



CITY OF CHILLICOTHE

Luke M. Feeney, Mayor



PERSONNEL POLICY MANUAL

Effective Date: April 2, 2017

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CITY OF CHILLICOTHE

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Whether you're new to the job or have been a part of the City for several years, thank you for choosing to work for the City of Chillicothe. You are a part of a team that provides fantastic services to our citizens and visitors every single day. From trash pick-up to law enforcement, I'm proud of the services that we provide – your hard work is one of the things that set Chillicothe apart.

Our employees and elected officials represent the City every day and prove the fact that excellent service starts with excellent customer service. While we may not know the answer to every question asked, we can always strive to be friendly and courteous. We must treat every interaction with the public as an opportunity to put our service on display and earn their trust by displaying the highest ethical standards.

As management, we will strive to create an environment that is enjoyable to work in – one that is safe, and comfortable to work in, and one that is free from discrimination. This personnel policy manual should be seen as a tool, a resource and a guide that establishes expectations for employees and management.

Department heads and employees alike should be familiar with the contents of this manual and should not hesitate to direct any questions about its contents to the Human Resources Director. Using this manual and following its guidelines will help us to remember the high expectations of our citizens and taxpayers, deliver the best services we can, and ultimately enhance Chillicothe's reputation as a great place to live, work and play. Thank you for all you do.

Sincerely,

Luke M. Feeney, Mayor
City of Chillicothe

OUR WORKFORCE



The City of Chillicothe Workforce is comprised of: Mayor, Police, Fire, Utilities, Service, Parks & Recreation, City Auditor, Engineering, Law Director, Treasurer, Municipal Court, Transit Department and Chillicothe City Council.

In 2016, we employed:

- 14 Elected Officials
- 215 Full Time Employees
- 44 Classified and Non-Classified
- 59 Seasonal Employees
- 38 Part Time Employees

Compensation and Benefits for our workforce are governed by three (3) Collective Bargaining Agreements, the Non-Bargaining Pay Ordinance and the Pay Ordinance for City Elected Officials.

Three separate unions represent the majority of our City employees: Lodge 59 of the Fraternal Order of Police (FOP) represents Uniformed Police Department employees. The International Association of Firefighters (IAFF) Local 300 represents uniformed Firefighters. The American Federation of State, County and Municipal Employees (AFSCME) Local 1562 represents non-uniformed hourly employees.

SECTION 1.00

The City of Chillicothe operates as a statutory city under the laws and regulations set forth in the Ohio Constitution and the Ohio Revised Code.

The City functions under what is commonly referred to as a Strong Mayor - council government system. This form of local government is characterized by having separate executive and legislative branches elected by voters.

The executive branch consists of a Mayor who has almost total administrative authority and a wide range of independence. The Mayor has the power to appoint and remove a Director of Public Service, a Director of Public Safety, and all department heads without being required to obtain council approval. The Mayor and his appointed staff prepare and administer the annual City budget, although such budget is subject to approval of City Council.

In the City of Chillicothe, the Mayor appoints a Director of Public Service and Safety, commonly referred to as the Safety Service Director. This individual is the Chief Administrative Officer of the City and supervises department heads, assists in preparing and implementing the annual budget, and oversees the daily operation of all City departments. The Safety Service Director is appointed at the sole discretion of the Mayor and serves at his/her pleasure.

Under the statutory form of government, the City Auditor, Law Director, and City Treasurer are also elected to their respective office.

The legislative authority of the City is vested in a City Council which consists of 9 council members and a President of Council elected by the general public. City Council is responsible for reviewing, revising, and approving the annual City budget, authorizing the administration to enter into major contracts and collective bargaining agreements negotiated by the administration, and proposing and adopting legislation to address the concerns of their constituents.

City Council typically operates through a committee system that reviews, researches, and considers proposals from individual members, the executive branch and/or the general public. The respective committee may then request the Law Director to draft legislation for consideration of council. Council also appoints a Clerk of Council who is the official keeper of all council minutes and records.

With respect to personnel policies and procedures, the administrative branch is generally responsible for developing operational policies, and policies establishing standards of conduct for employees. The administrative branch and its appointed supervisors are also responsible for administering the City's policies on a day-to-day basis and for establishing standard procedures or guidelines for implementing policies established by either branch of government.

Policies which have an economic impact, provide benefits for employees or officials, or obligate the City to any contract or agreement are subject to approval by City Council. Corrections, changes in procedures, or other minor changes to the policy manual which have no economic impact, may be made by the Safety Service Director or Human Resources Director with approval of the Mayor.

- A. Policies are the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly written policies are essential to the success of any organization.
- B. Written procedures provide members of the organization with administrative interpretations for the application of the organization's policies and explain the manner in which such policies are implemented.
- C. This manual contains the policies and procedures of the City of Chillicothe, Ohio (hereinafter referred to as the “employer” or the “City”).
- D. This manual is presented for informational purposes only, and may be changed at any time by the employer with or without notice (a procedure for amendment is provided herein). This manual is not an employment contract, expressed or implied. No supervisor or department head has the authority to enter into an agreement with an employee that is contrary to the policies herein.

- A. The employer recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective City government. The policies and procedures set forth in this manual are designed to:
 - 1. Promote high morale and foster good working relationships between the employer and the employees.
 - 2. Encourage employees to give their best efforts to the City and the public.
 - 3. Encourage courteous and dependable service to the public.
 - 4. Provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness.
 - 5. Promote the City’s reputation as an efficient, progressive body in the community and the state.
 - 6. Establish acceptable minimum standards of performance.
 - 7. Ensure employees are informed of their rights, responsibilities, and benefits as an employee of the City.

- B. The primary mission of the employer is to provide the residents of the City of Chillicothe with superior services at the most reasonable cost.
- C. City employees are a valuable resource for fulfilling the City's mission. Employees are expected to provide the public with courteous, friendly, and quality service at all times in as prompt, cheerful, and efficient manner as possible. For this reason, another of the City's objectives is to recruit, select, and retain highly qualified, professional, and courteous employees.

DEFINITIONS / ABBREVIATIONS

SECTION 1.03

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

Absence Without Leave (AWOL): Any time an employee fails to report to work without the advance approval of the employer.

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, paid court leave, or other paid leave as provided in this manual. Active pay status does not include any period of unpaid leave, suspension without pay, or when an employee is being paid by another agency such as the Bureau of Workers' Compensation.

ADA: Americans with Disabilities Act.

Appointing Authority: City officials or the designees of such officials who are authorized by law or City ordinance to appoint or remove an employee from any office, department, commission, or board. The appointing authorities for the employees covered by this manual include the Mayor, Safety Service Director, Auditor, Municipal Court Judges, Law Director, Treasurer, and Civil Service Commission.

Bargaining Unit Employee: An employee who is employed in a position which has been designated by the State Employment Relations Board (SERB) as a position included in a collective bargaining unit and represented by a union that has been selected as the employees' sole bargaining agent.

BWC: Abbreviation for Ohio Bureau of Workers' Compensation.

City: The City of Chillicothe, located in Ross County in the 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 compilation of the classification specifications for employees of the City.

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 is employed in accordance with Civil Service Regulations who, after serving a probationary period, may only be reduced in pay or position, fined, suspended, or removed from public service for cause, in accordance with the City of Chillicothe Civil Service Rules and Regulations or as provided in an applicable collective bargaining agreement. Classified employees are prohibited by Civil Service Law from actively participating in partisan political activities as specified in this manual.

Collective Bargaining Agreement: the written agreement(s) entered into between the employer and an exclusive representative of a designated group of employees pursuant to ORC Section 4117.

Compensatory Time (Comp Time): Time off work granted to nonexempt employees in lieu of paying actual cash for overtime hours worked. Comp time is 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. May also be called director or executive director in some departments.

Designee: Any person authorized by the employer or management official to perform a function with or on behalf of such 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. Dishonesty may include, but is not limited to: failure to tell the truth, stealing, falsifying documents, or similar acts of misconduct or attempts to mislead or deceive another individual.

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

Division: A sub-departmental unit under the general direction and control of a department head but directed and supervised, on a day-to-day basis, by a lower level supervisor or crew leader.

EEOC: Abbreviation for the federal agency called the Equal Employment Opportunity Commission; also commonly referred to as the EEO. This federal agency is responsible for enforcing federal laws prohibiting discrimination.

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

Employer: The City of Chillicothe, Ohio, including the Mayor or any appointing authority, or the designee of the appointing authority, authorized by law or City ordinance 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 such as a department head or supervisor.

Excused Absence: Absence from work with the approval of the employer (e.g., approved sick leave, vacation, holiday, approved 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 compensated at premium rates for additional hours worked in the workweek.

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 of an employee paid by the public, even in the absence of a written work rule.

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. Fines may also be assessed against accrued leave time when appropriate.

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

FLSA: Abbreviation for the Fair Labor Standards Act.

FML: Abbreviation for family and medical leave as defined by the FMLA and City policy.

FMLA: Abbreviation for the Family and Medical Leave Act.

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, or 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. Incompetency may include the loss of any license, certification, ability to be bonded or insured, or inability to meet any other requirement of the position.

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 or other employer representative.

Malfeasance: The commission of some act which is positively prohibited and/or unlawful; the doing of an act which is wholly wrongful and prohibited; 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 work responsibilities.

Nonexempt Employee: An employee who is not exempt from the FLSA, and therefore 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.

OCRC: Abbreviation for the Ohio Civil Rights Commission, a state agency which enforces the state's laws prohibiting discrimination. The EEOC often contracts with the OCRC to process discrimination charges filed in Ohio under federal laws.

OPERS: Abbreviation for the Ohio Public Employees Retirement System.

OPFPF: Abbreviation for the Ohio Police and Fire Pension Fund.

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

OSHA: Abbreviation for the Occupational Safety and Health Act.

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

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 City. Positions and the duties of a position may be revised, but the employee's classification remains the same unless the position is reclassified.

PPM: Abbreviation for this document known as the City of Chillicothe Personnel Policy and Procedure Manual.

Prima Facie Evidence: Evidence that will establish a fact or sustain a judgment unless contradictory evidence is produced. A declaration that certain conduct will suffice as evidence until the opponent produces contrary evidence.

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.

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

Standard Work Period: The number of non-overtime hours an employee is normally scheduled to work in a specified period. Employees other than police officers, firefighters working 24 hour shifts or those working in departments with 24-hour operations, have a standard work period of 40 hours in a seven (7) consecutive calendar day period.

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, responsibly directing, rewarding, or disciplining employees under the direction of the employer, adjusting their grievances, or effectively recommending any of the above actions.

Suspension: Relief of an employee from duty without pay as a disciplinary measure aimed at improving the employee's conduct.

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

Unclassified Service: The civil service status of employees appointed without competitive examination to positions that are not subject to the rules and regulations of the Chillicothe Civil Service Commission. 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, to the employer and/or City employees to be used in the conduct of the City's operations.

Verbal Warning: A verbal counseling and instruction which is provided to the employee with a written notation placed in the employee's personnel file as to the date and nature of the warning. Verbal warnings are intended to correct minor misconduct and improve the employee's conduct and performance in the future.

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

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 group of workers under the employer's control usually directed by a supervisor or department head and charged with a specific work function which contributes to the accomplishment of the employer's public service function.

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 actions.

Written Reprimand: The written record of disciplinary action, usually issued after a verbal warning has failed to improve an employee's conduct or when the employee has committed a more serious violation. The original copy is provided to the employee and a second copy is placed in the employee's personnel file in an attempt to improve the employee's conduct and performance in the future.

SCOPE OF COVERAGE

SECTION 1.04

- A. Except as otherwise specified within this document or specifically exempted by law, the policies and procedures in this manual generally apply to all 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 reserves the right to waive, amend, or delete any policy or procedure herein to the employer's benefit and reserves final determination regarding the interpretation and application of all policies and procedures herein.
- B. 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.
- C. In the event there is a conflict between these policies and procedures and the provisions of an applicable collective bargaining agreement, such policy or procedure shall be interpreted and applied so as to eliminate such conflict. 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.
- D. The policies and procedures set forth within this manual supersede all previous written or unwritten City personnel policies. These policies have been written to comply with applicable laws and negotiated agreements. In the event there is a conflict between the matters expressed in this manual and any applicable law or negotiated agreement, such policy or procedure shall be interpreted and applied so as to eliminate such conflict.
- E. Questions regarding the interpretation and/or application of the policies or procedures herein shall be directed to the Safety Service Director or Human Resources Director

- F. In addition to the policies and procedures herein, each department may have operational rules or policies in writing or in practice which are unique to that department and are not covered in this manual. Employees are responsible for complying with departmental rules or policies as well as those defined herein. Employees shall notify the Safety Service Director or Human Resources Director in the event of a perceived conflict between any departmental rule or policy and the policies and procedures described herein. The Mayor shall make the final determination regarding the interpretation and/or application of any rules or policies perceived to be in conflict.
- G. In the event of a conflict between the policies and/or procedures herein and any applicable federal law or the United States or Ohio constitutions, the applicable federal law or constitutional provision shall prevail. In the event of a conflict between these policies and procedures and any ordinance or provision of the Ohio Revised Code not lawfully superseded by a collective bargaining agreement or an ordinance adopted under the “home rule” provision of the Ohio Constitution, such policy and/or procedure shall be interpreted and applied or, if necessary, amended so as to eliminate such conflict.

MANAGEMENT AUTHORITY	SECTION 1.05
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- A. 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:
 - 1. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, recall, reprimand, suspend, discharge or otherwise discipline according to law or agreement and to maintain order among employees.
 - 2. To promulgate and enforce work rules and regulations.
 - 3. To manage and determine the location, type and number of physical facilities, equipment, programs, and the work to be performed.
 - 4. To determine goals, objectives, programs, and services and to utilize personnel in a manner designed to effectively meet these purposes.
 - 5. To determine the size and composition of the work force, and the organizational structure including the right to determine the adequacy of the work force, to transfer or subcontract work, to terminate or eliminate all or any part of its work or facilities.
 - 6. To determine the hours of work, work schedules, and vacation schedules required to most efficiently operate.
 - 7. 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.
 - 8. To determine the necessity to schedule overtime and the amount required thereof.

9. To maintain the security of personnel, financial records, and other important data or information.
 10. To maintain and improve the efficiency and effectiveness of the operations.
 11. To determine and implement necessary actions in emergency situations.
 12. To determine the City's budget and allocation of all City funds.
 13. To exercise control and discretion over the City's organizational structure and use of technology to perform the work.
- B. 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.

AMENDMENT AND DISSEMINATION

SECTION 1.06

- A. The employer has the exclusive right and authority to create, amend, and issue policies and procedures. Any amendment modifying compensation or benefits or establishing a new benefit requires the approval of the City Council. The Safety Service Director and Human Resources Director are authorized to make any non-substantive changes to the manual, to revise procedures, correct spelling or grammar, and make any changes necessary to comply with a collective bargaining agreement or applicable law.
- B. All employees shall be notified of the existence of this manual. Each department shall keep a copy available for review by employees. Each employee will be required to sign a form acknowledging that they have been made aware of the PPM and how they may access it. Employees are encouraged to ask their supervisor questions regarding any issue which is unclear.
- C. All supervisory personnel responsible for administering policy shall become thoroughly familiar with this personnel policy and procedure manual (PPM). Supervisory personnel shall administer all policies and procedures contained herein and ensure that subordinate personnel comply with said policies and procedures.
- D. The City of Chillicothe shall adopt the PPM or any amendments thereto and the **Mayor** shall thereafter sign and date the cover page. The Mayor shall maintain a three-ring bound master copy as the official copy of the current PPM in the Mayor's office with a copy of the ordinance adopting such manual.
- E. The Mayor or his designee shall thereafter make and distribute a copy of the PPM or any amendments to each appointing authority and department head and maintain a list of each individual receiving a copy and the date issued.
- F. Each employee shall be made aware of the PPM and shall sign an acknowledgment form, which will be placed in the employee's personnel file.

- G. The PPM shall remain the exclusive property of the employer. An unauthorized reproduction is prohibited.

SEVERABILITY

SECTION 1.07

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.

PERSONNEL ADMINISTRATION

SECTION 1.08

- A. The Mayor shall be responsible for the overall administration of the City's personnel system.
- B. The personnel system within each department shall be administered on a day-to-day basis by the department head, who shall be charged with the responsibility of ensuring that these personnel policies and procedures are applied in a consistent, objective manner and for the purpose of performing the duties and responsibilities set forth in this manual.

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 2.01

- A. The City of Chillicothe is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon an individual's race, color, sexual orientation, gender identification, religion, sex, military status, veteran's status, national origin, ancestry, age, disability, or genetic history. All applicants for employment and all employees shall be employed and promoted based on their respective merit, fitness, and bona fide occupational qualifications.
- B. The Human Resources Director is the City's EEO/ADA Coordinator. The EEO/ADA Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and applicants, and for receiving and resolving complaints involving alleged discrimination not resolved by the department head.
- C. The EEO/ADA Coordinator shall be responsible for 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 employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head. Any complaint alleged against the department head shall be submitted to the EEO/ADA Coordinator.

- D. No inquiry shall be made as to religious, racial, or ethnic origin of the applicant, except as necessary to gather EEO 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.
- E. It is the policy of the City to comply fully with all federal and state nondiscrimination laws.
- F. City employees shall not discriminate against nor harass any other employee or anyone requesting services from the City because of that individual's race, color, sexual orientation, gender identification, religion, sex, military status, veteran's status, national origin, disability, age, ancestry, or genetic history.

A proven violation of this policy by any employee shall be considered justification for termination of the employee's employment with the City.
- G. Nondiscrimination posters shall be displayed in each City work facility in such manner as to be easily readable from a wheelchair.
- H. It is the policy of the City 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.
- I. Comments or questions regarding the employer's compliance with the above should be filed with the EEO/ADA Coordinator. Formal complaints 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. 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. Upon request of the employee, the employer will provide a reasonable accommodation if such enables the employee to perform the essential functions of his/her position.
- B. EEO/ADA Coordinator: The Equal Employment Opportunity/Americans with Disability Act Coordinator (see Section 2.01) shall be responsible for:
 - 1. Providing information about the ADA to employees and others.
 - 2. Receiving and resolving complaints involving non-accessibility of services, programs, or facilities and alleged discrimination against disabled individuals.
- C. Complaint/Comment Procedure: Complaints, comments, or questions regarding:
 - 1. Accessibility to any of the City's services, programs, or facilities;

2. Discrimination against individuals with disabilities; or
3. The City's compliance with the ADA should be filed with the EEO/ADA Coordinator in accordance with Section 2.04 (B).

DISCRIMINATORY HARASSMENT

SECTION 2.03

- A. It is the policy of the City of Chillicothe to maintain an environment free from all forms of unlawful discriminatory harassment including gender-based sexual harassment. In order to maintain this environment, all discriminatory harassment, whether committed by a department head, supervisor, coworker, or member of the general public, or whether by members of the opposite or same gender, is strictly prohibited.
- B. Discriminatory harassment includes humiliating, derogatory, or vulgar oral or written communications or actions regarding a person's race, color, sexual orientation, religion, sex, military status, national origin, disability, age, ancestry, or genetic history.
- C. Sexual harassment, which is a form of discriminatory harassment and sexual discrimination, includes, but is not limited to the following:
 1. Repeated unwanted, and/or offensive sexual flirtations, advances, or propositions whether verbal, written, or electronically transmitted.
 2. Repeated verbal abuse of a sexual nature, or use of sexually degrading words to describe an individual.
 3. Graphic or degrading verbal, written, or electronically transmitted comments about an individual, the individual's body or appearance, or the individual's sexual preferences.
 4. Request for sexual favors.
 5. The display of sexually suggestive objects or pictures through any media.
 6. 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 or applicant's submission to requests for sexual favors or sexual harassment in any form.
 7. Any offensive, abusive, or unwanted physical contact.
 8. Any other conduct or behavior that may be construed as being sexually degrading or offensive.
- D. It is the responsibility of all employees to aid the employer in maintaining a work environment free from discrimination and discriminatory harassment including sexual harassment. Therefore, it is the responsibility of each employee, including department heads and supervisors to immediately report any instances of unlawful discrimination or discriminatory harassment to the EEO/ADA Coordinator. Any employee, who observes any conduct that may constitute unlawful discrimination or discriminatory harassment of

another employee or a person requesting services from the City but fails to report such incident, shall be subject to disciplinary action.

- E. It is the responsibility of each department head and supervisor to maintain an environment free from unlawful discrimination and discriminatory harassment within their department or work unit. Department heads and supervisors shall familiarize themselves with the City's non-discrimination policies and immediately report any violation of said policies to the EEO/ADA Coordinator.
- F. If, after a thorough and prompt investigation, it is determined that unlawful discrimination or discriminatory harassment has occurred, the employee who has been found to have committed such act will be disciplined and the complainant and/or reporting employee(s) will be informed of the results.
- G. If, after the investigation it is determined that no discrimination or discriminatory harassment occurred or that there is insufficient evidence to determine whether or not such harassment occurred, the complainant and/or reporting employee will be informed of such findings.

DISCRIMINATION COMPLAINT PROCEDURE

SECTION 2.04

- A. Any employee who believes that he/she has been the subject of discrimination or discriminatory harassment, and/or any employee who has witnessed an incident, or incidents the employee believes constitutes discrimination or discriminatory harassment, shall report the matter(s) to the EEO/ADA Coordinator immediately.

If the employee has a complaint directly involving the EEO/ADA Coordinator or the City Administration, they shall submit their complaint to the Mayor.

- B. The employee alleging discrimination or discriminatory harassment shall complete the discrimination complaint form provided for that purpose. The employee should provide the following information:

1. The employee's name.
2. The name of the subject of the complaint.
3. The act or acts allegedly committed that is believed to be discriminatory.
4. The date(s) of the act(s).
5. Any witnesses to the alleged acts.
6. The remedy the employee is seeking.

