

ORDINANCE NO. 21-059

AN ORDINANCE TO AMEND THE CODE OF PERSONNEL PRACTICES AND DECLARING AN EMERGENCY

WHEREAS, Council previously passed Ordinance 32-11 adopting the Code of Personnel Practices, which was amended by Ordinance 52-14 and 17-054; and

WHEREAS, it is necessary and appropriate that the Code of Personnel Practices be updated to reflect changes in city practices and policies and labor laws;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:


SECTION 1. That the Code of Personnel Practices be amended to reflect changes in city practices and policies and labor laws in a form substantially similar to the attached Exhibit A and incorporated herein by reference.

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED 12-20-21


PRESIDENT OF COUNCIL

ATTEST 
CLERK OF COUNCIL

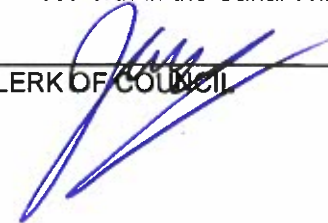

MAYOR

DATE APPROVED 12-22-21

APPROVED AS TO FORM:

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.


CLERK OF COUNCIL

CANAL WINCHESTER

CODE OF PERSONNEL PRACTICES HANDBOOK

Adopted:
XX/XX/XXXX

Formatting Note: Formatting changes, such as table of contents page reference updates, spacing/listing corrections, and similar edits will be made upon policy update approvals by City Council.

TABLE OF CONTENTS

	<u>Page</u>
Section 1.0: Introduction	1
Section 1.1: Definitions	1
Section 1.2: Policy Amendments	2
Section 1.3: Classified and Unclassified Employment.....	2
Section 1.4: Vacancies: Identification, Announcement and Application	3
Section 1.5: Basis for Selection	3
Section 1.6: Promotion and Transfer	4
Section 1.7: Employee Status.....	5
Section 1.8: Medical Examinations/Drug and Alcohol Policy	5
Section 1.9: Seniority	10
Section 1.10: Discipline	10
Section 2.0: Ethics	12
Section 2.1: Performance Evaluation.....	12
Section 2.2: Training	13
Section 2.3: Pay Period	13
Section 2.4: Overtime.....	14
Section 2.5: On-Call Duties	15
Section 2.6: Longevity Pay	15
Section 2.7: Retirement Plan.....	16
Section 2.8: P.E.R.S. Pick-Up.....	16
Section 2.9: Workers Compensation.....	16
Section 3.0: Expense Reimbursement.....	17
Section 3.1: Health Care Plan	19
Section 3.2: Holidays and Personal Leave.....	19
Section 3.3: Vacation	20
Section 3.4: Sick Leave	21
Section 3.5: Sick Leave Donation.....	23
Section 3.6: Bereavement Leave.....	24
Section 3.7: Military Leave.....	24
Section 3.8: Jury Duty (Civic Duty Leave)	24
Section 3.9: Leave Without Pay.....	24
Section 3.10: Separation Pay.....	25
Section 3.11: Family Medical Leave	25
Section 3.12: Breastfeeding Mothers	25
Section 4.0: Inclement Weather (Non-Public Service Departments)	26
Section 4.1: Inclement Weather (Public Service Departments).....	26
Section 4.2: Continuing Education and Tuition Reimbursement.....	26
Section 4.3: Hours of Work.....	27
Section 4.4: Attendance.....	27
Section 4.5: Starting/Quitting.....	27
Section 4.6: Tardiness	27
Section 4.7: Lunch Period/Breaks.....	27
Section 4.8: Safety and Health	27
Section 4.9: Tools, Supplies, Equipment, Vehicles, and Phones	28
Section 5.0: Technology Usage and Social Media Policy.....	29
Section 5.1: Use of Vehicles	34
Section 5.2: Employee Traffic Accidents	34
Section 5.3: Outside Employment	35
Section 5.4: No Solicitation/No Distribution.....	35

Section 5.5:	Dress Code	36
Section 5.6:	Medication	36
Section 5.7:	Contact with News Media/Residents.....	36
Section 5.8:	Access to Employees by Telephone	36
Section 5.9:	Unauthorized Persons Entering Property or Using Facilities	37
Section 6.0:	Returning of CW Property	37
Section 6.1:	Harassment and Discrimination.....	37
Section 6.2:	Americans with Disabilities.....	39
Section 6.3:	Complaint Policy	39
Section 6.4:	Complaint Procedure	39
Section 6.5:	Employee Complaint-Misconduct Hearing Procedure	40
Section 6.6:	Resignation/Retirement	41
Section 6.7:	Personnel Files	41
Section 6.8:	Smoke-free, Tobacco Free Workplace Policy.....	42
Section 6.9:	Political Activity	42
Section 6.10:	Workplace Violence.....	43
Section 6.11:	Concealed Carry.....	44

The policies set forth and adopted within this Manual supersede all previous written and unwritten personnel policies of Canal Winchester, Ohio (hereinafter "CW"). Questions regarding the interpretation and application of these policies shall be directed to the Mayor, supervisor, or designee. The policies and procedures set forth herein are to provide employees the appropriate guidelines for the efficient, effective and equitable management of CW. This Manual and these policies do not constitute an employment contract or agreement between CW and any of its employees, nor a guarantee of minimum benefits between CW and any of its employees.

SEVERABILITY CLAUSE

If any article or section of this policy manual or any amendments thereto shall be held invalid by operation of law or by a tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this policy manual shall be restrained by such tribunal, the remainder of this policy manual and amendments thereto shall not be affected and shall remain in force and effect.

SECTION 1.0: INTRODUCTION

This manual contains the policies for CW. All personnel charged with the responsibility of administering any policy must be thoroughly knowledgeable of its contents. The policies in this manual may be changed periodically. As a result, CW reserves the right to revise, modify, amend or delete any policy, procedure, benefit or regulation as deemed necessary. Updated policies will be issued to all manual holders and communicated to all affected employees. Prior to implementation, employees will be required to review any updated policies and shall sign an acknowledgement indicating that they have received and had an opportunity to review them.

Any references to males contained herein shall apply equally to females.

SECTION 1.1: DEFINITIONS

ABSENT WITHOUT LEAVE - Absence from duty without approval. Any employee absent from duty habitually or for two (2) or more successive duty days, without leave and without notice to the employee's supervisor of the reasons shall be deemed to have voluntarily resigned.

APPOINTING AUTHORITY—The Mayor of Canal Winchester, Ohio.

APPOINTMENT - Designation of a person by the Employer to any position within CW.

CLASSIFICATION - A group of positions that involve similar duties, responsibilities, authority and require similar qualifications so that the same title may be used for each, the same pay range assigned, and the same examination conducted, if required. A class may include only one position in some circumstances.

CLASSIFIED SERVICE - The classified service shall comprise all persons in the employ of CW who are not specifically included in the unclassified service.

CW—The municipality of Canal Winchester, Ohio.

DAY - A calendar day unless specified otherwise.

DUTY—The express tasks required by one's position and those tasks implied by the nature of one's position, including, but not limited to the essential functions listed in the job description for the position.

EMPLOYEE - Any person holding a position by appointment or employment in a classification established by the CW Council.

PROBATIONARY PERIOD – Either the period of time at the beginning of an original appointment or the period of time immediately following a promotion, which constitutes a trial or testing period for the employee. The initial probationary period shall be three hundred and sixty–five days, one year. Promotional probationary period shall be one hundred and eighty days.

PROBATIONARY REMOVAL – The termination of an employee’s employment for unsatisfactory performance during the employee’s initial probationary period.

PROMOTION - The movement from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist. For the purposes of this definition, a higher pay range is determined by comparing the step one rates of the relevant pay ranges.

SEASONAL APPOINTMENT - An appointment where an employee works a certain regular season or period of each year performing some work or activity limited to that season or period of the year.

SUPERVISOR - Any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

TEMPORARY APPOINTMENT – An appointment for a limited period of time, fixed by the Employer, for a period not to exceed one hundred twenty (120) days, unless for reason of illness, sickness or disability.

UNCLASSIFIED SERVICE – All offices and positions which are exempt from all examinations and which provide no tenure under the law are unclassified. Appointment to a position in the unclassified service may be made at the discretion of CW and the incumbent may be removed, suspended or reduced from the position at the pleasure of the appointing authority.

SECTION 1.2: POLICY AMENDMENTS

These policies may be amended, revised or deleted by act of the Legislative Authority. Each employee will receive a copy of the amended, revised or deleted policy prior to its effective date. Such amendments, revisions or deletions shall be made after three readings and shall not be passed as emergency legislation.

SECTION 1.3: CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

- A. All original appointments within the classified service shall be for a probationary period of one year. Promotional probationary period shall be one hundred and eighty days. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction. Following completion of the probationary period, no classified employees shall be reduced in pay or position, fined, suspended, or removed, or have the employee’s longevity reduced or eliminated, except and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of CW, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony.
- B. Employees in the unclassified service are exempt from the competitive examination process and serve at the pleasure of CW. The unclassified positions are: Community Affairs Director; Construction Services Administrator; Development Director; Finance Director; and Public Service Director; Technology Coordinator; Clerk of Council; Planning and Zoning Administrator; Clerk of Court; Streets, Lands and Buildings Superintendent; Water Reclamation Superintendent; Water Superintendent; Urban Forester; Community Center Coordinator; Utilities Billing Clerk; Events and Communications Coordinator; Finance Specialist; Administrative Assistant (Finance Department); and Chief Building Official.

- C. Employees authorized to act for and on behalf of CW, or holding a fiduciary or administrative relationship to the CW council or mayor and employees whose fitness would be impractical to determine by competitive examination shall be in the unclassified service of CW.

SECTION 1.4: VACANCIES: IDENTIFICATION, ANNOUNCEMENT AND APPLICATION

- A. CW shall post, internally for a minimum of seven (7) calendar days, classified position openings it intends to fill on a permanent basis, except in those cases where an employee is eligible for reinstatement from layoff to the vacant position.
- B. During the posting period, any employee wishing to apply for the vacant position shall submit a written notice of interest to the Employer or designee. The Employer or designee shall not be obligated to consider any applications submitted after the close of the posting period. However, CW may consider the applications of employees who were on a previously scheduled vacation during the posting period.
- C. The Employer may consider applicants from internal or external sources at the Employer's discretion. If the Employer elects to consider applications from both current employees and outside applicants, the Employer or designee shall publicly announce by appropriate means all promotional vacancies to be filled and shall maintain a list of announced vacancies for public inspection.

SECTION 1.5: BASIS FOR SELECTION

- A. All appointments to positions in the classified service shall be made according to merit and fitness, which shall be determined, as far as practicable, by competitive examination. As noted in the Rules of the Personnel Board of Review, an examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. The Employer shall determine the method of competitive examination, whether written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought.
- B. All qualified employees applying for the position may be interviewed by the Employer or designee, or the Employer may limit the number to be interviewed based on applicant responses to the job posting and the qualifications listed in the application.
- C. No immediate family member (parents, grandparents, grandchildren, children, spouse, siblings and any person related by blood or marriage and residing in the same household) shall be the direct or indirect supervisor of another immediate family member. Council rules do not permit an elected official of CW to use the authority or influence of their position to secure employment of any immediate family member. In addition, Department Heads are prohibited from the same. CW will not hire as full-time, part-time, intermittent or seasonal employee any immediate family member of an elected official of CW. Additionally, family members will not be hired if it creates a conflict of interest between the employee and the relative or CW. Similarly, no family member will be hired if it could result in a conflict of interest. Temporary employees are excluded from this restriction.

Deleted: his or her

Additionally, an employee is not permitted to work in a position where a supervisor, or any person in the chain of organizational command, is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or separated. If

two employees marry, they will be subject to the same rules above, unless Ohio law or judicial decisions dictate otherwise.

Ohio Rev. Code 102.03 and 2921.42 render it unlawful for a public official to use their influence to obtain a benefit, including a job for a family member. All employees are reminded that a violation of either of these statutes could result in criminal prosecution and/or disciplinary action.

Deleted: her

SECTION 1.6: PROMOTION AND TRANSFER

- A. Promotion and transfer opportunities may be offered to eligible CW employees. CW may limit a selection process to eligible employees, or may allow such employees preference in application and/or consideration, to the extent such is permitted by CW's merit system practice.
- B. To be considered for promotion and/or transfer opportunities, employees must meet the minimum qualifications of the position as set forth in the Classification Plan established by CW, must have completed one year of employment with CW, and must not be under disciplinary action. Factors to be considered for promotions and/or transfers include an employee's completion of required training courses, annual performance evaluation ratings, overall performance, the employee's attendance record, and any job-related testing prescribed by the Employer.

