resources, and a list of places to go for an assessment and for treatment. In order to be eligible for employee assistance, the employee must seek help prior to a positive test result and/or arrest.

The employee may be required to use sick time, compensatory time, vacation leave, and/or personal days for the period of rehabilitation or detoxification. If no such leave credits are available, the employee shall be placed on medical leave of absence without pay for the period of the rehabilitation or detoxification program. Family Medical Leave will be used if available and appropriate.

Any employee who has self-identified a drug/alcohol problem and undergoes a rehabilitation or detoxification program will be subject to unannounced follow-up alcohol and/or controlled substance testing consisting of six (6) tests in the twelve (12) month period following the employee's return to work.

- K. Confidentiality. Test results will generally remain confidential to the extent provided by law. However, the employer may use test result information in connection with City business, for purposes of employment or disciplinary actions, and in defense of related litigation. The employer may also disclose test results when required by government agencies or in accordance with state and federal law.

- L. Drug Free Workplace Policy.
 - 1. Notice Upon Hiring:
 - a. As a condition prior to hiring, all prospective employees will receive a copy of the City of North Canton Drug Free Workplace Statement and Policy, and will be required to sign an acknowledgment of receipt which will become a permanent part of the employee's personnel file. Utilize Form 1.3.

 - b. In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written statement to the effect that:
 - i. They understand and support The City of North Canton's Drug Free Workplace Policy.

 - ii. They agree to refrain from violating this policy while employed by the employer.

- iii. They acknowledge, in advance, that they understand that the penalty for breach can be discharge, and agree that the penalty is appropriate when supported by evidence.
- iv. They acknowledge that they have been warned that alcohol and drug testing of employees will be conducted in accordance with the City’s policy where there is individualized reasonable suspicion of alcohol or drug use, or drug impairment, or where the drug testing policy permits testing of employees on some other basis.
- v. Employees who reside in a position that has been deemed safety-sensitive, acknowledge that they have been warned that drug and alcohol testing of employees will be conducted randomly.

2. Distribution of Drug Free Workplace Policy:

- a. All current employees will receive a copy of the employer’s Drug Free Workplace Statement and Policy which may also be found on the City’s shared drive, and will be required to sign a receipt for it, which will become a permanent part of the employee's personnel file.
- b. All current employees will be asked to voluntarily sign a statement supporting the strict enforcement of this policy.
- c. The distribution and acknowledgement of this policy by the employee as well as the Drug Testing Policy in the PPPM will serve as notice to the employee that the City reserves the right to order employees to submit to alcohol or drug testing where supported by an individualized reasonable suspicion of alcohol or drug use, or drug impairment, or where the drug testing policy permits testing of employees on some other basis.

3. Definitions:

Alcohol: means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Examples include: beer, wine, mixed beverages, and spirituous liquor as defined by the Ohio Revised Code.

Controlled Substance: any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812); or as defined in [R.C. 3719.01](#).

Conviction: any finding of guilt, including a plea of nolo contendere (no contest), or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal Drug Statute: a criminal statute which states that a person may not manufacture, distribute, dispense, use, possess, provide, or administer any controlled substance.

For purposes of this policy all definitions will be consistent with [R.C. 3719.01](#) *et seq.*

4. Policy:

- a. It is the policy of the City to maintain a safe and productive workplace free of alcohol and drugs, and free of those individuals who abuse alcohol and drugs.
- b. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance by any employee which takes place in whole or in part in the workplace is strictly prohibited, and will result in criminal prosecution and employee discipline which may include termination from employment.
- c. Any employee convicted of any federal, state, or municipal criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction. Notification by the employee does not excuse that employee from possible disciplinary action under the employer's Personnel Policy manual.
- d. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances or the abuse of legal substances will be subject to disciplinary action or discharge.
- e. Any employee convicted of a drug offense, who fails to report the conviction as required by the above, will be:
 - i. terminated from employment.
 - ii. forever barred from future employment with The City of North Canton.
 - iii. held civilly liable for any loss of federal funds resulting from the failure to report the conviction.
- f. If any employee is not in violation under this Drug Free Workplace Policy, but violates an applicable state, federal, municipal, or other law or regulation that prohibits impairment, and if that violation has a sufficient nexus to the employee's job, for example being impaired while operating a City vehicle, the employee is still subject to disciplinary action and/or discharge.

5. Training:

- a. Training shall be conducted on a regular basis to inform employees of the dangers of drug abuse in the workplace. Employees will receive a copy of the written policy and will be expected to sign that they have received the policy.

- b. Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this policy. This training is in addition to the training that will be provided in section (a) above. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem, and how to make referrals for help.

- M. It is the City’s intention to apply federal law as it applies to all employees, union and non-union. The City shall address problems associated with having on-duty employees under the influence of alcohol or drugs and the obligation of the City to deal with these problems pursuant to the Federal Drug Free Workplace Act of 1988, the regulations thereunder, the Federal Omnibus Transportation Testing Act of 1991, and House Bill 122 existing irrespective of other policies. However, where a direct conflict between this policy and the collective bargaining exists, the parties shall meet and confer to resolve any conflicts. Discipline shall be enforced according to the terms of the collective bargaining agreement.

- N. All department heads and supervisors are responsible for the implementation of this policy. Questions concerning the interpretation of this policy should be referred to the Safety Service Director for the City.

GARNISHMENTS

SECTION 7.07

A. POLICY

- 1. A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is a garnishment and must be recognized and executed by the Auditor and the Employer. Repeated garnishments on the wages of an employee may result in disciplinary action. No employee may be terminated because of only one (1) successful garnishment during any 12 month period.

- 2. No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve the employee’s financial problems.

