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## Chapter 1 - INTRODUCTION

## Introduction / Disclaimer

### 100.1 POLICY

A. Policies are the basic rules which guide administrative actions for accomplishing an organization's objectives. Comprehensive and clearly written policies, consistently and fairly administered, are essential to the success of any organization.

B. Written procedures provide members of the organization with administrative interpretation for the application of the organization's policies and explain the specific manner in which such policies are implemented.

C. This code contains the personnel policies and procedures of the City (hereinafter referred to as "City" or "Employer").

D. THIS CODE IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. IT MAY BE CHANGED AT ANY TIME BY THE EMPLOYER WITH OR WITHOUT NOTICE. THIS CODE IS NOT AN EMPLOYMENT CONTRACT, EXPRESSED OR IMPLIED. NO REPRESENTATIVE OF THE EMPLOYER OTHER THAN ADMINISTRATOR OR MAYOR HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT WITH AN EMPLOYEE THAT IS CONTRARY TO THE POLICIES AND PROCEDURES CONTAINED HEREIN.

## Objectives

### 101.1 POLICY

A. The Employer recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective government. The policies and procedures set forth in this code are designed to:

1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for advancement, and consideration of employee needs;
2. Maintain recruitment and internal promotional practices which will enhance the attractiveness of public employment and encourage employees to give their best efforts to the organization and the public;
3. Encourage that courteous and dependable service be provided to the public;
4. Provide equal opportunity for qualified persons to enter and progress in their employment with the City based on merit and fitness;
5. Ensure that the City operations are conducted in an ethical and legal manner;
6. Establish acceptable minimum standards of performance which are to be applied fairly and uniformly.

B. The primary objective or mission of the Employer is to provide the residents of the City with superior services at the most reasonable cost. This is a continuing objective to which all other objectives are secondary.

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## Definitions / Abbreviations

### 102.1 DEFINITIONS / ABBREVIATIONS

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

Active Pay Status: Except as may be otherwise defined in this code, active pay status is when an employee is eligible to receive pay directly from the Employer and includes hours worked, vacation leave, sick leave, holidays, compensatory time, funeral leave, paid military leave, election leave, personal leave, and paid court leave.

ADA: Americans with Disabilities Act.

ADA coordinator: The employee designated by the City Administrator to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

Administrative Leave: An employee may be placed on administrative leave in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected.

Appointing Authority: Officer, Council, Administrator, or body having the power of appointment to, or removal from, positions in any office, department, Council, Administrator or institution.

Assistive devices, auxiliary aids, and services: Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

At Will: designated as "at will" and serves at the pleasure of the Appointing Authority.

Authorized interpreter: A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

BWC: Abbreviation for Ohio Bureau of Workers' Compensation.

Chain of Command: A hierarchy of authority in which each rank is accountable to the one directly superior. This provides employees at all levels a manager to whom they may ask questions or report problems. It also establishes the path along which the employer disseminates information.

Classified Employee: An employee who has a property right in his/her employment and applies to those positions as set forth in the laws, ordinances, or Charter of the City of Groveport.

Compensatory Time (Comp Time): Time off work granted to employees for hours previously worked over 40 hours per workweek.

Compensatory Time - Nonexempt Employees: Comp Time that is earned at the rate of one and one half (1½) hours for each hour of overtime.

## *Definitions / Abbreviations*

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Compensatory Time - Exempt Employees: Comp Time that is earned for hours worked over 40 hours; and granted off at the time of one (1) hour for each hour.

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

Demotion: A transfer of an employee to a position which has a lower level of responsibility, classification, and compensation.

Department: An organizational unit directed and controlled by the Employer and charged with a specific public service function and mission (e.g., administration, police).

Director: A management level employee charged with the responsibility of directing a department on behalf of the Employer.

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

Disability or impairment: A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

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

Dishonesty: Disposition to lie, cheat, or defraud; untrustworthiness; lack of integrity.

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

Drug Abuse: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

Employee: Any person holding a position subject to appointment, removal, promotion or demotion by an authorized representative of the Employer.

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

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

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

Facility: All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

## Definitions / Abbreviations

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

**FLSA:** Abbreviation for the Fair Labor Standards Act.

**FMLA:** Abbreviation for the Family and Medical Leave Act.

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

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

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

**Inefficiency:** Incapable or indisposed to perform duties required of an employee within reasonable standards.

**Interpret or interpretation:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

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

**Limited English Proficiency (LEP) individual:** Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

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

**Manager:** An individual who has been authorized by the Employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, demoting, discharging, assigning, rewarding, or disciplining employees under the direction of the Employer, to responsibly direct employees; to adjust their grievances, or to effectively recommend any of these actions.

**Management:** Individuals who oversee or coordinate activities of the City in order to achieve defined objectives.

**May :** Indicates a permissive, discretionary, or conditional action.

**MCO:** Managed Care Organization, a third-party administrator for Workers' Compensation.

## Definitions / Abbreviations

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

**Modification:** Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities. A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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

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

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

**Non-Work Area:** Those areas of the Employer's property such as the employees' parking lot or other areas where no official Employer business nor operations are conducted.

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

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

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

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

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

**OPERS:** Abbreviation for the Ohio Public Employees Retirement System.

**Pay Range:** A section of a pay scale to which positions are assigned based upon duties and responsibility levels within the organization. Each pay range will reflect a minimum and maximum wage that a position can receive.

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

**Personnel Decisions:** Such decisions include, but are not limited to: (1) recruitment; (2) selection; (3) placement; (4) testing; (5) training; (6) promotions and transfers; (7) layoff and recall; (8)

## Definitions / Abbreviations

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removal; (9) disciplinary action; (10) social and recreational programs; (11) employee benefits and compensation; and (12) tangible program services and benefits.

**Position:** A group of duties and responsibilities assigned to be performed by one (1) person. Positions and the duties of a position may be revised, but the employee's classification remains the same unless the position is reclassified.

**Power-driven mobility device:** Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

**Progressive Discipline:** The process of taking progressively stricter action to correct a performance issue or the negative behavior of an employee.

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

**Qualified bilingual employee:** An employee of the City, designated by the City Administrator or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Qualified interpreter:** A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

**Record of Instruction and Cautioning:** Written documentation of a verbal counseling and instruction which is provided to the employee and placed in the employee's personnel file to correct any misconduct and improve the employees conduct and performance.

**Reduction:** A change in the classification held by an employee to a lower base rate of pay.

**Rule of Three:** The top three candidates on a certified eligibility list that are presented for consideration to the appointing authority who conducts a final interview and makes an appointment. The appointing authority is expected to make an offer of employment to one of the top three candidates on the eligibility list or provide specific reasons why none are acceptable before proceeding to the next candidate on the list.

**Service animal:** An animal qualified under ADA guidelines that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

**Shall:** Mandatory obligation or duty.

**Social media :** Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

## *Definitions / Abbreviations*

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

**Supervisor:** An individual who has been authorized by the Appointing Authority to oversee and direct the work of employees on a daily basis.

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

**Transfer:** The movement of an employee from one (1) position to another where there is no change in classification or change in pay grade.

**Translate or translation:** The replacement of written text from one language (source language) into an equivalent written text (target language).

**Unclassified Employee:** An employee who serves at the pleasure of his/her appointing authority and applies to those positions as set forth in the laws, ordinances or Charter of the City of Groveport.

**Vendor:** Any individual or group engaged in the supply of goods, materials, or services to the Employer and/or its employees.

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

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

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

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

## Scope of Coverage

### 103.1 POLICY

A. The personnel policies and procedures in this code generally apply to all City employees. These policies do not establish tenure or contractual rights for employees not required by law. Although the Employer generally subscribes to these policies, the Employer may amend or abolish any policies or procedures herein without advance notification.

B. These policies and procedures supersede all previous written and unwritten personnel policies and past personnel practices of the Employer.

C. In the event of a conflict between this code and any applicable law, the law shall prevail.

## Employee Relations

### 104.1 POLICY

The City provides working conditions, wages, and benefits to its employees which are competitive with those offered by other employers in this area. If employees have any concerns about work conditions, harassment, or compensation, they are strongly encouraged to voice these concerns openly and directly to Human Resources or their management.

Our experience has shown that when employees deal openly and directly with management, the work environment can be congenial, communications can be clear, and attitudes can be positive. We believe that the City demonstrates its commitment to employees by responding effectively to employee concerns.

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## Management Authority

### 105.1 POLICY

The Employer retains the full right and responsibility to direct the operations of the City, to communicate policies, rules and regulations and otherwise exercise the prerogatives of management. This right is also referred to as Management Rights and Responsibilities. These rights include but are not limited to the following:

- A. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, or to reprimand, suspend, discharge, or otherwise discipline employees in accordance with applicable law and the Personnel Department;
- B. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed;
- C. To determine goals, objectives, programs, and services, and to utilize personnel in the manner designed to effectively meet these purposes;
- D. To determine the size and composition of the work force and the organizational structure;
- E. To determine the hours of work and work schedules required to most efficiently operate;
- F. To determine when a job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained;
- G. To determine the necessity to schedule overtime and the amount required thereof;
- H. To maintain the security of personnel and financial records and other important data or information;
- I. To maintain and improve the efficiency and effectiveness of the operations; and
- J. To determine and implement necessary actions in emergency situations.

The exercise of any such right, power, authority, duty, or responsibility by the Employer and the adoption of such rules, regulations, or policies, as may be deemed necessary, shall be limited only by the specific express terms of applicable law.

## Implementation and Dissemination

### 106.1 POLICY

- A. The Employer has the exclusive right and authority to create and issue policies and procedures.
- B. All employees will be able to access a copy of this code online.
- C. Management personnel and the Personnel Department are responsible for administering the policies herein and shall ensure that subordinate personnel comply with all policies and procedures adopted by the Employer.

### 106.2 PROCEDURE

- A. This code shall be adopted as the Employer's official policies and procedures by ordinance of Council.
- B. The Administrator shall thereafter make available a copy of the code online for employee access.
- C. Each employee shall be made aware of the location of the Code of Personnel Practices and Procedures and sign an Acknowledgment Form, which will be placed in the employee's personnel file.

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## Amendment

### 107.1 POLICY

Changes within the organization may necessitate changes in this code. Policies may only be amended, revised, or deleted by ordinance. Changes in procedures and non-substantive changes in policy may be made by the Administrator. However, if there is a conflict between a policy contained in this code and an ordinance, the ordinance shall prevail.

### 107.2 PROCEDURE

A. Employees, managers, and department heads are encouraged to review and recommend amendments, additions, or deletions to the policies contained in this code. Such suggested changes should be reduced to writing and presented to the Administrator. The Administrator shall review all suggested changes. The Administrator shall thereafter present all suggested changes which he/she deems worthy of consideration to Council.

B. All ordinances adopted by Council shall be reviewed by the Administrator or designee to determine whether the ordinance amends, adds, or deletes any section(s) of this code.

C. When an ordinance amends, adds, or deletes a section of this code, the Administrator shall cause the affected code section(s) to be rewritten.

D. The Personnel Director is responsible for maintaining all versions, past and present, of the code.

E. The Administrator shall determine by what means the new or amended policy is to be communicated to employees (i.e., group meetings, posting on bulletin boards, etc.).

F. The Administrator or designee is hereby authorized by Council to make any and all necessary non-substantive changes to this code (i.e., corrections of grammar and spelling, etc.), revise the procedures in this code to effectuate the policies contained herein, and make any changes to policies necessitated by law.

## Personnel Administration

### 108.1 POLICY

The Code of Personnel Practices and Procedures shall be administered by the Administrator or their designee. Each department head along with the Personnel Department shall be charged with the responsibility of ensuring that these personnel policies and procedures are applied in a consistent, objective manner, and for the purpose of performing the duties and responsibilities set forth in this code.

## Severability

### 109.1 POLICY

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

### 109.2 PROCEDURE

Whenever any section of this code is amended by operation of law or by court order, the section shall be amended in accordance with Section 106 of this code.

## **Chapter 2 - EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**

## Equal Employment Opportunity

### 200.1 POLICY

A. The City of Groveport is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be based on an individual's age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law.

B. The Personnel Director is the Employer's EEO/Americans with Disabilities Act (ADA) Coordinator. The EEO/ADA Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the Director.

C. The EEO/ADA Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Management shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the Director.

D. No inquiry shall be made as to any of the protected class information as set forth in the item A above of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicants part.

## ADA Compliance

### 201.1 POLICY

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

It is the policy of the City that persons with disabilities have equal access to City services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### 201.2 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each City department to provide equal access to services, programs, and activities including:
  - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
  - 2. Maintaining City department compliance with accessibility standards for City department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
  - 1. Inspection of current City buildings and facilities to identify access issues.
  - 2. Review of current City services, activities, and programs for access issues.
  - 3. Assessment and update of current compliance measures.
  - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  - 5. Review of the City's emergency programs, services, and activities as they apply to persons with disabilities.
  - 6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to City services, programs, and activities.

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- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to City services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing City services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing City services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of City-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- (l) Coordinating with appropriate City staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

### 201.3 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

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If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 201.3.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  1. A substantial alteration of the service, program, or activity.
  2. An undue financial or administrative burden on the City. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  3. A threat to or the destruction of the historic significance of an historic property.
  4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  1. Reassigning services, programs, or activities to accessible buildings or facilities.
  2. Utilizing technology, equipment, rolling stock, or other conveyances.
  3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

### 201.3.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

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### 201.3.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

### 201.4 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

#### 201.4.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

### 201.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.

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- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

### 201.5.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The City will not require that persons with disabilities use City-provided assistive devices, auxiliary aids, or services.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

### 201.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### 201.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).

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- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use City-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### 201.5.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by individuals with communications-related disabilities and received via a telecommunications relay service or equally effective telecommunications systems (28 CFR 35.161).

### 201.5.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City through standard protocols (such as an in-house federal background check) to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, City employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 201.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person when no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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### 201.5.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

### 201.6 WEBSITE ACCESS

The ADA coordinator should work with appropriate City employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Website content and mobile applications should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

### 201.7 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

### 201.8 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a City program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

### 201.9 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

## *ADA Compliance*

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- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

# Temporary Modified-Duty Assignments

## 202.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

## 202.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

## 202.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The City Administrator or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a City vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

## 202.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

## *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the City Administrator or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the supervisor, with notice to the City Administrator or the authorized designee.

### **202.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate City operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

#### **202.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the City Administrator or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days. **If the employee does not uphold this responsibility, the employer has the right to pause the accommodation, revoke the assignment, or initiate a formal, mandatory review process.**

## *Temporary Modified-Duty Assignments*

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### 202.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising the City Administrator or the authorized designee of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the City Administrator or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### 202.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

### 202.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e (k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the City should make reasonable efforts to provide an accommodation for the employee in accordance with federal law and any applicable state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg -1; 29 CFR 1636.3; 29 CFR 1636.4).

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

#### 202.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

## *Temporary Modified-Duty Assignments*

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### **202.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **202.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

### **202.10 TEMPORARY PAY OUT OF CLASSIFICATION**

The City Administrator or Mayor retains sole discretion to authorize temporary out-of-classification assignments and associated pay adjustments on a case-by-case basis. This policy applies to all full-time employees who are designated to assume the full duties and responsibilities of a position in a higher pay classification. Approved employees will receive a 10% pay increase for the duration of the assignment, provided the assignment is to cover a leave of absence lasting no less than one business week (5 working days).

If a non-exempt employee is temporarily assigned to an exempt position, the employee will assume the exempt status of that higher position for the duration of the assignment. Consequently, the employee will become ineligible for overtime compensation (time-and-a-half) during this temporary period.