C. Pay Scale Placement

- 1. Employees of any division who are promoted within the division shall be entitled to have their years of service within the division taken into account as a positive factor in determining placement in the pay scale established by CW. A "division" as used within this section is defined as a subgrouping of a department as categorized on the organizational chart of CW.
- 2. Employees who transfer to another division or department or are promoted to a division other than the one in which they currently work shall be placed in the pay scale at the salary which most closely corresponds, but is not less than, the employee's current salary.
- 3. No employee shall be required to take a cut in pay to secure a promotion or transfer opportunity, unless the employee's salary is higher than the highest salary in the pay scale established for the job by CW. In that case, the employee shall be placed at the highest salary established by CW in the pay scale for that job.

4. An employee who is promoted within a classification series will receive an appropriate salary adjustment in the salary range as determined by the appointing authority.

Moved (insertion) [1]

- D. Promoted employees will be required to serve a probationary period in their new position. Employees failing their probationary period following appointment may be demoted to their prior position, if possible, or removed.

- E. When an occasion arises that creates an absence of a senior class employee for an extended period of time, a temporary appointment may be made. The temporary appointment may not continue longer than one hundred twenty days, and in no case shall successive temporary appointments be made. A temporary appointment longer than one hundred twenty days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence, subject to the rules of the employer. While serving in a temporary appointment, employees will be at the bottom of the pay range of the temporary appointment, or

Moved up [1]: <#>An employee who is promoted within a classification series will receive an appropriate salary adjustment in the salary range as determined by the appointing authority.¶

receive their current rate. However, CW may make an appropriate salary adjustment in the salary range as determined by the appointing authority.

SECTION 1.7: EMPLOYEE STATUS

- A. All employees of CW shall be categorized as full-time, part-time, temporary, seasonal or intermittent.
1. Full-time employee - an employee who is regularly scheduled to work 40 hours per week or on the standard full-time workweek as designated by the Employer.
 2. Part-time employee - an employee who is regularly scheduled to work less than 40 hours per week, or less than full-time as designated by the Employer.
 3. Temporary employee - an employee who works in a position which is of a non-permanent nature (full-time, regular part-time), which has a specified duration of time. (In most situations, the time frame will not exceed one hundred twenty days.)
 4. Intermittent employee - an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. Such employees are in the unclassified service and serve at the pleasure of CW. (In most situations the time frame will not exceed one thousand hours per year.)
 5. Seasonal employee - an employee who works a regular season or period of each year performing some work or activity limited to that season or period of year.
- B. Full-time permanent employees shall be entitled to all benefits as provided by CW. Part-time, temporary, seasonal and intermittent employees shall be entitled to only those benefits which are specified in this manual.

SECTION 1.8: MEDICAL EXAMINATIONS/DRUG AND ALCOHOL POLICY

A. MEDICAL EXAMINATIONS

A physical and mental examination by a qualified physician may be required by the Employer upon the conditional offer of appointment or promotion, to ensure that selected job applicants are physically and mentally able to perform the essential job functions of the position for which they are applying. Such examination will include drug/alcohol testing and any job related examinations. Existing employees may also be required to submit to a physical and/or mental examination if needed to verify fitness to perform the essential job functions of the position. No medical examination, except screening for use of illegal drugs, will be conducted until after CW has made the applicant a conditional offer of employment.

The Employer shall select the physician to administer the examination and shall pay the cost. Applicants may obtain a waiver of the medical examination requirement for religious opinion or affiliation.

Any applicant requesting a waiver of the examination requirement shall submit a written affidavit from a qualified physician describing their state of health at the time of employment.

Deleted: his or her

Current CW employees may be required to submit to a regularly scheduled medical examination during their period of employment with CW. Such an examination is intended to ensure that the incumbent continues to be physically and mentally able to perform the essential duties of ~~their~~ position. In such instances, the Employer shall inform the incumbent in writing of the examination requirement, the physician who will conduct the examination, and the time and date of the examination. The Employer shall assume the cost of such required examinations. The employee shall be responsible for attending the examination, and shall cooperate with the physician in order that the report of examination may be delivered to the Employer. In the event the employee elects to choose a physician other than the Employer's physician to complete the physical examination, cost incurred for conducting the physical examination will be at the employee's expense. Employees who refuse examination or fail to cooperate may be subject to disciplinary action, including termination for refusal to attend required examinations.

Deleted: his or her

An employee may be disqualified from holding a position with CW if it is determined that the individual is unable to perform the essential duties of the position sought or held. Prior to disqualification or termination, the Employer will consider whether a reasonable accommodation can be made which would enable the individual to perform the essential duties of the position. If it is determined that an employee must be separated due to a disability, such employee may request a hearing before the Personnel Board of Review.

CW will provide or pay for regular medical examinations for employees who may be exposed to contagious diseases while performing duties for CW. Upon written request, CW shall reimburse insurance costs incurred by an employee for contagious disease testing.

B. DRUG AND ALCOHOL POLICY.

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have ~~their~~ job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. The CW will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Deleted: his

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The CW may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The CW maintains a drug and alcohol free workplace¹ in order to eliminate the inherent risks and liability to the CW, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence

¹ As set forth in detail in paragraph B5 (Zero Tolerance) below medical marijuana use as authorized by state law is not exempted from the CW's drug and alcohol free workplace policy, constitutes a violation of this policy, and employees are subject to discipline up to and including discharge for any violation of this policy, including use of medical marijuana.

of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting CW business. Also prohibited is the illegal use of legal substances.

In order to further the CW's objective of maintaining a safe, healthful, and drug-free workplace, the CW may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

1. Definitions:

- (a) Controlled Substance - means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812; or as defined in 3719.01 O.R.C.).
- (b) Conviction - means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- (c) Criminal drug statute – when an employee is convicted of or pleads guilty to a drug statute conviction as defined by 3719.01 et seq. O.R.C.
- (d) 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 work place is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
- (e) Any employee convicted of any Federal or State criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction.
- (f) Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
- (g) Any employee convicted of a drug or alcohol offense, who fails to report the conviction as required by the above, will be:

- (i) Terminated from employment;
- (ii) held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

2. The Drug/Alcohol Testing Policy

- (a) In order to maintain a safe and healthful work environment, CW reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
- (b) Where CW has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at CW's expense, to provide blood and/or urine specimens. For purposes of the above, "reasonable suspicion" shall generally mean suspicion based on personal observation by a CW representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.
- (c) If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to CW. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.
- (e) Any employee who tests positive, may request retesting of the original specimen at their own expense.
- (g) Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through CW Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available accumulated, paid, or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.
- (h) Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
- (i) Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.
- (j) Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
- (k) Employees who are required to hold a commercial driver's license (CDL) will be required to participate in CW's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random

testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDLs and their supervisors.

3. Discipline

The CW may discipline an employee, for any violation of this policy. Nothing herein shall be construed as a guarantee that the CW will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one opportunity at rehabilitation. The CW's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc) the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

4. Refusal to Test

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test for purposes of this policy shall include:

1. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
2. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample;
3. Failure to execute or release forms required as part of the testing process.

5. Zero Tolerance

CW has a zero-tolerance policy for employees who are under the influence of illegal drugs or alcohol while at work. Employees who are using marijuana with a valid doctor's recommendation or authorized by Ohio law are not exempt from this policy in any way. The use of marijuana with or without a valid recommendation or as authorized by law will be treated the same as the use of all other illegal drugs or the abuse of legal drugs and may result in the employee's termination.

Employees are advised of the following:

1. CW does not permit or accommodate an employee's use, possession, or distribution of medical marijuana;

2. CW may refuse to hire or may discharge, discipline or take other action against an individual because of that person's use, possession, or distribution of medical marijuana;
3. An employee who tests positive for or refuses to submit to a drug test may be disqualified for compensation and benefits under the Ohio Workers' Compensation Act;
4. Because use, possession or distribution of marijuana is a violation of the Drug-Free Workplace Policy, employees who are discharged for those reasons will be considered to have been discharged for just cause for purpose of unemployment compensation or other post-termination pay or benefits.

SECTION 1.9: SENIORITY

Seniority is defined, for the purposes of this manual, as the full-time, uninterrupted length of continuous service with CW. Part-time service with CW shall not be calculated into a full-time service equivalent, unless required by law. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the leave, provided that the employee complies with rules and regulations governing ~~their~~ leave of absence, and ~~that the employee is reinstated from the leave.~~

Deleted: his or her

SECTION 1.10: DISCIPLINE

Principles of Progressive Discipline:

Moved (insertion) [2]

1. The City practices progressive discipline beginning with informal counseling. Formal discipline with notation in the employee's personnel file includes:
 - a. One or more oral reprimand (s)
 - b. One or more written reprimand (s)
 - c. One or more suspension (s)
 - d. Termination
2. Discipline should usually be progressive, and may skip steps based on the severity of the offense.
3. Discipline shall be applied uniformly and consistently throughout the City.
4. All records relating to oral and/or written reprimands will cease to have any force and effect and will be removed from an employee's personnel file twelve (12) months after the date of the oral and/or written reprimand if there has been no other discipline imposed during the past twelve (12) months. Records of other disciplinary action will be removed from an employee's file under the same conditions as oral/written reprimands after twenty-four (24) months if there has been no other discipline imposed during the past twenty-four months.

Discipline Process

Employee discipline shall be consistent with the Personnel Board of Review of CW. Specifically, the Board of Review states: Every officer or employee in the classified service of the City shall hold their position during good behavior and efficient service. No employee may be reduced in pay or position, suspended (paid or unpaid) or removed, except for incompetency, inefficiency, immoral conduct, dishonesty, conviction of a felony, drunkenness, insubordination, discourteous treatment of the public, neglect of duty, failure of good behavior, violation of a policy or work rule of the City, abuse of authority, repeated failure

to meet personal financial obligation, acts of misfeasance, malfeasance or nonfeasance, the conviction of a felony or for any other just and reasonable cause as determined by the Board.

Employees still serving their probationary period are considered unclassified employees and serve at the pleasure of their Appointing Authorities. As such, persons in their probationary period who are reduced, removed, or suspended have no right to appeal to the Board.

Prior to the imposition of discipline which may result in a loss of pay or working suspension, the employee shall be afforded a pre-disciplinary conference, except that an employee may be suspended without pay pending a hearing where the charges are theft, embezzlement of public funds, being under the influence of, or the use of alcoholic beverages or abusive drugs during work hours, or physical violence.

When an employee in the classified service is to be disciplined, the Appointing Authority or designee shall have the charges against the employee reduced to writing and served on the employee. A pre-disciplinary conference with the City, or designee, shall be held at least twenty-four (24) hours but no longer than five (5) business days of the service of charges upon the employee, unless a mutually agreeable extension is made.

Deleted: within forty-eight (48) hours

The employee shall have the right to be represented at the pre-disciplinary conference by a designated representative who shall have the right to attend any hearing held. The employee shall have the right to respond to the allegations of misconduct either verbally or in writing; have another respond to the allegations either verbally or in writing; provide no response; or waive the pre-disciplinary conference.

In case of a removal, reduction in pay or position, or suspension of 24 hours or more for employees exempt from overtime pursuant to the Fair Labor Standards Act (FLSA) or of 40 hours or more for employees non-exempt from overtime pursuant to the FLSA, the City shall serve on the employee, personally or by certified mail, at the last known address of such employee, a written statement concisely setting forth the reasons for which the employee is removed, reduced, or suspended and the duration of any such suspension. The employee may appeal to the Board in writing within (10) calendar days from the date such written statement is served upon them.

Appeal Process – Classified Employee

When notified of an employee's appeal, the City shall transmit to the Board a copy of the written statement sent to such employee, together with a statement of the time and manner of service thereof. The Board shall hear the employee's appeal within thirty (30) days from the filing of the appeal with the Board and may affirm, disaffirm, or modify the judgment of the City issuing such order and the Board's judgment in the matter shall be final except as otherwise provided by law.

In an appeal of a removal based upon a "last chance agreement" between the City and the employee, the only issue in which the Board may render a decision is whether the employee violated the last chance agreement. The Board may only affirm or disaffirm the judgment of the City. If it is determined that the last chance agreement was violated, the Board may not modify the discipline issued pursuant to the last chance agreement.