POLITICAL ACTIVITY

SECTION 7.08

A. POLICY

- 1. General: All classified employees, including classified employees on authorized leaves of absence from their positions, are prohibited by law from engaging in certain political activity as identified herein. However, employees are encouraged to exercise their constitutional right to vote.

- 2. Prohibited Activities:
 - a. Candidacy for public office in a partisan election;

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

Any employee in the classified service who engages in any of the activities listed in paragraphs 2(a) to 2(m) of this rule is subject to removal from his or her position in the classified service.

3. Permissible Activities:

- a. Registration and voting;
- b. Expression of opinions, either oral or written;
- c. Voluntary financial contributions to political candidates or organizations;
- d. Circulation of nonpartisan petitions or petitions stating views on legislation;
- e. Attendance at political rallies;

- f. Signing nominating petitions in support of individuals;
- g. Display of political materials in the employee’s home or on the employee’s property;
- h. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
- i. Serving as a precinct election official under Section 3501.22 of the Revised Code.

B. PROCEDURE

- 1. Any employee who desires to campaign for or accept appointment to political offices which may not be considered partisan, and where no declaration of political party affiliation is made (i.e., village councils, school boards, etc.) should notify the Appointing Authority. A request for an opinion from the City Law Director as to the legality of the employee campaigning for or holding any such offices, prior to declaring candidacy, circulating petitions, or accepting the position may be made. The decision of the City Law Director shall be final and binding on the employee.
- 2. All employees must notify the Appointing Authority of any intent to declare and campaign for a political office. If, in the opinion of the Appointing Authority, the employee’s candidacy is in conflict with the employee’s current position, or is not in the best interest of the City, the employee must take a leave of absence or resign. The decision of the Appointing Authority shall be final.

WORKPLACE VIOLENCE

SECTION 7.09

A. POLICY

- 1. The safety and security of employees, clients, contractors and the general public are of vital importance to the City of North Canton. Therefore, threats, threatening behavior or acts of violence made by an employee or anyone else against another person’s life, health, well-being, family or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.
- 2. The purpose of this policy is to provide guidance to employees of the City of North Canton, should they encounter a situation that they believe is or could result in an act of violence.
- 3. The word “violence” in this policy shall mean an act or behavior that:
 - a. is physically assaultive;
 - b. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance or romantic interest in another person and likely to result in harm or threats of harm to persons or property);

- c. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
 - d. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
 - e. a reasonable person would perceive as intimidating or menacing;
 - f. involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
 - g. consists of a communicated or reasonably perceived threat to destroy property.
4. The Employer prohibits the following:
- a. Any act or threat of violence by an employee against another person's life, health, well-being or property.
 - b. Any act or threat of violence, including, but not limited to, intimidation, harassment or coercion.
 - c. Any act or threat of violence which endangers the safety of employees, clients, contractors or the general public.
 - d. Any act or threat of violence made directly or indirectly by words, gestures or symbols.
 - e. Use or possession of a weapon on the Employer's premises, on a City controlled site or an area that is associated with employment except as required in the line of duty (i.e., law enforcement).
5. The most common situations where workplace violence is likely to occur are as follows:
- a. Dealing with the Public: Violent situations could occur in employee contact with the public. While the Employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.
 - b. On-the-Job: Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.
 - c. Off-the-Job: An employee could become involved in a personal non-criminal dispute with a co-worker, family member, or neighbor during the employee's non-working hours. The Employer prohibits any act of violence by an employee towards any other employee while off duty. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee

should include the work location as well as the employee's place of residence in the order.

6. The possession or use of dangerous weapons is prohibited on Employer property, in Employer vehicles, or in any personal vehicle which is used for Employer business or is parked on Employer property, except as hereinafter provided.
 - a. A dangerous weapon is defined as:
 - (1) A loaded or unloaded firearm; or
 - (2) A weapon, device, electronic stun weapon, chemical substance or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
 - b. Exceptions: Individuals may possess a firearm on Employer property if the individual is employed in the capacity of a law enforcement officer and is engaged in law enforcement activities. Employees who possess a valid permit to carry a firearm, if a firearm is brought on Employer property, must keep the firearm unloaded and in the employee's personal vehicle, which shall be locked.

B. PROCEDURE

1. Any person who makes substantial threats, exhibits threatening behavior or engages in violent acts on the Employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
2. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City controlled site, or is associated with City employment.
3. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the department head. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
4. Supervisor Responsibilities: Supervisors and department heads are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involves an employee of the Employer.

5. When any actual, potential or suspected incident of violence is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report Form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the department head or designee shall:
 - a. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
 - b. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - (1) Assigning a different employee to the area or job.
 - (2) Talking with the disgruntled client or employee(s).
 - (3) Discussing the incident and offer suggestions for appropriate actions.
 - (4) Referring the affected employee(s) to professional help or counseling.
 - (5) Disciplining the employee(s), up to and including termination of employment.
6. All employees who apply for, obtain or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted and a copy of any protective or restraining order which is made permanent.