# Discriminatory Harassment

## 203.1 POLICY

The purpose of this policy is to prevent City employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

## 203.2 PROCEDURE

A. Discriminatory harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee shall be subjected to any type of harassing conduct based upon the protected class information as set forth in section 200.1A, a disability, or protected activity.

B. 1. Sexual harassment is a specific type of discriminatory harassment. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with work effectiveness.

2. Sexual harassment, whether committed by management or non-management personnel, is a form of sex discrimination. Sexual harassment may include, but is not limited to:

- a. Repeated offensive sexual flirtations, advances, or propositions.
- b. Continued or repeated verbal abuse of a sexual nature.
- c. Graphic or degrading verbal comments about an individual or the individual's appearance.
- d. The display of sexually suggestive objects or pictures.
- e. Any offensive or abusive physical contact.

3. No employee of the City shall imply or threaten that an applicant or an employee's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

## *Discriminatory Harassment*

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C. It is the policy of the City to discipline, up to and including termination, any employee found to have engaged in any type of discriminatory treatment, including sexual harassment.

### D. Responsibility

1. It is the responsibility of all employees to aid the Employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including management, to immediately report any instances of discriminatory harassment to the proper authority. Any employee who observes any conduct that may constitute discriminatory harassment of a co-worker, but fails to report same, may be subject to disciplinary action.

2. It is further the responsibility of management to ensure that all employees who report to management are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.

3. It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.

4. Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training on this policy as a part of his/her onboarding process.

### E. Complaint Procedure

1. Employees who believe they have been the subject of discriminatory harassment should report the alleged act immediately. All information disclosed shall be held in strictest confidence to the extent allowed by law, and otherwise will only be revealed on a need-to-know basis in order to investigate and resolve the matter.

Step 1: Employees who believe they have been the subject of discriminatory harassment should report the alleged act immediately to their department head. If the department head is the subject of the complaint, or if the employee is uncomfortable reporting the act to his/her department head, the employee may report the act to the Personnel Director or any other member of management.

Step 2: The individual alleging the harassment will be asked to complete a written statement outlining the nature of the complaint. The complaint will be investigated even if the individual alleging harassment refuses to fill out a written statement.

Step 3: Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All employees shall, to the extent possible, be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

## *Discriminatory Harassment*

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Step 4: If the investigation reveals that the complaint is valid, prompt remedial action designed to stop the harassment immediately and to prevent its recurrence will be taken. Any employee who is found, after appropriate investigation, to have engaged in harassment shall be subject to disciplinary action, up to and including termination.

2. Determining whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect, requires an investigation of all facts in the matter. Given the nature of this type of discrimination, it is also recognized that false accusations of discriminatory harassment can have serious effects upon innocent individuals. All employees of the City of Groveport shall act responsibly to establish and maintain a pleasant working environment, free of discrimination, for all.

3. The same conditions and rules apply as they may relate to discriminatory harassment of a non-city employee or official by an employee at the work place. Any acts of discriminatory harassment must be reported to the management, and documented by any witnessing employee, prior to the end of the applicable shift.

4. Unlawful discrimination or harassment that affects an individuals employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

5. These same conditions and rules apply as they may relate to discriminatory harassment by a non-city employee to include but not limited to: suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters city property or conducts business on city property.

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# Equal Employment Opportunity/Anti-Discrimination Complaint Procedure

## 204.1 POLICY

Any person may file a complaint if the individual believes:

1. An employee has illegally discriminated against the individual under any state or federal anti-discrimination law, including a violation of the ADA or conduct involving sexual harassment.
2. A City program, service, or facility is not accessible to disabled individuals.

## 204.2 PROCEDURE

A. All complaints alleging illegal discrimination shall be filed on the EEO/Anti-Discrimination Complaint Form contained in this code. Complaints shall be filed within a reasonable period of time following the incident which gave rise to the complaint.

B. Complaints shall be filed with the Personnel Director. The Director shall investigate all complaints and respond to the complainant as soon as the investigation is completed. If the Personnel Director is the subject of the discrimination complaint, the complaint shall be filed with the City's legal counsel.

C. When reviewing employment discrimination complaints alleging a violation of the policy, the Personnel Director/Administrator will determine whether the complainant is a "qualified person with a disability," whether the Employer may have discriminated against the complainant, and if so, whether the Employer can "reasonably accommodate" the complainant or otherwise resolve their complaint.

D. Any employee who has been found by the Employer, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person in their capacity as an employee of the City, will be subject to appropriate disciplinary action.

E. Non-employees found to have committed an act of illegal discrimination against an employee in the workplace will be dealt with appropriately as allowed by law.

F. If any program, service, or facility is found to be non-accessible to disabled individuals, the Employer shall take appropriate steps to achieve accessibility according to the law.

## Chapter 3 - EMPLOYMENT

## Requirements for Employment

### 300.1 POLICY

A. The Employer appoints, employs, disciplines, and establishes policies and procedures and other conditions of employment for its employees. The Council determines compensation and other fringe benefits for employees. Employment with the Employer is employment in a public agency, subject to federal, state, and local laws and the requirement that employees recognize and agree to abide by all applicable laws and all applicable policies and procedures as a condition of employment.

B. All applicants for employment must be able to perform the essential functions of the position for which they apply with or without a reasonable accommodation and must possess or be able to obtain within a reasonable time frame any required licensing, certification, bonding, or other employment requirements as specified in the position description.

## Employee Status

### 301.1 POLICY

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

1. Appointment

- Regular: An employee appointed to a position on a full-time or part-time basis.
- Temporary: An employee appointed to a non-permanent position, on a full-time or part-time basis, for a specified period of time, not to exceed one hundred twenty (120) days except as otherwise provide in R.C. 124.30.
- Seasonal: An employee who works on the academic program year or who works on a recurring but temporary basis annually (e.g., summer, mowing season, golf, recreation center, etc.). A seasonal employee may be appointed on a full-time, part-time, or intermittent basis.
- Intermittent: An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable.
- Intern: A person employed who works in a professional capacity and/or position that is directly related to their college course of study. Interns may be at various degree levels.

2. Hours Assigned

- Full-Time: An employee who works thirty (30) or more hours per week on an average basis over a period of three successive calendar months.
- Part-Time: An employee who works less than thirty (30) hours per week, or less than the standard full-time workweek designated by the Employer, but on a regularly scheduled basis.

3. Classified Employee is hereby defined as an employee who has a property right in his/her employment and applies to those positions as set forth in the laws, ordinances, or Charter of the City of Groveport.

4. Unclassified Employee is hereby defined as an employee who serves at the pleasure of his/her appointing authority and applies to those positions as set forth in the laws, ordinances or Charter of the City of Groveport.

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

C. If an employee works 30 or more hours per week on a regular basis for three (3) consecutive months which might justify a change in employment status, the employee may request to have his/her employment status changed.

## *Employee Status*

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### **301.2 PROCEDURE**

Employees shall be informed upon appointment of their employment status. Regular, temporary, seasonal, intermittent, and student appointments should be communicated in writing to employees. The hours normally assigned to the employee should also be communicated in writing.

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## Classification Plan

### 302.1 POLICY

The Personnel Department shall, on behalf of the Employer, maintain and administer the plan of position descriptions, known as a Classification Plan. This includes a compilation of the position descriptions for each employment position. A position description contains the qualifications, essential functions, other duties, equipment operated, required licenses or certifications, and the requisite knowledge, skills, and abilities of each position. The Employer will create or amend position descriptions based upon an analysis of the duties, responsibilities, essential functions, and qualifications of the positions affected.

### 302.2 PROCEDURE

A. As positions are changed or added, the position description plan must be revised. Factors which may necessitate a revision to the plan are:

1. Addition of new employee(s);
2. Promotion of current employee;
3. Addition of a new duty or responsibility to a position;
4. Abolishment of a current duty or responsibility from a position;
5. Reassignment of current duties or responsibilities between or among positions; or
6. A new or revised licensure or certification requirement as dictated by law for a position.

B. When any of the aforementioned factors change, the department head shall submit a proposed revision to the Personnel Department, who shall review the request and cause appropriate changes or additions to a position description or the position description plan.

In addition, changes to a department's table of organization shall be submitted if there is a change in reporting relationships within the department.

C. The Administrator shall review and approve all changes to position descriptions within the classification plan.

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# Appointments

## 303.1 POLICY

A. Appointments shall be made according to merit and fitness, as to be ascertained, as far as practicable, by competitive examination. If an eligibility list exists for a position, then appointments shall be made from therein.

B. Exceptional and temporary appointments may be made in accordance with R.C. 124.271 and R.C. 124.30.

## 303.2 PROCEDURE

A. The Personnel Department shall advertise positions authorized by Council to be filled by appropriate means. All announcements should specify the job title, nature of the job, required qualifications, essential functions of the position, the compensation range, the deadline for applications, and the place to file such applications. If a civil service test is to be administered, the advertisement shall provide fourteen (14) days notice of the time, date, and location as well as if study materials are available.

Upon receipt of the applications, the Personnel Department or designee and the department head shall evaluate the candidates as provided in the "Evaluation of Applicants" section of this code.

B. Vacancies may be posted internally for five (5) or more weekdays on employee bulletin boards or any other appropriate means.

1. Current employees interested in a vacancy must apply to be considered.

2. If the Employer deems no internal applicant is qualified for the vacancy, the Personnel Department shall fill the vacancy through the selection of outside applicants as described by Charter.

3. Nothing in this section shall be construed to prevent the Personnel Department from advertising for external applicants concurrently with the posting of internal vacancies.

C. An employee is NOT permitted to apply internally for a transfer to another City department or for a promotion to another City position, unless approved by the Personnel Department or the City Administrator prior to the application, if the employee has received a Verbal or Written Warning within the preceding twelve months or if the employee has received a suspension within the preceding twenty-four months.

## Evaluation of Applicants

### 304.1 POLICY

Appointments in the City shall be made according to merit and fitness, as to be ascertained, as far as practicable, by competitive examination.

### 304.2 PROCEDURE

A. A review of all applications shall first be made to determine which applicants possess the minimum job-related qualifications as stated on the classification specification (e.g., minimum licenses, certifications, experience, etc.). If a civil service test is to be administered, only those who meet the minimum qualifications may participate.

B. Upon determination of which applicants meet the minimum job-related qualifications, the applicant's knowledge, skill, and ability to perform the essential functions of the position shall be considered. Applicants may be required to submit to any or all of the following: reference checks, background checks, job-related performance tests, interviews, and other job-related procedures.

C. The City shall normally use the Rule of 3 when appointing from an eligibility list.

D. Qualified applicants may be eliminated from consideration for a position if the applicant:

1. makes a false statement of material fact on the employment application or other hiring documents;
2. has committed or attempted to commit a dishonest or fraudulent act at any stage of the selection process;
3. is an alien not legally permitted to work;
4. has previously been terminated for just cause, except in unusual circumstances to be determined by the Employer;
5. has been convicted of a felony or a crime involving moral turpitude;
6. is addicted to drugs and alcohol;
7. has a pattern of poor work habits and performance with the current or previous employer; or
8. has been guilty of infamous or notoriously disgraceful conduct.

If an applicant is hired and it is subsequently discovered that one (1) of the above disqualifying criteria apply, the employee may be disciplined or discharged as provided in this code.

D. Upon selection of a preferred candidate, the Employer may inquire whether the candidate requires an accommodation to perform the job. The Employer will not classify a candidate who requires an accommodation as unqualified because the candidate requires an accommodation. However, if the Employer cannot provide a reasonable accommodation, or

## *Evaluation of Applicants*

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the only accommodation that could be made would cause undue hardship to the Employer, the candidate may be considered unqualified.

E. The Employer shall maintain a record keeping system reflecting the disposition of all job applicants and the reasons for hiring or not hiring an applicant. Such records shall be kept on file for at least two (2) years and shall include a completed job application, medical examination data, test results, and/or any other job-related information.

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# Medical Examinations - Applicants and Employees

## 305.1 POLICY

A. A medical examination by a licensed practitioner may be required by the City prior to appointment to evaluate selected job applicants physiological and/or psychological condition as it relates to the applicants ability to perform the essential duties of the positions for which they are applying. Examinations may include any job-related examination determined to be a preemployment requirement.

B. For purposes of this policy, a licensed practitioner is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or licensed independent social worker, who is licensed to perform the appropriate examination.

C. All employees are required to maintain their physical fitness at a level which will permit them to efficiently perform the duties of their position and avoid endangering themselves or those they serve.

## 305.2 PROCEDURE

A. When a medical examination is required, such requirement shall be included in the vacancy announcement.

B. No medical examination, except screening for use of illegal drugs, will be conducted until after the Employer has made the applicant a conditional offer of employment.

C. The Employer shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the Employer, a waiver of the medical examination requirement for the following reasons:

1. verified religious opinion or affiliation, or
2. reinstatement within one (1) year of separation.

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

D. After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the City. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the duties of their position. Examples include examination to certify eligibility for Family and Medical Leave or other leaves of absence, examination to assess eligibility for Workers' Compensation, examination required by Occupational Safety and Health programs, Fitness for Duty, etc. A

## *Medical Examinations - Applicants and Employees*

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medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

## Orientation

### 306.1 POLICY

A. Upon appointment, all employees will be provided access to a copy of the City's Code of Personnel Practices and Procedures to read, which contains the general terms, conditions, benefits, policies and procedures of employment, all notices, forms, and documents. Upon completion, the employee shall sign all acknowledgments, forms, and documents required by law or the Employer.

B. Upon appointment, employees will also have the policies and procedures of their department and/or position explained to them by the Director or Personnel Department.

# Immigration Reform and Control Act

## 307.1 POLICY

A. In General: In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, the Employer has adopted the policy set forth below.

1. The Employer or designee shall not knowingly hire or recruit or continue employment of any alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.
2. The Employer has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986, is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien."
3. As a condition of continued employment, the Employer shall verify both the identity and the employment eligibility of all applicants considered for employment by following the steps outlined in (B) below.

B. Pre-employment Requirement:

The Employer will ensure that as a condition of employment that applicants fill out the I-9 form. Procedures on how to fill out the I-9 form can be found at [www.uscis.gov](http://www.uscis.gov).

C. Post-Hiring Requirements:

1. Within two (2) business days after the appointment of the applicant, the Employer shall physically examine the documentation presented by the employee to ensure that the documents presented appear genuine and related to the individual, then complete the remaining portions of Form I-9 located in the Personnel office.
2. The Employer shall retain Form I-9 and photocopies of the supporting documentation for three (3) years after the effective date of hire or for one (1) year from the date of the employee's separation from service, whichever is later.
3. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any agency or person other than for the purpose of complying with the requirements of the Act.
4. Should an employee be rehired or reinstated by the Employer within one (1) year of the date of separation, the Employer may use the original I-9 form and supporting documentation for the purpose of complying with the Act.

If an employee's authorization to work expires, the Employer must immediately re-verify that the employee is still authorized to work based on the employee's documentation of continuing

## *Immigration Reform and Control Act*

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eligibility or new authority to work. The Employer must review the document and verify on the I-9 Form, noting the document's ID number and expiration date.

D. Anti-Discrimination Policy: It is the intention of the Employer not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The Employer will not unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue.

## Probationary Period

### 308.1 POLICY

#### A. Newly Appointed Employees:

1. Employees shall serve an instructional period of six (6) months' continuous service beginning at the commencement of employment. This time is used for evaluating an employee's work performance, etc. It also serves as an adjustment time for them to become familiar with the work, fellow employees, policies, and procedures.