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

- C. If the employee alleging the discrimination or discriminatory harassment is unwilling to complete the complaint form, the matter should be addressed under the “duty to report” section (Section 2.03 D) and the form should be completed by the person to whom the verbal complaint was made. This form should be completed as soon as possible
- D. After the discrimination complaint form has been completed, the complaint will be promptly forwarded to the City’s Law Director and investigated by the appropriate authority.
- E. If the investigation reveals that the complaint is valid, prompt action will be taken to end the discrimination and/or harassment immediately and to discipline any employees who have violated any policy contained in this chapter.

DISCRIMINATION DISCIPLINARY PROCEDURE

SECTION 2.05

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

- A. The charged party may, pending the final resolution of the complaint, be immediately suspended with pay or temporarily transferred to a work location where he/she will have no contact with the complainant.
- B. All allegations of discrimination and/or discriminatory harassment shall be promptly investigated.
- C. Following 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.
- D. Any employee who makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline.
- E. Non-employees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately as allowed by law.
- F. When reviewing complaints alleging a violation of the ADA the 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.

- G. Complaints of illegal discrimination may also be filed with the Ohio Civil Rights Commission (OCRC). The OCRC investigates complaints of discrimination and harassment in employment. Complaints must be filed with the OCRC within six months of the last act of discrimination or harassment. Information is available by calling 1-888-278-7101 or www.crc.ohio.gov

REQUIREMENTS FOR EMPLOYMENT

SECTION 3.01

- A. Generally: The City of Chillicothe appoints, employs, fixes compensation for, disciplines, and establishes policies and procedures and other conditions of employment for its employees. Employment with the City 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 while on or off duty and all applicable policies and procedures, as a condition of employment. The City may conduct a thorough background check on any applicant or employee to ensure the person is qualified for employment as a City employee.
- B. Operator's/CDL Licenses: Certain classifications require that the occupants of that classification possess and maintain a motor vehicle operator's license, commercial driver's license, or CDL endorsements, whichever is applicable to that position.
- C. Bonding: State law or the employer may require that certain employees be bonded. If required, the City 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.
- D. 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 and authorized by the Director of Safety Service. The employee shall be required to maintain any required license or certification as a condition for continued employment by the City.
- E. Insurability: An employee must be insurable under all applicable City insurance plans designed to protect the City from liability and must remain eligible for such coverage during the term of his/her employment. The City may conduct an annual 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.
- F. Employment of Relatives:
1. The employer will not hire immediate family members in the same work unit, department, or office or in a direct supervisor/subordinate relationship, in an effort to avoid the appearance of impropriety and violations of Ohio's ethics laws. (A copy of which is located in Chapter Nine of this manual.) An exception to this policy exists for the Police and Fire Departments, in which promotions are determined by the City's Civil Service Rules and Regulations.

2. Following adoption of this policy, no employee shall occupy or be eligible to be considered for a position in which the employee could directly supervise or influence decisions concerning the conditions of employment of a member of the employee's immediate family. If such a situation arises after employment, the appointing authority or designee may reassign either employee. If reassignment is not possible, the appointing authority will make arrangements whereby the immediate supervisor family member is removed or is placed in a different classification where he/she will not be responsible for reviewing and/or influencing the employment conditions of another subordinate family member.
3. "Immediate family" for the purposes of this section means an employee's: parents; brothers; sisters; spouse; children, whether dependent or not; grandparents; grandchildren; or any other person related by blood or marriage and living in the employee's household.

CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

SECTION 3.02

- A. Unless waived by a collective bargaining agreement, employment with the employer is governed by the State of Ohio Civil Service laws and the City of Chillicothe Civil Service Rules and Regulations. All positions in the civil service fall into one of two general categories: "classified," or "unclassified."
- B. 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. Most classified employees may only be disciplined for cause and by following the procedures set forth in the City of Chillicothe Civil Service Rules and Regulations. 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, Section 3.12) and certain employees covered by a collective bargaining agreement who have waived their rights to appeal disciplinary actions under Chapter 124. Classified status does restrict an employee's ability to participate in partisan politics (see *Political Activity* policy, Section 7.09).
- C. Some City employees serve in the Unclassified Civil Service, or occupy positions which have been exempted from the classified service. Employees such as Deputies and Assistants of elective or principal Executive Officers authorized to act for and in the place of their principals, or those who hold a fiduciary relationship to their principals, or other positions specifically exempted pursuant to the City of Chillicothe Civil Service Rules and Regulations, serve in the unclassified service. Such employees serve at the pleasure of the employer. 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, Section 7.09).
- D. 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.

- E. Unclassified Service: "Unclassified" employees are appointed by and 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.

EMPLOYMENT STATUS

SECTION 3.03

- A. In addition to being categorized as classified or unclassified, all employees shall be categorized in one (1) of the following:

1. Hours Assigned:

- a. Full-time: An employee who works at least 30 hours per week on a regularly scheduled basis or the standard full-time workweek as designated by the appointing authority.
- b. Part-time: An employee who works less than 30 hours per week, or less than the standard full-time workweek designated by the appointing authority, but on a regularly scheduled basis consistent with FLSA and CBA
- c. 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 per year. Intermittent employees serve in the unclassified service at the pleasure of the appointing authority by operation of law.

2. Duration of Appointment:

- a. Permanent: An employee appointed for a continuing period of time until removed by the employer in accordance with applicable law.
- b. 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 120 days. Successive temporary appointments to the same position shall not be made. Temporary employees serve in the unclassified service at the pleasure of their appointing authority by operation of law.
- c. Seasonal: An employee who works on a recurring but temporary basis annually (e.g., summer, mowing season, tax collection period, etc.). A seasonal employee may be appointed on a full-time, part-time, or intermittent basis.
- d. 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.)

- B. Contract service providers and/or vendors are not considered to be employees of the City and therefore are not eligible for benefits provided by the City.

- C. The categories outlined above apply for Civil Service purposes, such as classified or unclassified status or 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 employees are established by those benefit programs.
- D. Employees shall be informed upon appointment of their employment status. Temporary, seasonal, and intermittent appointments shall be communicated in writing to employees. (See *Appointment Letter* form.) Such notice shall also include the approximate dates of employment and cessation of employment.
- E. 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.

POSITION DESCRIPTION PLAN	SECTION 3.04
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- A. The Mayor shall maintain and administer the City's plan of position descriptions, known as a "Position Description Plan." A classification includes one (1) or more positions that are so similar they can be described by a common classification title. Classifications are used to determine order of layoff and certified status.
- B. The appointing authority may recommend creation or amendment of the position description plan based upon an analysis of the duties, responsibilities, essential functions, and qualifications of the positions affected. All changes in the position description plan must be approved by the appointing authority who shall maintain the original position description plan.
- C. The appointing authority shall maintain copies of all position descriptions for employees under his/her jurisdiction. Classification titles shall be used in all personnel and payroll matters.
- D. Revisions: As positions are changed or added, a position description must be developed or revised. Factors which may necessitate a revision to a position description are:
 - 1. The addition of a new duty or responsibility to a position.
 - 2. The abolishment of a current duty or responsibility from a position.
 - 3. A change in the educational or experience requirements for the position.
 - 4. The reassignment of current duties or responsibilities between or among positions.
 - 5. A new or revised licensure or certification requirement as dictated by law or the employer.
- E. When any of these changes are necessary, the department head shall submit a proposed revision to the Human Resources Director, who shall review the request and make any appropriate changes or addition to the position description and/or table of organization and

request approval of the Mayor and, where applicable, the Civil Service Commission. Once approved, copies of all revisions will be provided to the department head who shall maintain an updated copy of the position descriptions.

- F. In addition to the continual updating process, the entire position description plan should be completely analyzed and updated periodically to ensure that all significant changes have been noted, all positions are properly classified, and all position descriptions accurately reflect the job duties, essential functions, responsibilities, and skill level requirements of each position within the organization.
- G. Classification title changes, reclassifications, and any other related changes must be reflected on all applicable payroll, personnel, and operational records. Changes in the position description plan may also necessitate an update to other personnel records on systems.

CLASSIFICATION PLAN

SECTION 3.05

- A. The Civil Service Commission shall be responsible for the administration of the City "Classification Plan." The Civil Service Commission shall maintain and update or have updated the official copy of the City's Classification Plan and shall make such plan available for public inspection upon reasonable request.
- B. City appointing authorities shall provide to the Civil Service Commission current position descriptions for their departments.
- C. Positions within the City are grouped into classifications. A classification includes one (1) or more positions which have similar duties, responsibilities and qualification requirements and can be described by a common job classification title. The Civil Service Commission shall analyze all position descriptions and shall allocate each position to one of the classes in the City Classification Plan. If a suitable class does not exist, the Civil Service Commission shall establish a new classification and corresponding classification specification for adoption by Council.
- D. The Civil Service Commission may cause a periodic review of the classes and positions, and make necessary adjustments or revisions to the classification plan.
- E. Official classification titles shall be used in all personnel and payroll matters.
- F. Whenever a change occurs in a position or whenever a vacancy occurs, a position description shall be completed and submitted to the Civil Service Commission for assignment to the appropriate classification. This requirement may be waived in vacant positions where changes in job duties and responsibilities have been unlikely. Upon each occasion where a department or division is reorganized, position descriptions for all affected employees shall be submitted to the Civil Service Commission. Additionally, whenever there is a change in reporting relationships, a current table of organization for the restructured department or division shall be submitted.

- G. The Civil Service Commission may, at their option, conduct an overall periodic review of the classification plan to ensure accuracy. Likewise, the City at any time may conduct an overall review of all positions for the purpose of resubmitting current position descriptions to the commission for review and classification.
- H. Any changes which are made in position descriptions, class specifications or tables of organization should be communicated in writing to all affected employees.
- I. Approved classification title changes, reclassification, and any other related changes must be reflected on all applicable payroll, personnel, and operational records.
- J. Changes in the classification plan may also necessitate an update of the City's compensation plan, performance evaluation forms, and other personnel systems.

MEDICAL EXAMINATIONS — APPLICANTS AND EMPLOYEES	SECTION 3.06
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- A. A medical examination by a licensed practitioner may be required by the appointing authority 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 position for which the applicant is applying. Examinations may include any job-related examination determined to be a pre-employment requirement.
- B. For purposes of this policy, a "licensed practitioner" is a physician, psychiatrist, or psychologist who is licensed to perform the appropriate examination.
- C. 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, co-workers, or those they serve.
- D. No medical examination, except screening for use of illegal drugs, will be conducted until after the employer has made the applicant a conditional offer of employment.
- E. All applicants for original appointment in the Police or Fire Department must successfully pass a physical and psychological examination as specified by applicable law prior to appointment to such position. (See R.C. 124.41, 127.42, and 742.3B)
- F. The appointing authority shall select the licensed practitioner to administer the examination and shall pay the cost.
- G. 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 or when there is reasonable

suspicion to believe the employee may be unable to safely perform the essential functions of the employee's position.

IMMIGRATION REFORM AND CONTROL ACT

SECTION 3.07

- A. In General: In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and as a condition of employment:

The employer shall verify both the identity and the employment eligibility of all applicants considered for employment.

- B. Pre-Employment Requirement:

1. All applicants to be hired, as a condition of employment, shall be required to complete the biographical information requested by Form I-9. All applicants shall attest that they are eligible for employment and have presented authentic, original documentation of identity and employment eligibility as specified on the I-9 form.
2. A current I-9 form and instructions are available online from the U.S. Citizenship and Immigration Services at: www.uscis.gov.
3. Aliens who attest to the employer that they intend to apply or have applied for legalization or amnesty need not submit evidence of work authorization as specified above. However, the applicant must provide to the employer evidence of the applicant's identity.

- C. 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 unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue.

- D. Post-Hiring Requirements:

1. Within three (3) business days after the appointment of the applicant, the employer shall physically examine the documentation presented by the employee to ensure that the documents presented appear related to the individual, then complete the remaining portions of Form I-9.
2. 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.
3. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any agency or person other than for the purpose of complying with the requirements of the act.
4. 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.

5. The City Auditor shall ensure each new employee complies with this policy.

ORIENTATION

SECTION 3.08

- A. Upon appointment, all employees will be notified of the existence of this manual which contains the general terms, conditions, benefits, policies, and procedures of employment in effect at that point in time. New employees shall be required to sign all acknowledgments, forms, and documents required by law or the employer. Bargaining unit employees shall also be notified of the existence of the collective bargaining agreement.
- B. New employees will be required to sign a statement acknowledging receipt and/or the existence of certain required documents including the *Personnel Policy and Procedure Manual*.

PROBATIONARY PERIOD

SECTION 3.09

- A. Each employee newly hired or promoted into a classified position shall serve a probationary period. Probationary periods shall be set at 90 calendar days. Sworn law enforcement and firefighting personnel, however, shall serve a one (1) year probationary period for new hires and six (6) months for promoted positions.
- B. 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 only those employees who exhibit satisfactory work performance and conduct during the probationary period and to recommend removal of those employees who fail to meet such requirements.
- C. Employees appointed to unclassified positions do not serve a formal probationary period since they continuously serve at the pleasure of the appointing authority for the duration of their employment.
- D. Dismissal or reduction of a classified employee may be made anytime during the probationary period, at the discretion of the appointing authority.
- E. An employee who is removed during the probationary period does not have any right of appeal to the Civil Service Commission.
- F. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion, or otherwise treated as provided in the City's Civil Service Rules and Regulations upon failure to successfully complete the promotional probationary period. The action of reduction for failure to complete a promotional probationary period shall not be considered a disciplinary action, and shall not serve to eliminate the employee for consideration from advancement to other positions.

- G. The probationary period for full-time employees shall be based on calendar days from the date of original appointment. Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below:
1. 500 hours are equivalent to a 90-calendar day probationary period
 2. 1,000 hours are equivalent to a 6 month (180 day) probationary period
- H. Time on unpaid leaves of absence shall not be counted toward the completion of the probationary period.
- I. 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.
- J. Bargaining Unit Employees: Employees covered by collective bargaining agreements serve probationary periods as described in the applicable collective bargaining agreements.

TRAINING

SECTION 3.10

- A. Employee's Responsibility for Maintaining and Upgrading Job Skills: Each employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, to meet state requirements, and for upgrading skills as necessary to meet technological changes or to seek promotion.
- B. Independent Study/Training: An employee may pursue independent study or training but may not obligate the employer to pay expenses or compensation without specific advance permission.
- C. Job-Related Training Programs: Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the supervisor assigns an employee to attend a training program or approves a specific request from an employee to attend a training program, the expense incurred shall be paid by the employer. Any training taken voluntarily by the employee which is job-related shall be subject to the prior approval of the supervisor. The employer will not, however, pay for training when it is taken voluntarily and is not directly related to the employee's job duties in the employee's present position.
- D. Police Officers and Firefighters shall make every effort to obtain state certification prior to the completion of their original probationary period and must maintain all required certifications during the term of their employment.

- E. Hours Worked: Time spent by nonexempt employees attending lectures, meetings, classes, and training programs is not considered hours worked when all four of the following criteria are met:
1. Such time is spent outside normal working hours.
 2. Attendance by the employee is voluntary.¹
 3. The lecture, meeting, class, or training program is not directly job-related.²
 4. The employee does not perform any productive work for the employer during the employee's attendance.
- F. Travel Time: When a nonexempt employee is required to travel, and such travel occurs within the regular hours of a workday, travel time is considered compensable with a deduction for usual meal time. When such employee is required to travel, and such travel requires the employee to stay overnight, travel time is to be considered as time actually worked when it cuts across the employee's normal working hours. This is true even if the travel occurs on a non-scheduled working day (e.g., Sunday). (Usual meal time may be deducted from this time.)
- G. Travel time is considered work time when a nonexempt employee is required to drive a vehicle in order to travel to and from an approved lecture, meeting, class, or training program outside the City of Chillicothe or County of Residence (whichever is closer), no matter what period of the day such driving occurs.

REDUCTION

SECTION 3.11

- A. A reduction is the movement of an employee to a lower classification which has a lower level of responsibility and compensation. Reductions generally result from an employee's failure to perform the duties of their position at an acceptable level, failure to maintain required licensure or certification requirements, or as a result of discipline. Reductions 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. Employees reduced to a lower paying classification shall be reduced in pay to a rate determined by the City and consistent to CBA and ORC.
- B. Employees who desire to be considered for a posted vacancy in a lower classification shall submit a resume to the supervisor or designee within the posting period.

¹Voluntary attendance by an employee at an independent school or college outside working hours is not considered hours worked, even if the courses taken are directly job-related.

²Training is directly "job-related" if it is designed to enable the employee to perform the employee's current job more effectively. Training is not job-related if it is designed to train the employee to perform a different job.

SENIORITY**SECTION 3.12**

- A. City Seniority — Non-Bargaining Unit Employees: City seniority is generally defined as an uninterrupted length of continuous service with the City of Chillicothe. Employees are credited with seniority from their date of hire after successful completion of their probationary period as defined in this manual. Where this definition produces the same seniority date for two (2) or more employees, previous service with the City of Chillicothe will be considered to determine the more senior full-time employee. If all else fails to eliminate identical seniority between employees, the employees' last name will be used to determine seniority ranking. While prior service may be used to break ties in seniority and determine ranking on the seniority list, the previous service time shall not be added to the employee's full-time continuous service time. A break in continuous service occurs if an employee is separated from service for 31 days or more.
- B. Authorized Leaves of Absence: An authorized leave of absence does not constitute a break in service. During an authorized leave of absence, seniority time continues to accumulate, only if the leave of absence is related to law enforcement education or service, and provided the employee complies with all rules and regulations governing the leave and returns to work on the date specified when the leave was granted.
- C. Layoff: For purposes of layoff, seniority is defined as specified in the City of Chillicothe Civil Service Commission Rules and Regulations or applicable collective bargaining agreement.
- D. Retirement: Seniority for the purposes of determining retirement benefits is defined by the provisions of the retirement system in which the employee participates.
- E. Departmental Seniority: Departmental seniority is defined as an employee's length of continuous uninterrupted service within a specific department of the City (e.g., Street, Parks, Utilities, Police, Fire, Engineering, etc.).
- F. Classification Seniority: Classification seniority is defined as an employee's length of continuous uninterrupted service within a specific classification.
- G. Other: For all other purposes than those specified above, seniority shall be defined as set forth in the respective policies herein.
- H. Prior Service Credit: Persons employed by the City after 01/01/2017 who earn vacation credits shall have their individual total prior service only with the City of Chillicothe counted for the purpose of computing the amount of the employee's vacation leave. Retired rehired employees shall not receive prior service credit in the computation of vacation leave or longevity pay. Please refer to Section 5.03, Vacation in this manual for an explanation of how vacation is calculated.

LAYOFF**SECTION 3.13**

- A. General Policy: If it becomes necessary to reduce staffing levels of classified non-bargaining unit 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. Layoffs of classified non-bargaining unit employees shall be implemented in accordance with the applicable sections of the City of Chillicothe Civil Service Rules and Regulations.
- B. Method: When the appointing authority determines there is a need to reduce staffing levels, the appointing authority shall determine the number of positions to be laid off, and the classification(s) in which layoffs will occur.
- C. Recall Rights: The appointing authority shall establish a recall list, and employees shall be eligible for reemployment for one (1) year following layoff unless otherwise stipulated in the CBA.

RESIGNATION / RETIREMENT

SECTION 3.14

- A. Employees may voluntarily resign by completing and submitting a written *Letter of Resignation* to the appointing authority in advance of the date of separation. Administrative support staff positions require at least two (2) weeks advance notice. Administrative staff shall give at least a 30-day written notice. Failure to give proper, timely notification shall render the employee ineligible for reinstatement or reemployment with the employer.
- B. The appointing authority hereby accepts a letter of resignation upon receipt of such by the supervisor, and will rely on having received it. A resignation may not, therefore, be revoked without permission from the appointing authority. When in the best interest of the City, the appointing authority may waive the notification requirements in (A) above and request that the employee make his/her resignation effective immediately.
- C. A person who has resigned in good standing after serving the required probationary period may be reinstated at the discretion of the appointing authority to the employee's former classification within one (1) year following resignation; provided the person remains qualified to perform the duties of the position and such reinstatement would be in the employer's best interests.
- D. Employees who plan to retire shall notify the appointing authority, in writing, at least 60 days in advance of their anticipated retirement date.
- E. Resigning and retiring employees shall return all employer property to the supervisor on or before the employee's last workday. The employee's final paycheck shall not be delivered until all such property has been returned.
- F. If the employee provides proper notice of resignation, accrued but unused vacation and personal leave will normally be paid (in accordance with the City's personnel policies) by the second payday following the effective date of resignation.

- G. Employees voluntarily resigning or retiring shall timely complete and submit a written letter of resignation or retirement to the appointing authority containing:
1. The stated intention to resign or retire from service.
 2. The date of the notice.
 3. The effective date of the resignation or retirement.
 4. The reason for the resignation (optional).
 5. The employee's signature.
- H. The appointing authority shall notify the City Auditor of the separation so that payroll records may be updated and the appropriate documents processed.

NEW HIRE REPORTING

SECTION 3.15

- A. Generally: In accordance with ORC 5101.312, 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 Job and Family Services to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits.
- B. The employer shall forward an "ODJFS New Hire Reporting" form or a copy of the employee's IRS W-4 form to the Ohio New Hire Reporting Program, P.O. Box 15309, Columbus, Ohio 43215-0309. Such form should be forwarded within 20 calendar days of the date of hire. (Employers who desire to submit such reports electronically should contact technical support at (888) 872-1490 or fax (888) 872-1611 or www.oh-newhire.com.)