SMOKING / TOBACCO USE AND ELECTRONIC CIGARETTES (E-CIGARETTES)	SECTION 7.10
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A. POLICY

1. Smoking of any tobacco, the use of any tobacco products or any illegal elicit substance, and the use of e-cigarettes is hereby prohibited in all public places and places of employment including areas immediately adjacent to building entrances and exits.
 - a. Public Place: A public place is any enclosed area to which the public is invited or permitted.
 - b. Place of Employment: A place of employment is an enclosed area under the control of the Employer that employees use for work or any other purpose including but not limited to, offices, meeting rooms, sales,

- production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles.
- c. Enclosed Area: An area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.
 - d. Employee: An employee is defined as an individual who provides services to an employer for compensation or for no compensation.
 - e. Smoking: Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.
2. While not regulated by Section 3794 of the Ohio Revised Code, the use of e-cigarettes is also prohibited in all places of employment, enclosed areas, and public places including areas immediately adjacent to building entrances and exits.
 3. Smoking, the use of tobacco, and the use of e-cigarettes is permitted in designated areas provided by the Employer. Such areas will be provided in compliance with applicable law and shall ensure that smoke or the vapor from e-cigarettes does not enter the place of employment.
 4. Smoking, the use of tobacco, and use e-cigarettes is prohibited in all Employer vehicles.
 5. Rights and Responsibilities of Employees:
 - a. Employees are expected to comply with this policy and the applicable law.
 - b. In the resolution of any dispute arising under this policy, the compliance with the law and the protection of the health of the non-smoking parties shall be given preference over the smoker's desire to smoke.
 - c. In the event that an individual is found in violation of this policy and the Employer is fined or penalized, the employee will be subject to appropriate discipline.
 - d. No employee or applicant for employment shall be discharged, refused employment or in any manner discriminated against because such employee or applicant exercises the rights afforded him/her under this policy.
 6. Responsibilities of the Employer:
 - a. Signs will be conspicuously posted where smoking is prohibited including each entrance to the place of employment. Each sign will contain a telephone number to report smoking violations and be of sufficient size to be clearly legible to a person of normal vision.

- b. Designated smoking areas and areas for the use of e-cigarettes will be established in unenclosed areas away from the building entrances and such locations will be clearly communicated to employees.
- c. Ashtrays will be removed from all places of employment.
- d. The Employer disciplinary procedure will be exercised when an employee refuses to comply with this policy.

FRAUD POLICY/REPORTING

SECTION 7.11

A. PURPOSE

Financial accountability is a top priority for the City of North Canton. The City’s fraud policy formalizes the expectations of personal honesty and integrity required of City officials and employees.

The City of North Canton is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees, to gain by deceit financial or other benefits.

This policy prohibits fraud or misuse of the City of North Canton’s assets and sets forth specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

B. ORGANIZATIONS AFFECTED

All departments and divisions of the City of North Canton.

C. DEFINITIONS

As used in this policy, the terms listed below shall have the following definitions:

- 1. Embezzlement is any loss resulting from the misappropriation of the City of North Canton assets.
- 2. Misappropriate is to take or make use of any item without authority or right.
- 3. Loss is defined as the City of North Canton losing possession or control of any type of asset through fraudulent activities.
- 4. Fraud is the intentional misrepresentation or omission of facts for personal gain.
- 5. Employee(s) refer to all City of North Canton employees, independent contractors, consultants, and temporary, part-time and/or seasonal workers.
- 6. Assets refer to the entire property of the City, association, corporation, or estate applicable or subject to the payments of debts. Assets include, but are not limited

to, all City vehicles and building properties, computers and software, cash receivables, wages and benefits.

7. Equipment is defined as a fixed asset that is not consumable or expandable; it is movable, even though sometimes attached to other objects or buildings; and its removal does not create a readily observable physical impairment or deterioration.

Examples include, but are not limited to: office equipment including computers, desk cabinets, printers and scanners, any electronic data processing equipment, training/educational equipment, medical supplies, and furnishings, audio-visual, cameras and recording devices. Equipment also includes, but is not limited to, all construction and maintenance equipment, air conditioners, fire-fighting equipment, and tools, rescue equipment and tools.

D. POLICY

The City of North Canton has adopted a zero tolerance policy regarding fraud. No employee of the City shall remove any City of North Canton assets from the property, misuse any City assets for personal gain, or willfully misappropriate any City of North Canton asset. Any evidence supporting fraud, theft or embezzlement of City of North Canton assets and equipment may be subject to the following actions including but not limited to: suspension, termination, restitution, and criminal charges. Any City of North Canton employee who is aware of fraud being committed against the City by anyone shall report such activity to the Police Department or other official as detailed in Section 6.

E. PROHIBITED ACTS

Fraud and misuse of the City of North Canton assets are prohibited. Examples of fraud and misuse of City assets include but are not limited to:

1. embezzlement;
2. misappropriation, misapplication, destruction, removal, or concealment of City of North Canton property;
3. alteration or falsification of documents;
4. theft of any asset (money, tangible property, etc.);
5. authorizing or receiving compensation for goods not received or services not performed;
6. authorizing or receiving compensation for hours not worked;
7. misrepresentation of fact.

F. COMPLAINT PROCEDURE

1. Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective department head.

If an employee has reason to believe that his department head may be involved, the employee shall notify the Police Department directly.

2. If the employee is a member of the Police Department and has concern that an irregularity exists within the department, he/she should notify the Law Director. If a department head believes there is an issue of potential fraud within the Police Department, he/she shall notify the Mayor of the details of his/her concerns.
3. Supervisors shall (1) communicate the provisions of this policy to all staff, (2) take no action without consulting the department head, (3) recommend appropriate disciplinary action when there is evidence of wrong-doing, and (4) if suspension or termination is recommended, consult with the Law Director.
4. Department heads shall communicate any suspected or known fraudulent act to the Police Department. The Police Department shall notify the Mayor of each reported incident and keep the Mayor abreast of the investigation.
5. All participants in a fraud investigation shall keep the details and results of the investigation confidential.
6. Any employee reporting an act of fraud; or assisting, testifying, or participating in a fraud investigation, acting in accordance with the requirements of this policy, shall not be subject to any adverse employment action unless it is determined the employee is culpable for such action and/or made an allegation knowing it was false. Examples of adverse employment action include, but are not limited to, discipline, suspension, threatening to discipline or suspend, coercion, acts of intimidation, and firing.

G. PREVENTION

Each department will maintain an internal control environment to protect the department and the City from loss or other damages as a result of a fraudulent act.