During the instructional period, the employer has the right to suspend or dismiss an employee without recourse for an appeal. Retention or continual employment beyond the instructional period does not confer any additional status or right to continued employment upon an "at-will" employee.

2. Probationary Period and Final Appointment for Sworn Police Department Employees: Pursuant to Article V, Section 5.03(B)(2) of Groveport Charter, the Mayor shall have the power to appoint, promote, remove, suspend, or otherwise discipline members of the Police Department, subject to the provisions of the Charter relating to tenure and the City's merit system.

The probationary period for all newly hired patrol officers shall be a period of not less than twelve (12) months. At the conclusion of said twelve (12) month period, pursuant to the above-referenced Charter provision, the Mayor may terminate, fully appoint, or extend said probationary for a period not to exceed three (3) additional months. The probationary period for all newly promoted detectives, sergeants, lieutenants, and other command/supervisory personnel shall be a period of not less than twelve (12) months. Pursuant to the stated Charter provision, the Mayor may demote, fully appoint, or extend said probation for a period not to exceed three (3) additional months. (See Chapter 129, Section 129.03 of the Groveport Codification).

### 308.2 PROCEDURE

A. An employee's manager or designee is responsible for informing each newly hired or promoted employee of the duties the employee is to perform and the standards to which the employee's performance will be measured. This process may be accomplished through employee orientation, training, demonstration of proper performance, performance evaluation, corrective discipline, or a combination of the above.

B. Sworn Police Officers' performance during probation shall be evaluated by the employee's supervisor and appointing authority. If the employee's performance is found to be unsatisfactory, the employee may be removed.

C. The employee's manager and/or appointing authority shall discuss the performance evaluation with the employee regarding the specific respects in which the employee's performance is unsatisfactory.

## *Probationary Period*

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D. If the newly hired employee fails to successfully complete the probationary period, the employee shall be informed by the manager/Personnel Director.

E. Managers shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Likewise, the employee is encouraged to bring problems to the manager to enhance his or her performance. Managers have a responsibility to only recommend retention of those employees who meet acceptable work standards during the probationary period.

F. An employee may be separated at any time during the probationary period for unsatisfactory performance. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion upon failure of the promotional probationary period provided the position is still available. An employee who is removed during the probationary period does not have a right to appeal.

G. The action of reduction for failure to complete a promotional probationary period shall not be considered a disciplinary action, and shall not serve to eliminate the employee for consideration for advancement to other positions.

H. Time on extended leaves of absence shall not be counted toward the completion of the probationary periods.

I. No Promotion during Probationary Period. Probationary employees shall not be eligible for promotion to any other position until they have completed their probationary period.

## Performance Evaluations

### 309.1 POLICY

A. A formal performance evaluation system provides the Employer with an effective mechanism to measure and communicate levels of job performance to employees. It provides the employee with documented, constructive feedback concerning current job performance. A documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotion, and retention of employees.

B. The work performance of all employees shall be evaluated at the end of the employee's probationary period (if applicable), and then annually thereafter.

### 309.2 PROCEDURE

A. Employees who have successfully completed probation shall be evaluated annually by their manager.

B. A special, additional evaluation may be held if requested by the employee and approved by the Administrator, or at the discretion of the Appointing Authority. Such evaluation will not be used to influence the order of any layoff.

C. Each manager shall complete a performance evaluation for each employee he/she supervises.

D. Managers shall rate their subordinates' performances in an objective, uniform, and unbiased manner and in accordance with the procedures established herein and in the performance evaluation form. Managers violating these policies will be subject to disciplinary action.

## Promotion

### 310.1 POLICY

- A. Promotions shall be made according to merit and fitness, as to be ascertained, as far as practicable, by competitive examination.
- B. When job vacancies occur, current qualified employees shall be given the opportunity to apply for such vacant positions.
- C. Factors to be considered for promotion include, but are not limited to, required training course(s), licensing or certification requirements, other minimum qualifications, annual performance evaluation ratings, and the employee's knowledge, skills, and abilities to perform the essential functions of the vacant position.

### 310.2 PROCEDURE

Employees interested in being considered for a posted vacancy shall complete an application and submit it to the Personnel Department by the established deadline.

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## Demotion

### 311.1 POLICY

A demotion is a transfer of an employee to a position which has a lower level of responsibility, classification, and compensation. Demotions generally result from an employee's failure to perform the duties of a position at an acceptable level or as a result of discipline. Demotions may also be voluntarily requested by an employee or as an accommodation for a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but who can perform the essential functions of a lower classification with or without a reasonable accommodation. Demoted employees shall be reduced in pay to the corresponding pay for the new classification.

### 311.2 PROCEDURE

Employees who desire to be considered for a posted vacancy in a lower classification shall complete an application and submit it to the Personnel Department by the established deadline.

## Training

### 312.1 POLICY

The Employer will make reasonable efforts to ensure that employees receive on-the-job and other required training necessary to perform their job.

A. Employee's Responsibility for Maintaining and Upgrading Job Skills: Each employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, to meet state requirements, and for upgrading skills as necessary to meet technological changes or to seek promotion. The Employer will facilitate those efforts and provide training from time to time.

B. Independent Study/Training: An employee may pursue independent study or training but may not obligate the Employer to pay expenses or compensation without specific advance permission.

### 312.2 PROCEDURE

A. Training Program Evaluation: The Employer will periodically examine current and proposed training programs in order to ensure the programs' relevance to both the individual employee and organizational training needs.

B. On-the-Job Training (OJT): On-the-job training prepares employees to effectively perform the responsibilities required of their positions. It allows the employees to learn their job duties, proper procedures, and expected performance levels.

C. Job-Related Training Programs: Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the Employer assigns an employee to attend a training program or approves a specific request from an employee to attend a training program, the expense incurred shall be paid by the Employer. Any training taken voluntarily by the employee which is job-related shall be subject to the prior approval of the Employer. The Employer will not, however, pay for training when it is taken voluntarily and is not directly related to the employee's job duties in the employee's present position.

D. Hours Worked: Time spent by FLSA nonexempt employees attending lectures, meetings, classes, and training programs is not considered hours worked when all four (4) of the following criteria are met:

1. Such time is spent outside normal working hours;
2. Attendance by the employee is voluntary;
3. The lecture, meeting, class, or training program is not directly job-related; and
4. The employee does not perform any productive work for the Employer during the employee's attendance.

## *Training*

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

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

E. Travel Time: When an FLSA nonexempt employee is required to travel to and from an approved lecture, meeting, class, training program, etc. such time is considered compensable.

## Reductions in Force / Layoff

### 313.1 POLICY

- A. The Employer maintains the legal right to reduce the workforce when such a reduction is determined necessary by the Employer.
- B. Definitions: The following definitions shall be applied to the procedures set forth in this policy:
1. Length of Service: means the continuous, uninterrupted service of the employee, where no break in service has occurred. For the purpose of this definition, any separation lasting thirty (30) days or less shall not be deemed a break in service, nor shall an authorized leave of absence be deemed a break in service. If an employee was separated, but was re-employed or reinstated by specific action of the Employer within the time period that the employee carries the right to reinstatement, the employee's absence does not constitute a break in service.
- C. Whenever a reduction is necessary, the Employer will determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off in each classification.
- D. Employees shall be laid off with consideration of length of continuous service and efficiency of service relative to the operational needs of the City.
- E. A recall list shall be established for each classification affected by the layoff, listing each laid off employee in the order of layoff.
- F. A laid off employee shall be eligible for recall for a period of one (1) year following the date of the layoff.

### 313.2 PROCEDURE

- A. After the order of layoff has been determined, a letter of notification shall be prepared and signed by the Administrator or Mayor. The letter shall be provided to each affected employee after approval of the layoff by the Administrator or Mayor.
- B. The notice of layoff shall be delivered to the affected employee(s) at least fourteen (14) days prior to the effective date of the layoff.
- C. The following information must be contained in the layoff notice:
1. Effective date of the layoff.
  2. A statement advising the employee of the employee's right to recall.
  3. A statement that the employee is responsible for maintaining a current address with the Employer.
- D. In the event the Employer decides to refill the position within one (1) year following the date of the layoff, employees shall be recalled in the inverse order of the layoff within the applicable classification. The recall order shall be in writing and sent via U.S. mail.

## Resignation

### 314.1 POLICY

A. Employees may voluntarily resign by submitting a written letter of resignation to their immediate supervisor. Management and professional personnel shall provide at least thirty (30) days notice and other employees at least fourteen (14) days notice prior to the effective date of separation. The letter shall be a signed, dated statement indicating the employee's desire to resign and the effective date of separation. Failure to give proper, timely notification may render the employee ineligible for future reemployment with the City.

B. An employee who resigns in good standing may be reinstated, at the discretion of the Employer, to the employee's former position or a similar position within one (1) year following the employee's resignation, provided the former employee remains qualified to perform the duties of the position, the position is vacant, and reinstatement would be in the best interest of the Employer.

C. Employees who are absent for three (3) or more consecutive workdays, who fail to provide proper notification will be considered to have voluntarily resigned their position.

D. Human Resources shall attempt to schedule an exit interview with the employee prior to the effective date of the resignation. Such interview should be conducted prior to issuance of the employee's final pay.

E. It is the Employer's policy to provide only the following information in response to requests for employment references regarding former employees, unless otherwise approved by the Appointing Authority:

1. employment dates;
2. employee's classification;
3. beginning and ending pay rates;
4. employee's reason for resigning as stated in the letter of resignation.

In addition, the Employer will comply with the Ohio Public Records Act pursuant to the Public Records — Inspection, Release and Retention section of this code.

### 314.2 PROCEDURE

A. Letters of resignation should contain the following information:

1. a statement indicating the employee's intention to resign;
2. the date of the letter;
3. the effective date of resignation;
4. the reason for resignation (optional);
5. the employee's signature.

B. The employee's manager shall forward the letter of resignation to the Personnel Department immediately upon receipt.

## *Resignation*

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C. The Personnel Department should provide the resigning employee with an Exit Interview Form as soon as possible and request that the employee complete the form and discuss its contents at an exit interview. The exit interview is for the purpose of:

1. discovering any unknown grievances or problems relating to the resigning employee's employment;
2. determining all compensation and benefits owed;
3. determining the resigning employee's availability for future employment (if applicable);
4. ensuring all Employer-owned equipment has been returned; and
5. obtaining the resigning employee's correct mailing address.

D. The Personnel Department shall sign, date, and place the exit interview form in the employee's personnel file.

## New Hire Reporting

### **315.1 POLICY**

Generally: In accordance with ORC '3121.89-3121.8911, the Employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits.

### **315.2 PROCEDURE**

The Personnel or Finance Department shall notify the Ohio Department of Job and Family Services within fifteen (15) calendar days of the date of hire.

## Notice of Payroll Changes

### 316.1 POLICY

A. The Personnel Department shall notify the Finance Department of all personnel actions which affect payroll. Examples of such personnel actions include but are not limited to the following:

1. Hiring new employees
2. Promotions
3. Demotions
4. Pay Increases
5. Reclassification of existing job
6. Resignations
7. Retirements
8. Layoffs
9. Recalls following layoff
10. Discharge (removals)

### 316.2 PROCEDURE

A. A Payroll Authorization will be completed each time a personnel action is implemented which affects payroll.

B. The Administrator or assigned designee shall approve or disapprove the change and sign and date the Payroll Authorization only if approved.

C. The original approved Payroll Authorization shall be forwarded to the Personnel Department for processing payroll and then placed in the employee's personnel file.

# Nepotism

## 317.1 POLICY

A. Pursuant to R.C. 2921.42, the Ohio Ethics Law, it is important to have a policy to prevent the possibility of nepotism in the workplace. Courts have generally upheld anti-nepotism policies as constitutional because the Employer has a rational basis for wanting to prevent:

1. favoritism in job assignment, job promotion, additional employment, and pay;
2. creation of morale problems;
3. reduction in productivity;
4. increased absenteeism;
5. conflicts of interest; and
6. problems in administering discipline.

B. "Related" employees as identified in paragraph (B) include those persons related to employees, public officials, or members of the Council through family of origin, extended family, or marital affiliation. For the purposes of this policy, the terms "related" employees and "relatives" include: spouse, child/step-child, son-in-law, daughter-in-law, parent, sibling/step-sibling, uncle, aunt, nephew, niece, grandparent, grandchild, or any other person related by blood or marriage and residing in the employee's household.

C. This policy prohibits "related" employees from occupying positions within the same hierarchy of supervision. Furthermore, a public official/board member is prohibited from soliciting or using his authority or influence, formally or informally, to secure the employment of a "related" employee, or to otherwise act with respect to that related individual's employment. These matters include, but are not limited to, any of the following:

1. changes in compensation or benefits (vacation, sick leave, holidays, etc.) that are determined by individual working conditions;
2. the assignment of duties that will change the terms of employment, evaluations, and actions involving promotions, discipline, layoffs, and termination.

D. This policy does, however, permit the hiring of "related" employees, provided that paragraph (C) is not violated.

E. Any related employees hired prior to the effective date of this code will not be regarded as in violation of this policy. If, however, two (2) employees of the City marry subsequent to the adoption of this policy, all of its requirements shall be applicable to them.

F. Any employees/public officials who violate this policy will be disciplined accordingly, up to and including termination.

## *Nepotism*

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### **317.2 PROCEDURE**

- A. Employees/public officials must notify the Personnel Department or the Administrator prior to any "newly formed" family relationships (marriage, adoption) between employees that will result in a violation of this policy.
- B. The Personnel Department/Administrator will make an effort to work with the employees who become part of any "newly formed" family relationship in order to avoid any violations of this policy.
- C. Further, this policy's application is intended for the administrative operations of the City. Persons are not barred or precluded from employment with the City based on a relationship with a member of the City's legislative body.

## Commercial Driver's License

### 318.1 POLICY

A. As a condition of continued employment, some employees shall be required to maintain a valid Ohio Commercial Driver's License (CDL). The Administrator shall determine the positions which will be required to maintain a CDL and they will also be identified by the essential functions in the position descriptions.

Additionally, any position for which a CDL becomes a necessary requirement shall be subject to the terms set forth herein.

B. Should any employee who is required to maintain a valid CDL fail to do so, he or she shall be unqualified to retain his or her position. Any such employee may submit a written request to the Appointing Authority for a voluntary reduction. If the Appointing Authority determines that a vacancy exists in a lower level classification for which the requesting employee is presently qualified to perform the essential duties of the position, without further training, the employee may be placed in the lower level position as a voluntary reduction. If a voluntary reduction is not requested, or is not feasible as determined by the Appointing Authority, the employee may be terminated from employment.

C. The Department of Transportation Federal Highway Administration Rules on "Controlled Substances and Alcohol Use and Testing" (49 CFR 382) shall apply to all CDL holders of the City. The procedures for testing are contained in Department of Transportation "Work Place Drug and Testing Programs" (49 CFR Part 40).

D. Drug/alcohol testing required by the rules shall be paid by the City, exclusive of pre-employment testing.

## Chapter 4 - COMPENSATION AND HOURS OF WORK

## Compensation

### 400.1 POLICY

A. The compensation practices of the Employer will comply with sound personnel management principles and practices and follow applicable laws and regulations. No compensation decisions shall be unlawfully based on an individual's age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law.

B. The Council will establish an equitable compensation system for employees which shall be, insofar as practicable, competitive with comparable jurisdictions.

C. The Council will ensure that wages:

1. are based upon a logical and unbiased method of grading the "worth" of each classification within the organization;
2. are competitively based upon consideration of rates currently paid in the local labor market for comparable jobs; and
3. comply with governing laws, regulations and executive orders.