An employee wishing to leave City service in good standing shall file a written resignation with their department and /or division head at least two (2) weeks in advance. Failure to comply with this requirement may result in denial of future employment with the City.

The acceptance by the City of the resignation of a person discharged, before the final action by the Board, will be considered a withdrawal of the charges. Notice of the employee's resignation shall be submitted immediately to the Board which shall be entered in the Board's records.

SECTION 2.0: ETHICS

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code Sections 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all CW officials and employees:

- 1) No employee shall use their official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of their official duties.
- 2) No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of CW, nor shall the employee use such information to advance the financial or other private interest of him or herself or others.
- 3) No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of their duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
- 4) No employee shall represent private interests in any action or proceeding against the interest of the City in any matter wherein the City is a party.
- 5) No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independent judgment or action in the performance of their official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of their assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult their supervisor or Department Head. Any employee offered a gift or favor, who is not sure if its acceptance is a violation of the Code of Ethics, should inform their supervisor of the gift offer. The supervisor will make a decision or will refer the individual to the Prosecutor's Office. No employee will accept from any contractor or supplier doing business with CW, any material or service for the employee's private use.

State law prohibits CW employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

SECTION 2.1: PERFORMANCE EVALUATION

- A. Each CW employee normally will receive an annual performance evaluation from the Employer or

Moved up [2]: Principles of Progressive Discipline:¶

¶ The City practices progressive discipline beginning with informal counseling. Formal discipline with notation in the employee's personnel file includes:¶
One or more oral reprimand (s)¶
One or more written reprimand (s)¶
One or more suspension (s)¶
Termination¶
¶ All records relating to oral and/or written reprimands will cease to have any force and effect and will be removed from an employee's personnel file twelve (12) months after the date of the oral and/or written reprimand if there has been no other discipline imposed during the past twelve (12) months. Records of other disciplinary action will be removed from an employee's file under the same conditions as oral/written reprimands after twenty-four (24) months if there has been no other discipline imposed during the past twenty-four months. ¶

Deleted: his

Deleted: his

Deleted: s/he

Deleted: his

Deleted: his

Deleted: his

Deleted: his

Deleted: his

Deleted: his

Deleted: his

their designee for the period December 1 through November 30. Special evaluations may be made if authorized by the Employer or designee. New or newly promoted employees will be evaluated following six months (mid-probation evaluation) of service and one year of service (final probation evaluation).

Deleted: his

Deleted: January

Deleted: December 31

1. The mid-probation evaluation will be used for the annual evaluation if the employees' hire or promotion date was after April 1.
2. The final probation evaluation will be used for the annual evaluation if the employees' hire or promotion date was prior to April 1.

B. Salary raises will be given in accordance with a merit pay system. Percentage of increase for the ensuing year will be recommended by the Council Committee prior to the beginning of each fiscal year. Council shall have the authority to differ from these practices. Both the evaluation and the percentage of salary increase for each employee will have the approval of the Employer. Salary raises for new employees will be pro-rated based on their hire date. If the date of hire is October 1 or after, the employee will not be eligible for an annual salary raise until the next annual evaluation period.

C. Each employee shall be provided a copy of their performance evaluation. The supervisor shall discuss the report with the employee and shall counsel the employee regarding any improvement in performance which appears desirable or necessary. Employees will be required to sign the performance evaluation indicating that they have received the evaluation and are aware of its comments. The employee at the time of their evaluation may request to discuss the findings of their performance evaluation with their supervisor first, then the Department Director and the Appointing Authority, or both.

Deleted: his or her

Deleted: his

Deleted: his

Deleted: his

D. It may be necessary to administer employee performance evaluations periodically throughout the year. These instances will be handled in the same manner as the annual performance evaluation.

SECTION 2.2: TRAINING

Employees may be required to attend job-related training programs, courses, workshops, and seminars. If such training is required by the Employer or designee, the reasonable expenses for training costs and expenses actually incurred by the employee may be paid by CW upon presentation of receipts and other related documentation. A satisfactory certificate of completion for training shall be required before reimbursement can take place.

SECTION 2.3: PAY PERIOD

- A. All employees will be paid every two (2) weeks. Adjustments in pay periods may be made for leap years.
- B. The pay period is two (2) weeks long. The pay period starts at 12:01 a.m. on Monday and ends at 12:00 midnight on the second Sunday following. Records of hours worked and/or edits to such records must be turned in to the Employer during regular business hours on the designated day so that payroll can be prepared by the Finance Director.

SECTION 2.4: OVERTIME

- A. Non-exempt employees shall be entitled to overtime compensation at one and one-half (1½) times their

regular rate of pay for all hours actually worked in excess of 40 hours during any work week. Employee overtime must be authorized by the Mayor or Department Head in advance of the overtime being worked, unless emergency circumstances require an employee to be called in without prior approval of the Mayor or Department Head. Scheduled overtime will be guaranteed a minimum of thirty (30) minutes work time. Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to overtime compensation.

- B. For purposes of this section, paid sick leave, vacation, holiday and other approved paid leave time shall be considered hours actually worked. Time spent traveling where overnight stay is not required during the workday shall be considered hours actually worked for the purposes of calculating overtime; time spent overnight on official CW business shall not be considered hours actually worked for the purposes of calculating overtime.
- C. Upon the written request of the employee and with the approval and agreement of the employees' department manager, and in lieu of overtime pay, non-exempt employees may request in writing to be granted compensatory time for the hours worked in excess of forty (40) hours per week. For every one (1) hour of time worked on overtime, a non-exempt employee shall be granted one and one-half (1 ½) hours of compensatory time. Newly accrued compensatory time is not available for use until it appears on the employee's earnings statement and on the date the funds are made available. The compensatory time account for nonexempt employees will have a maximum capacity of eighty (80) hours at any given point during employment. If a nonexempt employee's compensatory time account has reached its maximum, any additional hours worked will automatically be paid as overtime until such time that the compensatory time account balance has been reduced below the maximum hours.
- D. The following positions within CW shall be exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA"): Community Affairs Director, Construction Services Administrator, Development Director, Finance Director, Public Service Director, Planning and Zoning Administrator, Technology Coordinator, Streets, Lands and Buildings Superintendent, Urban Forester, Water Reclamation Superintendent Water Superintendent, , Finance Specialist, and Chief Building Official. Additional positions may also be exempt from the overtime provisions of the FLSA due to the job duties of the position.
- E. Exempt employees are exempt from the payment of overtime. While these employees are not eligible for overtime, they are eligible for schedule adjustments as authorized by the Department Head. Scheduled committee and/or council meetings are paid hour for hour for exempt employees with a guaranteed minimum of thirty (30) minutes.
- F. At the discretion of the Employer, in lieu of overtime pay, exempt employees may request in writing to be granted compensatory time for the hours worked in excess of forty (40) hours per week. For every one (1) hour of time worked on overtime, an exempt employee shall be granted one hour of compensatory time. The compensatory time account for exempt employees will have a maximum capacity of eighty (80) hours which must be used by the end of the calendar year. Only sixteen (16) hours can be carried over into the next calendar year and must be used by March 31st of that year. Newly accrued compensatory time is not available for use until it appears on the employee's earnings statement and on the date the funds are made available.
- G. When an employee is required to work on one of the observed holidays, such employee shall receive their usual rate of compensation plus additional compensation for each hour actually worked at the rate of one and one-half (1½) times their usual rate of pay. The additional compensation shall not be considered in determining any employee's regular rate of pay for purposes of calculating overtime compensation which may accrue in such workweek (i.e. pyramiding of overtime is not permitted)

Formatted: Not Highlight

Formatted: Superscript

Deleted: his or her

Deleted: his or her

By way of illustration, the appropriate calculation for an employee with a usual rate of pay of \$10.00 per hour is as follows:

Worked 5 hours on a holiday
Holiday pay 8 hours @ \$10.00/hour \$ 80.00
Overtime 5 hours @ \$15.00/hour \$ 75.00
\$155.00

H. Compensatory time for nonexempt employees will be paid at separation.

SECTION 2.5: ON-CALL DUTIES

- A. Certain positions as designated by the Employer will be on an on-call status through use of cell phones and home phone numbers. An employee who is on an on-call is required to have their cell phone on at all times, even when at home, in order to be reached in case of an emergency. If an employee on an on-call status is directed to perform their duties, then such employee shall report to work promptly, but in no event later than within one (1) hour of being called.
- B. Employees assigned to an on-call status are free to pursue their own activities and the only stipulation is that they be available and in condition for on-call duties, as required. They will not be compensated for any time not spent until actually responding to a call during the on-call status period. If an employee on an on-call status is directed to perform their duties, then they will be compensated for all time spent performing their duties from the time the employee leaves their home or other location to the directed area assigned until the employee returns to their home. The employee is expected to leave their home or previous location and proceed directly to the area assigned and return to their home immediately and without stopping.
- C. Non-exempt employees who are called in and required to work hours outside of their regularly scheduled hours of work shall be paid a minimum of two (2) hours pay at one and one-half (1½) times their hourly rate of pay or actual hours worked, whichever is greater, unless such call-in occurs on a holiday. All additional hours worked beyond the above two (2) hour call-in minimum will be compensated for at the usual overtime rate of pay. There shall be no pyramiding of on-call pay or on-call time. Additionally, employees called-in to work outside their regularly scheduled work hours may be required to work on behalf of the Employer for the duration of their call-out pay.
- D. Prescheduled work and meetings are not considered as part of the on-call hours.

Deleted: his/he
Deleted: r
Deleted: his or her

Deleted: his
Deleted: his
Deleted: he
Deleted: his
Deleted: he
Deleted: his
Deleted: his
Deleted: his

SECTION 2.6: LONGEVITY PAY

Longevity pay applies to full-time and part-time employees. Longevity pay is to be paid in an employee's paycheck for the pay period which includes December 1st. Employees shall be entitled to longevity pay of \$400.00 after five (5) years of continuous service with CW and an additional \$50.00 per year for every year thereafter.

Special Provisions: If an employee quits or is terminated prior to December 1, they are not eligible to receive longevity for that calendar year. That is to say that the employee must be working with CW during the pay period that includes December 1.

Deleted: as of each December 1st following their fifth anniversary date
Deleted: according to the following schedule:
¶ 5-9 full years of continuous service with CW . \$200.00¶
¶ 10-14 full years of continuous service with CW . \$400.00¶
¶ 15-19 full years of continuous service with CW . \$600.00¶
¶ 20-24 full years of continuous service with CW . \$800.00¶
¶ 25 or more full years of continuous service with CW . \$1,000.00
Deleted: he
Deleted: is

SECTION 2.7: RETIREMENT PLAN

All employees of CW are required by law to participate in the Ohio Public Employees Retirement System. This plan is entirely independent of the Federal Social Security System. Information on this retirement plan may be obtained by contacting the Finance Director or designee. If employees should have any further questions regarding the benefits available under this plan, they may contact the following:

Public Employees Retirement System
277 East Town Street
Columbus, OH 43215
(614) 466-2085

SECTION 2.8: PAYROLL DEDUCTIONS

Deleted: P.E.R.S. PICK-UP

A. Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement which accompanies their biweekly paycheck. Deductions include:

1. OPERS- All employees must participate in the Public Employees Retirement System rather than Social Security.
2. Income Taxes: Federal, state, and city governments and some school districts may require that income taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished by the Treasury Department and the Ohio Department of Taxation and may vary according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and inform Finance of any dependency change whenever such change occurs.
3. Miscellaneous Deductions: Examples include child support as order by a Court, garnishments, deferred compensation, credit union savings, health insurance, and other approved deductions.

B. The Finance Director or designee will implement all procedures necessary in the administration of the pay of all employees to effectuate the withholding of payroll deductions.