H. FALSE ALLEGATIONS

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

I. CORRECTIVE ACTIONS AND DISCIPLINE

Appropriate and timely action will be taken against those proven to have committed fraudulent act. These remedial actions may include, but are not limited to:

1. Disciplinary action (up to and including immediate termination of employment).
2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
3. Forwarding information to the appropriate authorities for criminal prosecution.

4. Institution of civil action to recover losses.
5. Where the City of North Canton elects to take corrective or disciplinary action, it will proceed under the procedures in place under policy or under any collective bargaining agreement for the respective employment classification.
6. The City of North Canton may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from fraudulent conduct.

J. CONFIDENTIALITY

All investigations shall be conducted in confidence insofar as reasonably possible. The names or names of those communicating information about a fraudulent act or the name or names of those suspected of a fraudulent act will only be revealed when required by law in conjunction with the investigation or legal action.

K. COUNCIL NOTIFICATION

At the conclusion of any investigation, the Law Director shall inform Council of the nature of any suspected, alleged or purported fraud that was presented to an appropriate City official in accordance with the provisions of this policy. The Law Director shall discuss and/or report to the Council on the results of the investigation and any civil or criminal proceedings that may arise from such investigation.

In the event an instance of fraud is reported in accordance with the terms of this policy and the nature of such information may impact the legislative operations of the City, the Law Director shall inform the Council of the existence of an allegation or report without disclosing details or information that would impact the investigation of any such claim. The Law Director may wish to request an Executive Session of Council to discuss such matters if public discussion of such information may jeopardize the investigative process or is not in the best interests of the financial or legal position of the City.

- L.** In addition to the process outlined above, complaints or any matter regarding fraud, including any matter that alleges mismanagement of employer resources or misuse of public money, can be made to the Auditor of the State of Ohio through the Ohio fraud-reporting system.

Complaints made to the Auditor of the State of Ohio through the Ohio fraud-reporting system are anonymous. Complaints may be made in three (3) ways:

1. File a written complaint at:

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

2. Call the Fraud Hotline:

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

3. Online:

<http://www.auditor.gov>

INTRODUCTION

SECTION 8.01

A. POLICY

1. All employees of the City of North Canton are members of a team working together for the purpose of serving our community. Employees who fail to follow the necessary rules and regulations governing their conduct are not only penalizing themselves but are doing a disservice to other employees and the citizens of North Canton.
2. These disciplinary provisions are designed to ensure that the rights and safety of all employees are protected and to provide working guidelines to encourage acceptable businesslike behavior and conduct.
3. It is the policy of the Employer that discipline should be characterized as corrective rather than punitive and that employees should be made aware of the conduct expected of them. The following disciplinary provisions are designed to meet both of these objectives.
4. The following disciplinary provisions shall be applicable to all employees of the City, however, the progressive disciplinary procedures contained herein shall not be applicable to those employees serving at the pleasure of an appointing authority in the unclassified Civil Service.

DISCIPLINARY PRINCIPLES

SECTION 8.02

A. POLICY

1. Should departmental rules and regulations conflict with these disciplinary provisions, disciplinary provisions shall prevail. Should these disciplinary provisions or departmental rules and regulations conflict with or violate an express term of a collective bargaining agreement, the express term of the collective bargaining agreement shall prevail and the rule or regulation shall be applied to bargaining unit employees only to the extent that such conflict or violation can be avoided.
2. The Employer believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the City believes that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior.
 - a. Employees shall be advised of expected job behavior, the types of conduct that the Employer has determined to be unacceptable, and the penalties for such unacceptable behavior.
 - b. Immediate attention shall be given to policy infractions by those responsible for administering discipline.

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- c. Discipline shall be applied uniformly and consistently, within the group or groups of employees to whom such rules are directed, and any deviations from standard procedure must be well justified and documented.
- d. Each offense shall be dealt with as objectively as possible.
- e. Discipline shall usually be progressive, but depending on the severity of the offense, may proceed immediately to suspension or termination of employment.
- f. An employee's immediate supervisor, department head, and/or the Appointing Authority shall be responsible for administering discipline.

PROGRESSIVE DISCIPLINE

SECTION 8.03

A. POLICY

1. The Employer has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the Employer's right to impose a different level of discipline when the circumstances warrant or when the infraction involves an at will employee.
2. This discipline policy provides general guidelines for specific offenses, however, the examples of specific offenses given in any grouping are not all inclusive, and serve merely as a non-binding guide.
3. The guidelines for discipline provided in this manual do not preclude the application of a more or less severe penalty for a given infraction by any employee. This is particularly true for temporary, intermittent, and other unclassified employees whose service may be terminated at the will of the Appointing Authority.
4. All active records of discipline shall be maintained in the employee's personnel file. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.
5. The Appointing Authority may issue a fine or working suspension under certain circumstances, for example, to impose discipline when a particular department is under-staffed. However, the Appointing Authority should use fines sparingly and not in a manner that would cause a nonexempt employee to be paid less than minimum wage under the FLSA.
6. The purpose of disciplinary action is to correct misconduct and encourage improved performance or behavior, except where the employee is removed. To that end, an employee may request, and the Employer may agree, to remove a disciplinary action from an employee's general personnel file after two (2) years when the employee has shown marked improvement. The record of discipline will be kept

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in a separate “dead” file for at least seven (7) years, or for the period of time designated in the City’s public record retention schedule, whichever is longer. The Employer is required by the Ohio Civil Rights Commission to maintain such records.

7. Each disciplinary action shall remain effective as specified by the applicable collective bargaining agreement. If the employee is not a member of a bargaining unit, disciplinary action shall remain effective for 24 months after the effective date of the disciplinary action, provided there are no intervening disciplinary actions during this 24 month period.