### 400.2 PROCEDURE

A. Adjustments to the pay scale will be made according to the Compensation Plan with the approval of the City Administrator.

B. Changes in compensation due to promotions, demotions, performance evaluations, etc., will be in accordance with the Employer's Compensation Plan.

## Pay Periods / Paychecks

### 401.1 POLICY

- A. There are generally twenty-six (26) pay periods per year consisting of two (2) weeks each. The biweekly pay period begins at 12:01 a.m. Thursday and ends at 12:00 midnight the second succeeding Wednesday.
- B. Payday shall be on Wednesday after the ending of the two (2) week pay period. If a payday occurs on a holiday, paychecks will be issued on the preceding day, except under extenuating circumstances, in which case paychecks will be issued on the next following workday.
- C. All employees are required to direct deposit their paycheck to a regular financial institution of their choice.
- D. Pay advances are not permitted.
- E. Questions regarding pay shall be addressed to the Personnel department.

## Administrative Pay Corrections

### 402.1 POLICY

The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

If there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Finance Department, so that corrections can be made as quickly as possible.

Once underpayments are identified, they may be corrected in the next regular paycheck unless the underpayment is due to an error made by the Finance Department. In that event, corrections shall take place as quickly as possible.

Overpayments may be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the employer will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

## Payroll Deductions

### 403.1 POLICY

Deductions required by law and/or in conformity with the Employer's benefit plans shall be withheld from employees' paychecks. Such deductions include Ohio Public Employees Retirement System (OPERS) and Ohio Police and Fire Pension Fund (OPFPF) contributions, income taxes, Medicare tax, medical insurance premiums, etc. Other approved deductions requested by the employee may also be withheld. The Employer may refuse to make deductions, not required by law, which the Employer deems not in the Employer's best interests. **Elected Officials have the right to waive OPERS deductions in lieu of Social Security deductions.**

### 403.2 PROCEDURE

A. Income Taxes: Employees are required to complete withholding tax forms (W-4) upon initial employment and also inform the Personnel Department of any dependency change whenever such change occurs. The amount withheld varies according to law and the amount of salary and number of dependency exemptions.

B. Health Care: All requests for health care related payroll deductions shall be presented in writing by the employee to the Personnel Department. Payroll deductions are itemized on the employee's pay statement which accompanies the employee's paycheck.

C. OPERS/OPFPF: The state law requires that employees contribute to OPERS or OPFPF rather than Social Security. **Elected Officials have the option of OPERS or Social Security as a retirement deduction.**

D. Miscellaneous: Other deductions may include wage garnishments, deferred compensation, child support, credit union, employee insurance contributions, possible City charges for withholding, etc.

E. Authorization: All requests for payroll deductions must be presented in writing by the employee to the Personnel or Finance Department who shall make only those deductions authorized by the Administrator and/or required by law.

## Work Scheduling

### 404.1 POLICY

A. With the exception of the Police and Recreation Departments, upon approval of the Administrator and/or Mayor, each department will establish a normal work period for each full-time employee. The work period for the Police Department shall be established by the Chief of Police with the approval of the Mayor. No established schedule shall be construed as a guarantee of work hours or as a restriction on the Employer's right to restructure the workday or workweek.

B. Absenteeism increases the workload of other employees and affects the quality of public services delivered. An employee is considered absent for purposes of this section if he/she fails to report to work for an entire workday or leaves work prior to the scheduled quitting time, and such absence has not been properly approved in advance, or for which the payment of sick leave, as defined in this code, has been denied. In addition to not being paid for the time absent, employees shall be subject to progressive discipline for accrued unexcused absences as follows unless the employee has also committed an offense subjecting the employee to discipline pursuant to the Grounds for Disciplinary Action and Penalties Section of this code.

### 404.2 PROCEDURE

Each department or office's standard workday, workweek, and starting and quitting times shall be appropriately communicated to the affected employee(s).

A. Absent employees shall contact their manager or a designee by at least one (1) hour before their scheduled starting time each day they are absent to report such absence. Police department employees shall contact their manager at least two (2) hours before their scheduled starting time. **Failure to do so may result in progressive discipline.** Upon returning to work, any employee who is absent shall report to the employee's manager to explain the reason for the absence and to provide all documentation required to substantiate the absence.

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## Time Records

### 405.1 POLICY

All hourly, nonexempt employees under the FLSA are required to record all hours worked for the Employer, including all times the employee started work and stopped work each workday. Time records and/or time clocks are used by the Employer to document the hours worked by nonexempt employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the Employer may result in disciplinary action.

### 405.2 PROCEDURE

Failure to properly record times, misrepresentation of time worked, the altering of any time record, or allowing a time record to be altered by another employee will result in disciplinary action up to and including termination.

Time Sheets:

A. For purposes of public accountability, all employees shall be required to account for all time worked and performed for the City by completing a time record. This time record will serve as the official record of actual time worked by City employees. Accordingly, all non-exempt employees must enter the time they arrive and are ready for duty. This entry should reflect the actual start time to the nearest hour and minute (e.g., 8:03 a.m., 7:57 a.m., etc.). In lieu of this process, all exempt employees will enter the total number of hours and minutes worked each day.

All nonexempt employees shall be required to clock out for all unpaid breaks and at the end of their shift as with the procedure outlined above, this entry should reflect the actual time to the nearest hour and minute the employee is relieved of duty (e.g., 4:28 p.m., 4:32 p.m., etc.). Generally, employees are not required to sign out when taking paid breaks that are less than twenty 20 minutes in duration.

B. No overtime eligible employee shall report for duty more than six (6) minutes prior to his/her scheduled start time.

No overtime eligible employee shall report off duty more than six (6) minutes beyond his/her scheduled end.

C. For purposes of public accountability, all employees are expected to work a regularly scheduled week, in accordance with their schedule of compensation. (See Section 700, Ethics of Public Employment.) Hours actually worked shall be accounted for by completing a time record as discussed above.

D. At the end of every pay period, managers or directors shall review and approve his/her employee's time records for accuracy.

*Time Records*

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**405.3 PROCEDURE**

The Finance Department shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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## Court Appearances, Training and Classes, Call-Ins

### 406.1 POLICY

A. In case of a full-time non-exempt employee's overtime resulting from attendance at regularly scheduled training, educational school, class or clinic, overtime will be calculated in accordance with one of the following situations:

1. On an employee's regularly scheduled day of work, the employee will receive a two (2) hour minimum at the employee's regular rate of pay.
2. On an employee's regularly scheduled day off, the employee will receive a two (2) hour minimum at one and one-half (1½) times the employee's regular rate of pay.

B. When a full-time non-exempt employee is ordered to report to work at a time which is not contiguous to his or her regularly scheduled shift, the employee shall be paid in accordance with one of the following situations:

1. On an employee's regularly scheduled day off the employee will receive a minimum of two (2) hours at one and one-half (1½) times the regular rate of pay.
2. On an employee's regularly scheduled day of work when the employee is required to report back to work, the employee will receive a minimum of two (2) hours at the employee's regular rate of pay.

C. Court Appearances, Training, and Call-ins for Police Officers shall be governed by the appropriate Collective Bargaining Agreement in effect.

## Overtime Compensation

### 407.1 POLICY

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act ( FLSA ) (29 USC § 201 et seq.).

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

A. Any employee may be required to work in excess of the normal workday or workweek to meet operational demands of the City. Nonexempt employees, under the FLSA (29 USC § 207(o)(1)), shall be paid at the rate of one and one-half (1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) hours in any seven (7) day workweek.

B. Overtime is generally discouraged and is usually performed only when the Employer determines it is necessary. All overtime must be approved by the employee's manager or director in advance except in unusual or emergency situations. The employee's manager or director shall closely examine any overtime request not approved in advance.

C. When a nonexempt employee incurs an overnight stay on City business, such time shall not be considered time worked for purposes of calculating overtime, except to the extent that the time coincides with the employee's normal working hours or to the extent the employee is doing actual work (i.e., driving a vehicle, attending meetings).

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

Any training courses designed to prepare an employee for advancement to another position shall not be considered compensable hours of work provided the following criteria are met:

1. Attendance is outside the employee's regular working hours;
2. Attendance is voluntary;
3. The employee does not perform any productive work while attending the training program.

E. Scheduled overtime which is subsequently canceled for any reason shall not entitle the employee to overtime compensation.

F. Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the calculation of the overtime hours cannot reasonably be calculated within this time frame, such overtime shall be paid with the next regular pay.

G. Overtime for Police Officers shall be governed by the appropriate Collective Bargain Agreement in effect.

## *Overtime Compensation*

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### **407.2 COMPENSATION**

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Nonexempt employees are generally entitled to overtime pay or accrual of compensatory time for work over 40 hours in a given workweek (29 USC § 207). Nonexempt employees working a shift schedule (e.g., first responders) should consult with the Personnel Department for information about hours of work for which overtime pay or compensatory time is required.

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

### **407.3 REQUESTING USE OF COMPENSATORY TIME**

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt City operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

### **407.4 PROCEDURE**

At the end of every pay period, managers or directors shall review and approve all overtime on his/her employees' time records for accuracy.

## Lactation Breaks

### 408.1 POLICY

It is the policy of the City to provide, in compliance with federal law, reasonable accommodations for lactating employees. This includes break time and appropriate facilities to accommodate any employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 218d ; 42 USC § 2000gg -1; 29 CFR 1636.3).

### 408.2 LACTATION BREAK TIME

A rest period should be permitted each time the employee requires a lactation break (29 USC § 218d ; 42 USC § 2000gg -1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 408.3 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d ; 42 USC § 2000gg -1; 29 CFR 1636.3).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

### 408.4 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

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## Starting / Lunch / Breaks / Quitting Times

### 409.1 POLICY

A. Certain positions have flexible starting and quitting times while others have definite starting and quitting times. Any questions that an employee may have regarding his starting and quitting times should be directed to the employee's manager or director. Those nonexempt employees who have definite starting and quitting times are not permitted to begin work and/or clock in prior to six (6) minutes before their scheduled starting time or to continue working and/or clock out more than six (6) minutes after their scheduled quitting time without having received approval in advance from the employee's management, except in emergency situations where advance approval cannot be obtained.

B. Nonexempt employees working an eight (8) hours shift shall be provided an unpaid sixty (60) minute lunch period each workday, to be determined by the director. By approval of the Administrator and/or Mayor, a director may approve an unpaid 30 minute lunch period due to operation requirements. Police Department employees will be provided other lunch provisions due to operational requirements.

C. **Lactation Breaks** – Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one (1) year after the child's birth. The employee will be provided an appropriate space, other than a restroom, that is shielded from view and free from intrusion from employees and members of the public. Employee shall give his/her management advance notice of this request to make arrangement of such space.

Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

## On-Call

### 410.1 POLICY

From time to time it is necessary for a manager/director to place an employee(s) in an "on-call" status due to impending inclement weather, imminent emergencies, or other reasons which may necessitate a quick response from an employee(s) during their off-duty hours. When an employee is placed in an "on-call" status the employee shall comply with the following guidelines:

- Employee shall provide his/her immediate manager/director with a phone number(s) where the employee can be reached at all times;
- Employee shall be fit for duty and in a condition to respond at all times (e.g., no consumption of alcohol);
- Employee shall report to the work site as quickly as possible after being contacted by his/her manager/director;
- An employee on vacation or personal time may be placed in an "on-call" status at the discretion of their manager/director.

Employees will not be compensated while in an "on-call" status but will be compensated per ordinances for work performed if called in to work.

## Compensatory Time for Nonexempt Employees

### 411.1 POLICY

A. Full-time nonexempt employees under the FLSA may elect to take compensatory time off in lieu of receiving payment for overtime worked, at the rate of one and one-half (1 and 1/2) hours off for each hour of overtime worked. No employee will be permitted to accrue a compensatory time balance in excess of forty (40) hours within a calendar year. All remaining overtime hours shall be paid to the employees.

B. Compensatory time will be taken with the approval of the director. An employee may also be scheduled to use compensatory time off at the directors discretion.

C. Any unused compensation time earned in the calendar year will be paid to the employee on the final pay period of the same calendar year. December 31, shall be paid in the first pay in January at the appropriate rate of pay.

D. Any non-exempt employee who has an accrued but unused compensatory time balance upon termination of employment will receive payment for such time at the employee's final regular rate of pay.

### 411.2 PROCEDURE

Employees shall make application to use and schedule compensatory time off in advance on a Leave Request form or the payroll system.

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## Compensatory Time for Exempt Employees

### 412.1 POLICY

A. Full-time exempt employees determined to be exempt from overtime requirements of the FLSA shall be eligible for compensatory time as defined herein. Compensatory time is accrued hour for hour for all hours worked the regular workweek. No employee will be permitted to accrue a compensatory time balance in excess of forty (40) hours within a calendar year. All remaining compensatory time at the end of a calendar year the first payroll in the next calendar year shall be forfeited. Any compensatory time earned for the first payroll ending in the next calendar year shall be considered compensatory time balance.

B. Compensatory time will be taken with the approval of the director. An employee may also be scheduled to use comp time off at the director's discretion.

C. An employee who has earned, but unused comp time balance upon termination of employment shall not receive payment for such time.

### 412.2 PROCEDURE

Employees shall make application to use and schedule compensatory time off in advance on a Leave Request form or the payroll system.

## Chapter 5 - EMPLOYEE BENEFITS

## Sick Leave

### 500.1 POLICY

See Codified Ordinance Section 143.01 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

### 500.2 PROCEDURE

A. Credit For Prior Service: Employees who previously separated from a public agency may have their unused balance of accumulated sick leave reinstated, provided the time between separation does not exceed ten (10) years and no portion of the unused balance was previously converted to cash. Employees are responsible for requesting that the Employer credit such previously accrued sick leave within 90 days of hire.

B. Usage: Sick leave shall be granted upon approval of the responsible manager/director for the following reasons:

1. Illness, injury or condition of the employee. The exact nature of the illness, injury or condition shall be explained by the employee.
2. Illness, injury or condition of a member of the employee's immediate family. In the case of a member of the immediate family not living in the same household, the responsible manager/director may credit sick leave when he or she believes it is justified, but such cases should be carefully investigated and the relationship must be stated.
  - a. When sick leave is requested to care for members of the immediate family, the manager/director shall require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill member.
3. Medical, dental or optical examination or treatment of an employee or a member of his/her immediate family, stating purpose for examination and relationship, if a member of the immediate family.
4. If a member of the immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, or when through exposure to a contagious disease, the presence on the job would jeopardize the health of others, sick leave may be used with a doctor's excuse.
5. Pre-induction medical examination required by the Armed Forces.
6. Pregnancy and/or childbirth and other conditions related thereto.

C. Immediate Family: For purposes of this policy, "immediate family" is defined as the employee's: spouse, child (including step-child or legal ward), parent, step-parent, mother-in-law, or father-in-law, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or a person who stands in place of a parent of the employee or employee's spouse.

## *Sick Leave*

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D. Payment: Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. Sick leave shall be charged in one (¼) quarter hour increments.

E. Denial: The Employer maintains the right to investigate the circumstances surrounding an employee's request for sick leave. A request for sick leave shall be denied if:

1. The employee fails to comply with the procedure for proper sick leave usage.
2. The employee fails to present an acceptable required medical practitioner's statement or a properly completed request form.
3. Investigation of the request discloses facts inconsistent with the proper use of sick leave, such as excessive occasions of sick leave usage, a pattern of using sick leave before or after regular days off, alteration of a medical practitioner's statement, or other evidence of intent to defraud.