Deleted: A. The total amount of the employees' statutorily-required pension contribution shall be withheld from the gross pay of each full-time employee and shall be assumed and paid by CW. This payment is paid in lieu of contributions by each employee within CW. No employee subject to this contribution shall have the option of choosing to receive the statutorily required contribution directly instead of having it "picked-up" by CW or of being excluded from the "pick-up".¶

¶
B. The "pick-up" provided herein applies to all full-time employees who are contributing members. For the purposes of this section, a full-time employee is a person who performs work for CW in accordance with an established working time, but not less than twenty (20) hours per seven (7) consecutive calendar days for fifty-two (52) consecutive seven (7) day periods annually.¶

¶
C. The Finance Director or designee will implement all procedures necessary in the administration of the pay of all full-time employees to effectuate the withholding of the statutorily-required contributions, so as to enable them to obtain the resulting federal and state tax deferments.¶

Deleted: his or her

Deleted: his or her

SECTION 2.9: WORKERS COMPENSATION

State law provides that every CW employee is eligible for Workers Compensation for injuries arising out of or in the course of their employment. Guidelines for administering Workers Compensation are set forth below.

A. Should an employee be injured during the course of employment with CW, their supervisor shall notify the HR Coordinator and shall complete an Incident Report Injury Form and an accident report. Both forms shall be completed, regardless of the apparent seriousness of the injury, and

regardless whether medical attention is required. Such report shall be forwarded to the Employer or designee no later than forty-eight (48) hours after the accident.

- B. Should an employee's injury require medical attention, the employee will be provided with the First Report of Injury (FROI) which shall be completed by the employee, employer and the attending physician. This completed report should be forwarded to the HR Coordinator at the earliest possible date. CW reserves the right to provide a physician for all work-related injuries.
- C. In the event of serious injury, the injured employee's supervisor shall notify the Employer or designee immediately so that, if necessary, an investigation may be initiated.
- D. Workers Compensation forms shall be completed by the HR Coordinator for the purpose of initiating compensation claims for injured employees. If possible, the injured employee shall meet with HR Coordinator at a mutually agreeable time, to assist in completing the form. When necessary, HR Coordinator shall visit the employee in ~~their~~ home or in the hospital to initiate the claim.
- E. The Employer or designee must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for keeping the Employer or designee updated as to their medical status and their expected date of return.
- F. Any documents received from the injured employee, ~~their~~ physician, hospital, or the State, regarding Workers Compensation claims must be immediately forwarded to the Human Resources Coordinator.
- G. Employees who are injured in the line of duty and must leave work before completing their work period shall be paid at their regular rate of pay for the balance of time left in their scheduled workday.
- H. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers Compensation. Employees are prohibited, however, from receiving payment for injury leave, vacation leave, or sick leave while simultaneously receiving payment from Workers Compensation.

Deleted: his

Deleted: his or her

SECTION 3.0: EXPENSE REIMBURSEMENT

Employees of CW are to receive reimbursement for expenses incurred if required to travel on official CW business. Employees are eligible for expense reimbursement only when travel has been authorized in writing by the Employer. Expenses shall be reimbursed in the following manner:

A. Mileage, Parking and Tolls

1. Employees shall attempt to secure a CW vehicle to attend authorized training or to conduct CW business. If a CW vehicle is not available, employees shall be reimbursed for actual miles, while on official CW business, at the standard rate of allowance permitted by the Internal Revenue Service when using a personal vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only the individual whose personal vehicle is used when two or more employees travel on the same trip, in the same vehicle.

2. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.
3. No expense reimbursements are paid for travel between home and office, unless travel between home and the official destination is less than between the office and official destination. In that case, expense reimbursements are paid between the home and the official destination.

B. Overnight Travel

When able, employees shall attempt to put travel expenses (lodging, transportation, meals, etc.) on a City credit card. In instances where this is not possible, the following policy shall apply:

1. Meals

- a. An employee shall be entitled to receive reimbursement for meals when travelling overnight on CW business. The amount will be paid for meals that are not already included in the registration and/or lodging accommodations regardless if the employee chooses to attend the meal.
- b. Employees can be reimbursed for actual expenses incurred or using per diem amounts in accordance with the Federal Continental United States (CONUS) which identify per diem rates by geographic location. If the employee's destination is not specifically listed, the standard CONUS rate applies. Employees who chose to request reimbursement for actual expenses incurred must submit itemized receipts to receive reimbursement. Under no circumstances will reimbursement be given for alcohol purchases. No receipts are required when receiving reimbursement under the per diem method.

2. Lodging

- a. Expenses covering the actual cost of overnight lodging will be reimbursed in full when an employee travels out of CW on official CW business and such travel requires an overnight stay (75 miles or greater from CW offices). Employees shall ensure a government rate is secured when available and state sales tax is not included.
- b. Lodging expenses will be reimbursed only with the prior written authorization of the Employer or designee. In obtaining prior authorization, employees shall provide the name of the hotel and expected cost.

3. Transportation

- a. Employees traveling within a drivable distance on official CW business shall follow Section 3.0(A) for reimbursement requests.
- b. When travel by air or other carrier is necessary, employees shall secure the best available rate. Employees shall not use personal reward programs, frequent flyer memberships, etc. to earn rewards when traveling on official CW business.

- c. In instances where a rental car is necessary, reimbursement will be granted for a car type that is reasonable for the location, number of travelers, etc. Reimbursement will not be granted for luxury vehicles or rentals deemed unnecessary at the discretion of the Employer.

4. Incidental Expenses

- a. Employees will be reimbursed for reasonable incidental expenses defined as fees and tips given to porters, baggage carriers, hotel staff and staff on ships.

C. Daily Travel

For travel that does not require an overnight stay, reasonable expenses incurred for meals while on official CW business will be reimbursed at actual cost with the approval of the Employer.

- D. The Employer may provide, in advance, at its discretion, for the cost of training, meals and travel expenses.

- E. The Employer shall establish regulations and monthly reimbursement rates for certain exempt employees who are regularly required to use private automobiles on CW business.

SECTION 3.1: HEALTH CARE PLAN

Each eligible employee is granted the opportunity to join the CW health care plan, as provided as a fringe benefit by CW from time to time upon such terms and conditions as set forth by the appointing authority. Healthcare plan may include health, prescription, dental, vision, and life insurance coverage as well as an employee wellness program. Details of CW current health care plan are available from the Public Service Director or the Human Resources Coordinator.

SECTION 3.2: HOLIDAYS AND PERSONAL LEAVE

- A. ~~City~~ employees ~~will observe~~ the following holidays:

New Year's Day	First day of January
Martin Luther King, Jr. Birthday	Third Monday of January
President's Day.....	Third Monday of February
Good Friday.....	Friday before Easter
Memorial Day.....	Last Monday in May
Independence Day	Fourth day of July
Labor Day.....	First Monday in September
Veterans Day	11th day of November
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Friday after Thanksgiving Day
Christmas Day	25th day of December
Any other day proclaimed as a holiday by the Mayor.	

Deleted: All full-time
Deleted: are entitled to

- B. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.

Deleted: , Governor of Ohio, or the President of the United States

- C. In observance of each authorized holiday, full-time employees will normally be granted the day off from work with pay. Employees assigned to a twenty-four (24) hour or seven (7) day per week operation will be expected to work holidays when so scheduled. Part-time employees will be granted a half day off from work with pay if the holiday falls on their regularly scheduled work day.
- D. If a holiday occurs while an employee is on vacation, such vacation day will not be charged against their vacation leave.
- E. Personal Leave - In lieu of additional observed holidays, each full-time employee is entitled to two (2) personal days off with pay per year which may be used for any reason, including as floating holidays. Personal days are scheduled in accordance with workload requirements of the individual department or office and departmental seniority. The use of personal days is subject to the prior approval of the Department Head, or designee. Personal day requests must be made in writing and submitted at least one (1) day in advance of the proposed starting date for requests of 16 hours or less. Employees hired on or after July 1 shall be entitled to one (1) personal day during their first year of service with CW. Personal days may not be carried forward and are forfeited if not used in the year in which they were earned. Personal leave shall be taken in one-half (1/2) hour increments.

Deleted: his or her

SECTION 3.3: VACATION

- A. Full-time, twelve (12) month employees of CW are eligible for paid vacation leave according to the following eligibility guidelines:

<u>Years of Service</u>	<u>Vacation Days (max per year)</u>	<u>Accumulation per pay period</u>
1-6 years	12 days	3.69 hours
7-14 years	18 days	5.54 hours
15-23 years	22 days	6.77 hours
24+ years	27 days	8.31 hours

Deleted: 4

Deleted: 5

- B. Upon written request and for good cause shown, employees may be permitted to use accrued, but unused vacation after six (6) months service. Such requests will be considered on a case-by-case basis and subject to the discretion of CW.
- C. Vacations are scheduled in accordance with workload requirements of the individual department or office and departmental seniority. For this reason, it is essential that vacation requests be made in writing and submitted (a) at least one (1) week in advance of the proposed starting date for vacation requests of more than 16 hours, or (b) at least one (1) day in advance of the proposed starting date for vacation requests of 16 hours or less.
- D. Vacation leave is earned while in paid status to the maximum amounts outlined above, but additional vacation leave is not accrued through the accumulation of paid overtime. Vacation leave is not earned while an employee is in a no-pay status (leave of absence, disciplinary suspension, etc.)
- E. At the end of the pay period that includes December 31, an employee can carry over a maximum total of one and one-half (1½) times the number of regular vacation days to which they are entitled, as outlined above.

Deleted: last pay period of the year

Deleted: he is

- F. At the end of the last pay period of the year, an employee can convert up to forty (40) hours of vacation to be paid on or around March 1. In order to be eligible to convert up to one week of vacation leave to compensation, the employee must have taken at least one (1) week of vacation and maintain a minimum balance of ninety-six (96) hours after conversion. Additionally, the employee must have reduced their vacation carry-over to the maximum amount of vacation time that can be accrued. Once vacation hours are converted to pay, the accrual bank is reduced by the number of hours converted.
- G. CW shall not accept any transfer of vacation time accumulated by another agency or political subdivision.
- H. Vacation time shall be taken in minimum units of one-half (1/2) hour.
- I. Prior service vacation credit will be granted consistent with Ohio law. Employee shall obtain service time on the former employer's letterhead specifying the dates of employment and whether the employee was full-time or part-time.
- J. Vacation days are based on forty (40) hour workweek accumulation to the maximum amounts outlined above.
- K. Newly accrued vacation time is not available for use until it becomes available on the employee's earning statement and on the date the funds are available.
- L. Vacation leave accrual will be pro-rated upon resignation.

Deleted: to be used

SECTION 3.4: SICK LEAVE

- A. Sick leave is a full-time employee benefit that is to be used solely for the purposes outlined below. An employee may request sick leave for absences resulting from illness as described below, provided they follow "F" which is outlined below. Sick leave may be requested for the following reasons:
 1. Illness or injury of the employee or a member of the employee's immediate family.
 2. Exposure of employee or member of the employee's immediate family to a contagious disease which would have a potential of jeopardizing the health of the employee or the health of others.
 3. Bereavement Leave as defined below.
 4. Medical, dental, or optical examinations or treatment of employee or a member of the employee's immediate family.
 5. Pregnancy, childbirth and/or related medical conditions of the employee or the employee's immediate family.

Deleted: his or her

Deleted: his or her

Deleted: his or her

For the purposes of this sick leave policy, the "immediate family" is defined as only: mother, father, brother, sister, child, step-child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of a parent.

- B. The Employer, or designee, maintains the right to investigate any employee's absence. Employees may be required to furnish satisfactory, signed written statement from a physician verifying the proper use of sick leave. The employee will submit to a medical examination, nursing visit or other inquiry which the Employer or designee requires.