B. PROCEDURE

1. Supervisors may recommend and/or the department head may issue oral and written reprimands. Forms for issuing discipline are included in this manual. These forms should, in each case of discipline, be completed and signed by the department head, delivered to the employee, and signed by the employee. The completed form shall be placed in the employee’s personnel file.
2. Only the Appointing Authority has the authority to reduce in classification or pay, fine, suspend, or terminate an employee. Prior to such discipline, a predisciplinary conference must be held if it involves a classified employee.
3. Suspensions or fines of more than three (3) days’ pay, reductions or removals of classified employees must be filed in accordance with Civil Service Commission Rules and Regulations.
4. Reduction in classification or pay, suspension, fine or removal of an unclassified employee may be executed at the discretion of the Appointing Authority. A written notice shall be provided to the employee.

While a predisciplinary conference is not legally required for unclassified employees, it is recommended that the Appointing Authority meet with the employee to provide the employee with an opportunity to respond regarding the alleged infraction, prior to reducing, suspending, fining or removing the employee from public service.

PREDISCIPLINARY CONFERENCE — CLASSIFIED EMPLOYEES SECTION 8.04

A. POLICY

1. **Generally:** Whenever the Employer or designee determines a classified employee may have committed an offense which could result in a suspension, fine, reduction or removal, the employee will be notified of the allegations and a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged misconduct. A predisciplinary conference is primarily an informal fact-finding session, not a legal proceeding. The objective of the conference is to obtain information through testimony, documentation and/or questioning of the employee and witnesses and the employee’s response to determine whether the alleged misconduct occurred.

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2. Hearing Officer: Predisciplinary conferences will be conducted by a hearing officer. The hearing officer may be the Appointing Authority or any person the Appointing Authority selects to serve in such capacity.
3. Notice: Not less than 24 hours prior to the scheduled starting time of the conference, the Appointing Authority or designee will provide the employee with a written outline of the charges which may be the basis for disciplinary action (Notice of Predisciplinary Conference Form. In response, the employee must:
 - a. appear at the conference to present an oral or written statement in the employee's defense and answer questions regarding the alleged misconduct; or
 - b. elect in writing to waive the predisciplinary conference (Waiver of Predisciplinary Conference).
4. Testimony: An employee who elects to attend the conference and present evidence, or who is called to testify, must answer all questions truthfully. If it is later proven that the employee's answers were not truthful, such dishonesty may result in disciplinary action.
5. Witnesses: At the conference the employee may present any testimony, witnesses or documents which explain whether or not the alleged misconduct occurred. The employee shall provide a list of witnesses to the hearing officer as far in advance as possible, but not later than four (4) hours prior to the predisciplinary conference. It is the employee's responsibility to notify witnesses their attendance is desired.
6. Delay of Predisciplinary Conference: Upon a reasonable request and adequate advance notice from the employee, the Appointing Authority may temporarily delay the predisciplinary conference. Generally, the Employer should permit only one (1) such delay.
7. Recording of Proceedings: At the discretion of the hearing officer, the predisciplinary conference may be recorded. The responding employee may also record the proceedings in a similar manner, if the hearing officer authorizes recording of the proceedings.
8. Hearing Officer Report: If the hearing officer is someone other than the Appointing Authority, the following shall apply:

The hearing officer shall objectively hear the case and shall prepare a written report setting forth findings of fact and concluding whether or not the alleged misconduct occurred. The hearing officer shall not recommend discipline. A copy of the hearing officer's report will be provided to the employee and the Appointing Authority and/or department head within five (5) working days following its preparation. The Appointing Authority and/or department head will decide what discipline, if any, is appropriate, and may agree or disagree with the hearing officer's conclusions.

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9. Administrative Leave: When the Appointing Authority determines it is necessary to temporarily remove an employee from the workplace to protect the health or safety of the employee, other employees or of any person or property entrusted to the employee's care, the Appointing Authority may immediately authorize an administrative leave of absence with pay. Such leave shall normally last only until the investigation, predisciplinary hearing and/or other corrective action is completed.
10. Bargaining Unit Employees: The rules and procedures applicable to predisciplinary conferences for bargaining unit employees are contained in the applicable collective bargaining agreement.

B. PROCEDURE

1. Whenever the department head has cause to believe an employee should receive a suspension, fine, disciplinary reduction in pay or position or removal from public service, the department head must reduce such allegations to writing.
2. The department head may request that the Appointing Authority place the employee on administrative leave while the charges are being investigated and until the predisciplinary conference procedures are completed.
3. The written allegations should indicate in sufficient detail the behavior or conduct which is the basis for the department head's belief that discipline is necessary.
4. The written allegations should next be processed through the chain of command to the Appointing Authority or designee for review and delivery to the responding employee in the form of a Notice of Predisciplinary Conference.

If the allegations involve potential criminal charges as well as employment misconduct, the Employer should confer with the City Law Director and the City's management consultant prior to questioning the employee or scheduling a predisciplinary conference.

5. The employee will be notified by the Appointing Authority or designee of the time, location and person who will conduct the conference. The hearing officer conducting the conference will recite the allegations and ask the Employer's representative to summarize the evidence that is the basis of the allegations.
6. The hearing officer will ask the employee to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.
7. The hearing officer may authorize recording of the hearing, in which case the responding employee may also record the hearing.
8. The hearing officer shall determine when the conference is concluded and will adjourn the meeting. The hearing officer may also independently investigate facts alleged by the responding employee or the employee's witnesses, may limit the number of witnesses and may reconvene the conference if necessary to get

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additional information or to allow the employee an opportunity to respond further or to respond to new matters. For example, if the employee provides an explanation that involves facts previously unknown to the Employer, the hearing officer may continue the hearing to allow the Employer time to investigate. As another example, if the employee or a witness provides information which indicates the employee may have committed additional infractions, the hearing officer may continue the conference to allow the Employer time to investigate or to allow the Employer to issue a revised notice before concluding the predisciplinary conference. This is proper procedure provided no discipline is issued prior to reconvening the predisciplinary conference and the employee has not already been disciplined for the same offense.