F. Use of Other Leave: Employees without accrued sick leave who are absent shall be considered absent without leave unless the employee requests and the manager/director approves the use of accrued vacation leave or compensatory time for such absence. Employees without accrued sick leave, vacation leave, or compensatory time may be granted a leave of absence without pay as provided in this code, with the Administrator's approval.

G. Employees who use sick leave for an unauthorized purpose or abuse sick leave will be subject to discipline in accordance with Section 703 of this code.

H. An employee requesting sick leave must notify the director or designee of the employee's absence and reason therefore by no later than one-half (.5) hour prior to the employee's scheduled starting time (for Police Department employees: no later than two (2) hours prior to the start of the shift). All employees shall follow the applicable notification requirement each day the employee is absent, unless otherwise instructed by the manager/director. If an illness extends beyond one (1) day, employees should provide the director with an expected date of return.

I. Upon returning to work from sick leave, an employee must complete a Leave Request Form, attach all required supporting documents, and submit the form to the employee's manager/director. The employee's reason for absence must be specific enough for the manager/director to determine if the absence shall qualify for paid sick leave as indicated by the reasons herein Section 500.02.

J. Employees who obtain medical attention while on sick leave shall attach a medical practitioner's statement to the Leave Request form which must indicate the date of the medical practitioner's examination, and the signature of the medical practitioner or designee.

K. If an employee is taking sick leave of any amount, the employee must submit a licensed medical practitioner's statement with the leave request form which must indicate the date(s) unable to work and the date the employee is able to return to work and perform all essential functions of the employee's position. The medical documentation shall be presented to the manager/director upon the employee's return to work.

## Sick Leave

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- L. The manager/director shall review each completed Leave Request Form. A recommendation for approval or denial of the sick leave shall be made and the appropriate signature placed on the Leave Request Form. The form shall be forwarded to the Personnel and Finance Departments.
- M. The manager/director shall inform any employee whose sick leave request is denied of the denial, the reason(s) for the denial and, if necessary, initiate necessary disciplinary action.
- N. Sick leave records shall be updated at the completion of each pay period.
- O. Sick Leave Incentive: Employees who achieve ten (10) years of service with the City of Groveport are eligible for:
1. Twenty-five percent (25%) of unused sick leave may be converted to personal time after 480 hours have accrued to a maximum of four (4) additional personal days per year.
  2. This benefit should not allow the employees sick leave accrual to drop below 480 hours
- P. Any employee who has medical documentation for a sick leave absence will be excused for said absence. There will be an allowance of three (3) unexcused sick leave occurrences per calendar year. An unexcused sick leave absence occurs when there is no medical documentation as required in this policy. Any unexcused sick leave taken after the third unexcused absence will be counted as an occurrence. An occurrence is one full or partial work day absent from work. See Codified Ordinance 143.01 for further disciplinary details.
- Q. Sick leave that is utilized and approved under the City's Family and Medical Leave Act (FMLA) Policy shall not count as an occurrence.

## Sick Leave Conversion

### 501.1 POLICY

See Codified Ordinance Section 143.01 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

### 501.2 PROCEDURE

Employees eligible to receive payment hereunder upon retirement from active service under OPERS or OPFPF shall contact the Personnel or Finance Department and complete the appropriate documentation.

## Sick Leave Donation

### 502.1 POLICY

A. Purpose: The intent of the leave donation policy is to allow employees of the City to voluntarily provide assistance to their co-workers (other employees of the City) who are in critical need of leave due to an extended illness, injury or condition of the employee, **the employees spouse, or the employees dependent(s).**

See Codified Ordinance Section 143.15 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7744#JD\\_143](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7744#JD_143)

### 502.2 PROCEDURE

**Employees wishing to donate or receive donated sick leave should request the appropriate application from the City Administrator or designee.**

## Vacation

### 503.1 POLICY

See Codified Ordinance Section 143.02 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

### 503.2 PROCEDURE

- A. Only regular, full-time employees earn paid vacation leave.
- B. Employees shall accrue vacation leave per pay period, except as otherwise prescribed by Codified Ordinance Section 143.
- C. The employee may carry over vacation credit/vacation balance earned up to their respective length of service as defined by Codified Ordinance Section 143.02 Vacation Leave. Maximum vacation balance/vacation credit is accumulated to a maximum of that earned in one (1) year of service. At the end of the calendar year (December 31st ), vacation credit/vacation balance in excess of the maximum accrual point shall be eliminated from the employee's vacation leave balance.
- D. Seniority for employees, for vacation purposes, is determined according to the total service the employee has with the City, the state, or any political subdivision thereof.
- E. Prior service credit is available for employees with qualifying previous service. Please refer to Chapter 143.02 for details.
- F. An employee's first vacation may be taken after the employee completes six (6) months of service with the City or as determined by the Mayor or Administrator.
- G. Employees shall request vacation leave through the time and attendance system if available or in writing on a Leave Request Form. Requests for leave should be submitted as soon as possible in advance of the date(s) requested.
- H. Vacation scheduling is subject to approval of the manager/director based upon the operational needs of the department. Requests received will be honored based upon the date the request was received.
- I. Scheduling Vacation Leave: All vacation leave shall be requested by the employee in minimum increments of one (¼) quarter hour, and have the approval of the manager/director prior to the date vacation will begin.

A manager/director may disapprove a particular vacation request for good reason, but in this event:

- The manager/director may establish a later date on which the employee may take the vacation leave.
- Any disapproval and/or rescheduling is initially subject to review and decision by the director and ultimately the Appointing Authority.

## Vacation

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If an employee becomes injured or ill while on authorized leave to the extent that medical attention is required, he or she may apply to be taken off vacation leave and be placed on sick leave as soon as the employee notifies the manager and thereafter. The manager/director may grant such sick leave, but only if the sick leave request is accompanied by a statement from a physician.

When the vacation balance of the employee has been permitted to accumulate to the "one (1) year maximum accrual" point:

- An employee's application for vacation leave shall be approved.
- If the employee fails to apply for vacation, the employee is responsible for any subsequent loss of vacation credit. The manager/director should consult with the employee, and encourage the employee to take an annual vacation in accordance with work load schedules, to help prevent the employee from reaching the "one (1) year maximum accrual" point.

J. Payment for Unused Time at Separation: Upon separation from City service, including retirement, or being placed on disability retirement, the employee shall be paid for the total vacation balance of vacation due, at the current rate of pay, in a lump sum. The employee is not required to apply for this vacation payment as it is an automatic payroll process.

The payout shall include unused vacation from the previous year up to a maximum balance of one (1) years credit which the employee carried over from the previous year. In addition, the employee will also receive any vacation time that has been accrued for the current year.

An employee who transfers from one government agency to another shall be paid by the releasing agency at the time of transfer for any unused vacation leave to his credit. An employee who has less than one (1) year of service at the time of transfer shall become eligible for his first vacation upon completion of a total of six (6) months of service with the City or as determined otherwise by the Administrator or Mayor.

In case of death of an employee, the vacation balance on the date of death shall be paid in accordance with Ohio R.C. 2113.04 or to the deceased employee's estate.

## Holiday

### 504.1 POLICY

See Codified Ordinance Section 143.05 for entitlement benefit.

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### 504.2 PROCEDURE

A. Date of Observance: If a holiday falls on a Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday for those employees regularly scheduled to work Monday through Friday. Departments scheduled to work on a continuous basis seven (7) days per week shall observe the actual date of the holiday.

B. Work on a Holiday: Most employees shall normally not be scheduled to work on the day observed as a holiday. Any full-time eligible **nonexempt** employee required to work on a day observed as a holiday shall receive their holiday pay plus time at one and one-half (1½) their hourly rate for all hours worked on said holiday. **Any full-time eligible exempt employee required to work on a day observed as a holiday shall receive their holiday pay at one (1) times their hourly rate for all hours worked on said holiday.**

C. Employees on Paid Leave: If a holiday occurs while an employee is on approved paid sick leave, vacation leave, or any other approved paid leave, such day will not be charged against the employee's sick leave, vacation leave, or other leave balance.

D. Qualification for Holiday Compensation: In order to receive holiday pay, the full-time non-exempt employee must work the workday immediately preceding the holiday and the workday immediately after the holiday. Taking an earned vacation day with prior approval the day immediately before or the day immediately after a holiday will fulfill the work requirement. If an employee is ill on the day immediately before or after a holiday, he or she shall receive the holiday pay provided he or she presents an acceptable medical practitioner's certificate.

E. **Part-time employees shall not be scheduled to work when the City facility they work at is closed due to City observed holidays as they shall not be compensated for holiday hours not worked. A part-time employee who is normally scheduled to work on a holiday will be paid his or her normal hourly rate of pay for hours normally scheduled.** A part-time employee who works on the holiday will be paid one and one-half (1-1/2) times his or her normal hourly rate of pay for all hours worked on said holiday.

## Longevity Pay

### 505.1 POLICY

See Codified Ordinance Section 143.13 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

### 505.2 PROCEDURE

Longevity pay will be received at the same time the employees 2nd paycheck in November is received. Part-time employees are not eligible for longevity pay.

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## Funeral Leave

### 506.1 POLICY

See Codified Ordinance Section 143.08 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

### 506.2 PROCEDURE

A. The term "immediate family member" shall mean the employee's: spouse, child (including step-child), legal ward, parent, (including step-parent), mother-in-law, or father-in-law, brother, sister, grandparent, grandchild, aunt, uncle, aunt-in-law, uncle-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or a person who stands in place of a parent of the employee or employee's spouse. Additional leave may be granted by the Mayor or Administrator. Any additional leave shall be in the form of vacation, personal, or compensatory time.

B. An employee requesting leave for the funeral of a family member must complete a Leave Request Form.

## Jury Duty Leave

### 507.1 POLICY

A. Eligibility: All employees shall be entitled to leave when subpoenaed for jury duty by the United States, the State of Ohio, or any court of record during regular working hours.

B. Payment: **Full-time** employees on jury duty leave shall remit all compensation for serving on a jury to the City. **Full-time** employees will be paid their regular pay for all time on jury duty leave for up to four (4) weeks per year, extensions may be approved by motion of Council. **Part-time employees do not receive regular City pay while serving on jury duty and may retain all jury duty compensation provided to them by the issuing jurisdiction.**

### 507.2 PROCEDURE

Employees shall complete a Leave Request Form, attach a copy of the jury duty notice, and submit the completed form to the employee's director as soon as they become aware of the need for such leave.

## Court Leave

### 508.1 POLICY

A. Court leave shall be granted with full pay when a **full-time** employee is subpoenaed for court or summoned for jury duty by the United States, the State of Ohio or a political subdivision. **Court leave shall be granted to part-time employees without pay.** Upon completion of such service, the employee must furnish a Certificate to Employer from the court showing dates served and amount of compensation paid.

1. Employees will honor any subpoena issued to them, including those for worker's compensation, unemployment compensation and Board of Review hearings.
2. It is not considered proper to pay employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. These absences would be leave without pay, vacation, comp time or personal time.

B. All records pertaining to court leave shall become a part of the employee's personnel file.

## Military Leave

### 509.1 POLICY

The City supports employees who may be called or who volunteer to serve in the military. The City will comply with USERRA and state and local laws relating to military leave.

This policy provides general guidance regarding leave to perform military service as a member of the Reserves or National Guard, or for active duty in the U.S. Armed Forces as provided in the Uniformed Services Employment and Reemployment Rights Act of 1994 ( USERRA ) (38 USC § 4301 et seq.).

This policy does not address every situation or circumstance that may arise when an employee is performing military service or ordered to active duty. As military leave situations arise, supervisors should consult with the Personnel Department or legal counsel to obtain specific guidance regarding military leave rights.

### 509.2 MILITARY LEAVE

Generally, employees on military leave are entitled to the same rights and benefits that are provided to employees having similar seniority, status, and pay who are on furlough or leave of absence (38 USC § 4316).

#### 509.2.1 LENGTH OF LEAVE

Employees are entitled to a military leave of absence for up to a maximum of five years. Military leave is available for both voluntary and mandatory service (38 USC § 4303; 38 USC § 4312).

There are exceptions to the five-year cumulative total, including inactive duty training (drills), annual training, involuntary recall, or retention in support of war, national emergency, certain operational missions, or training or retraining requirements (38 USC § 4312).

### 509.3 PROCEDURES AND RESPONSIBILITIES

Employees who require military leave shall provide as much advance written or verbal notice of the pending service as reasonably possible (38 USC § 4312).

Additionally, the employee should:

- (a) Provide copies of official orders or other official documentation, if available.
- (b) Select the benefit options desired during absence, if applicable.
- (c) Retain copies of all submitted documents.

### 509.4 COORDINATION WITH CONTRACTS, PRACTICES, AND OTHER RULES

Wherever USERRA has more generous protections and benefits than state or local law, any applicable employment agreement, or local policy or practice, the City will apply the more beneficial right or benefit (38 USC § 4302).

## *Military Leave*

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### **509.5 LEAVE ACCRUALS**

Employees are not required to use accrued leave while on military leave. However, employees may choose to use accrued annual leave or earned compensatory time, at their discretion (38 USC § 4316).

Employees will not accrue sick days or paid time-off days during any period of military leave without pay. However, upon return, military leave time will be included in determining leave accruals. For example, if vacation accrual increases from two weeks to three weeks upon completion of five years of service, then a person who works for two years, serves two years on active duty, and then returns, would be entitled to three weeks of vacation one year after reemployment.

### **509.6 HEALTH CARE BENEFITS**

Employees on military leave may elect to purchase continuing health care coverage for a period of time that is the lesser of:

- (a) The 24-month period beginning on the first day of the employee's absence for military leave.
- (b) The period beginning on the first day of the employee's absence for military leave and ending on the date that they fail to return from service or apply for reemployment.

If the duration of an employee's military service is less than 31 days, the employee may purchase continuing health care coverage under the city's health plan for no more than the regular employee share. If the military service is 31 days or more, the City will charge the employee for no more than 102% of the full premium of the health care plan (38 USC § 4317).

### **509.7 RETURN FROM DUTY**

Employees returning from a military leave of absence must report to work as follows (38 USC § 4312; 20 CFR 1002.118):

- (a) For periods of service less than 31 days, employees must report back to work no later than the beginning of the first shift that begins on the first full day that follows the end of the employee's service period, plus a reasonable time to travel to the employee's residence, plus eight hours. If reporting within this period is impossible or unreasonable through no fault of the employee, the employee must return as soon as possible after expiration of the eight-hour period.
- (b) For periods of service of more than 30 days but less than 181 days, employees must apply for reemployment verbally or in writing no later than 14 days after completing service, or, if impossible or unreasonable to do so through no fault of the employee, no later than the next first full calendar day when it is possible to do so.
- (c) For periods of service of more than 180 days, employees must apply for reemployment verbally or in writing no later than 90 days after completion of service.

Employees who are recovering from an illness or injury incurred in or aggravated during military service must report to the City or apply for reemployment as provided in this policy at the end of

## *Military Leave*

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the period necessary to recover from such illness or injury. The recovery period may not exceed two years, except when circumstances beyond the employee's control exist.

An employee who fails to report or apply for reemployment in a timely manner will be subject to the City's rules of conduct and established policies covering absence from scheduled work.

### **509.8 REEMPLOYMENT RIGHTS**

An employee returning from a temporary military duty leave of absence is generally entitled to reinstatement to the position and benefits they would have attained if not absent for military duty or, in some cases, a comparable job (38 USC § 4312).

#### **509.8.1 FORMER POSITION**

An employee returning from regular active military leave is entitled to reinstatement in the position that they would have attained had the employee not taken leave. If the leave exceeded 90 days, the employee is also entitled to a position of like seniority, status, and pay (38 USC § 4313).