- C. For each completed eighty (80) hours in active pay status, an employee earns 4.6 hours of sick leave. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, and hours of paid sick leave but additional sick leave is not accrued through the accumulation of paid overtime. Sick leave shall not be advanced. However, employees that have exhausted all their accrued sick leave may request to use other forms of paid leave or an unpaid leave of absence at the sole discretion of CW.
 - D. There is no limit on the amount of sick leave accrued. However, employees transferring to CW from other jurisdictions shall not be permitted to transfer sick leave.
 - E. Sick leave shall be taken in minimum units of one-half (1/2) hour increments.
 - F. Employees absent on sick leave shall be paid at the same basic hourly, daily or biweekly rate as when they are working.
 - G. An employee requesting sick leave shall personally notify their supervisor at least ½ hour prior to the start of their scheduled shift. Notification may be made by phone call, voice mail, email, or text and is at the discretion of the employee’s supervisor. However, except in cases of emergency, notification by a third party is not acceptable. The employee must indicate a qualifying reason for their absence. Failure to do so may result in denial of sick leave for the period of the absence. In cases where the employee’s supervisor is not available, the employee shall notify their supervisor’s immediate supervisor of the absence.
 - H. Other leave may be used for sick leave purposes, at the employee’s request and the approval of the Employer, after sick leave is exhausted. Other leave will be utilized in the following sequence: Compensatory time, personal leave and vacation leave, Employees who have exhausted all sick, compensatory, personal, and vacation leave may, at the discretion of the Employer, be granted a personal leave of absence without pay for a period not to exceed six (6) months.
 - I. An employee fraudulently obtaining sick leave, or found falsifying sick leave records, altering a physician’s certificate or falsification of a written, signed statement shall be subject to disciplinary action, up to and including termination.
 - J. CW will accept up to five (5) incidences of sick leave in a rolling, twelve (12) month period. An incident is defined as the uninterrupted number of scheduled work days or hours absent as a result of an illness, or intermittent scheduled work days or hours absent all directly related to the same illness in situations such as described in example 4 below. The employer reserves the right to request documentation from a physician justifying the relationship of intermittent time used in these situations. The Mayor shall have the discretion to alter the application of sick leave incidents as described in this policy in extreme cases such as pandemics or other extenuating circumstances.
- Example 1:* An employee has the flu and is off sick for two successive workdays. The employee has incurred one incident of sick leave, amounting to sixteen (16) hours of sick time used.
- Example 2:* An employee has an operation, and must be in the hospital for one week. The employee has incurred one incident of sick leave amounting to forty (40) hours of sick time used.

Deleted: his or her

Deleted: or a

Deleted: acceptable except in cases of emergency or at the discretion of the supervisor

Deleted: his or her

Deleted: Regarding an employee’s evaluation,

Deleted: calendar

Deleted: year

Example 3: An employee is sick for one day. A week later, the employee is sick again. The employee has incurred two (2) incidences of sick leave amounting to sixteen (16) hours of sick time used.

Example 4: An employee is in the hospital for two days. Because of the illness, the doctor has recommended physical therapy twice a week for the next three weeks. Each physical therapy visit is related to the initial hospital stay and the entire period will count as one incident.

~~Employees that incur more than five (5) incidences of sick leave in a rolling twelve (12) month period may continue to use accrued sick time; however, they will be subject to discipline in accordance with this Manual for unacceptable use of sick leave. Any disciplinary action taken against an employee as a result of sick leave usage will be taken into consideration on their Performance Evaluation.~~

Moved (insertion) [3]

Deleted: Regarding disciplinary action, e

Deleted: more than five incidences of sick leave annually will be deemed unacceptable by CW.

Deleted: Employees will be disciplined

Deleted: and will receive zero (0) points for attendance

K. A return to work slip from a physician will be required to return to work after each sick leave incident that lasts for more than two (2) working days. For extended illnesses, a doctor's excuse is required every two (2) weeks, unless a specific release date is provided by the physician at the onset of the illness or injury.

L. Employees will be permitted ~~the use of sick time for pre-approved medical, dental or optical examinations as defined in items 4 and 5 of Section A above. There is no limit to the number of sick leave hours that may be used under this section so long as hours taken at one time are reasonable for the type of examination/appointment. Reasonableness shall be determined by the employee's supervisor taking into consideration appointment time, travel time, and other factors deemed relevant. Documentation to assist in determining the reasonableness of the hours used may be requested. The use of sick leave for examinations/appointments under this section shall not be counted as a sick leave incident under section J above.~~

Moved up [3]: <#>Regarding disciplinary action, employees that incur more than five (5) incidences of sick leave in a rolling twelve (12) month period may continue to use accrued sick time; however, more than five incidences of sick leave annually will be deemed unacceptable by CW. Employees will be disciplined in accordance with this Manual for unacceptable use of sick leave and will receive zero (0) points for attendance on their Performance Evaluation.¶

Deleted: four (4) non-concurrent up to two (2) hour allotments

Deleted: per year to be used

Deleted: these four (4) occurrences

M. Sick Leave Conversion – At the end of the pay period that includes December 31, an employee may convert to cash any part of their sick leave accrued not to exceed eighty (80) hours provided they maintain a minimum of six hundred (600) hours of sick leave after conversion. Payout will be 2 for 1 (e.g. ½ of their hourly rate) and will be paid on or around March 1.

N. Newly accrued sick time is not available for use until it appears on the employee's earnings statement and on the date the funds are available.

O. Sick leave accrual will be pro-rated upon resignation.

P. Sick Leave Transfer - An employee, who transfers from any political subdivision to CW and who is eligible to earn sick leave with CW shall be credited with the unused balance of the previously accumulated sick leave bank up to a maximum of 600 hours. The employee must be hired by CW within ten years of resignation/separation from the prior employer to be eligible under this section. New employees whose sick leave is transferred must first use sick leave earned while employed with CW prior to using ~~their~~ transferred balance. Transferred sick leave cannot be applied to Section N – Sick Leave Conversion. Any transferred sick leave shall not be eligible for conversion to a cash payment at resignation or retirement.

Deleted: his/her

SECTION 3.5: SICK LEAVE DONATION

CW shall maintain an equitable sick leave donation policy which allows employees to voluntarily provide assistance to any full-time employee of CW who needs leave due to injury or illness to the employee or the employee's immediate family. For purposes of this sick leave donation policy, recipient employees may only receive a sick leave donation if all other forms of their paid leave have been exhausted. Employees cannot use transferred sick leave under this policy. For purposes of this sick leave donation policy, the recipient employee's immediate family shall be the same as defined in Section 3.4: Sick Leave.

Deleted: include the employee's spouse or children

Employees' may donate/receive sick leave up to the amount hours regularly worked by the employee during pay period. For example, if the employee is regularly scheduled to work eighty (80) hours, the employee may receive up to 80 hours in a pay period. Employees receiving a sick leave donation shall be deemed to be in active pay status eligible to accrue any other benefits to which they would otherwise be entitled.

An employee requesting to donate leave to an employee may do so by submitting a Sick Leave Donation Form to the Human Resources Coordinator. In order to donate sick leave, the employee must satisfy the following which is captured on the Sick Leave Donation form:

1. Indicate to whom the leave is donated.
2. Submit a written request/statement that the donation is voluntary;
3. Understand that the leave will not be returned once donated;
4. No less than four (4) and no more than forty (40) hours may be donated to any employee.
5. The employee must have a remaining sick leave balance of four hundred eighty (480) hours after a donation.

The Human Resources Coordinator will determine whether the donation is voluntary and if the necessary terms of the donation are satisfied. If the leave donation is approved, the employees will be notified in writing of the leave donation, as well as, the terms of the donation.

If multiple employees offer to donate leave, the leave will be distributed in an equitable manner. For example, if an employee needs ten (10) days and five (5) employees volunteer, then each employee would have two days deducted from their sick leave.

SECTION 3.6: BEREAVEMENT LEAVE

Any eligible employee may be granted use of accumulated sick leave, upon approval of the Employer or designee, for a maximum of three (3) consecutive working days in the event of a death of an immediate family member. For the purposes of this policy, the "immediate family" shall be the same as defined in Section 3.4: Sick Leave.

Deleted: is defined as only: mother, father, brother, sister, child, step-child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of a parent.

The use of sick time for bereavement leave shall not be counted as a sick leave incident.

SECTION 3.7: MILITARY LEAVE

CW will comply with all applicable State and Federal law concerning military leave.

SECTION 3.8: JURY DUTY (CIVIC DUTY LEAVE)

- A. If a full-time employee of CW is called for jury duty, they will be paid their regular salary or wage in full for the period of time that the employee serves in jury duty.
- B. All monies received as compensation for jury duty shall be turned over to the CW Clerk, unless jury duty was served outside of regular working hours.

Deleted: he

Deleted: his

- C. The employee will be expected to report for work following jury duty, if a reasonable amount of time remains during their scheduled workday. For example, if more than half the employee's shift remains, the employee is to return to work. If otherwise required, an employee must serve on-call duties during hours that attendance at the courthouse is not required, unless the employee is sequestered.
- D. Employees shall also be entitled to leave without loss of pay to appear in court in matters related to their employment. However, employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, or other non-work related matters. If employees are required to appear in court for a personal or non-work matter, employees may request a leave without pay, the use of vacation leave or other form of paid leave. Paid leave may be used upon the prior request to and approval of the Department Head.
- E. Time served by an employee for court leave or jury duty shall not be considered hours worked for purposes of calculating overtime, unless such court service is directly related or is an integral part of the employee's work duties.

Deleted: his

SECTION 3.9: LEAVE WITHOUT PAY

- A. At the sole discretion of CW, the Employer may grant a leave of absence to any employee for a maximum duration of six months upon the written request of the employee. Leave without pay may be granted for personal reasons, educational opportunities of the employee or due to an illness, injury or temporary disability. Such a leave may not be renewed or extended beyond six months. A failure of the employee to return at the conclusion of a leave of absence without pay will result in the employee being deemed to have voluntarily resigned their position.
- B. The authorization of a leave of absence without pay is a matter of administrative discretion. The Employer will decide in each individual case if a leave of absence is to be granted.
- C. Except for emergencies, employees will advise the Employer sixty days prior to commencement of the desired leave so that the various functions may proceed properly.
- D. Upon completion of a leave of absence, the employee shall be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists, unless the employee would otherwise have been separated from service.
- E. An employee may return to work before the scheduled expiration of leave if requested by the employee and agreed to by the Employer.

SECTION 3.10: SEPARATION PAY

- A. Upon separation from employment for any reason, an eligible employee shall be paid any credited unused vacation as of the date of such separation. Compensatory time will be paid out to nonexempt employees only. Personal leave will not be paid out at separation.
- B. Upon separation from employment due to retirement of the employee and/or death of the employee, an eligible employee or beneficiary shall be paid for one-fourth (1/4) of their accumulated sick leave to a maximum of sixty (60) days or 480 hours. However, to be eligible for sick leave pay-off, the

employee must have ten (10) years of public service, be eligible to retire and actually retire. In the event the employee converts any unused sick leave at retirement, such conversion will empty the employee's sick leave bank.

- C. Such payments will be made within thirty (30) days of the separation.

SECTION 3.11: FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of leave time in a rolling 12 month period for family and/or medical leave of absence or for childbirth, adoption and foster care. An employee who has been employed by CW for at least twelve months and has been in "active pay status" at least 1250 hours during the past 12 months is eligible for FMLA leave. CW will comply with all applicable State and Federal laws concerning FMLA. For employees not eligible for FMLA, CW will review business considerations and the individual circumstances involved. CW requires reasonable documentation. For further information, please contact Human Resources.

SECTION 3.12: BREASTFEEDING MOTHERS

All employees that have recently given birth shall be allowed reasonable break time in order to express milk for the feeding child each time the employee has a need to express milk, up to one year after the child's birth. The employee will be provided an appropriate space, other than a bathroom, that is shielded from view and free from intrusion from co-workers and members of the public, for the purpose of expressing milk. Breaks for the purpose of expressing milk in accordance with this policy shall be unpaid.

Deleted: her

SECTION 4.0: INCLEMENT WEATHER (NON-PUBLIC SERVICE DEPARTMENTS)

- A. Weather conditions normally should not prevent employees from reporting for work. When weather conditions are extremely severe, and when all other options have been exhausted, the Employer or designee shall be contacted.
- B. CW recognizes that on certain days it may be difficult for a scheduled employee to come into work, due to excessive snow, ice or other inclement weather. Caution and care should be exercised upon attempting to report to work under such conditions.
- C. Scheduled employees who are able to come into work on such inclement days shall be paid their regular wage for actual time worked. Those employees who are not able to come into work due to inclement weather shall have the option of receiving an excused day off without pay or using time from vacation hours.
- D. Exceptions to A, B and C will occur when a state of emergency is properly declared. The only authorities allowed to make such a declaration are the President of the United States, the Governor of the State of Ohio, the Franklin or Fairfield County Sheriff or Mayor. Employees will receive full pay in the event that a state of emergency is properly declared.
- E. In extreme weather conditions the Employer may institute a closing or change in arrival and closing times without approval or institution of (D) of this section.

SECTION 4.1: INCLEMENT WEATHER (PUBLIC SERVICE DEPARTMENTS)

Public Service department personnel are required to come into work regardless of the weather conditions. When weather conditions are extremely severe, and when all other options have been exhausted, the Employer or designee shall be contacted. Arrangements may be made to pick up the employee at home. Employees shall exercise caution and care upon attempting to report to work in severe weather conditions.