PAY CERTIFICATION

SECTION 3.16

- A. The appointing authority, department head, or designee shall notify the City Auditor's office of all personnel actions which affect payroll. Examples of such personnel actions include but are not limited to the following:
1. Hiring new employees
 2. Promotions
 3. Demotions
 4. Pay Increases
 5. Probationary period completion
 6. Reclassification of existing job
 7. Resignations
 8. Retirements
 9. Layoffs
 10. Recalls following layoff
 11. Suspensions without pay
 12. Discharge (removals)
 13. Leaves of absence without pay
 14. Paid administrative leaves

- B. The City Auditor shall prepare a pay certification if necessary. The appointing authority shall approve or disapprove the change and sign and date the pay certification if approved.

FRAUD REPORTING

SECTION 3.17

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

Auditor of State's fraud contact information:

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

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

Web: www.ohioauditor.gov

COMPENSATION

SECTION 4.01

- A. Generally: The compensation practices of the employer shall be in accordance with applicable laws and regulations. No compensation decisions shall be unlawfully based upon race, color, religion, sex, national origin, sexual orientation, age, ancestry, disability, military status, or genetic history.
- B. Bargaining Unit Employees: Bargaining unit employees shall be compensated according to the provisions in the applicable collective bargaining agreement.
- C. Non-Bargaining Unit Employees: The City Council shall establish the compensation system for non-bargaining unit employees. Such compensation system shall establish both a minimum and maximum rate of pay and benefits for each classification within the organization.
- D. Increases within the approved pay schedule shall be made solely at the discretion of the appropriate appointing authority.
- E. Bargaining unit employees shall be compensated based solely on their respective collective bargaining agreements.

PAY PERIODS / PAYCHECKS**SECTION 4.02**

- A. There are normally twenty-six (26) pay periods per year each consisting of two (2) weeks. The biweekly pay period for employees begins at 12:01 a.m. Sunday and ends at 12:00 midnight the second succeeding Saturday. For the Fire Department, the biweekly pay period begins 8:00 a.m. Sunday and ends at 7:59 a.m. the second succeeding Sunday.
- B. Paychecks or notices of direct deposit shall be issued on Friday following the end of each two (2) week pay period. If a payday occurs on a holiday, pay checks will be issued on the preceding day, except under extenuating circumstances, in which case paychecks will be issued on the following day.
- C. If the employee needs his/her paycheck earlier than the normal Friday distribution, that employee will make the request through his immediate supervisor who will obtain the paycheck for the employee. At no time is the employee to go directly to the Auditor's office for the paycheck. If the immediate supervisor is out of the office, the request can be made through the appointing authority.
- D. Pay advances, for hours not yet worked, are prohibited. Likewise, pay advances using accrued sick leave which has not been credited to the employee's account are not permitted.
- E. Questions regarding pay shall be submitted to the appointing authority for an explanation.
- F. Only the employee, a previously authorized person with proper identification, the employee's supervisor, or the appointing authority may obtain an employee's paycheck.

PAYROLL DEDUCTIONS**SECTION 4.03**

- A. Generally: Certain deductions shall be withheld from employee's paychecks as required by law, in accordance with the Employer Provided Benefit Plans or as requested by an employee. Such deductions include Public Employees Retirement System (PERS) or Police and Fire Disability and Pension Fund (OPFDPF) contributions, income taxes, Medicare tax, insurance premiums, or other approved deductions (e.g., Deferred Compensation, child support, etc.). Payroll deductions are itemized on the employee's pay statement which accompanies the employee's paycheck or notice of direct deposit.
- B. The state law requires that employees contribute to the Public Employees Retirement System, or the Police and Fireman's Disability and Pension Fund, rather than Social Security. Membership in the system is compulsory upon being employed except persons specifically exempted under the provisions of Section 145.03 of the Ohio Revised Code.
- C. Taxes: Federal and state laws and some City ordinances require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the City by the Internal Revenue Service, Ohio Department of Taxation, various Ohio cities, and school districts. The amount withheld varies according to the amount of salary

and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the employer or City Auditor of any dependency change whenever such change occurs.

- D. Deductions Not Required by Law: The Chillicothe City Auditor may refuse to make any deductions, not required by law. Upon such a refusal, the employee may have the request for deduction reviewed by the Mayor to determine if the deduction should be made by the City Auditor. All requests for payroll deductions must be presented to the Auditor's office.

EMPLOYEE STATUS UNDER FLSA

SECTION 4.04

- A. Non-Exempt: Employees that fall into the non-exempt status, are covered by the provisions of the federal Fair Labor Standards Act (FLSA) and are paid a set wage on an hourly or salaried basis.
- B. Non-Covered or Exempt: Non-exempt employees are paid overtime for hours worked in excess of the standard work period established by the FLSA. Administrative, executive, professional, and certain other employees paid on a salary basis are specifically exempt or fall into one of the specific categories of "non-covered" employees under the FLSA. 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 except when overtime is specifically approved by the appointing authority due to emergency situations which are above and beyond the normal scope of work emergencies such as natural disaster emergencies, staffing shortages, etc. All such overtime for the department heads of the respective departments shall be approved by the Mayor. Absences will, when applicable, be deducted from the employee's accumulated sick leave, if applicable, vacation, or other paid leave time. Exempt employees are expected to normally work 40 hours per week or their established schedule of work hours unless additional work time is required to fulfill the responsibilities of their position. Sick leave, vacation leave, and holiday pay for exempt employees is granted at the discretion of and upon approval of the Mayor unless otherwise provided for in the Non-Bargaining Pay Ordinance.
- C. Part-time employees are expected to work their normally prescribed amount of work hours as determined by the employer.

WORK SCHEDULING

SECTION 4.05

- A. The appointing authority or designee shall establish the standard workday, workweek, and starting and quitting times for employees in each department under the appointing authority's control in consideration of current and anticipated workload, public service needs and other related 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 work day or work week.

- B. Subject to the discretion of the department head, employees may be authorized to take break periods during the working day. Such breaks shall never interfere with the proper performance of the employee's work responsibilities.
- C. The appointing authority or, in the case of the Public Safety Departments, the Fire Chief or Police Chief, shall determine the scheduled work days and scheduled work hours of all full-time and part-time employees.
- D. Each department's or office's standard work day, work week, starting and quitting times and other items required to be established by the FLSA shall be approved by the Mayor and shall be communicated to the affected employee
- E. Employees called in to work outside of the employee's normal work shift that requires additional travel to and from work will receive a minimum number of four (4) hours overtime pay for responding to the call-in or two (2) hours for the Fire Department. This minimum call-in shall not be applicable to hours contiguous to the employee's regular work shift.
- F. Work schedules, call-ins, and overtime for bargaining unit employees shall be in accordance with the provisions of the applicable collective bargaining agreement.

TIME RECORDS

SECTION 4.06

- A. All employees who are not exempt from the FLSA are required to record all hours worked for the employer, including the times the employee started work and stopped work each work day. Time sheets are used by the employer to document the hours worked by non-exempt employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the employer may result in disciplinary action and loss of pay for the hours of work the employer cannot verify.
- B. Full-time and part-time employees reporting hours worked on biweekly time sheets shall indicate on the time sheet all actual hours worked in the biweekly period. Employees shall only punch their own time card or fill in their own time card. Any employee who punches another employee's time card or fills in another employee's time card will be subject to appropriate disciplinary action.
- C. Failure to properly punch in and out as required, misrepresentation of time worked, the altering of any time record, or allowing a time record to be altered by others, will result in disciplinary action except as described in paragraph 3.
- D. An adjustment to the time card requires the approval of the immediate supervisor. The immediate supervisor shall be notified as to why the adjustment is necessary and the immediate supervisor will initial all valid adjustments. In the absence of the immediate supervisor, the chain of command shall be followed.

- E. Employees exempt from the overtime requirements contained in the FLSA may be required to complete a time sheet for the purposes of public accountability and in order to properly document the use of authorized paid leave.

STARTING / QUITTING TIMES

SECTION 4.07

- A. Full-time and part-time non-exempt employees are not permitted to commence work and/or sign/clock-in more than 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 department head and/or their immediate supervisor, except in emergency situations where advance approval cannot be obtained.
- B. Full-time and part-time non-exempt employees who are authorized a specified non-paid meal period each work day (e.g., office manager, clerk), shall be completely relieved from work assignments during this period, and will not be compensated for such period. The unpaid meal period must be indicated on the employee's time card or timesheet. With approval from the employees' department head, an employee may work through the unpaid meal period. This fact shall be indicated on the employee's timecard or timesheet, by showing a continuous eight (8) hours of work performed. The timecard or timesheet shall be reviewed and signed by the employees' department head and/or immediate supervisor, prior to being submitted to the appointing authority for payment, to evidence the department head's approval of such work hours. The appointing authority shall review such records for compliance with applicable policies and forward them to the City Auditor for payment.
- C. Those employees working in the Public Safety Departments (Police & Fire) that are not allotted an unpaid lunch period shall be compensated for their continuous shift due to the fact that they are required to be available for any police/fire event at any time.
- D. Employees shall not work past their scheduled quitting time unless they have obtained advance approval from their department head and/or immediate supervisor and/or they are dealing with an emergency situation. Employees who are required to work past their scheduled quitting time due to an emergency situation shall submit the Overtime Authorization form to their supervisor for approval by no later than their next scheduled work day.

OVERTIME

SECTION 4.08

- A. Whenever an employee is required to work beyond the standard work period established by the employer in accordance with the FLSA, the employee shall be paid at a rate of one and one-half (1½) times the employee's regular hourly rate for all such overtime hours. Department heads shall be eligible for overtime worked during emergencies which are above and beyond their normal scope of work such as natural disaster emergencies, staffing shortages, etc. with the advance approval of the appointing authority. All overtime for the department heads of the respective departments shall be approved by the Mayor.

The hourly rate shall be calculated as follows for eligible employees:

Annual salary divided by total number of annual work hours.

Overtime for eligible employees shall be one and one-half (1½) times the employee's hourly rate.

- B. The standard workweek for non-bargaining unit employees will be seven (7) consecutive days, beginning Sunday 12:01 a.m. and continuing through Saturday 12:00 midnight. Eligibility for overtime shall be based upon all hours in active pay status.
- C. All employees holding employment in more than one (1) position with the City must notify their department heads in writing of such joint employment. All of the hours worked by the employee are added together to determine overtime compensation.
- D. If a non-exempt 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 the weighted average of their two (2) different rates of pay for each hour worked in excess of forty (40) hours.
- E. When a non-exempt 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).
- F. Hours spent by non-exempt 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 costs 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:

1. Attendance is outside the employee's regular working hours.
 2. Attendance is voluntary.
 3. The employee does not perform any productive work while attending the training program.
- G. Normally, overtime must be authorized by the department head or designee in advance of the overtime being worked. However, unusual or emergency circumstances (e.g., 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 work day.
 - H. Scheduled overtime which is subsequently cancelled for any reason shall not entitle the employee to overtime compensation.

- I. 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 4.09

- A. Non-exempt employees may be authorized by the department head to take compensatory time off in lieu of receiving cash payment for overtime worked, at the rate of one and one-half (1½) hours off for each hour of overtime worked. Non-Bargaining employees may accrue a maximum of two hundred forty (240) hours of compensatory time (i.e., one hundred sixty (160) hours overtime at time and one-half (1½)). Any hours worked in excess of two hundred forty (240) hours of compensatory time shall be paid as overtime. Bargaining employees may accrue and sell-back compensatory time subject to their CBA.
- B. Employee requests for compensatory time off shall be scheduled at a time mutually convenient for the employee and the employer. The appointing authority may require employees to use their compensatory time.
- C. Employees shall request compensatory time off in writing on a Request for Leave of Absence form. Requests for compensatory time off should be made by the employee as far in advance as possible (at least twenty-four (24) hours), and must be approved by the employee's department head.
- D. Earned compensatory time shall be recorded as straight time hours after computing the number of overtime hours worked at time and one-half (1½).
- E. Upon any separation of employment, employees shall be paid for their accrued but unused compensatory time at their current straight-time hourly rate.

FLEX-TIME

SECTION 4.10

The employer may utilize "time off" or flexible hours in order to avoid employees working in excess of the standard work week or forty (40) hours in a week. Flex-time scheduling must have prior approval of the department head.

EMERGENCY CLOSINGS

SECTION 4.11

- A. At times, emergencies such as severe weather, fires, power failures, flood, etc. can disrupt office operations. In extreme cases, these circumstances may require the closing of work sites. In the event that such an emergency occurs during non-working hours, local radio and/or television stations and City social media accounts will broadcast notification of the closing.

- B. If City Municipal Building offices remain open:
1. Employees are encouraged to make every reasonable effort to report to work, if in the employees' judgment, they can do so in a safe manner.
 2. If the Mayor or Safety Service Director 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.
 - b. Non-essential 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 their department.
- C. In the event of a Level 3 weather emergency for Chillicothe and Ross County or if City Municipal Building offices are closed by the Mayor or Safety Service Director the following policy will be applied:
1. Employees are responsible for checking local radio and City of Chillicothe social media accounts (Facebook, Twitter, etc.) for up-to-date closing and delay information.
 2. If weather conditions change and a Level 3 weather status is reduced/removed prior to 11:59 a.m., non-essential employees are to report to work within one hour of the change or request leave for the remainder of work shift if unable to safely report to work.
 3. If the weather condition changes and a Level 3 weather status is reduced/removed on or after 12:00 noon., employees will be excused for the remainder of their work shift for that day.
 4. Any employee who does not report to work, following the cancellation of a weather emergency and does not call-in to request leave for the remainder of their shift will be given an unexcused absence and will be subject to disciplinary action.
 4. The above directions apply to employees who regularly work administrative/office hours. Non-essential employees who work non-traditional hours, should contact their supervisor for instructions.
 5. Certain salaried employees may be required to stay for phone coverage, etc.
- D. All employees within the Street, Water Distribution, Water Treatment Plant, Wastewater Collection, Wastewater Treatment Plant, Engineering, Parks, Fire & Police Departments, unless otherwise exempted from essential status, are considered essential and need to attempt to get to work or stay at work as the situation warrants. When weather conditions are extremely severe, such employees may be contacted, and where possible, arrangements may be made to pick them up at their homes.

Any employee in these departments who is unable to report to work may use sick leave only if a doctor's statement is provided for an excused absence. An essential employee failing to report to work when required during a weather emergency and when no extenuating circumstances exist may be subject to disciplinary action.

SICK LEAVE

SECTION 5.01

- A. Accrual: All employees, regardless of employment status, accrue .0575 hours of sick leave for each hour in active pay status (except overtime hours worked) up to a maximum accumulation of one hundred twenty 120 hours per year. Employees may accumulate and carry over all sick leave accrued with no limits. Permanent part-time employees shall accrue sick leave at the same hourly rate. Paid sick leave for salaried/exempt employees is subject to approval of the Mayor or appropriate Appointing Authority.
- B. Credit for Prior Public Service: Employees who transfer between City departments or agencies, 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 ORC 124.39. The words "public agency" as used above means those entities required to provide sick leave under R.C. 124.38, 124.382, or other similar ORC provision 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 5.02 herein, if any "person removed for conviction of a felony" within the meaning of R.C. 124.34 is "subsequently reemployed" 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.

- C. Usage: Upon approval of the employer, sick leave may be used for the following reasons:
1. Personal illness, injury, pregnancy-related condition, or exposure to contagious disease which could be communicated to other employees.
 2. Illness, injury, or pregnancy-related condition of employee's immediate family where the employee's attendance is reasonably necessary.
 3. Death of a member of the employee's immediate family (See Section 5.05)
 4. 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.

- D. Immediate Family: For purposes of this policy, "immediate family" is defined as the employee's: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepparents, stepchildren, sister-in-law, brother-in-law, stepsiblings, legal guardian, or other person who stands in the place of a parent (*in loco parentis*).
- E. 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-fourth ($\frac{1}{4}$) hour.
- F. Notification: 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 the scheduled start of the employee's shift. 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.
- G. Written Statement for Approval:
1. The employee is required to provide the department head a written statement justifying the use of sick leave. 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.
 2. Upon return to work from sick leave, an employee must complete a Request for Leave form and submit same to the department head as soon as possible but by no later than the date the employee returns to work. If the employee is sick the last day of the pay period, the employee must complete a Request for Leave form, attach supporting documentation, and submit it to the department head at the beginning of their shift, on the first workday following the absence.
 3. If the employee is unable to return to work and perform the duties of the position by the original date the physician indicated in his/her statement, the department head shall require another physician's statement to be provided which indicates the new date when the employee will be able to return to work.
 4. The department head shall review the completed Request for Leave form and the circumstances surrounding the absence. The department head shall recommend approval/disapproval of the sick leave, sign the Request for Leave form, and forward it to the appointing authority who shall give final approval or disapproval

of the sick leave request. Approved sick leave requests shall then be forwarded to the City Auditor for payment.

5. The department head shall inform any employee whose sick leave request is denied of the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.
6. Sick leave records shall be updated at the completion of each biweekly pay period.

H. Denial of Sick Leave:

A request for sick leave may be denied if:

1. The employee fails to comply with the procedures for proper sick leave usage.
2. The employee fails to present a required physician's certificate and a properly completed request form by the end of shift on the employee's first work day following absence.
3. 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, conduct while on sick leave which is inconsistent with the request for sick leave or other evidence of intent to defraud.
4. 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.

- I. 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 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 including mandatory physician's verification for sick leave usage. Employees are expected to be home or hospitalized while on sick leave unless on a medical-related errand or appointment.

SICK LEAVE CONVERSION	SECTION 5.02
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An employee may elect at time of retirement, resignation, or termination from active service, with five (5) or more years of service with the City, to be paid cash for seventy-five percent (75%) of his accumulated unused sick leave. Such seventy-five percent (75%) payment applies only to sick leave accumulated prior to September 1, 1987. Sick leave accrued after September 1, 1987, shall be paid at sixty percent (60%) of its accumulation. Further, employees using sick leave after September 1, 1990, shall have it deducted first from the accumulated sick leave in the sixty percent

(60%) accumulation, if any, and then, after all sixty percent (60%) accumulation has been exhausted, from the seventy-five percent (75%) accumulation, if any.

Sick leave payments shall be based on the employee's rate of pay at the time of retirement, resignation, or termination. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to an employee. The employee's beneficiary shall receive all sick leave benefits in the event of the employee's death.

VACATION	SECTION 5.03
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- A. Accrual: Vacation for bargaining unit employees shall be accrued in accordance with the CBA. Full-time non-bargaining/non-exempt employees accrue paid vacation leave in the current year for the next year according to the following schedule:

Anniversary Date to Anniversary Date	Hours of Vacation Accrued per Month	Total Vacation Earned for Year
0 to 1st	6.6667	80 hours
1st to 2nd	6.6667	80 hours
2nd to 3rd	6.6667	80 hours
3rd to 4th	6.6667	80 hours
4th to 5th	10.0000	120 hours
5th to 6th	10.0000	120 hours
6th to 7th	10.0000	120 hours
7th to 8th	10.0000	120 hours
8th to 9th	10.0000	120 hours
9th to 10th	13.3333	160 hours
10th to 11th	13.3333	160 hours
11th to 12th	13.3333	160 hours
12th to 13th	13.3333	160 hours
13th to 14th	13.3333	160 hours
14th to 15th	16.6667	200 hours
15th to 16th	16.6667	200 hours
16th to 17th	16.6667	200 hours
17th to 18th	16.6667	200 hours
18th to 19th	16.6667	200 hours
19th and over	20.0000	240 hours

- B. Less than 40 hour employees:

1. Part-Time, Intermittent & Seasonal employees shall not be eligible for vacation.

- C. Eligibility to Use Vacation: Employees are entitled to vacation leave after having completed one (1) year of service with the City of Chillicothe.

- D. Prior Service Credit:

1. Employees' years of service for vacation purposes is determined according to the total prior service the employee has with the City of Chillicothe.
 2. Notwithstanding the above, an employee who has retired under PERS/OPFPF or any other state retirement plan and who is hired by the City of Chillicothe shall not have any prior service with the City of Chillicothe, counted for computing vacation leave.
- E. Scheduling and Approval:
1. Vacation scheduling is subject to the approval of the department head and/or the employee's immediate supervisor and the operational needs of the department.
 2. The department head shall determine the number of employees that may be on vacation leave at the same time.
 3. Employees shall submit their requests for vacation leave to the department head or the department head's designee, in writing on a Request for Leave form.
- F. Carryover and Payment for Unused Vacation Leave: An employee, upon approval of the department head, and upon written request, may be permitted to carry over three (3) years accrual of vacation into the next calendar year. At no time will employees be permitted to have more vacation than their current annual accrual plus three (3) years accrual in their vacation bank. Employees will not be permitted to work for the City while on vacation for the purpose of receiving extra pay; however, employees may have their vacation temporarily canceled and be recalled to duty for emergency situations
- G. An employee with six (6) months or more of service, who resigns or retires, is entitled to compensation at the employee's current rate of pay, for any earned but unused vacation leave to the employee's credit at the time of separation. In the event of the death of an employee, the unused vacation balance shall be paid to the employee's estate. An employee who resigns or retires with less than six (6) months of service will not be paid for any vacation leave.
- H. Vacation credits are not earned while an employee is in a non-paid status (i.e., unpaid leave of absence, disciplinary suspension, etc.).

HOLIDAYS

SECTION 5.04

- A. Non-Bargaining Unit Employee —Holidays:
1. Full-time, non-bargaining unit Police and Fire employees should refer to the Salary Ordinance for specification of holidays.
 2. Other full-time, non-bargaining unit employees are entitled to the following holidays:

- a. January 1
- b. Third Monday of January
- c. Third Monday of February
- d. Good Friday
- e. Last Monday in May (Memorial/Shoemaker Day)
- f. Fourth of July
- g. First Monday in September (Labor Day)
- h. Second Monday in October
- i. November 11th
- j. Fourth Thursday in November
- k. Friday after fourth Thursday in November
- l. Twenty-fourth day of December (½ day – 4 hrs.)
- m. Twenty-fifth day of December
- n. Thirty-first day of December (½ day – 4 hrs.)
- o. Employee's birthday

B. Eligibility for Holiday Pay: To receive compensation for allowable holidays, the employee must be in paid status the workday prior and the workday after the holiday is taken.