If an employee returning from military leave is not able to perform the essential duties of the position the employee would have attained, the City will make reasonable efforts to help the employee become qualified (20 CFR 1002.198). If the employee remains unable to perform the essential duties of the position after the city's reasonable efforts, the employee is entitled to their previously held position at the time of departure or, in the case the leave exceeded 90 days, a position of like seniority, status, and pay. Where an employee remains unqualified for both of these positions after reasonable efforts by the City, the employee is entitled to the nearest approximation to these positions (38 USC § 4313).

When a returning employee cannot become qualified because of a disability incurred in or aggravated during uniformed service, the City, after making reasonable accommodations, must find a position of equivalent seniority, status, and pay for which the employee is qualified, or the nearest equivalent (38 USC § 4313; 20 CFR 1002.198).

#### **509.8.2 COMPENSATION AND BENEFITS**

Upon return from regular active military duty, an employee is entitled to seniority and seniority-based rights and benefits, including but not limited to:

- (a) Receiving credit for the time spent in uniformed service under honorable conditions for purposes of seniority, retirement, promotion, and merit salary increases (20 CFR 1002.210).
- (b) Receiving credit for time spent on military leave for purposes of calculating eligibility for leave under the Family and Medical Leave Act (20 CFR 1002.210).
- (c) Returning to the level in the salary range that they would have attained had the employee not left on military leave (20 CFR 1002.236).
- (d) Receiving the same contribution to retirement benefits upon reemployment that the City would have contributed had they not taken leave (20 CFR 1002.261).

## *Military Leave*

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- (e) Being treated as not having a break in service for purposes of participation, vesting, and accrual of pension benefits (38 USC § 4316; 38 USC § 4318).
- (f) Reenrolling in City health benefits without any waiting period.
- (g) Restoring benefits that were elected by the employee and their dependents at the time military service began, as well as to any other benefits that began during the leave for which the employee would reasonably have become eligible.

### 509.8.3 EMPLOYEE REEMPLOYMENT RESPONSIBILITIES

An employee returning from regular active military leave is entitled to reinstatement rights only if the employee (38 USC § 4312):

- (a) Has given advance written or verbal notice of such service, unless precluded by military necessity.
- (b) Has served in the uniformed service for no more than five years cumulatively while employed at the City, except as provided in 38 USC § 4312(c).
- (c) Has been issued a discharge under honorable conditions.
- (d) Reports to the City or applies for reemployment in a timely manner as provided in this policy.
  - 1. In the case that the military leave exceeds 30 days, submits documentation showing (20 CFR 1002.121; 20 CFR 1002.123):
    - (a) The application for reemployment is timely.
    - (b) The employee has not exceeded the cumulative five-year limit of service in the uniformed services, except as provided in 38 USC § 4312(c).
    - (c) The employee's separation or dismissal from service was not disqualifying.

### 509.8.4 CITY REEMPLOYMENT RESPONSIBILITIES

The City shall promptly reinstate employees entitled to reinstatement but no later than 14 days after a request for reinstatement. In the case of unusual circumstances, the City shall reinstate employees as soon as practicable (20 CFR 1002.181).

The City is not required to reemploy a person after military leave if any of the following conditions exist (38 USC § 4312):

- (a) The City's circumstances have so changed as to make such reemployment impossible or unreasonable.
- (b) Such reemployment would impose an undue hardship upon the City.
- (c) The person held a nonrecurrent job for a brief period of time and had no reasonable expectation that such employment would continue.

Supervisors should consult with the Personnel Department or legal counsel before determining whether any of these conditions exist.

## *Military Leave*

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### **509.9 RETENTION**

An employee who is reinstated after returning from military leave may not be discharged, except for cause (38 USC § 4316; 20 CFR 1002.247):

- (a) For 180 days after the date of reemployment if the most recent period of military service was more than 30 days and less than 181 days.
- (b) For one year after the date of reemployment if the most recent period of military service was more than 180 days.

### **509.10 DISCRIMINATION AND RETALIATION PROHIBITED**

Discrimination or retaliation against any employee for participation in military service is prohibited, whether the employee volunteers or is ordered to active military service (38 USC § 4311).

### **509.11 STATE AND LOCAL MILITARY LEAVE CONSIDERATIONS**

Eligible employees may be entitled to additional benefits related to military leave under state and local requirements (e.g., compensation, drills, temporary military leave for training).

The City will comply with the requirements of any applicable state or local laws that provide for military leave benefits.

Employees should consult with their supervisor and the Personnel Department for additional information regarding applicable leave benefits.

### **509.12 MILITARY LEAVE PAY**

City Employees who are members of the Ohio National Guard, Ohio Defense Corps, or federal reserve components are entitled to paid military leave for up to 176 hours (22 eight-hour work days) per calendar year for training or active duty.

Differential Pay: If military compensation is less than the employees regular City pay, the employee is entitled to receive the difference between the two, often referred to as "differential pay".

Approval & Process: To obtain paid military leave, employees must submit orders or a statement from their military commander to their employer.

Extended Service: If service extends beyond the 176 hours, employees may use vacation or compensatory time, followed by unpaid leave or differential pay as stipulated by the Ohio Revised Code 5923.05.

Benefits Retention: During military leave, employees continue to accrue seniority and benefits, such as those provided under the [Uniformed Services Employment and Reemployment Rights Act ( USERRA )].

Ohio Public Employees Retirement System ( OPERS ): Local governments must continue to make retirement contributions for employees on paid military leave, ensuring that service credit is maintained, as discussed in [2019-031 - Ohio Attorney General].

## Parental Leave

### 510.1 POLICY

See Codified Ordinance Section 143.23 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7744#JD\\_143](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7744#JD_143)

### 510.2 PROCEDURE

A. The full-time employee will provide his or her supervisor and the Personnel Department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The full-time employee must complete the Parental Leave Request Form and FMLA Forms and provide all documentation as required by the Personnel Department to substantiate the request.

B. As in the case with all City Policies, the City Administrator has the exclusive right to interpret this policy or make changes at any time without notice.

## Precinct Election Leave

### 511.1 POLICY

A. Any full-time employee who has been appointed to serve as a precinct election official pursuant to Section 3501.22 of the Ohio Revised Code may use accrued paid leave time, excluding sick leave, or may take unpaid leave to serve as a judge of elections on the day of an election.

B. In order to ensure that the full-time employee is able to take accrued paid leave time, the full-time employee shall notify the City Administrator in writing at least two (2) weeks in advance of the fact that he or she will be serving as a judge of elections on the day of an election. At this time, he or she should also notify the manager or director of his or her decision to take the day off as a paid or unpaid leave day. If the full-time employee chooses to take the day as a paid leave day, he or she must inform his or her manager or director of the type of paid leave he or she wishes to use to cover the absence.

C. Failure by the full-time employee to provide at least two (2) weeks advance notice, as referenced above, may result in ineligibility to take paid leave time to cover the absence.

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## Leave of Absence Without Pay

### 512.1 POLICY

A. Eligibility: Any employee may request a leave of absence from employment without pay. Approval is solely at the discretion of the Administrator or Mayor, with each request determined on its own merits. A leave of absence without pay shall not exceed six (6) months.

B. Return From Leave: Upon returning from an approved leave of absence, the employee will be placed in the employee's original position, or another position in the same classification should the employee's original position be unavailable. Should no similar position be available, the employee will be laid off. When the leave is based upon medical, illness, injury or condition, the reinstatement shall be accompanied by a physician's recommendation.

C. Failure to Return or Properly Use Leave: Failure to return to work upon the expiration of an authorized leave of absence without acceptable justification will be deemed a voluntary resignation. Failure to use a leave of absence for the reasons stated in the request for leave may result in cancellation of the leave.

D. Effect on Employment: Sick leave and holiday pay are not earned by full-time employees while on an authorized leave of absence without pay. Vacation leave is adjusted (prorated) so that a full-time employee does not earn vacation leave for the period of time the employee is on an authorized leave of absence without pay. A leave of absence without pay will not be considered a break in service for seniority purposes. The probationary period of an employee shall be extended for the period during such leave of absence.

### 512.2 PROCEDURE

All requests for leaves of absence without pay shall be submitted to management and then forwarded to the Administrator or Personnel Department on a Leave Request Form indicating the specific reason for the requested leave and any supporting documentation available must be attached.

A. Individuals must use all appropriate leave balances before an unpaid leave will be approved.

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## Workers' Compensation

### 513.1 POLICY

A. State law provides that all employees be covered by Workers' Compensation for injuries that arise out of or in the course of employment. The Employer contributes to the Workers' Compensation insurance fund an amount determined by the fund, based on the Employer's claims experience rate.

B. All injuries which arise out of or in the course of employment shall be reported and compensated for under this Workers' Compensation section, not under the Employer's health insurance plan.

### 513.2 PROCEDURE

A. Injury Reports: Whenever an employee is injured during the course of employment, the employee's manager and the employee shall complete an Injury/Accident Form regardless of how serious or apparent any injury may be and whether or not medical attention is required. The form shall be completed within twenty-four (24) hours of the injury or accident to meet OSHA requirements and to avoid possible delays in processing the claims. The manager or director shall investigate the cause of the accident, review and complete the form, and forward it to the Personnel Department.

B. Application for Payment of Medical Benefits Only: When an employee's injury requires any type of medical attention, the employee's manager or director shall, in addition to the injury/accident report described above, refer the injured employee to Personnel Department to file a Bureau of Workers' Compensation First Report of an Injury, Occupational Disease, or Death FROI-1 Form. The form shall be completed and signed by the employee.

C. Serious Injury: In the event of a serious injury, the injured employee's manager shall notify the director immediately so that an investigation may be conducted.

D. Return to Work: The Employer must be kept informed if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to the Employer their expected date of return (if known). The employee's director shall notify the Personnel Department in writing when an employee is able to return to work.

E. Documentation: Any documents received from the injured employee, the employee's physician, the hospital, or the state regarding Workers' Compensation claims shall be forwarded immediately to the Personnel Department.

F. Wages on Injury Date: Employees who are injured during the course of employment who must leave work prior to completing their work day shall be paid their regular rate for the balance of time left in their scheduled workday.

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

## *Workers' Compensation*

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A full-time employee injured in the course of employment, and who requests Workers' Compensation payments, may elect to use accrued sick leave in accordance with Employer policy prior to receiving payments from the Bureau of Workers' Compensation. Full-time employees shall sign an Agreement to Repurchase Sick Leave form which will direct all Workers' Compensation payments to the Employer as reimbursement for such payments and shall have a proportionate amount of sick leave re-credited upon receipt of the Workers' Compensation payments by the Employer. Payment of sick leave in this manner shall not exceed twelve (12) weeks for each injury authorized for payment by the Bureau of Workers' Compensation.

H. Accommodation of Disabled Employee: When confronted with an employee claiming a disability under the workers' compensation system, who is disabled as defined in the ADA, the Employer will consider making a reasonable accommodation that would allow the employee to continue performing the essential functions of the employee's position. When submitting information to the Bureau of Workers' Compensation or the Industrial Commission, the Employer will include:

1. copies of the employee's position description and list of essential functions;
2. related medical records; and
3. any offer of reasonable accommodation.

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

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# Disability - Accommodation, Leave and Separation

## 514.1 POLICY

- A. If an employee is disabled and believes he or she is a qualified individual with a disability as defined in the Americans with Disabilities Act (ADA), and such employee requires an accommodation to perform the essential functions of his appointed position, the employee may request the Employer provide a reasonable accommodation.
- B. A disabled employee whom the Employer cannot or is not required to accommodate, who has exhausted sick leave, may request an unpaid leave of absence.
- C. All questions or inquiries concerning disability accommodation, leaves, or separations shall be directed to the Personnel Department.

## 514.2 PROCEDURE

### A. Accommodation of Disabled Employee

- 1. If a disabled employee, as defined in the ADA, requests an accommodation for such disability, the Employer will determine whether the employee can perform the essential functions of the appointed position with some reasonable accommodation. If the Employer determines the employee can perform the essential functions, the Employer will attempt to provide a reasonable accommodation. If the Employer cannot accommodate the disabled employee in the employee's current position, the Employer may place the employee in an equal or lower available vacancy for which the employee is qualified. If no such position is available, the Employer may place the employee on an appropriate leave of absence.

### B. The following procedure will be followed if an employee claims a disability and requests an accommodation:

- 1. The Employer will determine whether the employee is a qualified individual with a disability as defined in the ADA; if so
- 2. The Employer will review the job description and essential functions of the position with the employee; and
- 3. The Employer will ask the employee whether the employee can perform the essential functions of the job with some accommodation.
- 4. Upon requesting an accommodation, the Employer will ask the employee what accommodation the employee desires and whether any other accommodation would also allow the employee to perform the essential job functions;
  - a. The Employer may consider accommodations that are not suggested by the employee;

## *Disability - Accommodation, Leave and Separation*

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- b. The accommodation the Employer selects need only allow the employee to perform the essential functions of the position.
- C. Any accommodation made by the Employer shall be considered confidential medical information under the Employer's policies and procedures regarding personal information.
- D. If the employee states the essential functions of the job cannot be performed even with an accommodation, the Employer may agree with the employee or may suggest an alternative course of action.
1. The Employer may determine that some accommodation will allow the employee to perform the job to the Employer's satisfaction.
  2. The Employer may evaluate the employee using current performance standards.
  3. The Employer may consider demotion to an existing vacancy when no other accommodation is possible and the employee is able to perform the alternative job in a satisfactory manner without an accommodation.
  4. The Employer may consult a medical advisor or other appropriate licensed practitioner for verification.
- E. When deciding whether an accommodation is reasonable, the Employer may consider the following options:
1. Allowing use of leave entitlement for treatment;
  2. Allowing flexible hours;
  3. Providing transportation;
  4. Providing reserved parking spaces;
  5. Providing assistance from other employees;
  6. Allowing the employee to use personally owned equipment or aids; and
  7. Reassigning job functions, though the Employer need not reassign essential functions.
- F. The Employer will not promote an employee as an accommodation.
- G. Leave of Absence: A disabled employee, who does not qualify for an accommodation and who has exhausted accumulated sick leave, may request and may be granted up to six (6) months leave of absence without pay if the employee can present written evidence from a licensed physician or practitioner of a probable date the employee will return to the employee's position. Such requests shall be in writing, with supporting evidence attached before such leave will be considered. The employee must demonstrate to the Employer's satisfaction that the probable length of disability will not exceed six (6) months.
- H. Disability Separation: When an employee has exhausted accumulated sick leave and vacation leave and the employee is unable or unwilling to admit to personal incapacity, the employee will be ordered to submit to an examination by a licensed practitioner chosen by the Employer to

## *Disability - Accommodation, Leave and Separation*

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determine if the employee is capable of performing the essential functions of the employee's job classification. The cost of the examination will be paid by the Employer.

1. Should the employee be declared physically incapable of performing the essential functions of the employee's job classification by the licensed physician chosen by the Employer, or should the Employer determine the employee to be unable to perform the essential functions of any vacant position with the Employer, either with or without a reasonable accommodation, the Employer will assist the employee in making application for disability retirement through the OPERS or OPFPF, and the employee shall be separated from employment with the City.

Any appointment made to a position vacated due to an unpaid leave of absence shall be on a temporary basis. Any employee appointed to such a position must be made aware of the temporary nature of the position.

I. Reinstatement: An employee granted a leave of absence due to a disability shall have the right during the period of the unpaid leave to be reinstated to the same or similar position in the employee's job classification. A written request for reinstatement must be submitted, including a physician's statement indicating the employee is able to perform the essential functions of the employee's position.