SECTION 4.2: CONTINUING EDUCATION AND TUITION REIMBURSEMENT

A. Continuing Education

An employee of CW may be permitted to attend a continuing education event when directly related to the employee's field of work. For purposes of this section, continuing education is defined as a single or multi-day professional seminar, conference, workshop, meeting or class. All requests to attend such an event must have prior approval from the appropriate supervisor and/or Department Head. The employee may be permitted to attend the event with full pay and without the use of paid time off. In certain instances, an employee may be required to use paid time off. Such instances shall be discussed prior to the event.

Deleted: full-time

B. Tuition Reimbursement

Contingent on budget allocations, ~~full-time~~ City employees may be eligible to receive financial assistance to attend educational courses at fully-accredited educational institutions in order to foster personal development in job-related areas as well as career development. The city will require the employee to sign an agreement which will outline the specific criteria prior to receiving reimbursement.

SECTION 4.3: HOURS OF WORK

The typical workweek for CW employees is forty (40) hours per week. Due to the nature of their operations, many departments have different schedules, shifts or special arrangements. Work schedules for these operations are determined by the respective department heads and approved by the Employer; provided, however, that an employee shall work no more than a maximum of sixteen continuous hours. In the event an employee works sixteen hours, an eight-hour break shall be required before such employee may return to work.

SECTION 4.4: ATTENDANCE

The Employer or designee shall establish daily work schedules and maintain daily employee attendance records. Attendance is an essential function of all positions. Good attendance is expected and tardiness is not tolerated. Employees are required to be at work during regularly scheduled hours unless otherwise excused. Absences without proper authorization and approval will result in disciplinary action, up to and including termination.

SECTION 4.5: STARTING/QUITTING

- A. Employees will report to work no earlier than fifteen (15) minutes prior to their scheduled starting time, and conclude their workday no later than fifteen (15) minutes after their scheduled quitting time unless authorized by the Employer or designee.

- B. Employees are required to record their hours worked in the manner provide by the Employer. At the conclusion of the pay period, employees are required to verify the accuracy of the hours worked.
- C. Employees are expected to promptly report to work at their scheduled starting time and perform the functions of their position. Employees who fail to comply with this work requirement will be subject to disciplinary action.

SECTION 4.6: TARDINESS

Tardiness on a regular basis is inexcusable and will subject an employee to disciplinary action. Tardiness is defined as any situation where an employee reports to work after ~~their~~ scheduled starting time. Whenever an employee is tardy, that employee may be subject to a reduction in pay corresponding to the amount of time ~~they were~~ late, unless the employee's tardiness is excused by the employee's supervisor.

Deleted: his/her

Deleted: he was

SECTION 4.7: LUNCH PERIOD/BREAKS

- A. Breaks may be provided by the Department Head so long as the breaks do not interfere with the employee's work. Employees may be provided one-half (1/2) hour unpaid time off for lunch, generally to be taken in the middle of the workday unless unusual or emergency conditions exist.
- B. Breaks shall be considered a privilege and not a right and shall not interfere with the proper performance of the employee's work responsibilities.

SECTION 4.8: SAFETY AND HEALTH

Work safety and health is a primary concern. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of each employee to ensure that all equipment is used safely and all safety procedure/practices are observed.

- A. Any employee found to be negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be disciplined according to these policies.
- B. Any employee found to be willfully or deliberately negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to discipline, up to and including termination.
- C. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace. In the event an employee believes they are subject to an unsafe working condition, the employee shall immediately notify the supervisor who shall investigate and make a determination.
- D. Employees are required to wear the prescribed safety equipment. A failure to wear safety equipment as required will result in discipline, up to and including termination.
- E. Supervisors found to be negligent in requiring and/or controlling the use of prescribed safety equipment are subject to disciplinary action, including termination.

SECTION 4.9: TOOLS, SUPPLIES, EQUIPMENT, VEHICLES, PHONES AND OFF-DUTY COMMUNICATION

- A. Tools, supplies, vehicles and equipment needed to perform job duties are provided by the Employer or designee. It is the responsibility of employees to see that they are properly used, maintained, and returned to the proper department in good working order.
- B. Misuse, neglect, theft and abuse of tools, supplies, vehicles, equipment or telephones is prohibited. Excessive use of telephones and/or long distance telephone calls for purposes other than business without prior supervisory approval shall result in disciplinary action.
- C. The personal use of any tools, supplies, vehicles or equipment is strictly forbidden and such use may subject the employee to discipline up to and including termination, any provision of this Manual regarding progressive discipline to the contrary notwithstanding.
- D. Non-employee passengers shall not be permitted in CW vehicles without the approval of the Employer or designee.
- E. Employees who are granted cell phones and have cell phone privileges are required to adhere to the provisions set forth below:

Cell phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment (e.g. games, music, videos). Features other than phone use must not be used or activated without direct authorization from your department head.

Employees should have no reasonable expectation of privacy in the use of City-issued cell phones.

Personal cell-phones may be permitted upon the prior approval of your direct-supervisor. Any permitted usage of personal cell-phones, however, must be kept to a minimum and in no way shall their usage negatively impact the performance of your job duties.

Employees involved in motor vehicle accidents attributed to cell phone usage while operating said vehicle will be subject to appropriate disciplinary action, up to and including termination.

- F. Employee Off-Duty Electronic Communication - The City supports the free exchange of information and camaraderie among employees on the internet off-duty. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about the City, 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, up to and including termination. Confidential information includes any information that would otherwise not be available pursuant to a public records request. Inappropriate material includes but is not limited to false or defamatory material, evidence of an employee's violation of the law, or evidence of the misuse of the City authority, insignia or equipment. Employees may also be subject to discipline, up to and including termination, for engaging in conduct which reflects negatively on the City or impacts the employees' ability to perform their job duties. Employees communicating on personal sites shall not claim or imply that they are communicating on behalf of the City. Employees with questions about this policy should contact their supervisor for guidance.
- G. Employees who improperly use CW computers, internet and other equipment will be subject to discipline including termination.

SECTION 5.0: TECHNOLOGY USAGE AND SOCIAL MEDIA POLICY

The use of the City of Canal Winchester automation systems, including computers, fax machines, and all forms of Internet/intranet access, is for City of Canal Winchester business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense or harm to the City of Canal Winchester or otherwise violate this policy.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the City of Canal Winchester's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of City of Canal Winchester computers, networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:

- Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial e-mail ("spam") that is unrelated to legitimate City of Canal Winchester purposes;
- Engaging in private or personal business activities, including excessive use of instant messaging and chat rooms (see below);
- Accessing networks, servers, drives, folders, or files to which the employee has not been granted access or authorization from someone with the right to make such a grant;
- Making unauthorized copies of City of Canal Winchester files or other City of Canal Winchester data;
- Destroying, deleting, erasing, or concealing City of Canal Winchester files or other City of Canal Winchester data, or otherwise making such files or data unavailable or inaccessible to the City of Canal Winchester or to other authorized users of City of Canal Winchester systems;
- Misrepresenting oneself or the City of Canal Winchester;
- Violating the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way;
- Engaging in unlawful or malicious activities;
- Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City of Canal Winchester's networks or systems or those of any other individual or entity;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- Sending, receiving, or accessing pornographic materials;
- Becoming involved in partisan politics;
- Causing congestion, disruption, disablement, alteration, or impairment of City of Canal Winchester networks or systems;
- Maintaining, organizing, or participating in non-work-related Web logs ("blogs"), Web journals, "chat rooms", or private/personal/instant messaging;
- Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
- Using recreational games; and/or
- Defeating or attempting to defeat security restrictions on City of Canal Winchester systems and applications.

Using City of Canal Winchester automation systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material, defined as any visual, textual, or auditory

entity, file, or data, is strictly prohibited. Such material violates the City of Canal Winchester anti-harassment policies and subjects the responsible employee to disciplinary action. The City of Canal Winchester's electronic mail system, Internet access, and computer systems must not be used to harm others or to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of City of Canal Winchester resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution. The City of Canal Winchester will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.

Unless specifically granted in this policy, any non-business use of the City of Canal Winchester's automation systems is expressly forbidden.

If you violate these policies, you could be subject to disciplinary action, up to and including dismissal.

Ownership and Access of Electronic Mail, Internet Access, and Computer Files; No Expectation of Privacy

The City of Canal Winchester owns the rights to all data and files in any computer, network, or other information system used in the City of Canal Winchester and to all data and files sent or received using any City of Canal Winchester system or using the City of Canal Winchester's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The City of Canal Winchester also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using City of Canal Winchester equipment or City of Canal Winchester-provided Internet access, including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by City of Canal Winchester officials at all times. The City of Canal Winchester has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with City of Canal Winchester policies and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate City of Canal Winchester official.

The City of Canal Winchester uses software in its electronic information systems that allows monitoring by authorized personnel and that creates and stores copies of any messages, files, or other information that is entered into, received by, sent, or viewed on such systems. There is no expectation of privacy in any information or activity conducted, sent, performed, or viewed on or with City of Canal Winchester equipment or Internet access. Accordingly, employees should assume that whatever they do, type, enter, send, receive, and view on City of Canal Winchester electronic information systems is electronically stored and subject to inspection, monitoring, evaluation, and City of Canal Winchester use at any time. Further, employees who use City of Canal Winchester systems and Internet access to send or receive files or other data that would otherwise be subject to any kind of confidentiality or disclosure privilege thereby waive whatever right they may have to assert such confidentiality or privilege from disclosure. Employees who wish to maintain their right to confidentiality or a disclosure privilege must send or receive such information using some means other than City of Canal Winchester systems or the City of Canal Winchester-provided Internet access.

The City of Canal Winchester has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license

agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

Confidentiality of Electronic Mail

As noted above, electronic mail is subject at all times to monitoring, and the release of specific information is subject to applicable state and federal laws and City of Canal Winchester rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of City of Canal Winchester policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others, unless such access is directly related to that employee's job duties. Employees found to have engaged in such activities will be subject to disciplinary action.

Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

Policy Statement for Internet/Intranet Browser(s)

The Internet is to be used to further the City of Canal Winchester's mission, to provide effective service of the highest quality to the City of Canal Winchester's customers and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet access are City of Canal Winchester resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications. Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software.

Employees are individually liable for any and all damages incurred as a result of violating City of Canal Winchester security policy, copyright, and licensing agreements.

All City of Canal Winchester policies and procedures apply to employees' conduct on the Internet, especially, but not exclusively, relating to: intellectual property, confidentiality, City of Canal Winchester information dissemination, standards of conduct, misuse of City of Canal Winchester resources, anti-harassment, and information and data security.

Personal Electronic Equipment

The City of Canal Winchester prohibits the use or possession in the workplace of any type of camera phone, cell phone camera, digital camera, video camera, or other form of image- or voice-recording device without the express permission of the City of Canal Winchester and of each person whose image and/or voice is/are recorded. Employees with such devices should leave them at home unless expressly permitted by the City of Canal Winchester to do otherwise. This provision does not apply to designated City of Canal Winchester personnel who must use such devices in connection with their positions of employment.

Employees should not bring personal computers or data storage devices (such as floppy disks, CDs/DVDs, external hard drives, flash drives, "smart" phones, iPods/iPads/iTouch or similar devices, mobile computing devices, or other data storage media) to the workplace or connect them to City of Canal Winchester electronic systems unless expressly permitted to do so by the City of Canal Winchester. Any employee bringing a personal computing device, data storage device, or image-recording device onto City of Canal Winchester premises thereby gives permission to the City of Canal Winchester to inspect the personal computer, data storage device, or image-recording device at any time with personnel of the City of Canal Winchester's choosing and to analyze any files, other data, or data storage devices or media that may be within or connectable to the personal computer or image-recording device in question. Employees who do not wish such inspections to be done on their personal computers, data storage devices, or imaging devices should not bring such items to work at all.

Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment, depending upon the severity and repeat nature of the offense. In addition, the employee may face both civil and criminal liability from the City of Canal Winchester, from law enforcement officials, or from individuals whose rights are harmed by the violation.