9. If someone other than the Appointing Authority is serving as hearing officer, that person shall prepare a report of findings and submit it to the Appointing Authority. The report may, but need not be, in writing, and need not be overly detailed. The report should state whether the person conducting the conference believes the allegations were supported by the evidence and explanations presented. The hearing officer may state whether one person's explanation or evidence was more convincing and for what reason, especially when stories or evidence conflict. However, the hearing officer should not recommend whether the Appointing Authority should issue discipline, nor what level of discipline is appropriate.
10. Within a reasonable time following receipt of the report, the Appointing Authority shall determine what discipline, if any, is warranted based upon the facts presented.
11. If discipline is warranted, the Appointing Authority shall determine the severity of the discipline using the policies herein as a guideline.

GROUND FOR DISCIPLINARY ACTION AND PENALTIES **SECTION 8.05**

A. POLICY

1. R.C. Section 124.34 sets out the forms of misconduct which are the legal basis for reduction, suspension, fine or removal of a classified employee. Those forms of misconduct are:
 - a. Neglect of duty;
 - b. Incompetency;
 - c. Inefficiency;
 - d. Dishonesty;
 - e. Drunkenness;
 - f. Immoral conduct;
 - g. Insubordination;

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- h. Discourteous treatment of the public;
 - i. Any other failure of good behavior;
 - j. Any other acts of misfeasance, malfeasance, or nonfeasance; or
 - k. Any violation of Civil Service rules.
2. The offenses set forth in Groups I, II, and III below are non-inclusive examples of the above forms of misconduct and guidelines for determining the appropriate level of discipline for classified employees.
 3. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
 4. Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a more serious and longer lasting impact against the organization than the Group I Offenses.
 5. Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature and/or which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long lasting and serious adverse impact on the organization.
 6. THIS DISCIPLINE POLICY IS A GENERAL GUIDELINE ONLY. THE FOLLOWING EXAMPLES OF SPECIFIC OFFENSES ARE NOT ALL INCLUSIVE, AND ARE NOT INTENDED TO BE BINDING ON THE EMPLOYER.
 7. "Working days" for purposes of disciplinary suspension in the Department of Fire Protection will normally mean eight (8) hour or (24) hour workdays depending on the regular schedule of the employee subject to discipline.

GROUP I OFFENSES

FIRST OFFENSEDocumented Oral Warning

SECOND OFFENSEWritten reprimand

THIRD OFFENSEA working suspension of one (1) to three (3) days; a fine not to exceed three (3) days pay; or a one (1) to three (3) day suspension without pay; (*five [5] days

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for administrative, supervisory, or professional employees exempt from overtime)

FOURTH OFFENSEFive (5) to 15 day working suspension or suspension without pay; or a fine up to five (5) days' pay;

FIFTH OFFENSEUp to and including termination of employment

* Under the Fair Labor Standards Act, salaried employees exempt from overtime cannot be given disciplinary time off in less than one (1) week increments.

Following are examples of Group I Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under Civil Service Rules and Regulations.

1. Failure to properly and completely clock/sign in or out (inefficiency, neglect of duty, or failure of good behavior).
2. Failure to properly "report off" work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior, or nonfeasance).
3. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior).
4. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty, or failure of good behavior).
5. Failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
6. Failure to report accidents, injuries or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
7. Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).
8. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior).
9. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, misuse of two-way radios or otherwise causing disruptions on the job (inefficiency, neglect of duty, or failure of good behavior).
10. Malicious mischief, horseplay, wrestling or other undesirable or potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public, or failure of good behavior).
11. Interfering with the work performance of subordinates/other employees or causing other disruptions of the workplace (inefficiency, neglect of duty, or failure of good behavior).

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12. Failure to cooperate with other employees (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
13. Neglect of or careless failure to observe Employer rules, regulations, policies and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
14. Excessive garnishments (failure of good behavior or nonfeasance).
15. Use or possession of another employee's working equipment or property without approval (dishonesty or failure of good behavior).
16. Unauthorized use of the Employer's telephone for other than business purposes (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
17. Obliging the Employer for any minor expense, service or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
18. Neglect of or careless failure to care for Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
19. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.) (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
20. Neglect of or careless failure to prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
21. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies and procedures of the Employer (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
22. Failure to commence duties at the beginning of the work shift, or leaving work prior to the end of the work shift (inefficiency, neglect of duty, or failure of good behavior).
23. Leaving the job or work area during the regular working hours without authorization (neglect of duty, failure of good behavior, or nonfeasance).
24. Making preparations to leave work without specific prior authorization before the lunch period, any official break period or specified quitting time (neglect of duty, failure of good behavior, or nonfeasance).
25. Establishing a pattern use of sick leave or other misuse or abuse of sick leave (neglect of duty, malfeasance, or failure of good behavior).
26. Violation of any Employer work rule or policy (neglect of duty, immoral conduct, discourteous treatment of public, misfeasance, malfeasance, nonfeasance, or failure of good behavior).

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GROUP II OFFENSES

FIRST OFFENSEA working suspension of one (1) to three (3) days; a fine not to exceed three (3) days' pay; or a one (1) to three (3) days suspension without pay; (*five (5) days for administrative, supervisory, or professional employees)

SECOND OFFENSEFive (5) to 15 day working suspension or suspension without pay; or a fine up to five (5) days' pay

THIRD OFFENSEUp to and including termination of employment

* Under the Fair Labor Standards Act, salaried employees exempt from overtime cannot be given disciplinary time off in less than one (1) week increments.