C. Observance of Holidays:

In the event holidays lettered a, f, i, l, m, n, or o above, falls on a Saturday, it will be observed on the preceding Friday, and if on Sunday, it will be observed on the following Monday. No employee shall receive pay for a holiday unless he works the day before and the day after such holiday. However, if either of these two (2) days is included in the regular time off or is vacation time, sick leave, or an excused absence, it shall be paid. Overtime for work on holidays is only paid for actual work on the day the holiday actually falls.

For employee's birthday holiday, at least two (2) working days prior to his birthday, the employee will inform the department head of the day he intends to observe his birthday holiday. That date can be:

- 1. Up to thirty (30) days before or after his birthday; or
- 2. A date outside the thirty (30) days in "A" above, that is mutually agreed upon.

Any employee regularly scheduled to work December 25th and/or Thanksgiving Day shall receive an additional four (4) hours' pay at his regular rate.

New employees hired after their birthday shall not be eligible for their birthday holiday until the following year.

D. Holiday Pay: Holiday pay for non-bargaining unit employees shall be an employee's regular hourly rate of pay times the employee's normal daily work hours.

E. Employees on Paid Leave: If a holiday occurs while an employee is on sick leave, injury leave or vacation leave, the employee will receive pay and such day will not be deducted from the employee's sick, injury, or vacation leave balance.

- F. Other Employees: Part-time, seasonal, temporary, and intermittent employees are not eligible to receive additional compensation or time off with pay for work performed on a holiday.
- G. Bargaining Unit Employees: Bargaining unit employees shall be compensated for holidays as provided in their applicable collective bargaining agreement.

FUNERAL LEAVE

SECTION 5.05

- A. Number of Days: All full-time non-bargaining unit employees may be granted up to a maximum of three (3) consecutive workdays of funeral leave upon approval of the appointing authority due to the death of a member of the employee's immediate family, as defined in Section 5.01(D), and shall not be deducted from sick leave.
- B. 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 granted for any days following the funeral unless approved by the appointing authority.
- C. Bargaining Unit Employees: Use of funeral leave for bargaining unit employees is covered in the applicable collective bargaining agreement.
- D. An employee requesting Funeral Leave must complete a Request for Leave of Absence form and attach thereto a copy of the family member's obituary, or other proof of death, and submit the request to the supervisor or department head. See Section 5.01 regarding notification requirements. The department head or supervisor shall forward the request to the appointing authority with a recommendation for approval or disapproval. All requests for funeral leave are subject to the final approval of the appointing authority.

CIVIL LEAVE

SECTION 5.06

- A. Eligibility: Full-time and regular part-time employees shall be entitled to leave with pay from previously scheduled work when subpoenaed to appear before court or summoned for jury duty by the United States, the State of Ohio, or any political subdivision, unless such court appearance is in connection with the employee's or a family member's personal matters (e.g., criminal or civil cases, traffic court, secondary employment, divorce proceedings, etc.). If the employee is a party to the action, the employee may be granted vacation time or leave of absence without pay for a court appearance. This subsection shall not apply to employees who appear in court on behalf of the City of Chillicothe as part of their employment; as such appearances are compensated as hours worked. Any employee appearing in court on behalf of the City of Chillicothe shall pay all monies received as compensation from the court to the City Auditor.
- B. Payment: Employees eligible for civil leave may keep any payment earned for such court time and forfeit their normal wages for the period, or pay the court payment to the City Auditor and receive their applicable hourly rate for all time on court leave. Employees

may also request a vacation day or personal day in lieu of civil leave. The employee may select any one of these options.

- C. Work Attendance: Employees on court leave shall report for work before or following such leave if two (2) or more hours remain in the employee's scheduled workday, unless the employee has chosen to take a preapproved leave of absence.
- D. Employees shall complete a Request for Leave of Absence form and select the desired payment option, attach thereto a copy of the subpoena or jury summons and submit the completed form to their supervisor or department head as soon as possible after receipt of the notice to appear. The supervisor or department head shall forward the request to the appointing authority with a recommendation for approval or disapproval. The appointing authority shall make the final determination of whether such leave is approved.

MILITARY LEAVE

SECTION 5.07

- A. General Policy: Military leave is a complex issue that is governed by both state and federal laws including Chapter 5903 of the Ohio Revised Code and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Section 5923.05 of the Ohio Revised Code governs employees who are members of the Ohio organized militia or reserve components of the U.S. Armed Forces, including the Ohio National Guard.

- B. Request for Leave: Employees requesting military leave are required to submit to their department head a copy of their military orders and a completed Request for Leave form outlining the anticipated duration of the military leave.
- C. Questions: Any questions regarding an employee's entitlement to military leave or reinstatement rights shall be resolved by the appointing authority.

LEAVE OF ABSENCE WITHOUT PAY

SECTION 5.08

- A. Eligibility: All employees who have completed their probationary period may request a leave of absence without pay. A leave of absence without pay is generally granted when an employee becomes ill or injured and exhausts all accumulated sick leave, family and medical leave, vacation leave, and/or compensatory time off. However, a leave may be granted for any other reason determined to be justified by the employer. Approval of such request is solely at the discretion of the appointing authority. Each request will be judged on its own merits. A leave of absence without pay shall normally not exceed six (6) months.
- B. 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 original position be unavailable. Should no similar position be available, the employee will be laid off.

- C. Failure to Return or Improper Use of Leave: Failure to return to work at the expiration 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 and appropriate disciplinary action.
- D. Effect on Employment: Neither sick leave, vacation leave, holiday pay, personal days, nor any other benefits are accrued by employees while on an authorized leave of absence without pay. An authorized leave of absence without pay shall not be considered a break in service for seniority purposes. Employees are not entitled to health insurance paid by the City while on a leave of absence without pay, but may be eligible to continue coverage at their own expense in accordance with section 5.13 herein.
- E. Bargaining Unit Employees: Bargaining unit employees shall be entitled to unpaid leaves of absence as specified in their applicable collective bargaining agreement.
- F. Written Request: 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 with all supporting documentation attached.
- G. Notification to Civil Service Commission: Approved leaves of absence for classified City employees shall be reported to the Civil Service Commission.

ABSENCE WITHOUT APPROVED LEAVE

SECTION 5.09

- A. Any employee who fails to report to work as scheduled without having such absence approved in advance by the employer (e.g., 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 Application for Use of Sick Leave 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, family and medical leave, approved leave without pay, disability 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.

- A. Generally: This section outlines the conditions under which a disability leave, disability reduction, or disability separation may be granted to classified employees, and the procedures for administering their use.
- B. 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, shall state the specific reasons for the request, and, if approved by the appointing authority, will be attached to the implementing personnel action. Granting of such reduction shall be at the sole discretion of the appointing authority.
- C. Short-Term Disability: A physically incapacitated employee, who has exhausted all accumulated sick leave, authorized vacation leave, and family and medical leave, and for whom voluntary reduction or reasonable accommodation is not practicable, may request up to twelve (12) months of disability leave without pay, 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 twelve (12) month period. Such request shall be submitted in writing to the department head with a copy of a physician's statement attached. The department head shall forward the request with a recommendation to the appointing authority who shall approve or disapprove the request at his/her sole discretion.
- D. Involuntary Disability Separation or Termination for Failure to Report for Work: An involuntary disability separation may be implemented in the following cases:
1. If an employee becomes unable to perform the essential functions of the employee's position, even with a reasonable accommodation, and if the employee has exhausted family and medical leave and other approved leaves, the appointing authority may involuntarily disability separate the employee.
 2. 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.) The appointing authority shall do so by completing an order of removal indicating the reasons as "incompetence, 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.
- E. Medical Examination: Medical examinations are either required or permitted in relation to involuntary disability separation as follows:

1. When required: 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 or has admitted he cannot perform the essential functions of the position. 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.
2. When Permitted: 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 selected 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.
3. Failure to Appear for Examination or Refusal to Submit: 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 shall be just cause for terminating the employee's employment with the City.

F. Right to Pre-Separation Conference/Right to Appeal:

1. The appointing authority shall institute pre-separation proceedings when an employee indicates he is no longer able to perform the duties of his/or her position or when the results of a medical or psychological examination has been received by the appointing authority which indicates the employee is incapable of performing the essential functions of the employee's assigned position and the employee is not eligible to receive other leave benefits under a program provided by the appointing authority. Under such proceedings, a conference shall be scheduled and advance 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.
2. 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 all the essential functions of his/her position, with or without a reasonable accommodation, then the pre-separation conference shall cease and the employee shall be reinstated or permitted to continue working. 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 functions, then the appointing authority shall issue to the employee an order of involuntary disability separation.

3. An employee so separated shall have the right to appeal in writing to the Civil Service Commission within 10 days following the appointing authority's service upon the employee of the order of involuntarily disability separation.
4. The appointing authority shall notify the employee, at the time of the involuntary disability separation, of the required procedures to apply for reinstatement.

G. Right to Reinstatement/Right to Appeal:

1. 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 three (3) years following the beginning of the disability separation, or a leave of absence followed by a disability separation.
2. When an involuntarily separated employee presents to the appointing authority substantial, credible medical evidence as provided above, showing the employee is once again capable of performing the essential functions 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 by a licensed medical practitioner selected by the appointing authority.
3. 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 functions of the employee's assigned position with or without a reasonable accommodation.
4. 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 functions 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.
5. 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 functions 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 functions of the employee's assigned position with or without a reasonable accommodation, then the appointing authority shall not reinstate the employee.

6. 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.
7. 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, a non-bargaining unit employee may be laid off in accordance with the layoff procedures specified in the City's Civil Service Rules and Regulations and may exercise any displacement rights which may exist under such procedures. A bargaining unit employee may be laid off in accordance with that applicable collective bargaining agreement.

8. If the employee has been granted disability benefits by a state retirement system, the requirements of this policy shall apply for up to five (5) years, except that application for reinstatement shall not be filed after the date of service eligibility retirement.
9. An employee denied reinstatement 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.
10. An employee who fails to apply for reinstatement within three (3) 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 (G)(8) above.

FAMILY AND MEDICAL LEAVE

SECTION 5.11

- A. Introduction: Family and Medical Leave Act leave, hereafter referred to as family and medical leave or FML, is a leave of absence, taken for specified medical or family 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 insurance premium. The purpose of this policy is to comply with the Family and Medical Leave Act.

- B. Eligible Employees: Employees who have been employed by the City for a total of at least twelve (12) months and who have completed at least one thousand two hundred and fifty (1,250) hours of actual service with the employer during the previous 12-month period will be eligible for family and medical leave.
- C. Entitlement to Leave: Each eligible employee will be entitled to a total of 12 workweeks of family and medical leave during a rolling 12-month period measured forward from the date the employee initially uses FML. Employees may use FML for any of the following reasons:
1. Birth of a child of the employee and to care for the newborn child.
 2. Placement of a child with the employee by way of adoption or foster care.
 3. 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.
 4. Because of a serious health condition that renders the employee unable to perform any of the essential functions of the employee's position.
 5. Leave for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) "covered active duty" in the Armed Forces.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a "covered servicemember" is also entitled to take up to 26 workweeks of FML in a single 12-month period to care for a "covered servicemember" with a "serious injury or illness."

D. Family and Medical Leave Definitions:

1. Spouse: Husband or wife as defined by state law for purposes of marriage, including individuals married under common law marriage prior to October 10, 1991. (Common law marriage was abolished in Ohio on that date.). Unmarried domestic partners do not qualify for FML to care for their partner.
2. Parent: The biological parent or person who stands or stood in place of a parent to the employee when the employee was a child. "In-laws" are not included.
3. Child: A biological, adopted, foster, or step child; a legal ward; or a child of an employee who is standing in the place of a parent for that child (loco parentis), who is under 18 years of age or 18 years of age or older but incapable of self-care because of a mental or physical disability.
4. Serious Health Condition: An illness, injury, impairment, or physical or mental condition which involves inpatient care or "continuing treatment."
 - (a) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to

work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care); or

(b) Continuing Treatment: Continuing treatment by a health care provider which includes at least one (1) of the following:

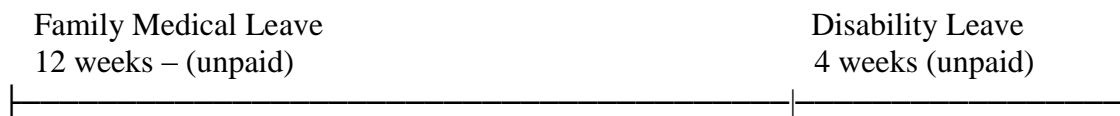
- (1) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes: treatment two (2) or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within seven [7] days and both within 30 days of the first day of incapacity); or one treatment by a health care provider (*i.e.*, an in-person visit within seven [7] days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy).
- (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.
- (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.
- (4) A period of incapacity which is permanent or long term, due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
- (5) Absences due to a series of treatments, *e.g.*, after surgery, accident or for a condition which would result in an absence for at least three (3) consecutive days if left untreated.

5. Next of Kin: the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
6. 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 Labor to be capable of providing health care services as further defined in the law.
7. Intermittent Leave: Leave taken in separate blocks of time due to a single qualifying reason.

8. Reduced Leave Schedule: Leave that reduces an employee's usual number of working hours per work week or work day.

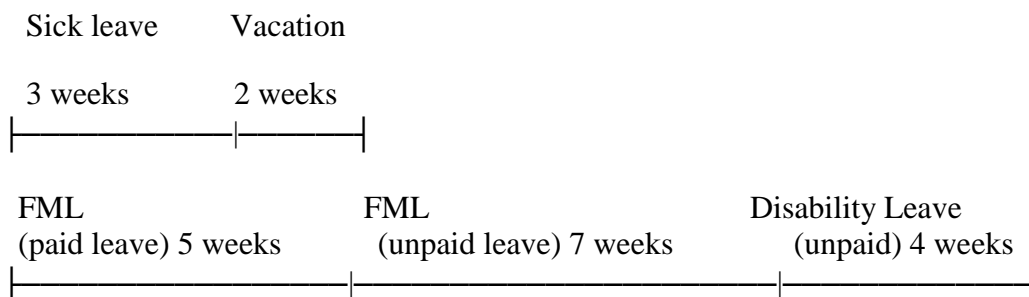
E. Utilization of Accumulated Paid Leave: Employees are required to utilize accumulated paid leave for all or part of the FML 12-week period. Accrued sick leave shall be utilized for conditions that are eligible for sick leave as provided in this manual and family and medical leave. Unpaid FML shall be authorized when all eligible accrued paid leaves have been exhausted (e.g., sick leave [if applicable], vacation, personal days, etc.). In other words, FML leave and paid leave for conditions that qualify under FML run concurrently. The entire 12 week FML is not tacked onto the end of the paid leave, just the remaining portion after the paid leave time is subtracted. Three (3) examples of the concurrent use of Family and Medical Leave and applicable paid leave are as follows:

Example A: An employee suffers a serious health condition that lasts 16 weeks. The employee has no accrued paid leave.



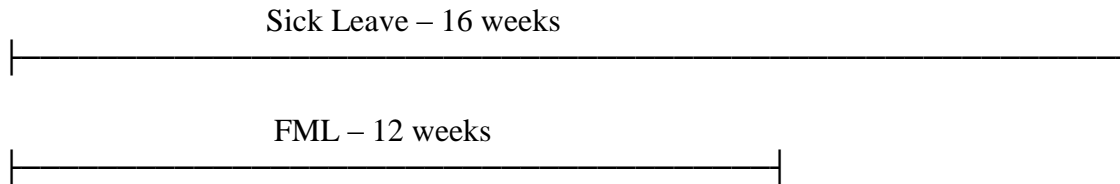
In example A, the employer must pay the employer's share of the employee's health insurance premium for the first 12 weeks of the 16 weeks of leave, so long as the employee pays the employee's share. Thereafter, the employee may continue insurance coverage under COBRA.

Example B: An employee suffers a serious health condition that lasts for 16 weeks. The employee has 3 weeks of accrued sick leave and 2 weeks of accrued vacation.



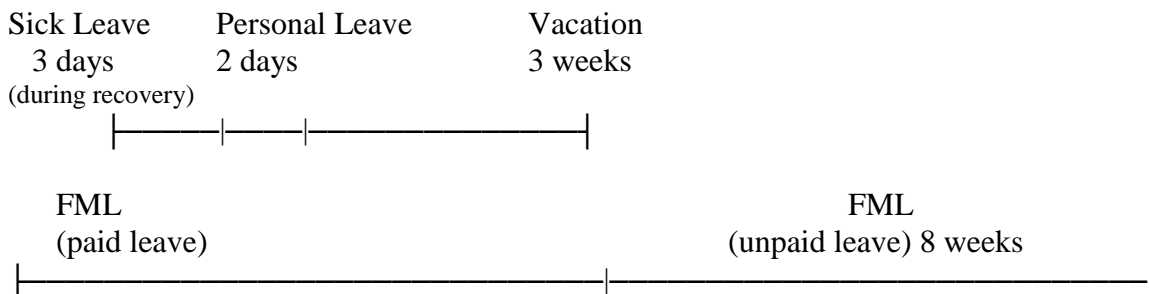
In example B, the employer shall pay the employer's share of the employee's health insurance premium for the first 12 weeks of this combination of paid and family and medical leave. During the paid portion of the leave, the employee's share shall be deducted from the employee's pay check. During the family and medical leave only portion, the employee must directly pay the employee's share to the employer. After the 12 weeks of family and medical leave, the employee may continue insurance coverage under COBRA.

Example C: An employee suffers a serious health condition that lasts 16 weeks. The employee has 16 weeks of accrued sick leave.



In example C, the employer shall pay the employer's share of the employee's health insurance for the entire 16 weeks, and shall deduct the employee's share from the employee's paycheck.

Example D: A pregnant employee has a normal birth which she recovers from in a few days, but wishes to remain home with the child for the full term of her family and medical leave. The employee has an abundance of unused sick leave, 3 weeks of unused vacation and 2 personal leave days.



In example D, the employee is only entitled to use sick leave for the period of recovery from the delivery while she remains unable to work, the remaining time would be charged to other available paid leave or unpaid family and medical leaves. While in active pay status, the employee's portion of the health insurance would be deducted from the employee's paycheck. During the family and medical leave only portion, the employee would remain eligible for health insurance, but must make arrangements to directly pay the employee's share of the premium to the City.

F. Husband and Wife: When both spouses are employed by the City of Chillicothe, they are entitled to an aggregate total of 12 weeks of FML for childbirth and care of a newborn child, adoption placement, foster care, or to care for a parent who has a serious health condition (or 26 workweeks if leave is to care for a covered service member with a serious health condition). This limitation does not apply to FML taken by either spouse to care for the other spouse, or a child with a serious health condition.

G. Intermittent/Reduced Leave:

1. Leave due to the serious health condition of the employee or the employee's spouse, child, or parent may be taken intermittently or on a reduced leave schedule when medically necessary. The employer 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. The employee must make a reasonable effort to schedule treatments so as not to unduly disrupt the City's operations.

2. The taking of leave intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled in accordance with this policy.
 3. Leave due to the birth or placement of a son or daughter with the employee shall not be taken on an intermittent or reduced leave schedule unless the appointing authority authorizes an exception to this rule.
- H. Parental Leave: Leave for birth and care of a newborn or placement for adoption or foster care must conclude within 12 months of the birth or placement.
- I. Benefit Accrual during Leave: An employee granted family and medical leave shall continue to accrue seniority during any period of such leave provided the employee follows the proper procedure for requesting such leave and returns to work at the expiration of the leave. Vacation, sick leave, and other paid leave will not accrue during any unpaid portion of the leave period.
- J. Reinstatement: When an employee returns from family and medical leave, the employee will be restored to the position held by the employee when the leave began or a similar position with equivalent pay and benefits. If the employee is returning from FML due to a serious health condition of the employee, the employee's physician must certify the employee is able to resume work and perform the essential functions of the employee's position as a condition of return to employment.
- K. Failure to Return:
1. If the employee fails to return from the leave, the employee shall reimburse the employer for the total insurance premium paid by the employer for the period of family and medical leave during which the employee was on unpaid leave, unless the failure to return is due to:
 - Continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under FMLA; or
 - Other circumstances beyond the employee's control.

In such a case, the employer may require medical certification by request. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid during the unpaid portion of the leave by the employer.
 2. If an employee, (1) is not already on approved paid or unpaid leave in conjunction with family and medical leave, (2) does not report to work or, (3) does not request and receive further approved leave after the applicable family and medical leave expires, the employee will be absent without leave and may be subject to disciplinary action.

L. Records: The employer shall maintain the following records for three (3) years:

- Basic payroll and identifying employee data
- Dates of Family and Medical Leave taken (including paid leave taken)
- Hours of Family and Medical Leave if leave is taken in increments less than a full day
- Copies of all notices given to employer or employees
- Copies of all documents describing benefits, policies, and practices regarding the taking of paid and unpaid leaves
- Copies of employee requests for family and medical leave
- Premium payments of employee benefits
- Records of any disputes between the employer and employee over designation of family and medical leave

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

M. General Notice: The employer shall post written notice of employees' rights and ability to file a complaint with the Wage and Hour Division regarding any alleged violations of the FMLA. Additionally, this policy shall serve as written guidance to employees concerning FML benefits.

N. Individual Notice: When an employee requests FML or the City acquires knowledge that leave requested may be for an FMLA purpose, the City shall notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under the FMLA within five (5) business days, absent extenuating circumstances. When the City has enough information to determine that leave is being taken for an FMLA-qualifying reason, the City shall notify the employee that the leave is designated and will be counted as FML within five (5) days, absent extenuating circumstances. The City shall use the forms prepared by the U.S. Department of Labor to meet these notification requirements.