As the use of social media such as Facebook becomes more popular, it is important that employees understand their responsibilities and limitations on the use of social media both during and off work. While on duty, employees shall not access or use social networking sites such as MySpace, Facebook, Linked-in, Twitter and blogs or chat rooms unless their position requires the updating of the City social media site. Employees shall not divulge any confidential information on any social media site under any circumstances. Employees accessing these or similar sites are responsible for the information that comes up on these sites. Employees who are accessing pages on these sites displaying information of a discriminatory, sexual or other inappropriate content shall be subject to disciplinary action.

While off duty, employees are reminded to be careful of the information they disclose on the internet, including social media sites. Employees may not disclose any confidential information they become aware of through their employment even while off duty. Employees shall not claim or imply that they are speaking on behalf of their employer. Employees may not engage in conduct that reflects negatively on their employer or impacts their ability to perform their job duties.

If the appointing authority has a Facebook page or other social media site, employees may only post information on the site with permission from the appointing authority.

Employees may be subject to disciplinary action for inappropriate use of the internet, including social media sites while on or off duty.

Social Media – Employee's Comments

The City hosts social media sites which allow members of the public to post comments and questions. The purpose of this site is for the City to disseminate relevant information to the public, as well as to receive relevant feedback from the public.

As a member of the public, you have the opportunity to post on our Facebook site. Your posts are subject to the same restrictions imposed on other members of the public. The City routinely monitors its social media pages. We reserve the right to delete posts which contain any of the following:

1. Profane or obscene material;
2. Any vulgar or abusive language, personal attacks of any kind, or offensive terms targeting individuals or groups;
3. Spam or posts which include links to other non-city sites;
4. Posts which are clearly off-topic;
5. An encouragement to engage in illegal activity;
6. Infringement on copyright or trademarks;
7. Confidential or non-public information;
8. Solicitation of services or products;
9. Any illegal or inappropriate material;
10. Endorsements of political parties, candidates or groups;
11. Any other information or language which is deemed inappropriate.

In addition, as an employee, you may have confidential information or knowledge as a result of your employment. This information or knowledge may not be proper for disclosure. Employees shall not disseminate confidential information or other information that is not of public concern, which includes but is not limited to information related to personnel decisions. Employees with questions about whether information is of public concern shall contact their supervisor for guidance.

Remember that, as with most forms of social media, comments posted on Facebook and other social media sites are not private. All posts may constitute a public record and may be disclosed pursuant to a public records request.

Employees who violate this policy by posting inappropriate material or assisting others in posting inappropriate material may be subject to discipline, up to and including termination.

SECTION 5.1: USE OF VEHICLES

- A. Use of CW motor vehicles shall be strictly controlled by the Employer or designee and shall be restricted to CW purposes only. Only government employees and persons with whom the operator is actually transacting city business are to be transported.
- B. Employees operating a motor vehicle are required to have the proper, valid motor vehicle operator's license or CDL's or other appropriate license where required by law and job description. New employees shall have the appropriate license at the time they commence employment, however, the Employer may authorize an extension of the time period up to 120 days from employment with CW to obtain an appropriate licensure if warranted by the circumstances.
- C. Employees are required to use their own vehicles to get to and from work. CW vehicles are not to be used for this purpose unless explicitly authorized by the Employer, who shall maintain the authority to refuse such permission.
- D. Any employee who operates a CW vehicle shall exercise caution and responsibility and shall adhere to all safety regulations. All violations and accidents shall be reported in accordance with these policies and the Ohio Revised Code and are subject to disciplinary action.

- E. Any equipment or vehicular accident, even those involving any property, must be reported to the immediate supervisor immediately; the Supervisor shall notify the Employer or designee. An incident report must be completed.
- F. Employees are required to notify their Department Head, or designee, of any incidents or infractions that may render the employee uninsurable pursuant to CW's policy. Similarly, it is the employee's responsibility to notify/inform their Department Head of any restriction or prohibition placed upon their driving privileges if driving is required.
- G. All employees that are required to drive shall remain insurable under CW's insurance policy. A failure to remain insurable will render the employee unqualified for the position.

SECTION 5.2: EMPLOYEE TRAFFIC ACCIDENTS

- A. If any CW employee is involved in a traffic accident driving CW equipment, whether the employee is full-time, part-time, volunteer, on duty or off duty, the accident shall be reported to the proper jurisdiction to perform the proper accident reporting procedure. An "accident" shall be defined as physical contact with another moving or stationary motor vehicle or with a fixed object.
- B. If an employee of any department is involved in a traffic accident, they will notify the dispatcher to contact the proper agency and a supervisor. Each vehicle has instructions in the glove compartment concerning the proper actions to take after an accident. All employees who are operating city vehicles should become familiar with these procedures prior to operating the city vehicles.
- C. Under no circumstances will an employee fail to report any damage to a CW vehicle to the supervisor at the time the accident occurs. Failure to do so will result in disciplinary action.
- D. Employees who are involved in traffic accidents must comply with any requirement regarding submission of the Department of Transportation (DOT) post-accident drug and alcohol testing.

SECTION 5.3: OUTSIDE EMPLOYMENT/VOLUNTEER SERVICE

- A. Prior to engaging in any outside employment or volunteer service, CW employees shall obtain the approval of the Department Head. Under no circumstances shall an employee have other employment or volunteer service which conflicts with the policies, objectives and operations of the several departments of CW. In addition, an employee shall not become indebted to a second Employer whose interests might be in conflict with those of CW. Due to potential conflicts, employees maintaining outside employment or volunteer service are required to review CW's Ethics Policy and Ohio's Ethics Law before undertaking such outside employment.
- B. Employment "conflicts" as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of their position. In the event an employee's outside employment conflicts with their primary employment with CW, the employee will be disciplined, up to and including termination.
- C. Full-time employment with CW shall be considered the employee's primary occupation, taking precedence over all other occupations.

Deleted: his

D. "Outside" employment, volunteer service, or "moonlighting" shall be a concern to the Employer or designee only if it adversely affects the employee's job performance. Two common employment conflicts which may arise are:

1. *Time Conflict* - Defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with CW, or when demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with CW. A conflict also exists if a second job causes the employee to regularly refuse overtime.
2. *Interest Conflict* - Defined as when an employee engages in "outside employment" which tends to compromise ~~the employee's judgment, actions and/or job performance with CW.~~

Deleted: his

SECTION 5.4: NO SOLICITATION/NO DISTRIBUTION

Solicitation, distribution of materials, selling and/or collections of any nature on CW property or during employee working hours by an employee or any other individual shall be prohibited without prior approval of the Employer and/or Department Head. CW limits solicitation and distribution on its premises as those activities can interfere with the CW's operations, reduce employee efficiency, annoy customers, and pose a threat to security.

Individuals not employed by the CW are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises or at a worksite.

CW may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist these drives; however, participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

1. The distribution of literature, solicitation and the sale of merchandise or services is prohibited in public areas.
2. Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or breaks or other times when the employee is not required to be working.
3. Distributing literature in a way that causes litter on CW property is prohibited.

CW maintains various communications systems to communicate CW-related information to employees and to disseminate or post notices required by law. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any CW property is prohibited.

Employees who violate this provision are subject to discipline. All violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

SECTION 5.5: DRESS CODE

CW reserves the right to prescribe appropriate dress or uniform for each department. CW requires that an employee’s clothing, grooming and overall appearance be appropriate, in good taste and present a favorable public image. Clothing should be conducive to the safe and effective performance of required job duties. Employees who are issued uniforms are required to wear uniforms that are provided.

SECTION 5.6: MEDICATION

Any employee on medication that may impair their mental or physical functions must notify their supervisor before starting work.

Deleted: his
Deleted: his

SECTION 5.7: CONTACT WITH NEWS MEDIA/RESIDENTS

- A. Any employee contacted by the news media (radio, television, newspaper) or resident on a story related to CW operations should request the caller to contact the Employer or designee.
- B. This policy is designed to avoid duplication, assure accuracy and to protect employees who might be accused of violation of confidentiality mandates. The intent of this policy is to be helpful to both employees and the media.

SECTION 5.8: ACCESS TO EMPLOYEES BY TELEPHONE

As a condition of continued Employment, each CW employee must provide their supervisor with a telephone number where said employee may be reached directly. It shall be the employee’s responsibility to update the Employer with any new or changed contact information. All communications with employees will be through the most recent contact information provided. A failure to update the Employer with the most recent contact information may not only result in the employee not receiving up-to-date information, but also may result in disciplinary action.

Deleted: his

SECTION 5.9: UNAUTHORIZED PERSONS ENTERING CW PROPERTY OR USING FACILITIES

- A. No unauthorized employee shall be permitted to enter or remain on CW property or in CW facilities that are restricted, i.e. that are not accessible by the general public.
- B. All CW employees shall report to the designated supervisor to obtain permission to remain on CW property or use CW facilities after working hours.
- C. Any CW employee who violates this policy will be subject to disciplinary action.

SECTION 6.0: RETURNING OF CW PROPERTY

An employee leaving CW service through resignation, lay off or dismissal is responsible for return of reusable CW property in their possession.

Deleted: his

SECTION 6.1: HARASSMENT AND DISCRIMINATION

CW’s policy is to provide its employees an environment free of employee discrimination, including harassment based on an employee’s race, color, religion, sex, national origin, age, ancestry, disability or

military status. Sexual harassment, as well as, other forms of unlawful harassment, is inappropriate, illegal and will not be tolerated. Unlawful harassment interferes with the well-being and productivity of employees and the efficiency of the organization, negatively affecting morale, motivation and job performance.

Sexual harassment is generally defined as unwelcome sexual advances, comments or requests. Sexual harassment is a form of sex discrimination that is an "unlawful employment practice" prohibited by state and federal law. Sexual harassment exists when employment decisions are based on sexual conduct or when the work place is so permeated with conduct of a sexual nature that the conduct alters the terms and conditions of employment and creates an abusive and hostile working environment. Harassment based on race, national origin, religion, disability, pregnancy, age, or military status exists when employment decisions are based on those characteristics or when the workplace is so permeated with conduct relating to that characteristic that it alters the terms and conditions of employment and creates a hostile work environment. This policy refers to "sexual" harassment solely for ease of reference. When this policy references "sexual" harassment, all other forms of prohibited harassment as set forth herein are equally applicable.

Sexual or other unlawful harassment does not generally encompass conduct of a socially acceptable nature; however, some conduct which is appropriate in a social setting may be inappropriate in the work place. Sexual harassment occurs either when behavior of a sexual nature is directed toward an employee who finds the behavior unwelcome and offensive or when behavior of a sexual nature fails to respect rights of others, is demeaning or lowers morale. Acquiescence in the behavior does not negate the existence of sexual harassment. "Unwelcome" does not mean involuntary.

Prohibited conduct includes, but is not limited to, sexual comments, suggestions, jokes, leering, pats, squeezes or other similar contact, posting of sexual pictures, cartoons, photos or other graphics. In addition, comments, suggestions, jokes, and other similar activities relating to race, national origin, religion, disability, pregnancy, age, and military status are prohibited. This type of conduct constitutes unlawful harassment when:

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

Sexual and other unlawful harassment may also extend beyond the confines of this organization. Conduct that occurs off duty and off premises, including online, against a CW employee may also be subject to this policy.

Employees who feel they have been subject to sexual or other unlawful harassment by a fellow employee, supervisor, or other individual otherwise affiliated with CW shall immediately submit a written report of harassment to their Department Head. Employees who feel that they have witnessed discrimination or harassment, or who have questions or concerns regarding possible harassment, should immediately contact their Department Head. Employees may also use the Complaint Procedure outlined in this Manual. Late reporting of complaints will not, in and of itself, preclude the Employer from taking remedial action.

However, so that a thorough and accurate investigation may be conducted, employees are encouraged to report complaints in an expedient manner following the harassing or offensive incident.

Although employees are encouraged to confront the alleged harasser, they are also required to submit a written report of any incident to their Department Head. When the Department Head is notified of the alleged harassment, ~~they shall immediately investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. All employees are required to cooperate in any investigation of a harassment complaint. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.~~

Deleted: he

Neither CW nor any of its supervisors and employees shall in any way retaliate against an individual for filing a complaint, reporting harassment or participating in an investigation. Any employee who feels that ~~they are subjected to retaliatory conduct as a result of actions taken under this policy shall report such conduct to the department head or Appointing Authority immediately. Any person found to have retaliated against an individual for engaging in activity protected by this policy will be subject to the same disciplinary action provided for offenders of the sexual harassment policy. Disciplinary action for the filing of a false complaint shall not be considered a retaliatory act.~~

Deleted: he is

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

Sexual harassment is considered to be a failure of good behavior and will not be tolerated. Disciplinary action will follow a violation of this policy and will reflect the seriousness of the violation. If the investigation establishes that the accused employee engaged in sexual harassment, discipline, up to and including removal, will be administered. Offenders will be disciplined without regard to their position or job performance. Any individual exhibiting retaliatory or harassing behavior towards an employee exercising a right under this policy will also be subject to discipline. Any employee who has knowledge of sexually harassing conduct and who allows that conduct to go unaddressed may also be subject to discipline.