Following are examples of Group II Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under Civil Service Rules and Regulations.

1. Disregarding job duties and neglecting work by sleeping, reading for pleasure, playing cards, viewing T.V., etc. when there are work duties to be completed (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
2. Reporting to work or working while unfit for duty (incompetence or failure of good behavior). This may be a Group III Offense for CDL holders.
3. Failure to report for overtime work, without proper excuse, after being scheduled to work (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
4. Willful refusal to clock/sign in or out when required (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
5. Performing private work on Employer time (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
6. Neglect or careless failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
7. Threatening, intimidating or coercing subordinates, other employees or general public (inefficiency, neglect of duty, or failure of good behavior).
8. Use of abusive or offensive language or gestures toward subordinates, other employees, residents or the general public (immoral conduct, insubordination, failure of good behavior, or malfeasance).
9. The making or publishing of false, vicious or malicious statements concerning other employees, residents, the Employer or its operations (dishonesty, failure of good behavior, or malfeasance).

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10. Solicitation or distribution on Employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
11. Willful disregard of the Employer's rules, regulations, policies and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).
12. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
13. Neglect or carelessness in the use of Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
14. Obligating the Employer for a major expense, service or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
15. Unauthorized use of Employer property or equipment, including the unauthorized reproduction of this manual or the Employee Handbook (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
16. Negligent failure to report accidents, injuries or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
17. A traffic violation or accident while driving an Employer vehicle which evidences recklessness by the employee (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
18. Refusing to provide testimony in court during a public hearing (SPBR, SERB, etc.) or any other official hearing, investigation or proceeding involving the Employer (insubordination, failure of good behavior, or nonfeasance).
19. Refusing to provide testimony or information concerning any investigation (insubordination, failure of good behavior, or nonfeasance).
20. Possession or storage of alcoholic beverages on the Employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance).
21. Unauthorized presence on the Employer's property (failure of good behavior or misfeasance).
22. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
23. Willful failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

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- 24. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior or misfeasance).
- 25. Willful or reckless violation of any Employer work rule or policy (neglect of duty, immoral conduct, discourteous treatment of public, misfeasance, malfeasance, nonfeasance, or failure of good behavior).

GROUP III OFFENSES

FIRST OFFENSEUp to and including termination of employment

Following are examples of Group III Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under Civil Service Rules and Regulations.

- 1. Wanton or willful neglect in the performance of assigned duties (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
- 2. Instigating, leading or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for a scheduled shift or other concerted curtailment, restriction or interference with work in or about the Employer’s premises in violation of R.C. Chapter 4117 (neglect of duty, failure of good behavior, or misfeasance).
- 3. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
- 4. Signing/clocking or altering other employees’ time cards or records; altering one’s own time card or record or having one’s time card or record signed/clocked or altered by another, without authorization (dishonesty, failure of good behavior, or malfeasance).
- 5. Knowingly concealing a communicable disease (i.e., T.B., etc.) which may endanger others (neglect of duty, failure of good behavior, misfeasance, or malfeasance).
- 6. Carrying or possessing firearms, explosives or weapons in the work area (failure of good behavior or malfeasance).
- 7. Willfully withholding information which threatens the safety and security of the Employer, its operations or employees (dishonesty, failure of good behavior, misfeasance, or malfeasance).
- 8. Willfully demeaning, verbally abusing and/or humiliating a resident, employee or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
- 9. Threatening, intimidating or physically abusing a resident, employee or other person (malfeasance or failure of good behavior).

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10. Committing an act of discrimination, sexual harassment or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability (immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
11. Fighting with or attempting to injure a resident, employee, or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
12. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
13. Providing false testimony, statements or information in any official Employer, court, or administrative investigation, hearing, or proceeding (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
14. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process (dishonesty, failure of good behavior, misfeasance, or malfeasance).
15. Gambling during work hours (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
16. Stealing or similar conduct, including destroying, damaging, concealing or converting any property of the Employer or of other employees (dishonesty, failure of good behavior, or malfeasance).
17. Dishonesty or dishonest action. Examples of “dishonesty” or “dishonest actions” are: theft, pilfering, making false statements to secure an excused absence or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action (dishonesty or malfeasance).
18. Engaging in unauthorized political activity as provided in the Political Activity Section of this manual (failure of good behavior or malfeasance).
19. The unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance which takes place in whole or in part in the workplace (drunkenness, immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
20. Driving a motor vehicle on duty or Employer business without a valid, applicable operator’s license (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
21. Failure to obtain, maintain and/or report the loss of required licenses, certifications or other qualifications of an employee’s position (dishonesty, failure of good behavior, malfeasance, or neglect of duty).

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22. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance).
23. Intentional misuse of Employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
24. Willful neglect or intentional misuse, abuse or destruction of the property, equipment or tools of the Employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
25. Soliciting or accepting a gift, gratuity, bribe or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph or title for personal gain, or otherwise violating the Employer's Code of Conduct or Ohio's ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
26. Engaging in off-duty employment activities which the Employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
27. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty, or malfeasance).
28. Misusing, removing or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
29. Misuse, removal or destruction of Employer records without prior authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
30. Committing violations of official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
31. Sexual harassment.
32. Conviction of certain felonies.
33. Intentional violation of any Employer work rule or policy (neglect of duty, immoral conduct, discourteous treatment of public, misfeasance, malfeasance, nonfeasance, or failure of good behavior).
34. Absent without leave (neglect of duty or failure of good behavior).