O. Employee's Notice Responsibility: Eligible employees requiring family and medical leave shall notify the employer not less than 30 days prior to the date such leave is to begin by completing a *Request for Family and Medical Leave* form. However, where the need for leave is not foreseeable thirty (30) days in advance, the employee shall complete a *Request for Family and Medical Leave* form and provide as much advance notice as practicable. Leave forms shall be submitted to the appointing authority.

Where an employee has no valid excuse for a delay in notice, the employer may delay the leave until thirty (30) days after the notice has been received.

P. Certification: The City shall require that an employee's request for leave be supported by the applicable certification for any and all FML requests. The City may require second or third medical opinions (at the City's expense) for an employee's serious health condition or the serious health condition of a family member. The City may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. A HIPAA-compliant release shall be obtained prior to this action. The City also may adopt a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the City may, under certain circumstances, require such a certification for employees returning from intermittent FML. The City shall use the forms prepared by the U.S. Department of Labor for obtaining medical certifications of serious health conditions.

Q. Recertification: The City may request recertification for leave taken because of an employee's serious health condition or the serious health condition of a family member as follows:

1. Thirty (30) day rule: The City may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (1) or (2) of this section apply.
2. More than 30 days: If the medical certification indicates that the minimum duration of the condition is more than 30 days, the City must wait until that minimum duration expires before requesting a recertification, unless paragraph (3) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the City must wait 40 days before requesting a recertification. In all cases, the City may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (e.g., for a lifetime condition), the City would be permitted to request recertification every six months in connection with an absence.
3. Less than 30 days: The City may request recertification in less than 30 days if:
 - a. The employee requests an extension of leave;
 - b. Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the City to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FML for migraines in conjunction with his or her scheduled days off, then the

timing of the absences also might constitute a significant change in circumstances sufficient for the City to request a recertification more frequently than every 30 days; or

- c. The City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FML for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FML, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the City to request a recertification in less than 30 days.

- R. Employee's Failure to Pay Insurance Premium: Upon commencement of Family and Medical Leave, the employer shall continue the employee's health insurance as if the employee was not on leave. During any unpaid portion of the leave, the employer's obligation shall cease if the employee is more than thirty (30) days late in tendering the employee's share of the premium. In such a case, the employer shall provide the employee written notice of the discontinuance of coverage by mailing such notice at least fifteen (15) days before the date coverage will cease.

GROUP HEALTH INSURANCE**SECTION 5.12**

- A. Eligibility: All full-time employees (scheduled to work thirty (30) to forty (40) hours) are eligible to participate in the employer's health insurance program. The employer reserves the exclusive right to select or change the health care plan. The terms of the insurance program and degree of employer participation in its cost are subject to change without notice. Full-time employee's coverage will commence on the first of the month following their hire date. Full-time employee's contribution toward the health care plan, as established by the Mayor, and approved by City Council, will be deducted from the employee's first pay following the effective date of coverage. Full-time employees who separate from employment shall have insurance coverage until the end of that month, except in cases of employer initiated termination. The look-back/stability period for all employees will run from October 2014 to October 2013. An employee is a "variable hour employee" if, based on the facts and circumstances at the employee's start date, it cannot be determined that the employee is reasonably expected to work an average of 30 hours or more per week. The look-back period for determining whether new variable hour employees are full-time employees will be 12 months from the date of hire.
- B. Election: Employees may elect coverage under the insurance plan by notifying the employer within thirty (30) days of initial appointment, or apply for coverage during an annual open enrollment period.

CONTINUED GROUP HEALTH INSURANCE COVERAGE**SECTION 5.13**

- A. An employee who is covered under the City's group healthcare insurance and who loses coverage due to a reduction in hours or a termination of employment (for other than gross misconduct), is entitled to purchase continuing coverage at his or her own expense. The employee's spouse and dependents may have the right to continued coverage as well, even following a divorce or legal separation.
- B. The employer intends to offer this continued coverage, typically called COBRA coverage, in accordance with applicable law which may be amended from time to time. The Human Resources Director can provide additional information regarding COBRA coverage to any employee who has questions.
- C. The department/division head shall notify the Human Resources Director whenever an employee is terminated or their hours of work are reduced to a level which makes the employee ineligible for City-provided health insurance benefits.
- D. The employee is responsible for notifying the Human Resources Director whenever a spouse or dependent child is no longer eligible for coverage under the employer's health insurance plan due to a divorce, legal separation, loss of dependent eligibility due to age or other similar qualifying event.

LIFE INSURANCES**SECTION 5.14**

The employer currently provides group term life insurance to each full-time employee at the employer's expense. Each full-time employee is provided life insurance with a face value equivalent to the employee's annual salary rounded off to the next higher thousand dollars, with a maximum face value of \$50,000.00, or as provided in the employee's collective bargaining agreement.

WORKERS' COMPENSATION**SECTION 5.15**

- A. All injuries which arise out of or in the course of employment shall be reported immediately but not more than 24 hours to the employee's immediate supervisor, department head and Human Resources Director.
- B. Any employee suffering an injury that is determined to be a non-work related injury, or caused through the employee's own negligence, shall not be eligible for injury leave as provided for in this policy.
- C. Any employee suffering an injury that is determined to be a non-work related injury, or caused through the employee's own negligence, shall not be eligible for light-duty (restrictions) work unless approved by the Mayor at his sole discretion. In such situations, the employee will be required to use his/her available paid leave to accommodate the medical provider's stated restrictions or reduced hours.
- D. Whenever an employee is injured during the course of employment, regardless of the apparent seriousness of the injury, the following procedure shall be applied:

- 1. Employee Procedure:

- (a) The employee must notify the supervisor immediately, if possible, and never later than 24 hours following the injury.
 - (b) The employee should go to the Adena Occupational Health Center to:
 - (1) Have the injury examined and treated.
 - (2) Provide drug screen specimen in compliance with Drug Free Workplace policy.
 - (3) Complete injury and BWC paperwork (the hospital will file the First Report of Injury with BWC).
 - (4) Obtain a release for full duty OR a BWC Medco-14 which states specific restrictions.

If the employee refuses treatment: the employee must still provide a drug screen specimen in compliance with Drug Free Workplace Policy.

- (c) The employee must:

- (1) Return to Work (RTW) as noted on the release or Medco-14 and assist Supervisor in filling out the Injured Worker Report of Return to Work;

OR

- (2) If not immediately returning to work, contact the supervisor and appointing authority (as soon as possible, but no later than 24 hours following the injury) to discuss the injury status and estimated injury time off. A return to work plan will then be completed.
- (d) The employee must complete the employee incident/accident report (if the injury is a back injury, the employee must complete the back injury report in lieu of the Employee Incident/Accident Report) and turn this in to the Supervisor within 24 hours following the injury.

Medical Release – It is important for the employee to sign and date the medical release section on all forms to avoid any delays for payments to the employee and/or medical provider.

- (e) Upon RTW to full duty, the employee must turn in a provider slip stating that the employee has been released to full duty and has no restrictions. The employer may require the employee to be examined by a physician selected by the employer prior to allowing the employee to return to work.

2. Supervisor Procedure:

- a. Upon notification, the supervisor shall strongly encourage the employee to go to (or be taken to) the Adena Occupational Health Center (BWC certified) to:
 - (1) Have the injury examined and treated
 - (2) Provide drug screen specimen in compliance with Drug Free Workplace Policy
 - (3) Complete injury and BWC paperwork

If the employee refuses treatment:

- (1) The employee must still provide a drug screen specimen in compliance with Drug Free Workplace Policy.
- (2) Briefly explain to the employee that this decision may have bearing on an allowance/disallowance by BWC if symptoms due to this injury occur at a later date.
- (3) Note this on the injury/accident report

- b. The supervisor shall immediately notify the Human Resources Director (phone, email, in-person, etc.).
- c. The supervisor shall confirm that the accident scene is safe.
- d. The supervisor shall perform an accident investigation and start a file by completing the supervisor's investigation report.
- e. The supervisor will provide witnesses with a statement of witness to accident form to be completed and returned to the supervisor.
- f. As soon as possible (even if the supervisor has to take the form to the employee's hospital bed or home), the supervisor shall have the employee complete the employee incident/accident report (if the injury is a back injury, the employee should complete the back injury report in lieu of the Employee Incident/Accident Report). All original forms need to be turned in to the Human Resources Director with copies of the "off-work"/"restrictions" slips. The supervisor may copy the forms for their files.
- g. For those employees who RTW with restrictions, the department head and/or Human Resources Director will need to determine whether light-duty work is available. If no light-duty is available within the department, the department head may discuss with the Human Resource Director whether the employee shall be allowed to do light-duty in another department.
- h. For those employees who will not be returning to work right away, refer to COMPENSATION AND TRANSITIONAL WORK PROGRAM later in this policy.

E. Injury Leave:

- 1. An employee who becomes unable to perform duties as assigned by the employer due to physical injury suffered in the discharge or performance of the employee's official duties, as an employee of the employer may be entitled to injury leave if approved by the Human Resource Director at his/her sole discretion. An employee approved for injury leave shall receive the employee's regular straight time daily rate of pay provided the employee complies with all provisions contained in this policy.
- 2. The employee must cooperate in filing a claim for Workers' Compensation, medical coverage only.
- 3. If the injury leave is approved by the Human Resource Director, the leave shall be granted for an initial duration of no more than 120 days. The 120 day period may be extended on a period by period basis, not to exceed a maximum of 12 months, at the sole discretion of the Mayor. Any employee who files a claim with BWC for lost time wages shall not be eligible for injury leave as provided for in this policy.

The employer has the right to request further medical evaluation of work-related injuries

4. Family and Medical Leave shall run concurrently with the injury leave.

F. Transitional Work Program:

1. An employee injured in the course of employment may be returned to work in a transitional work assignment, if available, during such period of recovery. Said assignment shall be at the sole discretion of the employer.
2. If a transitional work assignment is not applicable due to the employee's injury or as determined by the employer, the employee shall, at the request of the employer, submit to a physical exam by a licensed physician of the employer's choice to determine the extent of the employee's disability and if physical therapy may aid in the recuperation and return to work of the employee.
3. Physical examinations required pursuant to this policy shall be at the employer's expense.
4. If injury leave is denied or if the employee does not accept the transitional work offer, employee may request sick leave in accordance to the City's sick leave policy

G. 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 department head/Human Resources Director. The department head is responsible for immediately forwarding any injury-related documents to the Human Resources Director.

H. Simultaneous Payments: Employees are prohibited from receiving payment for sick leave (but may receive other paid leave) while simultaneously receiving payment from Workers' Compensation.

I. Accommodation of Disabled Employee:

1. 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.
2. When submitting information to the BWC or the Industrial Commission, the employer will include:
 - a. Copies of the employee's position description
 - 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.

RETIREMENT / PERS

SECTION 5.16

- A. Notice: All employees are required to notify their appointing authority of their anticipated retirement in writing at least two (2) months prior the effective date of their retirement to maximize their City benefit payout. If less than two (2) months' notice is given, the City payout may be less than what is expected by the employee. Employees shall submit a letter to their appointing authority advising of their intention to retire and the effective date of their retirement. The appointing authority shall forward a copy of the letter to the City Auditor to allow benefits and separation payments to be determined.
- B. Non-Uniformed Personnel: Most employees (except police officers and fire fighters) are required by law to participate in the Ohio Public Employees Retirement System (OPERS).
- C. Uniformed Personnel: All full-time police officers and firefighters are required by law to participate in the Ohio Police and Fire Pension Fund.
- D. Contributions: Both the employee and the employer are required to contribute to the respective retirement system in amounts set by the state law and/or their collective bargaining agreement. The employee's contribution is collected by payroll deduction.
- E. Separation Prior to Retirement: Employees who separate from service prior to retirement eligibility may withdraw their own contributions without interest from the applicable plan.
- F. Contact Information: Questions regarding these plans should be directed to:

Public Employees Retirement System
277 E. Town Street
Columbus, Ohio 43215
800-222-7377
www.opers.org

Ohio Police and Fire Pension Fund
140 E. Towne Street
Columbus, Ohio 43215
(614) 228-2973
www.op-f.org

- G. Providing Information. Upon initial employment with the City an employee is required to file a personal history record identifying the employee's name, social security number, date of birth, members of immediate family, etc.

REQUIRED LICENSES AND CERTIFICATES**SECTION 5.17**

- A. In the event that a license, certificate, permit, or other documented credential is required to perform a given job, the employer will provide reasonable education/training and examination expenses to the individual to obtain that license, certification, permit, or other documented credential.
- B. Any employee who has obtained a license, certificate, permit, or other documented credential that is subject to renewal, to perform a given job, may submit renewal receipts to the employer who will pay the expense to maintain that license, certification, permit, or other documented credential. The employee may pay the maintenance fee and then submit for reimbursement or the employee may turn in an invoice for the maintenance fee to be paid directly by the City.

LEAVE DONATION**SECTION 5.18**

- A. **PURPOSE:** This Program is to allow employees of the City of Chillicothe to voluntarily donate paid leave to their fellow employees who are in critical need of leave due to the serious illness or injury of the fellow employee or a family member of that employee.
- B. **POLICY:** Any employee of the City of Chillicothe may donate accrued, unused paid leave to another employee paid by the City of Chillicothe who is otherwise eligible to accrue and use sick leave; who have no accrued, unused paid leave themselves; and who has a critical need for paid leave because of circumstances such as a serious illness or injury, or the serious illness or injury of the employee's immediate family.
 - 1. **Definitions:**
 - (a) For the purpose of this Program "Paid Leave" includes sick leave, personal leave and vacation.
 - (b) "Immediate Family" includes spouse, children, siblings, parents, and grandparents.
 - (c) "Serious Illness or Injury" includes any illness or injury which requires an employee to be absent from work for ten (10) or more consecutive work days or 80 or more consecutive work hours and shall be documented by the attending physician.

C. PROCEDURE:

- (1) An employee will be eligible to receive donated leave up to the number of hours the employee would have been normally scheduled to work each pay period.
- (2) The leave that is donated to an employee will be applied only after the employee has used all of his or her own accumulated paid leave.
- (3) To be eligible, the employee who wishes to receive donated leave must first present a physician's statement confirming that either he or she, or a member of his or her immediate family has a serious illness or injury as defined in Section 2 above

D. Employees may donate leave if they:

- (1) Voluntarily elect to do so.
- (2) Understand that the donated leave will not be returned to them, except as noted in Section 3.E below.
- (3) Donate leave in segments of at least eight (8) hours each.
 - i. Retain a combined leave balance themselves of at least 80 hours after the donation is made.

E. Unused donated leave will be proportionally returned to donor employees under the following conditions.

- (1) If the serious illness or injury that led to the need for the donated leave improves to the extent that the employee can return to work, the employee will immediately do so and any unused, donated leave will be proportionally returned to the donor employees.
- (2) If the employee or immediate family member dies before all donated leave is used, the unused portion of the donated leave will be returned to donor employees.
- (3) If it is determined that the illness or injury of an employee who has received donated leave has resulted in a permanent disability and that employee will not be returning to work, that employee will immediately apply for any Disability Retirement benefits for which they are eligible. Any unused, donated leave that has not been taken by the employee when the disability retirement is approved will be returned to donor employees.

F. The Leave Donation Program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay

period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.

G. Employees who wish to donate leave shall certify in writing –

- (1) The name of the employee to whom the donated leave is intended.
- (2) The type of leave and number of hours to be donated.
- (3) That he or she will have a minimum combined paid leave balance of at least 80 hours after the leave donation is made.
- (4) That the leave is donated voluntarily.
- (5) That he or she understands that the leave will not be returned to them except under the conditions noted in Section 3.E.

H. Department heads:

- (1) Shall ensure that no employee is forced or coerced to donate leave.
- (2) Shall assure that the right to privacy of every employee is protected.
- (3) May, with the permission of the employee who is in need of leave, inform other employees of the critical need of their co-worker.
- (4) Shall not directly solicit leave donations on the behalf of an employee.
- (5) Shall seek to assure that all donation of leave shall be on a strictly voluntarily basis.

I. **POLICY INTERPRETATION AND ADMINISTRATION** - The administration and interpretation of this policy is the responsibility of the Human Resources Director, subject to my review and approval.

TRAVEL AND EXPENSE REIMBURSEMENT

SECTION 6.01

A. Seminars, Conferences, and Conventions:

1. Upon prior written authorization of the Mayor or the Mayor's designee, employees may attend seminars, conferences, and conventions related to the employee's position. The employer may prepay registration fees upon presentation of an

invoice or registration form, when such prepayment is required or an option. Employees will not be reimbursed for unattended seminars, conferences, or conventions. Any travel requiring an overnight stay must have prior written authorization of the Mayor or Mayor's designee.

2. Any employee desiring to attend a seminar, conference, or convention shall make advance written application to the department head and Mayor on the Request for Authorization form. Once approved, the Mayor should give the original form to the Auditor's office in advance of the expenditures.

C. Mileage, Parking, Tolls, and Vehicle Rental:

1. Travel by personal vehicle is authorized only if the owner is insured under a policy complying with the requirement of Section 4509.51 of the Revised Code. Employees shall be reimbursed for actual miles driven in their personal vehicle, on official employer business, at the current IRS rate.. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) of the two (2) or more employees traveling on the same trip, in the same automobile. Rental of a vehicle is not reimbursable without prior written approval of the Mayor.

Note: If you are driving a City-owned vehicle for official employer business, mileage will not be reimbursed, and the employee does not have to log mileage on the travel reimbursement form.

2. Charges incurred for parking at the destination, and any highway tolls, are reimbursable at the actual amount.
3. Charges incurred for vehicle rental or taxi service at the destination, with prior written approval, are reimbursable at the actual amount for business purposes only.
4. No expense reimbursement is paid for travel between home and work.
5. Receipts for parking costs, highway tolls, vehicle rentals, or taxi services are required.

D. Meals and Refreshments:

1. Any travel event that does not require overnight accommodation and is during normal work hours is not required to have prior authorization for meal and/or refreshment reimbursement. Meals during meetings will be reimbursed at the actual cost of the meal and/or refreshments. Meals incurred while traveling to or from the meeting will be reimbursed at the actual cost of the meal and/or refreshments if it is necessary to travel during normal meal times. Employees shall order reasonably priced meals and refreshments for meetings. In order to receive reimbursement of the actual cost, the following items must be provided for every expense:
 - (a) An original itemized evidence of payment (e.g., copy of bill, credit card receipt, etc.).

- (b) Appropriate approvals.
- (c) Actual Cost (Receipt) Basis: Employees may be reimbursed all costs of meals excluding tips which are itemized and supported by actual receipts. In order to receive the reimbursement on the actual cost basis, the following items must be provided for every expense:
 - (1) An original itemized evidence of payment (e.g., copy of bill, credit card receipt, etc.).
 - (2) Appropriate approvals.
- (d) Reimbursement Rate: The maximum allowable reimbursement for eligible meals shall be:

\$10.00 for breakfast; \$15.00 for lunch; and \$20.00 for dinner.

- 2. Employees are not authorized to order or purchase meals and refreshments for meetings, conferences, seminars, etc. unless approved by Mayor.

E. Lodging: Upon prior written authorization of the Mayor the actual cost of a hotel will be reimbursed in full when an employee travels on official employer business and such travel requires an overnight stay. Lodging expenses will not be paid for anyone other than the employee.

- 1. Payment for overnight lodging the night before a seminar, conference, or convention must have prior approval of the employer. The employee must request on the submitted Request for Authorization that they wish to travel to the location the evening prior to the event and stay overnight. Such requests must meet the following criteria to qualify
 - (a) Event must be a travel distance of 80 miles or more one way.
 - (b) Event must start at 9 a.m. or earlier.
 - (c) Requests that do not meet both a and b, must be submitted to and approved by the Mayor.
- 2. The employee has four (4) options for payment of his or her lodging expenses:
 - (a) A purchase order may be used if the hotel will accept a purchase order and agree to bill the City.
 - (b) If billing is not possible and the traveler wishes to carry a City check, the employee will need to confirm that the lodging facility will accept the City's check and get a quote for the tax-exempt cost. A thirty (30) day lead time is required for check requests.

- (c) Department heads may charge lodging on their City issued credit card. In the case of a department head securing rooms for employees, verification will need to be made regarding the employee not presenting a credit card at the time of check out.
- (d) Utilizing a personal credit card, in which case, the receipt must be retained.
- (e) To comply with the State of Ohio's position on granting the sales tax exemption for lodging expenses, the first three (3) methods of payment are preferable.

F. Non-reimbursable and Reimbursable Items:

1. Non-reimbursable:

- (a) Tips: Other than where the establishment mandates the service charge
- (b) Entertainment
- (c) Laundry and dry cleaning
- (d) Room service charges
- (e) Expenses of spouse or other family member traveling with employee, without prior approval of the Mayor
- (f) Movies (in room or otherwise)
- (g) Traffic violations
- (h) Any allowable expense where no receipt is provided
- (i) Alcoholic beverages

2. Reimbursable:

- (a) Food expenses
- (b) Transportation expenses
- (c) Gasoline (City-owned vehicles)
- (f) Lodging expenses

Note that the above lists are not all inclusive or exclusive and cannot be interpreted to include all expenses which may or may not be reimbursable.

G. Sales Tax Exemption: Employees shall submit a sales tax exemption form to hotels when applicable, to eliminate the need to pay sales tax when traveling on employer business.