SECTION 6.2: AMERICANS WITH DISABILITIES

CW prohibits discrimination in hiring, promotions, transfers or any other benefits or privileges of employment, of any qualified individual with a disability. To be considered a qualified individual, the employee must be otherwise qualified to perform the essential functions of the position with or without reasonable accommodation.

CW will provide reasonable accommodation(s) to an otherwise qualified employee with a disability, unless the accommodation would pose an undue hardship to CW or create a direct threat of harm to the employee or others. Accommodations will be made on a case-by-case basis. Any employee who wishes to request a reasonable accommodation should submit a written request to the Department Head, or Human Resources Coordinator. Following the request, CW and the employee will discuss whether an accommodation is appropriate, as well as, the type of accommodation to be given.

Any employee who feels that their rights have been violated should submit a written complaint consistent with the Harassment Policy.

SECTION 6.3: COMPLAINT POLICY

Employees may have questions and complaints that develop in the day to day activities of employment, of which may be caused by misunderstandings and the application of policies, procedures and work rules. It is the policy of CW that these should be heard promptly, and action taken to resolve or clarify the particular situation.

All employees, including probationary, shall have the right to file a complaint without fear of retaliation. No employee shall be disciplined, harassed or treated unfairly in any manner as a result of filing a complaint or testifying in a grievance hearing.

A. Complaint:

A complaint is defined as a disagreement between an employee and CW as to the interpretation or application of official policies, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to treatment or other conditions of employment.

B. Health and Safety Grievances:

Complaints relating to issues of health and/or safety shall be expedited through the steps of the procedure.

SECTION 6.4: COMPLAINT PROCEDURE

Step 1 - Immediate Supervisor:

An employee having a complaint shall file it in writing with their Immediate Supervisor, as outlined in the procedure for their work unit. The employee's Immediate Supervisor will review the complaint and attempt to resolve the complaint within seven (7) calendar days. Step 1 may be bypassed by either the employee or Immediate Supervisor if the Immediate Supervisor lacks the authority to make a change.

Deleted: his
Deleted: his

Step 2 –Department Head:

Where the employee is not satisfied with Step 1 Response of the Immediate Supervisor, the employee may submit the original complaint to the Department Head within seven (7) calendar days. The Department Head will review all material provided and submit to the employee a response in a timely manner.

Step 3-Employer (Mayor):

Where the employee is not satisfied with the Step 2 response, the employee may submit the original complaint to the Mayor within seven (7) calendar days. The Mayor will review all material provided and submit to the employee a response in a timely manner. The Mayor's response shall be final, unless both parties mutually agree to submit the matter to the Personnel Board of Review for resolution.

SECTION 6.5: EMPLOYEE COMPLAINT-MISCONDUCT HEARING PROCEDURE

A. It is the policy of the CW to fairly and impartially investigate all complaints of any employee's alleged misconduct and when necessary, take disciplinary measures.

1. Complaints from any citizen or from any employee cannot be refused to be taken.
2. The supervisor will brief the Department Head and Employer in writing that a complaint was received, that it is being investigated and of an estimated time period to complete the investigation.
3. If the complainant is an identified citizen or employee, the complaint will be directed to the proper Department Head. The supervisor will document the name, address, and phone number of the complainant, the date and time the complaint was received and the exact specifics of the allegation(s). If the complaining person is an employee, ~~they~~ will write the information required by this section and provide a written and signed report to their immediate supervisor.

Deleted: he

B. The Department Head will thoroughly investigate each complaint, including but not limited to the following:

1. Interview the accused employee. The accused employee is required to answer all questions truthfully, including writing a signed statement if ordered by the Department Head.
2. Interview any witnesses or other persons involved and write a supplement concerning their statements or observations.
3. Gather all documents and evidence pertaining to the investigation.
4. After completion of the investigation, the Department Head will:
 - (a) Write a report to the Employer clearing the employee of any misconduct and include copies of all documents and evidence gathered; OR
 - (b) Read applicable Ohio Revised Codes, CW policies and procedures and internal standard operating procedures and recommend what charge(s) should be filed against the employee. Include copies of all documents and evidence gathered to date.

C. The Employer will:

1. Notify any employee that ~~they are~~ cleared of any wrongdoing and advise him that nothing will be placed in their personnel file; OR
2. File a written charge(s) against the employee specifying the violation(s) and specifics of each violation(s);
3. If the violation(s) does not appear to be serious enough to ultimately warrant a suspension or more serious punishment, the Employer will meet with the employee and the employee's Department Head and provides written notification to the employee of what discipline will be administered.

Deleted: he is

SECTION 6.6: RESIGNATION/RETIREMENT

- A. Employees who plan to voluntarily resign shall notify their Department Head in writing at least two (2) weeks in advance of the effective date of resignation.
- B. Any employee who resigns is encouraged to give their reasons for resigning and to discuss with their Department Head any working conditions which they feels are unsatisfactory.
- C. A formal letter of resignation/retirement shall be required by the Employer. The letter of resignation/retirement will be deemed accepted upon receipt by the appointing authority and must state the employee's last day of employment. The employee may not use leave time to extend the date of resignation/retirement. The appointing authority shall sign and date the resignation letter evidencing the receipt and acceptance of the resignation.
- D. Failure to give proper notification shall result in ineligibility for reinstatement.
- E. A person who resigned in good standing may be reinstated, at the discretion of the Employer, in their former type of position within one (1) year following resignation, provided the person remains qualified to perform the duties of the position, if the old position or a similar position is vacant.
- F. Employees resigning from their positions are required to conduct an inventory of all CW property for which they are responsible. Such inventory shall be conducted in the presence of the Employer or designee. The completed inventory documentation shall be certified and signed. The certified document shall be given to the Employer certifying that all property has been accounted for. This certification shall be required before final salary payment and benefits will be given to the resigning employee.

Deleted: his

Deleted: his

Deleted: he

Deleted: his

SECTION 6.7: PERSONNEL FILES

- A. The Finance Director shall maintain official personnel files on all employees of CW. Such files with appropriate redaction shall be subject to release under the Ohio Public Records Act: Payroll Records, Timesheets, Salary Information, Employment Application, Resumes, Training Course Certificates, Forms documenting receipt of office policies and procedures, Forms documenting hiring and personnel action changes, position descriptions, background checks, leave conversions forms, letters of support or complaint and disciplinary action records, unless exempt from disclosure by law. Personnel files and information shall be available in accordance with the law.
- B. An employee shall have a right of reasonable inspection of their official personnel file consistent with CW's public records policy or at a mutually agreeable time.
- C. Employees must advise the Finance Director of any change in: name, address, marital status, telephone number, number of exemptions claimed for tax purposes, citizenship, selective service classification, or association with any government military service organization. Employees are still responsible for maintaining appropriate and accurate notices of life changing events for insurance purposes and for the appropriate pension plans. CW will use the most recent information provided to it.

Deleted: his

SECTION 6.8: SMOKE-FREE, TOBACCO- FREE WORKPLACE POLICY

- A. The City of Canal Winchester strives to maintain a safe and healthy work environment in conjunction with the City's wellness initiative. The purpose of Ohio's Smoke-free Workplace Act and the City's Smoke-free, Tobacco-free policy is to comply with Ohio's Smoking Ban (ORC

3794). Although the use of smokeless tobacco in the workplace is not unlawful, it is inconsistent with the City's philosophy to build and reinforce our wellness initiative. CW can be fined for an employee's failure to adhere to the Smoke-free Workplace Act. Employees are expected to comply with the policy.

- B. In the interest of maintaining a healthy and professional environment, the use of all types of tobacco products and non-tobacco substitutes will be prohibited in all City-owned or leased facilities, vehicles, or equipment and on all City-owned or leased property and grounds.

Definition: Tobacco is defined as all tobacco-derived or containing products, including and not limited to cigarettes, electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes and oral tobacco (e.g. spit and spitless tobacco, smokeless, chew, snuff) and nasal tobacco. It also includes any product intended to mimic tobacco products, contain tobacco flavoring or deliver nicotine other than for the purpose of cessation.) The definition is adapted from the Ohio State University Tobacco Free policy.

No employee shall smoke in any of these protected areas at any time. The success of this policy will depend on the consideration and cooperation of all employees. Consistent enforcement of this policy is expected at all times by all Department Heads, Managers and Supervisors in order to maintain a smoke-free, tobacco-free workplace.

SECTION 6.9: POLITICAL ACTIVITY

Although CW encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of CW whether in active pay status or on Leave of Absence. Violation of these prohibitions may result in possible disciplinary action up to and including removal. The following activities are examples of conduct permitted by classified Employees:

- A. Registration and voting.
- B. Expressing opinions, either orally or in writing.
- C. Voluntary financial contributions to political candidates or organizations.
- D. Circulating non-partisan petitions or petitions stating on legislation.
- E. Attendance at political rallies.
- F. Nominating petitions. Employees may sign nominating petitions in support of individuals.
- G. Displaying political materials in the employee's home or on the employee's property.
- H. Wearing political badges or buttons, or the display of political stickers on private vehicles.

The following activities are examples of conduct prohibited by classified Employees:

- A. Participating in a partisan election as a candidate for office.
- B. Declaring candidacy for an elected office that is filled by partisan election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
- C. Circulating official nominating petitions for any candidate.
- D. Holding an elected or appointed office in any political organization.
- E. Accepting appointment to any office normally filled by partisan election.
- F. Filing of petitions meeting statutory requirements for partisan candidacy for elected office.
- G. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;

- H. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- I. Solicitation for the sale, or actual sale, of political party tickets;
- J. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- K. Service as a witness or challenger for any party or partisan committee;
- L. Participation in political caucuses of a partisan nature; and
- M. Participation in a political action committee that supports partisan activity.

SECTION 6.10: WORKPLACE VIOLENCE – Zero Tolerance

CW is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, CW enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on CW property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense.

Prohibited Acts of Violence

Prohibited acts of workplace violence include, but are not limited to, the following:

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

Deleted: her

Deleted: her/his

Warning Signs and Risk Factors The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. Employees should be aware of these indicators. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify ~~their~~ supervisor if ~~they~~ witnesses any of the following behaviors:

Deleted: his/ her

Deleted: she/he

1. Dropping hints about a knowledge of firearms.
2. Making intimidating statements such as: “I’ll get even,” or “You haven’t heard the last from me.”
3. Keeping records of other employees the individual believes to have violated departmental policy.
4. Physical signs of anger, such as, hard breathing, reddening of complexion, menacing stares, loudness, and profane speech.

5. Acting out violently either verbally or physically.
6. Excessive bitterness by a disgruntled employee or an ex-employee.
7. Being a loner, avoiding all social contact with co-workers.
8. Having a romantic obsession with a co-worker who does not share that interest.
9. History of interpersonal conflict.
10. Domestic problems, unstable/dysfunctional family.
11. Brooding, depressed, strange behavior, a “time bomb ready to go off.”

SECTION 6.11: CONCEALED CARRY

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordinance onto the property of CW. 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.

CW employees are prohibited from carrying firearms any time they are working for CW or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing CW identification/uniform, and working in resident’s homes or other sites off CW premises. No employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a CW owned vehicle.

This policy does not prohibit employees possessing a valid license to carry a concealed handgun from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted (e.g. CW parking lots). However, the employee must leave the firearm and ammunition in their personal vehicle stored in accordance with the storage provisions of the Concealed Carry statute. Employees are neither permitted to remove their firearm and ammunition in their personal vehicle while at work locations nor are they permitted to bring a concealed firearm or ammunition into a CW owned building.

Employees shall immediately contact a supervisor if they suspect an employee, member of the public is carrying a concealed weapon, firearm, or ammunition on CW premises, or at any time an employee is working for CW, acting within in the course and scope of employment, or acting as a representative of CW. Any violation of this policy may result in disciplinary action.