The employee shall be reinstated within thirty (30) days after making written request and passing a medical examination showing that the employee can perform the essential functions of the position. The Employer may require an examination be conducted by a physician designated by the Employer with the cost paid by the Employer.

An employee who fails to apply for reinstatement or is found unfit for reinstatement shall be deemed permanently separated from service.

## Group Health Insurance

### 515.1 POLICY

See Codified Ordinance Section 143.16 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

### 515.2 PROCEDURE

- A. Eligible employees shall attend a Benefit Orientation with the Personnel Department. Employees declining coverage shall show proof of coverage and sign a waiver of group health insurance.
- B. Open Enrollment – Each year the employee shall participate in the Open Enrollment process and shall verify eligibility of dependents as requested.
- C. Status changes – Employees must notify the Personnel Department of any family status changes that effect eligibility within 30 days of the status change event (ie: marriage, divorce, birth/adoptions, etc.)

## Continued Group Health Insurance

### 516.1 POLICY

A. In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), full-time employees who separate from the Employer and/or their spouses and children may be eligible for continuation of group health insurance coverage, at their own expense, as described herein. The same group health insurance coverage shall continue for eligible employees/individuals under this policy as is provided to other employees who maintain employment with the Employer.

B. Employees, spouses, and dependent children who are covered under the Employer's group health insurance plan shall be offered the opportunity to continue the same coverage according to the following:

1. In addition to the The employee or spouse is being responsible for the total premium payment. the employee or spouse shall be charged a two (2) percent administration fee.

1. The employee or spouse is responsible for the total premium payment.

2. An employee who is terminated (other than by discharge for gross misconduct) shall be eligible to purchase group health insurance coverage for up to 18 months following the termination.

3. An employee whose total hours worked are reduced, which reduction causes them to be ineligible for continued group health insurance coverage, shall be eligible to purchase group health insurance coverage for up to 18 months following such reduction.

4. If a second qualifying event occurs during the 18-month period, coverage may be extended for an additional 18 months.

5. If any beneficiary becomes disabled under the Social Security Act and provides timely notice of that status to the Employer, coverage may be extended for up to 29 months.

6. The spouse and dependent children of an employee shall be eligible to purchase group health insurance coverage for up to 36 months when the employee:

a. dies;

b. would otherwise lose coverage due to termination and/or reduction as described in the preceding paragraphs; or

c. becomes entitled to Medicare coverage.

7. The spouse and/or dependent children shall be eligible to purchase group health insurance coverage for up to 36 months when:

a. the spouse and dependents would lose eligibility for continued coverage due to divorce or legal separation; or

## *Continued Group Health Insurance*

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- b. the dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.

### **516.2 PROCEDURE**

A. Eligible employees shall be notified of this policy at the time they begin coverage under the Employer's group health insurance and/or in the event they are terminated or reduced.

B. Spouses of eligible employees shall be notified of this policy at the time family or spouse coverage begins under the Employer's group health insurance plan and/or in the event the employee is either terminated or reduced. Service of notice to the employee's spouse shall be deemed notice to dependent children.

C. The Personnel Department shall notify the third-party administrator of any event which might trigger the employee's, spouse's or dependent children's continued coverage under this policy. Notification of such triggering events shall be made within 30 days of the event. Triggering events shall include:

1. employee's death;
2. termination of employment;
3. reduction in hours worked which causes ineligibility for continued participation;
4. employee has become eligible for Medicare;
5. any event which would require the employee and/or spouse to lose existing coverage due to the employee's inactive pay status.

D. The designated Plan Administrator for the City of Groveport shall be the Personnel Director or designee. When notified of the triggering event, the Personnel Director or designee shall notify the individual(s) who are eligible for continued group health insurance of their rights and obligations under this policy within 14 days of receipt of the notice. The notice shall contain a final day by which the employee, spouse, or dependent child must respond to the notice.

E. The eligible employee/individual shall notify the Personnel Department of their decision to continue or not continue coverage within 60 days of the triggering event. If an eligible separated employee does not elect to continue coverage, dependents may elect such coverage. Each qualified beneficiary of the employee is entitled to a separate election regarding continued coverage. If options of plan coverage are available, dependents may select a coverage different from that selected by the separated employee.

F. As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct. Layoffs, resignations, approved leaves of absence without pay, or any termination of employment other than for gross misconduct, shall constitute a qualifying event. Employees who are separated under Ohio Revised Code Section 124.34 for gross misconduct are not eligible for continued group health insurance coverage.

## *Continued Group Health Insurance*

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G. An employee, spouse, or dependent child who elects to continue group health insurance coverage shall only be eligible until the earliest date that any of the following actions occur:

1. Coverage expires either 18, 29, or 36 months after the triggering event;
2. The group health insurance plan is terminated by the Employer;
3. The individual fails to pay the required premium;
4. The employee, spouse, or dependent becomes covered under another group health care plan; or
5. The employee becomes eligible for Medicare benefits.

H. Any person who is eligible and elects to continue the Employer's group health insurance coverage shall pay the total premium for themselves and any other dependents **plus up to a two percent (2%) administration fee.**

Payments of premiums by eligible employees and/or dependents must be made by the eligible employee or spouse to the Employer in accordance with the instructions contained in the notification letter from the Plan Administrator for coverage to be continued. Should the payment not be received as instructed, the former employee or dependent will be deemed to have chosen to discontinue coverage under the Employer's group health insurance plan.

I. The Personnel Director or designee shall notify all qualified beneficiaries of any plan modifications. Plan modifications shall apply to qualified beneficiaries and employees who have chosen to continue coverage as well as active employees.

J. Qualified beneficiaries continuing coverage due to a termination of employment or reduction in hours may extend the period of coverage in the event of a second qualifying event. The second qualifying event must occur during the period of coverage following the initial qualifying event. For example, if the qualifying event is termination of employment or reduction of hours (resulting in an 18-month maximum period of continuation), then the occurrence of another qualifying event during the first 18-month period will permit the qualified beneficiary to continue coverage for up to 36 months after the first qualifying event.

However, in no event may the coverage period, with respect to both such events, exceed a 36-month period.

"Stacking" of COBRA coverage shall not be allowed for a terminated employee. However, it may be allowed for the employee's spouse and/or children if, during the initial period health insurance is continued, any of the following occur:

1. The employee dies;
2. There is a divorce;
3. The child ceases to be a dependent either through marriage or by reaching the insurance plan's limiting age.

## *Continued Group Health Insurance*

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K. Each employee shall be responsible for notifying Human Resources of any action which might trigger a spouse or dependent child's continued eligibility under this policy. Such notice shall be made by the employee or qualified beneficiary immediately upon gaining knowledge of the event, but no later than 60 days after the date of the triggering event.

Such events shall include divorce, legal separation, or loss of dependent eligibility under the Employer's plan. Failure to give such notice as stipulated will result in the ineligibility of the qualified beneficiary for continuation of coverage.

## Life Insurance

### 517.1 POLICY

See Codified Ordinance Section 143.14 for entitlement benefit.

[https://codelibrary.amlegal.com/codes/groveport/latest/groveport\\_oh/0-0-0-7890#JD\\_143.08](https://codelibrary.amlegal.com/codes/groveport/latest/groveport_oh/0-0-0-7890#JD_143.08)

1. All premiums for the life insurance coverage will be paid in full by the City.
2. The effective date of eligibility for new employees will be immediately.
3. The effective date of eligibility for layoff and leave returnees will be the first day of the month following the employee's return.
4. Any portion of insurance coverage exceeding \$50,000 shall be taxed as an employee benefit.

## Family and Medical Leave

### 518.1 POLICY

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the City Administrator or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

### 518.2 ELIGIBLE EMPLOYEES

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

### 518.3 TYPE AND DURATION OF LEAVE

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

#### 518.3.1 SERIOUS HEALTH CONDITIONS

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

## *Family and Medical Leave*

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If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

### 518.3.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

### 518.3.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.

## *Family and Medical Leave*

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- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

### 518.3.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

### 518.3.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the City Administrator, unless the employee has a serious health

## *Family and Medical Leave*

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condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

### **518.3.6 PREGNANCY DISABILITY LEAVE**

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The City Administrator shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

### **518.4 EMPLOYMENT BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

### **518.5 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

### **518.6 USE OF FMLA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

### **518.7 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA :

- (a) When a leave is requested for a medical or other FMLA -related treatment appointment, the employee must make a reasonable effort to schedule the

## *Family and Medical Leave*

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appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).

- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the City Administrator or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

### **518.8 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the City Administrator or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

## *Family and Medical Leave*

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After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the City Administrator or the authorized designee in consultation with the legal counsel will determine whether non- FMLA leave should apply.

### **518.9 RESPONSIBILITY**

The responsibilities of the City Administrator or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA -qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA .
  - 1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The City Administrator or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

#### **518.9.1 STATE FAMILY AND MEDICAL LEAVE CONSIDERATIONS**

The City will comply with the requirements of any applicable state-specific laws providing for family and medical leave. The City Administrator or the authorized designee is also responsible for establishing a process for implementing applicable family and medical leave requirements, including consideration of whether an employee is eligible for paid family or medical leave under state law, if applicable.

### **518.10 RECORDS**

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

## *Family and Medical Leave*

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### **518.11 NOTICE TO EMPLOYEES**

The City Administrator or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

## Retirement

### 519.1 POLICY

A. Notice: All employees are required to notify the Employer of their anticipated retirement in writing at least sixty (60) days prior to the effective date of their retirement to allow the Employer time to plan for any necessary replacement and to better enable the computation of final pay and benefits due the employee.

B. Retirement Systems: All City employees, unless they are specifically exempted by law, are required to participate in the applicable state retirement system (OPERS and OPFPF). The Employer is required to contribute to the retirement system on behalf of the Employer. The employee is responsible for paying the full employee portion of the employee's contribution in the amounts set by state law, unless the municipal Chapter 143 provides other entitlements.

C. Separation: Employees who separate from service prior to retirement eligibility may withdraw their own contributions and interest from the plan.

D. Questions regarding these retirement plans should be directed to:

#### **Ohio Public Employees Retirement System**

277 E. Town Street

Columbus, Ohio 43215

(614) 466-2085

#### **Ohio Police & Fire Pension Fund**

140 E. Town Street

Columbus, Ohio 43215

(614) 228-2975

### 519.2 PROCEDURE

When an employee intends to retire, the employee shall submit a signed, dated letter to his or her director stating his or her intention to retire and the effective date of his or her retirement at least sixty (60) days in advance. The director shall forward a copy of the letter immediately to the Personnel Department, who will then forward a copy of the letter to the Administrator and Finance Department to allow benefits and separation payments to be determined.

## Administrative Leave

### 520.1 POLICY

The City may place an employee on administrative leave with pay, but only in circumstances where the health and safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation, such leave might extend until the Employer completes the predisciplinary process and takes action or decides no action is warranted. Compensation for administrative leave shall be equal to the employee's base rate of pay.

## Deferred Compensation

### 521.1 POLICY

A. Employees of the City are eligible to enroll in the state of Ohio's Deferred Compensation Program which allows employees to invest a portion of their wages on a tax-deferred basis.

B. Employees interested in the Deferred Compensation Program should contact the Personnel Department who will provide the employee with additional information regarding the program. Employees will be permitted, with the advance approval of their manager, to meet with a representative of the Deferred Compensation Program during regular working hours to enroll in the program.

## Unemployment Compensation

### 522.1 POLICY

- A. Most employees of the City are covered by unemployment compensation, subject to the regulations established by state law and the Ohio Department of Job and Family Services.
- B. In the event of a reduction in force as provided in Section 313 herein, the affected employees may apply for unemployment benefits by contacting the Ohio Department of Job and Family Services.

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## Tuition Reimbursement

### 523.1 POLICY

- A. Employees must obtain approval from their director and City Administrator prior to any expenses being incurred.
- B. Employee is eligible for reimbursement of tuition, lab fees, and course fees at one hundred percent (100%) of the cost of job-related courses or courses required toward a job-related degree.
- C. No reimbursement for application fees, books, supplies, transportation, or any other expense related to any course.
- D. Any financial assistance from any governmental or private agency available to an employee, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the full tuition reimbursement the employee is eligible for with this Tuition Reimbursement Benefit. When an employee's tuition is fully covered by another governmental or private agency, the employee is not entitled to any reimbursement from the City.
- E. Reimbursement for tuition shall be made upon satisfactory completion of approved course with a grade of "C" or better.
- F. Benefit shall be provided only for full-time employees in active pay status including active, vacation, sick and personal leave, but excluding disability leave, workers' compensation leave, adoption/childbirth leave, occupational injury leave, administrative leave, or any other leave of absence.
- G. Benefit effective immediately upon full-time employment.
- H. Three thousand dollars (\$3,000) shall be the maximum reimbursement per calendar year from an accredited organization listed by the North Central Association of Colleges and Schools, The Higher Learning Commission (NCA – HLC). The website is: [www.ncahlc.org](http://www.ncahlc.org).

## Chapter 6 - PERSONNEL PROCEDURES

# Expense Reimbursement - Travel and Meal Policy

## 600.1 POLICY

City employees are to receive reimbursement for allowable expenditures made for a proper public purpose that are incurred while traveling out of the City on official business. Employees are eligible for expense reimbursement only when travel has been authorized in writing prior to the trip by the Appointing Authority or designee and with appropriate receipts documenting claimed expenses. Overnight travel expense reimbursement requires the advance approval of the Administrator.

The following items are reimbursable, subject to the regulations contained herein and compliance with the procedures:

- A. Commercial air flights: Payment is available for air flight expenses through the City credit card or through reimbursement only when the automobile mileage reimbursement would be more costly than the air fare, or where travel time is of significance.
- B. Bus, limousine, or taxi: Employees are to use the most economical means available when traveling on City business.
- C. Automobile: Whenever possible, the Appointing Authority will assign a City vehicle for travel to and from meetings, conferences, and conventions. If no vehicle is available and an employee is required to use his or her privately-owned vehicle, he or she shall be reimbursed at a rate determined by the federal rate. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) of two (2) or more employees traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable without prior approval of the Administrator.
- D. Meals: Expenses incurred for meals while on official business will be reimbursed at actual cost with the approval of the Administrator or designee. Such approval must be granted prior to the employee incurring the expense. An employee is eligible for such reimbursement only when travel has been authorized in writing by the Administrator and when travel extends overnight. Daily meal reimbursement should not exceed \$50.00 in total excluding tips. Employees shall order reasonably priced meals while traveling at the City's expense.

Employees will generally not be reimbursed for meals if the employee is not traveling overnight, away from the City, unless for:

- a. The meal qualifies as an entertainment rule pursuant to IRS Reg. § 1.274-2(c) and (d). Examples of such meals are:
  - A meal where the main purpose is the active conduct of business, business is actually conducted, and there is more than a general expectation of income or some other specific business benefit in the future.
  - Meals at a hospitality room sponsored by the City at a convention.