- H. Receipts: Receipts for all reimbursable expenses must be kept by employees and submitted with requests for reimbursement. Itemized receipts are the required form of documentation. In the event that an itemized receipt or other record of the expense is not submitted, the expense will not be reimbursed.
- I. 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.
- J. Request for Reimbursement: After returning from any meeting, seminar, conference, convention, or other official employer function wherein reimbursable expenses have been incurred, an employee shall submit the Necessary Expense/Travel/Mileage Reimbursement form, and all receipts and other documentation to his department head in a timely manner. Employees should have copies of all forms and documentation for their own records. The report shall be reviewed by the department head and approved for submission to the Auditor, or returned to the employee for adjustment or further documentation. Once the report has been approved by the department head, the Request for Authorization (Auditor already has the form) and the Necessary Expense/Travel/Mileage Reimbursement report shall be forwarded or submitted to the Auditor, in a timely manner, for review, approval, and payment. Please make sure you have copies of all forms and documentation for your records.
- K. Necessary Expense/Travel/Mileage Reimbursement form: This form has three (3) areas that need to be filled out after an expense has been incurred:
1. Non-Travel Expense Section: To be used mostly by service department employees who have to run out and pick up supplies on an as-needed basis.
 2. Mileage Reimbursement Section: To be used when an employee's personal vehicle was used on official employer business.
 3. Travel Reimbursement Section: To be used when an employee travels/attends to official employer business.

The employee can use any combination of these three (3) expense areas.

- A. Generally: All vehicles owned or leased by the City shall be subject to regulation by the employer. A City vehicle is a reflection of City government and the public expects such vehicles and the employees operating them to be engaged strictly in conducting City business.
1. All vehicles owned or leased by the employer shall be plainly marked as the property of the City, except law enforcement undercover vehicles.
 2. Employer-owned vehicles shall be used by employees whenever possible on approved City business.
- B. Assignment of City Vehicles: All vehicle assignments shall be at the discretion of the Mayor/department head and are subject to change.
1. 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 to conduct personal business or for employee travel to and from work unless authorized in advance by the Mayor.
 2. Annual 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 hour's meetings, cost effectiveness, or as otherwise determined by the employer.
 3. Annual vehicle assignments shall be reviewed annually by the employer during the budget appropriations process. Employees who have annual assigned vehicles that are not exempt from IRS taxation shall keep a daily record of any personal use of the vehicle. All annual vehicle assignments shall be reported to the City Auditor for income tax purposes. Employees who are assigned vehicles shall cooperate with the City Auditor's office in complying with the IRS rules.
 4. Daily vehicle assignment will be at the discretion of the department head based on the operational needs of the respective department.
 5. The department head may also assign a City vehicle to employees attending training, seminars, conferences, or similar programs approved in advance by the employer.
- C. Qualifications for Using Employer Vehicles or Personal Vehicles on Employer Business:
1. 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.
 2. 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 and certificate of insurance must be placed in the driver's personnel file.

In those classifications which require a certain motor vehicle license, newly hired employees must generally possess such license as a condition of employment or with approval of the employer, obtain said license within 60 days following their date of hire. All current employees must maintain said license for the duration of their employment in said classification. Loss of license, driving privileges, or insurability under the City's insurance plan by such employees may result in termination of employment for incompetence.

3. 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. Department heads shall review the BMV driving record of each City employee who operates a vehicle on behalf of the employer annually and submit written verification to the Human Resources Director.
4. 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 rejection of an applicant for employment or suspension of an employee's driving privileges for the City.

A conviction for:

- (a) Driving while under the influence of alcohol or drugs
 - (b) Vehicular homicide or manslaughter
 - (c) Leaving the scene of an accident
 - (d) Attempting to elude or flee a police officer after a traffic violation
 - (e) Drag racing
 - (f) Other intentional and dangerous or reckless use of a motor vehicle
5. 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 rejection of an applicant for employment or the suspension of an employee's driving privileges for the City.
 - (a) Two (2) or more "at fault" accidents, the nature and severity of the violations may be taken into consideration by the employer.
 - (b) Two (2) or more moving violations, the nature and severity of the violations may be taken into consideration by the employer.
 - (c) 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.

6. 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.
7. 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. No employee shall operate any City vehicle while the employee's license is suspended or temporarily or permanently revoked.
8. 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.

D. Use of Vehicles:

1. Employer owned or leased vehicle shall not be used for any purpose other than official City business.
2. 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.
3. 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.
4. 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 Mayor/department head.

5. Employees who 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. The department head shall immediately notify the Mayor or other appointing authority in writing.
6. Use of alcoholic beverages or controlled substances 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.
7. 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. Employees shall check the operation of all lights and signals on a daily basis.
8. 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.
9. Employees shall ensure any City vehicle which they use is cleaned, fully fueled, and readied for service upon completion of its use.
10. The operator of a vehicle shall be responsible for reporting any service, body repair, safety, or maintenance needs to the employee's immediate supervisor or department head

E. Accidents/Traffic Citations Involving City Vehicles or Personal Vehicles While on Employer Business:

1. Accident reports shall be completed and submitted to the employer within 24 hours of an accident.
2. 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.
3. 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.

F. Mileage Reimbursement Requests:

1. 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.

2. When air flight is less expensive than paying mileage, the cost of air flight may be approved by the Mayor or Appointing Authority.
- G. 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/Accident Report form to the Human Resources Director. 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 department head and the Human Resources Director. If the driver is a CDL holder, 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. Time Conflicts: Full-time employment by the City of Chillicothe 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.
- B. 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 City.
- C. 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, or engage in any secondary employment which reflects poorly on the police department, places additional liability risk on the City, or places the officer in regular contact with known felons or violators of the law.
- D. Uniforms and Equipment: No employee shall wear employer-owned uniforms nor use employer-owned equipment in performing job duties of any secondary employment.
- E. Employees shall notify their department head in writing of any secondary employment or their intention to seek secondary employment prior to accepting such employment. The department head will confer with the employee and the appointing authority to determine whether the secondary employment presents a conflict.

- F. If the appointing authority believes an employee's secondary employment presents a conflict, the appointing authority may recommend the employee terminate the secondary employment relationship. Any policy infraction which is the direct or indirect result of an employee's outside employment may subject the employee to discipline or discharge consistent with the policies set forth in this manual.

TOOLS, SUPPLIES, AND EQUIPMENT

SECTION 6.04

- A. The employer provides certain tools, supplies, vehicles, and equipment to employees for the performance of job duties. 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. All employees are responsible for using and maintaining such assets in a safe and proper manner.
- B. Loss, misuse, neglect, theft and/or abuse of tools, supplies or equipment is strictly prohibited and may result in discipline and/or demand for payment to the employer for the cost to replace or repair such asset(s). Accidents resulting in misuse or abuse of tools will also be cause for disciplinary action.
- C. Presence in, or use of, employer facilities (e.g., garage, office, etc.) during non-working hours by employees is prohibited, unless authorized by the department head.
- D. Use of all tools, supplies and equipment by an employee in the performance of the employee's duties shall be subject to control by the department head.
- E. Use of the employer's supplies and equipment, (e.g., telephones, fax machine, scanner, copier, etc.) by an employee in relation to an employee's lawsuit against the City is prohibited.
- F. City employees who are given the privilege of using City-owned property, (e.g., desk, filing cabinets, lockers, computer, etc.) shall waive any expectation of privacy in regards to such property. Such equipment and/or furniture are subject to search by the employer without the employee's consent and must be made accessible to the employer upon request. For equipment that is capable of being locked (e.g., desks, filing cabinets, etc.) the employer shall retain a key to such equipment and/or the employee shall unlock such equipment or furniture immediately upon request of an employer representative. Passwords for City-owned computers, voice-mail, City electronic accounts, etc. are to be provided to the employee's department head immediately upon request and the department head shall be notified of any password changes.

BULLETIN BOARDS**SECTION 6.05**

- A. The City provides and maintains City bulletin boards as a means of communicating information to employees. All material that is to appear on City bulletin boards shall be posted and removed in accordance with City policy.
- B. Union bulletin boards may also be permitted as specified in the respective collective bargaining agreements.
- C. All City notices, federal and state required notices and legal notices shall be posted in an area visible to all employees as designated by applicable law. Information of general public interest may be posted in the area designated for such purposes with prior approval of the Mayor, provided the material to be posted does not contain:
 - 1. Personal, scandalous, or derogatory attacks upon any employee or public official, governmental agency, organization, or group;
 - 2. Attacks on and/or favorable or unfavorable comments regarding a candidate for public office;
 - 3. Any material attacking, promoting, or advocating any particular religion;
 - 4. Obscene, pornographic, sexually explicit, or profane materials.
- D. Employees or others wishing to have material posted on a City bulletin board shall submit the material to be posted to the Mayor for approval in advance of posting. The material to be posted shall be signed by the person making the request.
- E. Material posted in violation of this policy shall be removed from the City bulletin board. Employees in violation of this posting policy shall be subject to disciplinary action.

USE OF TELEPHONES**SECTION 6.06**

- A. Land Line Telephones:
 - 1. Telephones are provided for business use only and shall normally not be utilized to make personal phone calls. Employees who wish to make a telephone call on an employer telephone, for purposes other than Employer business, must receive prior approval from the employee's supervisor. Authorized personal calls shall be kept to a minimum and shall not adversely affect the employee's work performance. Employees are requested to ask friends, relatives and others not to call at work for personal reasons, other than in emergency situations. Employees shall never allow personal telephone calls to tie up business lines for extended periods of time.
 - 2. If a long distance personal call is necessary and approved by the department head, the call should always be charged to the employees' home number or to the employee's personal telephone credit card, or made as a collect call. Telephone

calls shall not be charged to the City and then afterwards repaid by the employee when the invoice is received by the City.

3. City telephones shall be answered promptly and in a courteous and friendly manner.
4. Use of telephone for other than business purposes without prior authorization may result in disciplinary action.

B. City Cellular Phones: Particular personnel, who will be determined by the Mayor and may include personnel such as the department heads and specified Police and Fire Department employees, are issued and required by the City to carry a cellular phone on their person. It is within the City's best interests for such individuals to carry cellular phones, providing immediate access to initiate and receive communications. Employees who are provided cell phones are personally responsible for the care and security of such phone.

1. Prior to ordering/purchasing a new cell phone or cell phone accessories, the employee must obtain approval from the department head/Mayor.
2. 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. The total yearly cell phone bill paid by the City will be included as income on the employee's W-2 form.
3. 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 department head.
4. Employees will not be responsible for other charges (i.e. roaming charges) when the cell phone is used in the performance of work related duties.

C. Employees who bring personal cell phones to work must use hands-free cellular devices and shall not text message while operating City vehicles, motorized or power equipment. Employees shall not waste work time talking or texting to family, friends, or conducting other non work-related business during regular working hours. Supervisors retain the right to restrict cell phone usage as a result of abusive and/or unsafe usage

PERSONNEL FILES

SECTION 6.07

A. The appointing authority or designee maintains and is responsible for personnel information maintained concerning employees. "Personnel information" includes all information about an employee as defined in ORC 1347.04(E), and may include but may not be limited to, such information as:

1. Personal data

2. Employment application documents
 3. References
 4. Medical reports
 5. Documentation pertaining to an employee's change of status
 6. Performance evaluations
 7. Communications or disciplinary actions
 8. Paid and unpaid leave records
- B. The appointing authority shall only use the information in the personnel information system in a manner consistent with the system and in accordance with ORC section 1347.01 et. seq., ORC Section 149.43 et. seq., or as otherwise required by Ohio law or court orders.
- C. Each employee shall be allowed to review the contents of his/her personnel file(s) upon reasonable request, unless a physician, psychiatrist, or psychologist determines that the disclosure of the information is likely to have an adverse effect on the employee.
- 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. All information determined by the Employer to be inaccurate as a result of such investigation shall be noted as such and removed if appropriate, and placed in a separate file. If the appointing authority determines the record to be correct, the employee may append a brief statement to the file explaining his/her position regarding the document. The employer may refuse to allow inclusion of defamatory or scurrilous attacks upon another employee, supervisor or the appointing authority.
- D. Individuals requesting to obtain or review information about themselves must provide proof of identification upon request. Representatives of employees requesting to obtain or review confidential records must provide a written release from the employee requesting the record. (Personnel File Release form.)
- E. The employer shall monitor the accuracy, relevance, timeliness and completeness of its personnel 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 PERSONNEL INFORMATION

SECTION 6.08

- A. Failure to report changes in personnel information may prevent employees or their dependents from obtaining or maintaining valuable employee benefits or services. It is each employee's responsibility to report any change of personnel information within three (3) calendar days of the occurrence of the change. Notification shall be made in writing to the employee's department head.

The department head shall immediately forward to the Human Resources Director and the City Auditor's office notification of the changes.

- B. For the purposes of this section, a change in personnel information shall include but not be limited to the following:
1. Name change
 2. Address change
 3. Telephone number change
 4. Marital status change
 5. Changes which may affect employee benefits (e.g., insurance and pension(s) such as changes in dependents or beneficiaries)
 6. Number of exemptions for tax purposes
 7. Citizenship
 8. Association with a government military service organization
 9. Any changes in licensure or insurability relevant to the employee's job
 10. Driver's license records

RECORDS — INSPECTION, RELEASE, AND RETENTION

SECTION 6.09

- A. Employee Access: Employees desiring to view or copy any public record shall make a formal request for such records in accordance with the City's public records policy. The employer will prepare and make available for inspection and/or copying "public records," as defined in ORC 149.43, upon the request of any employee in accordance with the City's public records policy
- B. Maintenance of Records: All public records in the custody of the employer shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Employees shall not remove, destroy, mutilate, transfer, or otherwise damage or dispose of any records, in whole or in part, except as authorized by the employer in accordance with state and federal laws and the City's record retention schedule.
- C. Employees desiring to review their own personnel file shall contact the Human Resources Director who will arrange a date and time during regular business hours for the employee to review the contents of such file.
- D. Self Help to Records Prohibited:
1. Employees may not copy or remove any record or writing, even those regarded as "public records," without first obtaining advanced written permission from the Mayor, or without going through the process for obtaining public records outlined in the City's public records policy.
 2. No employee may copy, or use any agency writing, document, or record in any grievance, appeal, or legal action without having first obtained the written permission of the Mayor. This particular policy does not apply to matters obtained through formal "discovery" under the Rules of Civil Procedure or documents obtained through a formal request for public records made in accordance with the City's public records policy.

3. No employee shall use a mechanical or electronic device to record any conversations, including, but not limited to, any meeting, hearing, or appeal involving the employer or a representative of the employer without the advance written permission of the Mayor.
 4. Except for official agency business, employees may not have any agency writing or document in their possession, unless obtained in accordance with this policy.
- E. Violations: Any employee who is discovered to have violated any of the above enumerated policies or procedures will be subject to removal. Any former employee who is discovered to have obtained an unauthorized document or produced any unauthorized tape recording will be barred from reemployment by the City and may be subject to civil or criminal penalties.

CHAIN OF COMMAND

SECTION 6.10

- A. To ensure efficient, effective operations, to avoid confusion and establish accountability; it is the employer's policy that each employee should normally receive direction from only one (1) supervisor at any one (1) time.
- B. Employee work orders will be directed through the chain of command, except when circumstances are such that following the chain of command is not practical. The chain of command is as outlined in the table of organization.
- C. When two (2) or more supervisors of equal rank are present, unless specifically stated otherwise, the supervisor with the most seniority in rank shall be the ranking supervisor. In circumstances where employees from one (1) department are assigned to assist another, the ranking supervisor of the assisted department shall be considered in charge, regardless of rank.
- D. In the absence of an employee's immediate supervisor, direction or supervision may be given by the supervisor in charge or the next higher ranking supervisor.
- E. Questions or complaints arising from the application of policies, procedures, work rules, or other problems in the workplace shall be discussed with the employee's immediate supervisor; or, if the problem is with the employee's supervisor, with the employee's next ranking supervisor as noted in the table of organization. If complaints or concerns are not resolved or acknowledged appropriately, employees should utilize the internal complaint procedure outlined in Section 8.06 of this manual. Employees shall not discuss complaints regarding matters within his/her department with persons outside the department without first attempting to resolve the matter utilizing the chain of command.
- F. Failure to follow lawful orders of a supervisor or intentionally disregarding the chain of command and internal complaint procedure, may constitute insubordination or other violation, and shall subject the employee to appropriate disciplinary action.

- G. If an employee receives conflicting orders or directives from different supervisors, the employee is responsible for informing the supervisor, who issued the most recent directive, of the conflict. If the conflicting directive is not altered or retracted, the employee shall follow the most recently issued directive. If an employee needs clarification of an order or assignment, it should be requested as soon as possible.
- H. If an employee questions the legality of an order, the employee should question the order as soon as possible. In doing so, employees are required to articulate the reason(s) for the belief of the illegality of the order. If the issue cannot be resolved, the employee shall contact the next supervisor in the chain of command.

MAIL AND EMPLOYEE VISITORS

SECTION 6.11

- A. The City prohibits staff members from receiving personal mail at their City work location. If a staff member's personal mail should come to the City, it is possible that it may be opened by mistake or may be delayed. Mail from civic organizations or personally owned businesses is not to be sent to the City.
- B. City employees are discouraged from having visitors during working hours. If such visits do occur, the employee should not let the visits interfere with the work productivity of the employee or others, and the visit should not last for an excessive period of time.

WORKPLACE VIOLENCE

SECTION 6.12

- A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the City of Chillicothe. 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 or threats of violence will be subject to disciplinary action up to and including termination of employment.
- B. The purpose of this policy is to provide guidance to employees of the City of Chillicothe should they encounter a situation that they believe is or could result in an act of violence.
- C. The word "violence" in this policy shall mean an act or behavior that:
 - 1. Is physically assaultive.
 - 2. 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).
 - 3. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another.

4. Would be interpreted by a reasonable person as carrying a potential for physical harm to the person.
5. A reasonable person would perceive as intimidating or menacing.
6. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening.
7. Consists of a communicated or reasonably perceived threat to destroy property.

D. The employer prohibits the following:

1. Any act or threat of violence by an employee against another person's life, health, well-being, or property.
2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.
3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
5. Use or possession of a weapon on the employer's premises, on a City controlled site, or an area that is associated with City employment except as required in the line of duty (i.e., law enforcement).

E. The most common situations where workplace violence is likely to occur are as follows:

1. 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 a client or citizen. Such acts or threats shall be immediately reported.
2. 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.
3. 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.

F. 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.

Weapon defined:

1. A dangerous weapon is defined as:
 - a. A loaded or unloaded firearm; or
 - b. 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
 2. 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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:
1. Discuss the situation with the employee(s) and attempt to find out what caused the situation.

2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - a. Assigning a different employee to the area or job.
 - b. Talking with the disgruntled client or employee(s).
 - c. Discussing the incident and offering suggestions for appropriate actions.
 - d. Referring the affected employee(s) to professional help or counseling.
 - e. Disciplining the employee(s), up to and including termination of employment.
- L. 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.

WORKPLACE SAFETY

SECTION 6.13

- A. The City of Chillicothe believes that safety is a prime concern and responsibility of the City and its employees. The employer will provide safe working conditions, tools, equipment, working methods, and training for its employees.
- B. The employee is responsible for following all safety rules and safe working methods of the employer. If safe practices are not obeyed, an employee will be subject to disciplinary action.
- C. An employee who discovers unsafe conditions, equipment, or tools shall immediately report it to their supervisor or department head using the Workplace Safety Report form contained in Chapter 9 of this manual.
- D. The supervisor or department head shall note all reports of safety complaints and forward copies to the Safety Service Director. Corrective action to adequately reduce workplace hazards will be taken by the employer.
- E. Safety clothing, shoes, glasses, etc., shall follow OSHA or other recommended standards. Employees will wear appropriate safety gear.

A. Generally:

1. The following exists as the City of Chillicothe's policy regarding access to and disclosure of data contained in the City of Chillicothe's information systems. Information systems include but are not limited to:

E-mail

Internet

Software/hardware

Departmental information and/or data systems

2. Employees shall use the information systems for City business only. Information systems shall not be used for gathering and/or distribution of personal or non-business information. This includes, but is not limited to, soliciting for commercial ventures, religious, or political causes, outside organizations, or other non job-related functions.

Discussion, broadcast, or publication of confidential information is prohibited.

B. E-mail:

1. The electronic mail and other information systems of the City are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.
2. All messages are City records and considered to be the property of the City of Chillicothe subject to disclosure. Work performed on the City's systems is considered to be the property of the City. Computer, Internet, and electronic mail usage may be monitored, inspected, and viewed by the employer at any time.

No electronic mail system shall be used to send copies of any documents in violation of copyright or license laws.

3. The use of the City's electronic mail system is restricted to authorized City employees only. Use by any other person(s) is strictly prohibited.
4. There is to be no display or transmissions of sexually explicit images, messages, or cartoons, or any transmissions or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as discriminatory harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, age, ancestry, disability, religious and/or political beliefs, veterans' status, military status, or genetic information.

C. Internet:

1. The use of any information viewed on the Internet or obtained from the Internet is at the user's own risk. The City has no control over and therefore is not responsible for the content of information found on the Internet which to some may be objectionable or offensive material.

2. Any information obtained from the Internet shall be checked prior to downloading onto any of the City's systems to ensure the data has not been contaminated by a virus or similarly destructive element. Should a malady be detected, the Mayor or designee should be notified immediately.
3. There is to be NO display or transmissions of sexually explicit images, messages, or cartoons, or any transmission or use of Internet communications that contain ethnic slurs, racial epithets, or anything that may be construed as discriminatory harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, age, ancestry, disability, religious and/or political beliefs, veteran's status, military status, or genetic information.

D. Software/Hardware:

1. No personal software (possessed by individual employees) will be loaded or used on City-owned computers. Only copyrighted and properly licensed software will be used on City-owned computers. No personal hardware shall be used to access the City's internet or network without prior approval of the appointing authority or in work-sites where the City provides public internet access.
2. Public domain software (non-copyrighted software obtained from public bulletin boards, computer clubs, professional organizations, or other public or non-profit entities) shall not be loaded or used on City-owned computers without the approval of the Mayor or designee.
3. Non-copyrighted software given to the City by a vendor, or provided through another government agency may be used on City-owned computers with the approval of the Mayor or designee.
4. Each user is responsible for self-auditing of their computer regarding software compliance. The employer may audit computers at any time to ensure adherence to this policy. Any unauthorized software must be reported to the Mayor or designee immediately.
5. It is not the intent of this policy to preclude the use of an employee's personal computer at home to generate work processing documents, spreadsheets, or other documents for City business when such work has been authorized in advance by the department head.