B. PROCEDURE

Multiple minor policy infractions should be dealt with by following the progressive discipline procedure set forth below:

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1. Multiple offenses which are unrelated are progressively disciplined in the groups in which the offenses are outlined in these guidelines; and
2. Multiple offenses which are related are progressively disciplined regardless of the groups in which the offenses are listed and regardless of the order in which the offenses occurred.
3. Multiple offenses which are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the severity of the total sum of the separate offenses.

CONVICTION OF A FELONY **SECTION 8.06**

A. POLICY

1. Conviction of a felony is a separate basis for reducing in pay or position, suspending or removing an employee, even if the employee has already been reduced in pay or position, suspended or removed for the same conduct that is the basis of the felony. An employee may not appeal to the Civil Service Commission any disciplinary action taken by an Appointing Authority as a result of the employee's conviction of a felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.
2. Any employee convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
3. As used in this policy, "felony" means any of the following:
 - a. A felony that is an offense of violence as defined in Section 2901.01 of the Revised Code;
 - b. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the Revised Code;
 - c. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
 - d. A felony involving dishonesty, fraud, or theft;

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- e. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the Revised Code.

B. PROCEDURE

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused vacation leave as authorized by City policy. If subsequently re-employed in the public sector, such person shall qualify for and accrue sick and vacation leave in the manner specified by City policy for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

APPEALS OF PERSONNEL ACTIONS **SECTION 8.07**

A. POLICY

- 1. Classified Employees: Classified employees may appeal suspensions or fines of more than 24 hours, reductions in pay or classification, layoffs, job abolishments, or terminations either through the internal grievance procedure contained in this manual or to the Civil Service Commission.

Suspensions of 24 hours or less and fines of 24 hours pay or less may be appealed to the Appointing Authority through the in house grievance procedure only.

Temporary, intermittent and other employees serving in the unclassified service have no appeal rights to the Civil Service Commission. Probationary employees likewise may not appeal to the Civil Service Commission. Unclassified employees may appeal all personnel actions through the internal grievance procedure contained in this manual.

Disciplinary action based on conviction of a “felony” within the meaning of R.C. 124.34 may not be appealed to the Civil Service Commission.

B. PROCEDURE

- 1. Appeals to the Civil Service Commission by classified employees must be filed within ten (10) days of the date the employee is served the disciplinary order. An appeal from a layoff or a displacement must be filed no later than ten (10) days after receipt of the notice of layoff or displacement.
- 2. Appeals through the internal grievance procedure shall be submitted within five (5) working days of the occurrence of the incident giving rise to the grievance.
- 3. The Civil Service Commission maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Civil Service Commission may affirm, disaffirm or modify personnel actions implemented by the Appointing Authority.

GRIEVANCE PROCEDURE **SECTION 8.08**

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A. POLICY

1. Classified employees may appeal suspensions, fines, reductions in pay or classification, layoffs, job abolishments or removals for other than conviction of a felony, hereunder. Any employee may appeal an alleged violation of the City's policies or procedures hereunder.
2. Employees have the right to file such grievances without prejudice. No employee shall be disciplined, harassed or dealt with unfairly as a result of filing a grievance or testifying in a grievance hearing.
3. If a grievance by a classified employee is of a nature to qualify for appeal to the Civil Service Commission, the employee may elect which appeal process to use. If the employee later appeals the matter to the Civil Service Commission or a court of law, the internal grievance procedure shall be discontinued.
4. Complaints regarding illegal discrimination are to be filed and resolved pursuant to the complaint procedure contained in the Equal Employment Opportunity/Anti-Discrimination Section of this manual and not this grievance procedure.

B. PROCEDURE

1. Step One: Immediate Supervisor
 - a. Any employee with a grievance shall first discuss the matter with the employee's immediate supervisor, if applicable, within five (5) working days of the action giving rise to the grievance. The supervisor shall make every reasonable effort to resolve the grievance but may not issue any decision which conflicts with the policies herein. The supervisor shall record the date the grievance was presented and the date the supervisor responded. The supervisor shall also notify the department head of the grievance and response.
 - b. If the employee is not satisfied with the response, the employee may elect to proceed to Step Two.
2. Step Two: Department Head
 - a. The employee shall reduce the grievance to writing using the Grievance Form and deliver same to the department head, within five (5) working days of receipt of the response in Step One or within five (5) working days of the occurrence of the incident giving rise to the grievance if Step One was not applicable. The department head shall meet with the employee within five (5) working days following receipt of the grievance and attempt to resolve the matter. The department head shall issue a decision within five (5) working days following the hearing.
 - b. If the employee is not satisfied with the response, the employee may elect to proceed to Step Three.

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3. Step Three: Appointing Authority
 - a. The employee shall submit the written grievance, copies of all previous written responses and a written explanation why such responses are not acceptable, to the Appointing Authority /designee within five (5) working days of receipt of the response in Step Two. The Appointing Authority shall schedule a hearing within 15 days of receipt. The Appointing Authority shall issue a decision within a reasonable time following the hearing. The decision of the Appointing Authority shall be final and binding on all parties except as otherwise provided by law.

4. General Procedures for Hearings:
 - a. Grievances citing issues of law may be forwarded by the department head or Appointing Authority to the City Law Director's Office for an opinion before proceeding, and all time limits shall be held in abeyance until such opinion is received.
 - b. The parties may extend time limits by mutual written agreement.
 - c. A grievant may have an employee representative or witnesses present at any hearing. Employees, employee representatives and employee witnesses shall not lose pay or benefits for time spent in hearings if held during the employee's normal working hours. Prior notice of any employee participating in any grievance hearing shall be provided to the Employer representative to allow the employee to be released from duty.
 - d. Hearings shall be informal and the rules of evidence customarily applicable in court shall not apply.