E. Departmental Information and/or Data Systems: Departmental information and/or data systems must follow the same guidelines as other information systems.

These guidelines include allowing only authorized users to obtain access by establishing a process to control/track who is authorized including assigning ID's and passwords. These systems, too, should be utilized only for City-related business or functions.

F. Use of the City's information systems is a privilege, not a right, and is subject to revocation, employees found to violate this policy are subject to disciplinary action, including discharge.

LACTATION ACCOMODATION POLICY**SECTION 6.15**

- 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 Chillicothe 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.
- E. Employees and supervisors should contact the Human Resources Director for guidance on the City's Lactation Accommodation Policy.

ADMINISTRATIVE LEAVE**SECTION 6.16**

- A. The Mayor or designee is hereby authorized by this policy to place an employee on administrative leave with pay in circumstances where the health or safety of the employee, other employees, or of any person or property entrusted to the employee's care could otherwise be adversely affected.
- B. The Mayor or Human Resources Director will provide the employee with notification when he/she is being placed on administrative leave. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the employer completes an investigation of the matter, conducts a pre-disciplinary conference, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's normal straight-time rate of pay.

- 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 whose identity may have been compromised will be notified that a fraud has been attempted.

NO EXPECTATION OF EMPLOYEE PRIVACY

SECTION 6.18

- A. Employees working for the City of Chillicothe 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.

NEWS MEDIA

SECTION 6.19

- A. No employee, supervisor, or department head may, while acting as same, ever speak to the media, or give any interview about City business or operations, without the advance written permission of the proper appointing authority. Media contact and interview requests shall be reported immediately to the appointing authority.
- B. No employee, supervisor, or department head may, while acting as same, ever communicate directly with any City elected official about work related complaints or problems without first notifying the proper appointing authority, and receiving his/her prior written approval as to timing, wording, and content.
- C. All news releases must be approved by the proper appointing authority.

The City of Chillicothe supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about the City or its employees, or engaging in posting inappropriate material about the City or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action. Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

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

Social media sites may be inspected by the City for cause to determine potential policy violations. If an employee believes that an online communication violates a City policy, the employee should immediately report the communication to his supervisor. The City may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

Consistent with the Ohio Revised Code, no City of Chillicothe employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance unto the property of the City. A valid concealed carry license does not authorize

an individual to carry such a weapon onto these premises. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon. City employees are prohibited from carrying firearms any time they are working for the City or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a City identification badge, uniform, or other City issued paraphernalia that an employee is required to wear relative to their employment and working in resident's homes or other sites off City premises. Except for law enforcement officers, no employee or member of the public may carry a concealed weapon in a City owned vehicle. Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon on City premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon at any time while they are working for the City, acting within in the course and scope of employment, or acting as a representative of the City.

SECONDARY EMPLOYMENT

SECTION 6.22

Employees are strictly prohibited from performing duties of secondary employment while on paid-time for the City of Chillicothe and are prohibited from using City property to perform duties connected to secondary employment. Employees may not solicit business from other City employees or customers/clients while on paid City-time.

ETHICS OF PUBLIC EMPLOYMENT

SECTION 7.01

- A. 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 City of Chillicothe. The compensation of all employees is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public honestly, effectively and in a friendly manner
- B. Conduct that is illegal or may bring discredit to the City will not be tolerated. In recognition of this responsibility and in accordance with ORC 102 and 2921.42, no employee shall:
 - 1. Use their position with the City for personal gain or engage in any transaction which is in conflict with the proper discharge of the employee's official duties.
 - 2. Use or disclose confidential or proprietary information concerning the property, government, or affairs of the City without proper legal authorization.

3. Solicit or accept anything of value, whether in the form of services, loans, items or promises from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in conducting business with the City.
 4. Accept from any person, firm or corporation known to be doing business with the City, any material or service for the private use or benefit of the employee.
 5. 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 may impair independent judgment or action in the performance of official duties.
 6. 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.
 7. 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 ORC Section 102.04.
 8. 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.
- C. Any employee who may have a doubt as to the application of this section or other ethics laws or regulations should seek the advice of the Mayor prior to engaging in any questionable activity. The Mayor may seek an advisory opinion from the City Law Director or the Ohio Ethics Commission.
- D. Employees shall be provided with a copy of Ohio's Ethics Laws, ORC Section 102, at commencement of employment.

TARDINESS

SECTION 7.02

- A. Habitual tardiness is inexcusable and will not be tolerated. Tardiness is defined as any situation where an employee reports to work after the employee's scheduled starting time or fails to return to work in a timely manner following any work break or lunch period.
- B. Whenever an employee is tardy, the employee shall be subject to a reduction in pay corresponding to the amount of time the employee was late. The employee shall also be subject to appropriate disciplinary action unless the supervisor deems the reason for being tardy acceptable.
- C. Employees shall be responsible for reporting to work at the place designated by their immediate supervisor and shall not leave their work area or quit working prior to their scheduled quitting time, except for authorized breaks.

Violations of this policy may subject the employee to disciplinary action.

- D. An employee's pay will be reduced when tardy in accordance with this policy schedule:

0 - 7 minutes late	no reduction in pay, but subject to disciplinary action
8 - 22 minutes late	15 minutes deducted
23 - 37 minutes late	½ hour deducted
38 - 52 minutes late	¾ hour deducted
53 minutes - 1 hour 7 minutes late	1 hour deducted

There will be one tenth (1/10) of an hour deducted for each additional seven (7) minutes the employee is late (tardy).

ABSENTEEISM AND NOTIFICATION OF ABSENCE

SECTION 7.03

- A. Absenteeism may increase the workload on other employees and may adversely affect the quality of service that can be delivered to the public. Therefore, unexcused absences will not be tolerated. Employees will be considered absent for purposes of this section if they fail to report to work for an entire workday or leave work prior to their scheduled quitting time, and such absence has not been excused, or the payment of sick leave as defined in this manual has been denied. In addition to not being paid for the time absent, employees shall be subject to progressive discipline for unexcused absences as follows:

<u>Absences</u>	<u>Discipline</u>
one (1) time absent.....	written reprimand
two (2) times absent	three (3) day suspension
three (3) times absent	up to and including termination

- B. There are circumstances where an employee may request and the employer may grant an excused leave of absence for legitimate reasons if the notification procedures contained in this section and elsewhere in this manual have been met. These circumstances include:

- Hospitalization (i.e., approved sick leave)
- Major outpatient procedures (i.e., approved sick leave)
- Funeral leave
- Jury duty
- Military leave
- Time off for a work-related injury
- Approved vacation leave

The employer reserves the right to deny approval of absences for employees who demonstrate a pattern of otherwise legitimate absences.

- C. Voluntary Resignation: Employees who fail to report to work at their regularly scheduled time and remain absent for three (3) or more consecutive workdays without reporting such absence, shall be deemed to have voluntarily resigned.

- D. AWOL: Anytime an employee is absent from work the employee must complete the appropriate leave request form. An employee will be considered absent without leave (AWOL) unless the department head approves paid leave (i.e., vacation, sick leave, etc.) or an unpaid leave of absence. An employee will not be paid if found to be absent without leave.
- E. Notification: Absent employees must report to their supervisor or designee by their scheduled starting time, or other time as dictated by departmental policy or bargaining agreement, on each day of absence and explain the reason for their absence. Upon returning to work, employees shall report to their department head to provide additional information regarding the reason for their absence and to provide all documentation required to substantiate the reason for their absence.
- F. Application of Discipline (Non-Bargaining Unit Employees):
1. Each full day of unapproved absence shall count as a separate occurrence (i.e., an employee absent for two (2) consecutive days is charged with two (2) occurrences).
 2. The employer will consider only absences which have occurred over the previous 12 months from the date of the most recent occurrence in applying this policy.
 3. Written reprimands may be issued by the supervisor or department head. A *Record of Written Reprimand* shall be given to the employee and a copy placed in the employee's personnel file. A copy of the written reprimand shall also be provided to the department head and appointing authority.
 4. The appointing authority may reduce an employee's pay or classification, suspend, fine or terminate an employee. Suspensions or fines of more than three (3) days pay, reductions in pay or classification and terminations of classified employees will be filed with the Civil Service Commission, as required.
 5. Bargaining unit employees will be disciplined for violation in accordance with their CBA.
- G. 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 considered a voluntary resignation from their position. If the employer cannot locate the employee, or if the employee, after notification, fails to return to work, the employer will consider such action a voluntary resignation and will remove the employee from the payroll of the City and notify the Civil Service Commission.

SOLICITATION AND DISTRIBUTION**SECTION 7.04**

- A. Generally: This policy is intended to protect the interests of the citizens of the City of Chillicothe by ensuring that only official employer business is transacted in the employer's work areas during work time.
- B. Non-employee Solicitation and Distribution: There shall be no solicitation or distribution by non-employees at any time on any City property or in any work area. This section shall not apply to vendors who provide services or materials to the City.
- C. Miscellaneous: The terms "distribution," "solicitation," "vendor," "work time," "non-work time," "work areas," and "non-work areas" are defined in Definitions/Abbreviations, Section 1.03, of this manual. Any deviations from this policy shall be approved as to content and form by the Safety Service Director.

PERSONAL APPEARANCE**SECTION 7.05**

- A. The City of Chillicothe reserves the right to prescribe appropriate attire and grooming and to set standards which are deemed to be in the best interest of the City and ensure an appropriate image for the City.
- B. The City of Chillicothe 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. Department supervisors may exercise reasonable discretion to determine appropriateness in employee dress and appearance

The attire of non-uniformed employees will reflect a dignified, professional image. All clothing shall fit properly and must be clean and neat. Emblems, monograms, lettering, etc. must be professional and non-offensive. Inappropriate slogans and pictures that promote drugs or alcohol, sex, violence or racism shall not be displayed. Hair shall be clean and neatly groomed. Clothing shall be conducive to the safe and effective performance of job duties. Exceptions to dress: dress down day on Fridays, training, safety, unusual work environments and special events. Casual days are at the discretion of the Mayor or Department Head. Employees who do not meet a professional standard may be sent home to change and will not be paid for that time off.

- C. Basic elements for appropriate and professional office attire include clothing that is in neat and clean condition. Basic guidelines for appropriate workplace/office dress do not include tight or very low-cut pants, shorts, mini-skirts, mini-dresses, tank tops, muscle shirts, halter tops, low-cut blouses or low-cut sweaters. Examples of inappropriate footwear include floppy sandals, flip-flops and construction or hunting boots. Jeans are permitted only at the supervisor's discretion and must be clean and free of holes, fraying, etc.
- C. Clothing shall be conducive to the safe and effective performance of required job duties. For this reason, department heads of the Service Departments and Engineering Department

employees are required to wear PERRP approved safety boots with the ASTM standards label and other PPE deemed necessary for the safe performance of work duties.

- D. Certain employees may be required to wear regulation uniforms while on duty. The applicable departments may establish policies and procedures governing uniforms. When employees are required to wear a regulation uniform, the City shall provide the uniforms and/or provide a uniform allowance as prescribed by the City ordinance or applicable collective bargaining agreement.
- E. Employees are required to keep uniforms neat, clean and in good repair. City issued uniforms may only be worn by employees while conducting official City business.

DRUG FREE WORKPLACE PROGRAM

SECTION 7.06

- A. This policy applies to all City employees including administrative employees. This policy also applies to any and all contractors and subcontractors the City may utilize and is effective immediately.
- B. The City is concerned with the detrimental effects drug abuse can have on employee safety and health, co-workers and families, productivity, accident prevention, loss control, and the employees' ability to perform their work safely and efficiently. Therefore, the use of alcohol and drugs by City employees during work time, in City facilities and vehicles, and on City property will not be tolerated. At the same time, the City is committed to providing help to employees who have a substance abuse problem. Employee assistance is available for employees and their families. A list of resources to address substance abuse problems and related issues is included with this policy and available through the Human Resources Department.
- C. The City believes that it is important that as a public entity and leader in the community in the war against drug and alcohol abuse, that a policy be established that prohibits the manufacture, distribution, dispersal, possession or use of controlled substances in the workplace. This policy is intended to meet the above objectives.
- D. There are five (5) key components to the Drug Free Workplace Program (DFWP). These are as follows:
 - 1. A written policy — each employee will receive a copy.
 - 2. Employee education — provided annually.
 - 3. Supervisor training — provided annually.
 - 4. Drug and alcohol testing — pre-employment, post-accident, random, reasonable suspicion, and follow-up.
 - 5. Employee assistance — provided with copy of policy.

- E. The Human Resources Department serves as the Drug Free Workplace Program Administrator and is responsible for creating and implementing the DFWP. The administrator shall be responsible for overseeing the education, training, testing, and rehabilitation involved in implementing the Drug Free Workplace Program. Questions and/or concerns about this policy should be directed to the Human Resources Director's attention.
- F. Regulations: The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by any employee which takes place in whole or in part in the employer's workplace is strictly prohibited and will result in criminal prosecution and disciplinary action up to and including termination from employment.
- G. Notification of Conviction: Any employee convicted of any federal, state, or municipal criminal drug statute for a workplace related drug offense shall notify the employer of such fact within five (5) calendar days of the conviction.
- H. Employer Action: The employer, within 30 days after receiving notice of a conviction from an employee or upon concluding that an employee has violated this section of this policy, will:
1. Take appropriate disciplinary action against such employee up to and including termination.
 2. Require such employee to satisfactorily participate in a drug rehabilitation program as provided herein.
- I. Failure to Report: Any employee who fails to report a workplace-related drug conviction:
1. Will be terminated from employment.
 2. May be held civilly liable for any loss of federal funds resulting from the failure to report the conviction.
- J. Employee Education: Annually, all employees (including supervisors) will receive, at minimum, two (2) hours of educational training on the DFWP, its operation, disease models for alcohol and other drugs, and substance abuse issues. This education will be scheduled by Human Resources. All new employees will receive the same substance abuse education as part of the employee's orientation. The employee education shall include:
1. Signs/symptoms of substance use/abuse.
 2. Effects of commonly used drugs in the workplace.
 3. Information on community resources where employees can seek help for themselves or their families.
- K. Supervisor Training: In addition to the employee education, all supervisory personnel, such as department heads, will receive two (2) hours of additional training (annually) addressing their responsibilities. Such training will include:

1. How to recognize a possible alcohol/substance problem.
2. How to document behaviors that demonstrate an alcohol/drug problem.
3. How to confront employees with such a problem.
4. How to initiate reasonable suspicion testing.
5. How to make appropriate referrals for assessment and assistance.
6. How to follow up with employees returning to work after a positive drug test.
7. How to operate consistently with collective-bargaining agreements.

L. Drug and Alcohol Testing:

1. Drug and alcohol testing for the illegal use of drugs may be conducted based upon pre-employment, reasonable suspicion, upon return to duty, on a follow-up basis, whenever a serious injury occurs at work, and randomly, as set forth in this policy.
 - a. *Pre-employment Testing: This testing is conducted after a conditional offer of employment has been made to the applicant and before the new hire may perform any work activity for the City. The offer of employment is conditional upon obtaining a negative result from the completion of the drug screen
 - b. *Reasonable Suspicion Testing: Supervisory personnel will have received training on reasonable suspicion testing. Supervisors must have identifiable patterns of conduct to base the reasonable suspicion upon. Whenever a drug test is ordered based upon reasonable suspicion, the basis for reasonable suspicion shall be articulated in writing prior to the reporting of the test results and drawn from specific, objective factors such as:
 - (1) Observable behavior:
 - (a) Direct observation of drug or alcohol use.
 - (b) Possession or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as, but not limited to:
 - slurred speech
 - dilated pupils
 - odor of alcohol or marijuana
 - dynamic mood swings, etc.
 - (2) Abnormal conduct, erratic behavior or deteriorating work performance (e.g., frequent absenteeism, excessive tardiness, recurrent accidents) which appear to be related to substance use or misuse and not otherwise attributable to other factors.

- (3) Employee is identified as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking.
- (4) A report of alcohol or other drug use provided by a reliable and credible source.
- (5) Evidence that an employee has attempted to alter a previous drug or alcohol test.
- (6) Repeated or flagrant violations of the City's safety or work rules that pose a substantial risk of injury or property damage and appear to be related to substance use or misuse that may violate the City's Drug Free Workplace Program, and do not appear attributable to other factors.

c. *Post-Accident Testing: This testing is required after an injury occurs on the job. The alcohol test must be performed within eight (8) hours of the accident and within 32 hours for other drugs. Drug testing is prohibited after 32 hours from the time of an employment-related accident. The City reserves the authority to gain access to any medical information that is relevant to its' investigation of the employment accident, including a full medical report from the attending medical provider(s). In addition, the City maintains the right to request the medical provider(s) obtain appropriate samples from an injured employee, for the purpose of performing an alcohol and/or drug test. For the purpose of this policy:

- (1) "Injury" shall mean any injury for which the employee requires medical attention of a licensed practitioner, and for which the employer arranges transportation to said licensed practitioner.
- (2) "Accident" means an unplanned, unexpected or unintended event that occurs on the City's property, while conducting City business, or during working hours, or that involves City-owned motor vehicles or personal motor vehicles used in conducting the City's business, or within the scope of employment, and results in any of the following:
 - (a) A fatality of anyone involved in the accident.
 - (b) Bodily injury suffered by the employee and/or another person requiring off-site medical attention.
 - (c) Vehicular damage in apparent excess of \$750.
 - (d) Non-vehicular damage in apparent excess of \$500.
 - (e) Any employees who were indirectly involved in an accident may also be subject to drug testing.

- d. Random Testing: This applies only to safety-sensitive positions including all CDL holders. A random test is an unannounced test that occurs no more than four (4) times each calendar year. There is an equal probability of selection each time testing occurs. Random testing is based on an objective and non-discretionary lottery conducted by an outside contractor. A confirmed positive drug/alcohol test will result in the removal of the employee from safety-sensitive duties and may subject the employee to immediate disciplinary action up to and including termination of employment, and/or a last chance agreement.
 - e. *Follow-up to Treatment or Assessment Testing: An employee who has tested positive for drugs and/or alcohol may be allowed to return to work, conditional upon the execution of a last chance agreement. Following a positive drug test, a minimum of four (4) tests in the first year from the date the employee returns to work will be conducted. The first follow-up test will occur before the employee may resume work activities and following a leave of absence associated with a policy violation. The other tests will be unannounced for employees who have been referred for assessment and/or treatment for substance use or misuse. These tests may occur after assessment, during treatment and/or for a period of time following treatment, up to one (1) year. A confirmed positive drug/alcohol test will result in the removal of the employee from safety-sensitive duties and may subject the employee to immediate disciplinary action up to and including termination of employment.
2. The term “drug” includes cannabis as well as other controlled substances as defined in the Ohio Revised Code. The term “illegal use of drugs” includes the use of cannabis or any controlled substance that has not been legally prescribed and/or dispensed, or the abusive use of a legally prescribed drug. In addition to alcohol, the DFWP requires testing for the following substances:
 - amphetamines (speed, uppers)
 - cocaine (including Crack)
 - marijuana
 - opiates (Codeine, Morphine)
 - phencyclidine (PCP, “angel dust”)
 3. The City is obligated to pay for the costs of initial testing. If an employee requests a retest following a positive test result, the City is not responsible to pay for the cost of the retest unless the results of the retest are negative. An employee who refuses to undergo testing and/or attempts to alter the results of any test will be disciplined up to and including termination of employment for failure of good behavior.

M. Employee Assistance for Alcohol and Drug Rehabilitation

1. The City recognizes alcoholism and drug addiction as illnesses which may be treatable and encourages employees who have an alcohol or drug problem to seek professional treatment or assistance on their own initiative.

2. An employee who seeks treatment on their own initiative will be in a more favorable position than an employee who mentions a drinking or drug problem for the first time during a disciplinary hearing.
3. For purposes of this policy, a drinking or drug abuse problem exists when an employee's alcohol consumption or drug abuse interferes with the employee's job performance, presents a threat to the safety of persons or property, or presents an unfavorable image to the public.
4. This policy is intended to assure that no employee with a drinking and/or drug problem will have job security or promotional opportunities jeopardized by a request for treatment.
5. Referral to a rehabilitation program is intended primarily for those employees who appear to have a treatable condition, not to protect those who manufacture, distribute, or dispense drugs in the workplace.
6. Employees should read this policy to mean that a request for treatment will not automatically exonerate the employee from disciplinary action when the City has initiated disciplinary action for manufacturing, distributing, dispensing, possessing, or using drugs in the workplace or violations of the City's policies due to alcohol abuse.
7. The City may terminate an employee, or enter into a last chance agreement, based on a first positive drug test, but will consider factors such as length of service, job performance, likelihood of recovery, and undue hardship in making a decision.
8. It is the responsibility of each employee to comply with the City's referral for diagnosis and to cooperate with any prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as all other illnesses when job performance continues to be adversely affected. Refusal may be considered insubordination for disciplinary purposes.
9. The City may require the employee to sign a last chance agreement, which will continue the employment of the employee, conditioned upon the employee's successful participation and completion of a substance abuse rehabilitation program. Any employee who is referred to a drug rehabilitation program based upon a positive drug test and fails to satisfactorily participate in the program will be terminated from employment.

N. Confidentiality:

1. An individual's right to confidentiality and privacy are recognized. Any pertinent information or records of employees with alcohol or drug problems will remain confidential. The City personnel responsible for substance testing records shall only allow such information to be accessed by certifying agencies for review as required by law. Tested employees reserve the right to review and request copies of the employee's test results. All information regarding an employee's test results, rehabilitation, and referrals for help will be disclosed upon a need to know basis.

2. Records of drug/alcohol testing will be preserved in the same private and confidential manner and maintained separately from the employee's general personnel file as all other medical records. Any breach of confidentiality may result in disciplinary action up to and including termination of employment.
 3. Implementation of this policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance.
- O. All drug tests shall be conducted by laboratories certified by The Substance Abuse and Mental Health Service Administration (SAMHSA) recognized certification program. The laboratory selected by the employer to conduct the analysis must be experienced and capable of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urinalysis testing. The procedures utilized by the employer and testing laboratory shall include an evidentiary chain of custody, use of a medical review officer, and control and split sample collection and testing (the sample must be divided into at least three (3) containers).
1. The use of a Medical Review Officer will ensure fair and unbiased review of test results in determining if there are valid reasons for the presence of drugs in an employee's system following a positive result. In this situation:
 - a. The MRO will contact the employee upon a confirmed positive result.
 - b. The employee will have a chance to rebut and/or explain any positive result to the MRO.
 - c. The MRO may obtain information on the employee's recent medical history or medications taken by the employee within the past 30 days.
 - d. The employee may be required to provide written documentation explaining why the positive result occurred.
 2. Cost: The cost of drug screening and confirmatory tests shall be borne by the employer, except any test initiated at the request of the employee shall be at the expense of such employee.
- P. Notification and Scheduling:
1. The outside provider that has been given the responsibility of providing the names of randomly selected employees will notify Human Resources. The number of names on the list each quarter will be 10% of our entire workforce divided by 4 (quarters).
 2. Human Resources will schedule the drug screens with the laboratory at the Adena Occupational Health Center. Every effort will be made to consider the employees shift, regularly scheduled days off, tour, etc. to make this as convenient for the randomly selected employee as possible.

3. The Department Head will be notified approximately 24 hours in advance that the employee will have a drug screen the following day. The purpose of this advance notification is to provide the department head with a means of covering for the employee who will be gone for ½ to 1 hour of his shift.
4. The Department Head will notify the affected employee of the drug screen near the beginning of the selected employees shift but prior to the scheduled appointment time at the hospital lab.
5. When the employee returns to work, he has the right to visit the Human Resources office to voice any concerns, complaints, or compliments on the treatment he received.
6. ALL drug screen results are to be filed in the Human Resources employee medical folder. If you receive one of these screens inadvertently, send it to HR.

Q. Breath Alcohol Testing: Will be conducted in a manner so as to give the individual as much privacy as feasible. Refusal to participate in testing, and failure to appear for scheduled testing will result in disciplinary action against the employee up to and including termination of employment or cancellation of a conditional offer of employment.

R. Urine Specimen Collection:

1. Specimen collection will occur in a medical setting and the procedures shall not demean, embarrass, or cause physical discomfort to the employee. A professional medical interview with the employee prior to the test will serve to establish use of drugs currently taken under medical supervision.
2. The employee designated to give a sample must be positively identified prior to any sample being taken.
3. Only certified equipment and personnel will be used to conduct breath alcohol testing. A verified positive result is a breath alcohol concentration (BAC) in excess of .04. Any initial positive test result is confirmed by an Evidentiary Breath Test (EBT).
4. Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure the results match the testee. Samples shall be stored in a secured and refrigerated atmosphere until tested or delivered to the testing lab representative.
5. Each step in the collecting and processing of the urine sample shall be documented to establish procedural integrity and the chain of evidence.

S. Testing Procedure:

1. Any sample that has been adulterated or is shown to be a substance other than urine shall be reported as such.
2. The testing or processing phase shall consist of a two-step procedure.

- a. The urine sample is first tested using a screening procedure.
 - (1) An initial positive report will not be considered positive; rather, it will be classified as confirmation pending and shall not be reported to the employer.
 - (2) All specimens identified as positive on the initial drug test (screen) shall be confirmed through the use of the gas chromatography/mass spectrometry method of detection or any other method that is professionally recognized as being as or more accurate than the GCMS.

- b. A specimen testing positive will undergo a second confirmatory test.

In the event the initial and confirmatory test results are positive, the employee is entitled to have the split sample tested in the manner prescribed above at the employee's expense. The results of this test shall be determinative, except in those instances where the first test and confirmatory test indicated the presence of adulterant(s), or a substance other than urine.

- 3. All unconfirmed positive test records shall be destroyed by the laboratory. Where a positive report is received, urine specimens shall be maintained under secured storage for a period of not less than one (1) year, unless the employee and the employer agree in writing to the destruction of the urine specimen.

T. Test Results:

- 1. The results of the testing shall be delivered to the employer and the employee tested.
- 2. An employee whose confirmatory drug test result is positive shall have the right to request a certified copy of the testing results in which the laboratory shall affirm that the test results were obtained using professionally recognized testing methods.
- 3. The employee shall provide a signed release for disclosure of any and all testing results to the employer.
- 4. The employer shall not disclose the testing results without the consent of the employee except as otherwise required by a court order or as necessary to defend any disciplinary action taken against the employee as the result of a positive test.
- 5. Again, all records pertaining to drug test results shall be kept in a confidential manner except as otherwise required by law.

U. Disciplinary Options:

- 1. The employer will take no action with the employee until the written documentation stating the results of the drug screen and/or breath alcohol has been received.

2. Any attempt to alter or falsify the testing process or results, or an employee's refusal to provide a specimen will lead to the employee's immediate termination of employment.
3. Employees, who, as a result of being ordered to be drug tested, are found to be abusing drugs may be subject to dismissal. Refusal to cooperate with the drug testing procedure, adulteration of, or switching a urine sample may also be grounds for dismissal.
4. Employees, who, prior to being called to submit to a test, voluntarily admits a substance abuse problem:
 - a. May request to use sick time, compensatory time or vacation leave in order to complete a voluntary rehabilitation program. If no such leave time is available, the employee may request to be placed on disability leave without pay for the period of the rehabilitation program.
 - b. Upon completion of such program, as certified by a substance abuse professional, and upon receiving results from a return-to-duty test demonstrating that the employee is no longer under the influence of controlled substances and is capable of performing the essential functions of his position, the employee will be returned to his former position.
 - c. Such employee shall be subject to four (4) follow-up tests, conducted randomly and paid by the employer, during the first 12 months following his return to work. A positive test result may result in appropriate discipline.

V. Employee Assistance Referrals:

1. Counseling for Substance Abuse: Jefferson Health Plan and Scioto Paint Valley Mental Health Center
2. Counseling for Marriage, Family, Child and Individuals: Jefferson Health Plan
3. Counseling for Finances/Debt: Jefferson Health Plan

GAMBLING	SECTION 7.07
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The City of Chillicothe does not permit gambling in any form by employees during workdays or on the employer's premises. Gambling is defined as playing a game of chance or wagering money on the outcome of a game, contest, or other event. For the purpose of this policy, the workday includes regular working hours, lunch periods, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

GARNISHMENTS**SECTION 7.08**

- A. 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 City Auditor and the employer. Repeated garnishments on the wages of an employee may result in disciplinary action.
- B. When a garnishment is received for an employee, the following procedure of notification will apply:
 - 1. The City Auditor's office will determine whether or not the employee has had previous garnishment of wages.
 - 2. The City Auditor's office will notify the appointing authority.
 - 3. The appointing authority will schedule a conference with the employee and the employee's supervisor to discuss the garnishment.
- C. If the garnishment is the first received for an employee, the following procedure will apply:
 - 1. The employee will be informed by the appointing authority of the consequences of further garnishments.
 - 2. Referral to an appropriate agency will be made by the appointing authority in order to assist the employee in working out the employee's financial difficulties.
- D. If the garnishment is the second received for an employee:
 - 1. A meeting will be arranged between the employee, and the appointing authority.
 - 2. Depending on the circumstances, the employee may be subject to disciplinary action.
 - 3. No employee will be disciplined for garnishments when the employee has demonstrated a willingness and effort to resolve the employee's financial problems.
- E. Repeated garnishments may be cause for further disciplinary action.

POLITICAL ACTIVITY**SECTION 7.09**

- A. General: Classified employees, including those within a bargaining unit, are prohibited by ORC Section 124.57 from engaging in political activity. "Classified employee" for purposes of this section means all employees in active pay status serving in the competitive classified service. All employees are encouraged to exercise their right to vote and nothing in this policy shall be construed to restrict that right.
- B. Permitted Activities: Classified employees may engage in the following activities while off duty:

1. Registration and voting.
2. Expressing opinions, either orally or in writing.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulating non-partisan petitions and petitions on legislation relating to their employment.
5. Attendance at political rallies which are open to the general public.
6. Signing nominating petitions in support of individuals.
7. Displaying political pictures, badges, buttons, stickers and signs in their yard or on their private automobiles. However, employees shall not wear political badges or buttons or other political advertising while on official City business.

C. Prohibited Activities: Classified employees may not engage in the following activities while on or off duty:

1. Participation in a partisan election as a candidate for public office.
2. Declaring candidacy for an elected office which is filled by partisan election, or through a nomination obtained in a partisan primary or through the circulating of nominating petitions identified with a political party.
3. Circulating official nominating petitions for any candidate.
4. Holding an elected or appointed office in any political organization.
5. Accepting appointment to any office normally filled by partisan election.
6. Campaigning, by writing for publications (including letters to newspaper editors), by distributing political material or by writing or making speeches on behalf of a candidate for elective office.
7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription, either monetary or in kind, for any party or candidate.
8. Soliciting the sale of or selling political party tickets; subscription, either monetary or in kind, for any party or candidate.
9. Engaging in partisan activities at the political polls, such as soliciting votes (for other than non-partisan candidates), assisting voters to mark ballots or transporting or helping get the voters out on election day (for partisan issues only).
10. Participating in political caucuses of a partisan nature.
11. Participating in a political action committee which supports partisan activity.

- D. Nothing prohibits a classified employee from serving as a precinct election official under Section 3501.22 of the R.C. A classified employee who serves as a precinct election official may use vacation leave to so serve.
- E. All employees, regardless of status, should be aware that certain non-partisan offices or positions have been deemed by the attorney general and/or the employer to be incompatible with certain other offices or positions and therefore cannot be held simultaneously.
- F. Any employee desiring to seek or accept any public position or office should inform the employer, who may request an opinion from the City Law Director in advance of the employee filing a petition for candidacy, or circulation of petitions.
- G. Unclassified employees must also notify their employer of any intent to declare and campaign for any political office. If, in the opinion of the employer, 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 if approved by the appointing authority or resign. The decision of the employer shall be final.

CONFIDENTIAL INFORMATION

SECTION 7.10

- A. In the course of working at the City of Chillicothe, employees and volunteers will have access to confidential information. Personal, financial, and business information is considered confidential. All employees and volunteers must respect the confidentiality of information by not revealing it unless it is necessary to do so in the performance of job duties. Employees shall sign a *Confidentiality Statement* upon beginning employment, to be placed in the employee's personnel file.
- B. It is the responsibility of all employees and volunteers to keep confidential all information accessed through all forms of communication including but not limited to:
 - Computerized data system
 - Hard copy records and reports
 - Direct client contact
 - Observation
 - Faxing
 - Electronic mail
 - Verbal communication
 - Employees pay records.
- C. Any access by an employee or volunteer of confidential information, either through the computer system or in hard copy, will only be for legitimate business purposes when the individual has a legal need to know.
- D. Access to computerized data systems will be controlled by individual user security access codes.

- E. Every precaution must be taken by all employees and volunteers to protect confidential information when in the form of hard copy records or reports. These precautions include but are not limited to shredding, disposing of paper into locked recycling bins, locking filing cabinets, limiting physical access to offices during non-business hours, personally delivering confidential information, or sending information through interoffice mail only in a sealed envelope labeled “confidential.”
- F. Employees will be required to sign a confidentiality statement that will become a part of their personnel file.
- G. Any violations of this policy regarding misuse of confidential client and/or agency information will be subject to disciplinary action. Violations determined to be of a “serious” nature can lead to immediate termination of employment.

SMOKING & TOBACCO

SECTION 7.11

- A. General: The City of Chillicothe, wishes to establish and maintain the most effective healthful environment possible. In order to accomplish this objective, the City has adopted a policy on smoking tobacco, which has been developed in consideration of the following points:
 - 1. The safety of all clients, visitors, and employees.
 - 2. The effects of smoking, smokeless tobacco and exposure to second-hand smoke on the health of all persons concerned, from a medical perspective.
 - 3. The individual rights of all persons concerned.
 - 4. Compliance with Ohio Revised Code 3791.031 on smoking in places of public assembly.
- B. Employees and Volunteers: All employees and volunteers are prohibited from smoking while on duty except during scheduled break and lunch times and in designated areas. Smoking in City-owned vehicles and while operating City-owned equipment is strictly prohibited.
- C. Visitors: Visitors may smoke only outside of the City buildings in designated areas.
- D. Smoking Cessation Assistance: City employees are encouraged to take advantage of tools and resources available to aid in their efforts to quit smoking. Please contact the Human Resources Department or visit: <http://www.lung.org/stop-smoking/> or <https://ohio.quitlogix.org/> for more information.

DISCIPLINARY PRINCIPLES**SECTION 8.01**

The City of Chillicothe appointing authorities believe 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. The basic guidelines, set forth below shall be considered when issuing discipline:

- A. Employees shall be advised of expected job behavior, the types of conduct that the employer has determined to be unacceptable, and the normal penalties for such unacceptable behavior. Of course, some infractions will warrant discipline or discharge even without a specific rule violation.
- B. Timely attention will be given to policy infractions, unless special circumstances warrant further investigation or delay.
- C. Each offense will be dealt with objectively and based on the circumstances associated with the case.
- D. Discipline for minor offenses will usually be progressive, but depending on the severity of the offense, more serious offenses may proceed immediately to suspension or termination.
- E. An employee's immediate supervisor and all other supervisors up to and including the appointing authority are responsible for administering discipline.

DISCIPLINE PROCEDURES**SECTION 8.02**

- A. The City of Chillicothe 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 (i.e., unclassified) employee.
- B. 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.
- C. 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 external, temporary, intermittent, and other unclassified employees whose service may be terminated at the will of the appointing authority.
- D. 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 previous disciplinary actions.

- E. The appointing authority may issue a fine or working suspension in lieu of a suspension without pay. However, the appointing authority should not use fines in a manner that would cause a nonexempt employee to be paid less than minimum wage under the FLSA.
- F. Supervisors and/or the department head may issue verbal warnings 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 supervisor or department head, delivered to the employee, and signed by the employee. A copy of the signed and completed form shall be placed in the employee's personnel file.
- G. Only the appointing authority has the authority to reduce in classification or pay, fine, suspend, or terminate an employee. Prior to such discipline, a pre-disciplinary conference must be held if it involves a classified employee (see Section 8.03).
- H. Suspensions or fines of more than three (3) days' pay, reductions, or removals of classified non-bargaining unit employees must be filed in accordance with Civil Service Commission rules and regulations.
- I. 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 pre-disciplinary conference is not legally required for unclassified employees, it is recommended that the appointing authority meet with the employee prior to reducing, suspending, fining, or removing the employee from public service.
- J. An appointing authority may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be otherwise adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the appointing authority investigates the alleged infraction, completes the pre-disciplinary process, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay.

PRE-DISCIPLINARY CONFERENCE — CLASSIFIED EMPLOYEES SECTION 8.03

- A. 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 pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged misconduct. A pre-disciplinary conference is 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 his/her witnesses to determine whether the alleged misconduct occurred.
- B. Hearing Officer: Pre-Disciplinary conferences will be conducted by the appointing authority or his/her designee.

- C. Notice: 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 Pre-Disciplinary Conference*). In response, the employee must sign an acknowledgment of the notice and must:
1. Appear at the conference to present an oral or written statement in the employee's defense and answer questions regarding the alleged misconduct.
 2. Elect in writing to waive the pre-disciplinary conference (*Waiver of Pre-Disciplinary Conference*).
- D. 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.
- E. Witnesses: At the conference the employee may present any testimony, witness, 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 pre-disciplinary conference. It is the employee's responsibility to notify witnesses their attendance is desired.
- F. Delay of Pre-Disciplinary Conference: Upon a reasonable request and adequate advance notice from the employee, the appointing authority may temporarily delay the pre-disciplinary conference. Generally, the employer should permit only one (1) such delay.
- G. Recording of Proceedings: At the discretion of the appointing authority or designee, the pre-disciplinary conference may be recorded. The responding employee may also record the proceedings in a similar manner, if the appointing authority chooses to record the conference.
- H. Written Report: If the person conducting the conference is someone other than the appointing authority, the following shall apply:
- The designee 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 designee shall not recommend discipline. The appointing authority will decide what discipline, if any, is appropriate, and may agree or disagree with the designee's conclusions.
- I. 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, pre-disciplinary conference, and/or other corrective action is completed. Employees placed on Administrative Leave are required to be immediately available for meetings, hearings, phone calls, etc. during City Administrative work hours. Failure to comply with this requirement without prior authorization may result in additional disciplinary action and/or loss of Administrative Leave pay for the employee.

- J. Department Head's Responsibilities: 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.

The department head may request that the appointing authority place the employee on administrative leave while the charges are being investigated and until the pre-disciplinary conference procedures are completed, if appropriate.

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.

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 Pre-disciplinary Conference*.

- K. Criminal Charges: 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 pre-disciplinary conference.
- L. Level of Discipline: If discipline is warranted, the appointing authority shall determine the severity of the discipline using the policies herein as a guideline.

GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES	SECTION 8.04
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- A. The Chillicothe Civil Service Rules & Regulations set 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:
1. Neglect of duty.
 2. Incompetence.
 3. Inefficiency.
 4. Dishonesty.
 5. Drunkenness.
 6. Immoral conduct.
 7. Insubordination.
 8. Discourteous treatment of the public.
 9. Any other failure of good behavior.
 10. Any other acts of misfeasance, malfeasance, or nonfeasance.
 11. Any violation of Civil Service rules.
- B. 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. These same groups of offenses shall be applicable to bargaining unit.
- C. 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.

GROUP I OFFENSES

FIRST OFFENSEVerbal warning

SECOND OFFENSEWritten reprimand

THIRD OFFENSEA fine not to exceed three (3) days pay; or a one (1) to three (3) day suspension without pay

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

FIFTH OFFENSEUp to and including termination of employment

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).
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, and failure of good behavior).

GROUP II OFFENSES

FIRST OFFENSEA fine not to exceed three (3) days pay; or a one (1) to three (3) days suspension without pay

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

THIRD OFFENSEUp to and including termination of employment

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).
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. Obliging 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 (CSC, 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).
24. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior, misfeasance).

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). Note: only an individual in the time card owner's chain of command may authorize, by initialing, a valid adjustment made to the time card. A time card that is altered will be returned to the supervisor to investigate and approve if it was authorized.

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, failure of good behavior).
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 or during any investigation by the employer (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, 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 including but not limited to insurability (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
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. Engaging in unauthorized political activity.
32. Sexual harassment.
33. Conviction of certain felonies or any law the employee is employed to enforce.

CONVICTION OF A FELONY

SECTION 8.05

- A. 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.
- B. 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.
- C. As used in this policy, "felony" means any of the following:
 1. A felony that is an offense of violence as defined in Section 2901.01 of the revised code.
 2. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the revised code.
 3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude.
 4. A felony involving dishonesty, fraud, or theft.
 5. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the revised code.
- D. 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 reemployed 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.

COMPLAINT PROCEDURE

SECTION 8.06

- A. Classified employees may appeal suspensions, fines, reductions in pay or classification, layoffs, job abolishment, 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.
- B. Employees have the right to file such complaints without prejudice. No employee shall be disciplined, harassed, or dealt with unfairly as a result of filing a complaint or testifying in a complaint hearing.
- C. If a complaint 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.
- D. 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 complaint procedure.
- E. Unless covered in the employee's CBA, the following procedures shall be followed to process grievance:
 - 1. Step One — Immediate Supervisor:
 - (a) Any employee with a complaint 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 complaint. The supervisor shall make every reasonable effort to resolve the complaint but may not issue any decision which conflicts with the policies herein. The supervisor shall record the date the complaint was presented and the date the supervisor responded. The supervisor shall also notify the department head of the complaint 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 complaint to writing using the *Complaint* 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 complaint if Step One was not applicable. The department head shall meet with the employee within five (5) working days following receipt of the complaint and attempt to resolve the matter.

- (b) If the employee is not satisfied with the response, the employee may elect to proceed to Step Three.
- 3. Step Three — Mayor: The employee shall submit the written complaint, copies of all previous written responses, and a written explanation why such responses are not acceptable, to the Mayor within five (5) working days of receipt of the response in Step Two. The Mayor shall schedule a hearing within 15 days of receipt. The Mayor shall issue a decision within a reasonable time following the hearing. The decision of the Mayor shall be final and binding on all parties except as otherwise provided by law.

F. General Procedures for Hearings:

- 1. Complaint 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.
- 2. The parties may extend time limits by mutual written agreement.
- 3. A complaint 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 complaint hearing shall be provided to the employer representative to allow the employee to be released from duty.
- 4. Hearings shall be informal and the rules of evidence customarily applicable in court shall not apply.

APPEALS OF PERSONNEL ACTIONS	SECTION 8.07
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- A. Classified Employees: Classified non-bargaining unit employees may appeal suspensions or fines of more than three (3) days pay, reductions in pay or classification, layoffs, job abolishment, or terminations either through the internal complaint procedure contained in this manual or to the Civil Service Commission.

Suspensions of three (3) days or less and fines of three (3) days pay or less may be appealed to the appointing authority through the in-house complaint 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.

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.

Bargaining unit employees may appeal disciplinary actions in accordance with the applicable collective bargaining agreement.

- B. 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.
- C. Appeals through the internal complaint procedure shall be submitted within five (5) working days of the occurrence of the incident giving rise to the complaint.
- D. 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.

*** END OF POLICY MANUAL – NOTHING FOLLOWS ***