## *Expense Reimbursement - Travel and Meal Policy*

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- A meal that is associated with the active conduct of the City's business, and occurs directly before or after a substantial business discussion.
- b. Occasional meals that meet the De Minimis Exclusion pursuant to IRS Reg. § 1.132-6 (d) (2), such as infrequently providing coffee, donuts, or soft drinks. Also occasional parties or picnics such as Holiday luncheon.
- E. Lodging: Employees will be reimbursed for reasonable and necessary lodging expenses **for travel exceeding a radius of 64 miles** at the single room rate. Family may accompany employees on out of town travel with approval of the Administrator, however, the City will only pay the single room rate and the employee will be responsible for the difference. Employees will request the government rate and obtain a sales tax exemption certification from the City prior to payment of the lodging.
- F. Phone Calls: Phone calls necessary for official City business are reimbursable.
- G. Parking and Tolls: Expenses for parking, highway, bridge, and tunnel tolls are reimbursable. Parking expenses incurred outside the City are reimbursable providing the employee is on official City business.
- H. Frequent Flier Miles/Credit Card Points: City Officials or employees can use frequent flyer miles, credit card rewards, hotel points, or other rewards during official business in their personal life, provided that (1) rewards are earned the same way as members of the public would earn them; and (2) they do not impose additional costs to the City. However, a City Official or employee is prohibited from choosing an airline, vendor, or service based on whether it provides frequent flyer miles or other reward points. Additionally, a conference, event, or group travel planner is prohibited from personally using frequent flyer miles, credit card rewards, hotel points, or other rewards earned in connection to booking a conference, event, or group travel.

The City will consider the following as it pertains to frequent flyer miles, hotel, gas, credit card, and other reward or discount programs:

1. The City will allow Officials or employees to personally use frequent flyer miles or other rewards points accrued during official City business;
2. City Officials or employees can use frequent flyer miles, credit card rewards, hotel points, or other rewards during official business in their personal life, provided that (1) rewards are earned the same way as members of the public would earn them; and (2) they do not impose additional costs to the City;
3. Officials or employees are strictly prohibited from selecting an airline, hotel, car rental company, etc. or any other vendor to earn reward points for their personal use.
4. Officials or employees will continue to follow all requirements of Section 600 which includes and requires Officials and employees to select the lowest reasonable rate for services.

The following items are not subject to reimbursement:

1. tips in excess of 20% of the meal cost;
2. alcoholic beverages;

## *Expense Reimbursement - Travel and Meal Policy*

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3. entertainment;
4. laundry and dry cleaning;
5. room service charge;
6. expenses of family members traveling with employee;
7. any allowable expense where no receipt is provided as documentation by the employee;
8. Memberships and all associated expense related to civic organizations unless previously approved by the Administrator or Mayor.

Expense reports shall be filed by employees detailing all itemized costs with receipts attached within two (2) weeks of the accrued expense. Such detailed documentation will include the amount, date, time, place, and business purpose.

I. Reimbursement of Sales Tax by Tax-Exempt Public Offices: The Ohio Department of Taxation has issued guidance regarding the use of sales tax exemptions. That guidance provides the sales tax exemption is not transferrable to a City Official or employee of the tax-exempt entity. Rather, the exemption applies only when the sale is made to and paid for by the tax-exempt organization.

If a City Official or employee uses his or her own personal credit card or checking account to make purchases on-behalf of the City, the City Official or employee must pay sales tax and cannot use the public entity's tax-exempt certificate. The City Official or employee will communicate to vendors the City is sales tax-exempt and ensure a current copy of the sales tax is properly on-file

The Finance Department will be responsible for issuing and managing compliance with the City's tax-exempt certificate. A City Official or employee, other than those in the Finance Department, do not have the authority to sign the City's tax-exempt certificate and subsequently use for personal reasons.

The following shall be considered regarding use of the City's tax-exempt certificate when a City Official or employee will be reimbursed for sales tax paid:

1. All expenditures are a proper public purpose;
2. The expenditure directly benefits or the service received pertains to City business purposes;
3. A City Official or employee is strictly prohibited from using the City's tax-exempt certificate for personal purchases or for those that do not directly benefit the City;
4. The maximum dollar threshold City Officials or employees are encouraged to use their personal credit card or checking account for reimbursable purchases shall not exceed \$500.00. In the event the combined purchase price and sales tax exceeds the threshold amount of \$500.00, the purchase must be made using the City's credit card or account and sales tax-exemption.

The Finance Department will have discretion if sales taxes were paid by the City credit card or it's checking account, for business-conducted on its behalf, if the amount is determined to be de minimus and was for a proper public purpose.

## Use of Employer - Owned Vehicle

### 601.1 POLICY

A. This policy is for the use of any motor vehicles owned or leased by the City or any City office, if applicable, for the use of the City or any department, commission, board, office, or agency under its direct supervision, or for the use of any elected City official and/or their employees. For the purpose of this policy, the term "employee" hereinafter means the persons comprising of the City, any employee of any department, commission, board, office, or agency under its direct supervision or jurisdiction, and any elected official and/or their employees using a vehicle provided by the City.

B. No person who is not a compensated employee of the City may operate a City-owned or leased vehicle unless specifically authorized by the Administrator and/or Mayor. The Administrator and/or Mayor will consider exceptions to this requirement for law enforcement purposes, emergency response, and other like circumstances. No City official or employee shall use or permit the use of any vehicle or any supplies for it, except in the transaction of public business or work of the City (O.R.C. 307.42, 307.43 and 124.71).

C. The City recognizes that to efficiently and effectively carry out the transaction of public business or work of the City, a reasonable amount of related use may have to be conducted in a City-owned or leased motor vehicle for incidental but closely related business use (i.e., lunch breaks), provided that the employee or elected official does not deviate from the route to the next work site.

Any and all City-owned or leased vehicles will not be provided as a means of compensation.

Only passengers on official City business shall be permitted in all City-owned or leased vehicles except as approved and/or authorized under R.C. 1551.25, (Ride Sharing).

D. It is the policy of the City to provide fleet and/or pool vehicles for the transaction of public business whenever an elected official or department head authorizes travel by automobile.

Vehicles owned or leased shall not be used for commuting to and from work, except as permitted by the Administrator and/or Mayor.

E. City officials and/or employees operating a City-owned or leased vehicle shall obey all state and local laws with respect to the use of mobile communication devices.

F. Smoking is prohibited in all City-owned or leased vehicles.

G. All operators and passengers in City-owned vehicles will comply with the following:

1. Operator's License: All operators of any City-owned or leased vehicles must have a valid State-issued operator's license, which includes the specific class of vehicle being operated. Suspension of a City official and/or employee's operator's license will result in a suspension of any and all City-approved driving privileges. Any official and/or employee who is authorized to use a City-owned or leased vehicle and whose operator's license is suspended, must notify their immediate manager/director of this fact at the earliest of the following: day of suspension or next working day.

## *Use of Employer - Owned Vehicle*

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2. **Seat Belts:** As required by the Ohio Revised Code, all front seat passengers of a City-owned or leased vehicle or privately-owned vehicle, while being operated in the transaction of public business or work of the City, shall wear safety belts at all times while the vehicle is in operation. Rear seat passengers shall also wear safety belts, except in emergency medical or law enforcement vehicles. The vehicle operator is responsible for insuring all passengers wear safety belts. Failure by any employee to comply with this provision must be reported to the appropriate manager.

3. **Alcohol and other Substances:** All City employees and/or other persons authorized to use a City-owned or leased vehicle shall not operate any City-owned or leased vehicle while under the influence of any alcohol or any controlled substances. Alcoholic beverages, controlled substances, and/or illegal drugs are not to be used or transported in, or on any City-owned or leased vehicles, except as permitted in emergency medical or law enforcement vehicles. Legally prescribed medications are permissible only when their use does not adversely affect the official's or employee's driving ability.

4. **Accident Reporting/Traffic Citations:** In the event of an automobile accident, the vehicle operator is responsible for contacting the appropriate law enforcement agency immediately, or as soon after the accident as is practical.

All accidents shall be reported to the operator's respective manager/director as immediately as is practical. Accident reports are to be completed and submitted to the manager who will report the information to the Administrator as soon as possible, but in no event beyond twenty-four (24) hours of the event or, if the event occurs on a holiday or weekend, on the next working day.

All parking, moving violations, penalties, and/or other fines received during the operation of a City-owned or leased vehicle are the full responsibility of the operator.

Operators of any City-owned or leased vehicle that establish poor driving records may be directed to attend a defensive driving and/or a driver training course if they are to maintain authorization to operate a City-owned or leased vehicle. The determination for an official or employee to attend the above-referenced classes shall be in the sole discretion of the Administrator and/or Mayor and/or their designee.

5. **Insurability:** All employees required to drive a City-owned vehicle, or drive their own vehicle on City time, must be insurable under the City's Liability Insurance Plan. Any employee deemed uninsurable by such insurance company may be disciplined up to and including termination.

H. **Use of Personal Vehicles for City Business:** All City employees who are required to, or who choose to use their personal vehicles in the transaction of public business or work of the City, will be reimbursed on a mileage basis at the authorized City rate subject to approval by the appropriate department head and submission of transaction or public business or work of the City. All officials and employees shall be encouraged to maintain their own liability insurance at the following limits:

## *Use of Employer - Owned Vehicle*

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Bodily injury, one person	\$100,000.00
Bodily injury, accidental	\$300,000.00
Property Damage	\$100,000.00

The employee's personal insurance shall be considered primary coverage. The Administrator may request proof of automobile insurance coverage from each City official, department head, and any and all employees.

I. City-owned vehicles will not be used for personal use by employees.

J. External Marking of City Vehicles: All City-owned vehicles shall bear the approved external markings:

1. City logo;
2. Vehicle number.

Vehicles may be unmarked in the interest of the public safety as determined by the Police Chief and subject to the administrative approval of the Mayor.

K. Any and all employees who fail to comply with the vehicle policies and procedures and/or who misuse or abuse any City-owned or leased vehicles or equipment may be subjected to disciplinary actions which may include, but are not limited to, the following:

1. Written notice of the violation;
2. For recurring traffic violations or accidents, the person may be assigned to attend a defensive driving or driving instruction class;
3. Loss of driving privileges – not permitted to drive City-owned or leased motor vehicle.

L. In those cases where the City official's and/or employee's job requires driving a City-owned or leased vehicle, suspension of the employee's driver's license may result in reassignment or termination of employment.

## Secondary Employment

### 602.1 POLICY

A. Time Conflicts: Full-time employment with the City shall be considered an employee's primary occupation and take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours, mandatory overtime obligations, or when the demands of a secondary job prohibit an employee from receiving adequate rest or otherwise affect the employee's job performance.

B. Interest Conflicts: No employee, regardless of employment status, shall have other employment which presents a conflict of interest with the employee's position with the Employer. A conflict of interest exists when an employee engages in any secondary employment which compromises or may appear to compromise the employee's judgment, actions, or job performance, or conflicts with the policies, objectives, and operations of the Employer.

C. Uniforms and Equipment: Employees shall not use Employer-owned uniforms or equipment while performing secondary job duties, unless such use is specifically authorized by the Administrator or the Chief of Police for police department employees.

### 602.2 PROCEDURE

A. Full-time employees shall notify their director regarding secondary employment that an employee intends to seek. The director will consult with the City Administrator, the Personnel Department, and any other person deemed appropriate to determine whether the secondary employment presents a conflict. The employee bears the burden of demonstrating the secondary employment does not present a conflict.

B. If the City Administrator determines that the secondary employment the employee intends to seek would present a conflict, the director will advise the employee of such. If the employee still accepts the secondary employment, the Employer may begin taking appropriate disciplinary action against the employee.

## Employer's Tools, Supplies, Equipment, and Property

### 603.1 POLICY

A. Tools, supplies and equipment necessary to perform job duties shall be properly used and maintained. All employees shall be held strictly responsible and accountable for equipment personally issued to the employee, in addition to any generally issued departmental equipment, tools, or supplies used by the employee. All employees are responsible for using and maintaining such assets in a safe and proper manner.

B. Loss, misuse, neglect, theft, and/or abuse of Employer assets is strictly prohibited and may result in discipline and/or demand for payment to the Employer for the cost to replace or repair such asset(s). Accidents resulting from misuse or abuse of tools may also be cause for disciplinary action.

C. An employee's personal use of City tools, supplies, and equipment is prohibited.

D. Employees are responsible for reporting any equipment or property damages, including damages caused by the employee. Employees shall report all damages to the Employer and/or director as soon as possible. Damages done to City equipment or property through negligence shall be cause for disciplinary action.

## Uniforms, Taxable Income, and Reimbursement

### 604.1 POLICY

A. The Employer shall provide an employee with a uniform only when it is necessary to identify employees for a particular purpose (e.g., law enforcement officer), prevent unreasonable wear and tear on personal clothing, or to prevent injury while performing assigned duties.

1. A required uniform will be provided by the Employer at no expense to the employee. Shoes may also be provided when the specific job responsibilities require a certain shoe/boot for safety reasons. Shoes that are not considered "safety shoes" must be reported as taxable income in accordance with Section B. herein.
2. The Director shall ensure that appropriate recordkeeping is maintained to identify all items of clothing purchased, who such clothing is assigned to, the cost of each item, and when returned.
3. The style and composition of the specific uniform shall be determined by the Employer. All uniform shirts shall be identified using the Employer's logo and placed visibly on the outside for recognition purposes.
4. All uniforms issued by the Employer shall only be worn during working hours, when representing the Employer, in travel to and from work, and at such other times as directed by the department head. Uniforms or portions of uniforms shall not be worn on days off, after work, or for personal business.
5. All employees required to wear a uniform shall take the necessary steps to protect it from damage, excessive wear, and shall be responsible for all cleaning and laundering, unless this service is provided through the specific department.
6. When uniform items are replaced by the Employer, the old or worn uniform items are to be returned to the department head. In the event of employment termination, all uniforms and all uniform accessories (e.g., hats, belts, shoes) are to be returned to the department head.
7. Should an employee fail to return the uniform, or any uniform accessories, either to be replaced or returned if leaving the employment of the Employer, the Director, at their discretion, may charge the employee up to the full replacement cost for each item which is not returned. If necessary, the department head may withhold such payment from the employee's paycheck.

B. A maximum dollar amount shall be established to comply with IRS guidelines for clothing provided to employees. Anything over that amount shall be the employee's responsibility.

C. Clothing or uniforms purchased by the Employer can be excluded from taxable income to the employee if such clothing or uniforms are specifically required as a condition of employment, and are not worn or adaptable to general usage as ordinary clothing.

## *Uniforms, Taxable Income, and Reimbursement*

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D. If an employee is required to purchase clothing or uniforms (e.g., steel-toed boots), the employee shall request permission prior to the purchase. If approved, the department head shall provide the employee with a written approval with a dollar amount not to exceed and an Employer affidavit of tax exemption. Once purchased, the employee shall submit any required documentation and/or receipts for reimbursement.

## Use of Telephones

### 605.1 POLICY

Cell Phone Use: City officials and/or employees operating a City-owned or leased vehicle shall obey all state and local laws with respect to the use of mobile communication devices.

Personal calls should be kept to a minimum. On occasion, personal calls are essential (However, such calls should be short, infrequent, and should be conducted out of the presence of members of the public. "Chatting" with family and friends is prohibited.). Full-time employees who are subject to receiving phone calls after their workday is complete shall be given a choice of a City issued cellphone or using their personal cell phone. Use of a personal cell phone shall allow the full-time employee to receive the City monthly stipend. A City issued cellphone or a monthly stipend is subject to approval by the Administrator.

The above rules also apply to employees using "personal" cell phones during work hours.

Individuals abusing this privilege may be subject to loss of cell phone privileges and/or disciplinary action.

## Personnel Records

### 606.1 POLICY

A. The Employer maintains and is responsible for personnel records concerning employees. Personnel records contain "personal information" about an employee as defined in ORC 1347.01(E), and shall include but not be limited to:

1. personal data;
2. employment application, references and background documents;
3. Payroll and Tax forms;
4. medical/insurance documents;
5. performance evaluations and training and development documentation;
6. communication, commendations and disciplinary actions;
7. required certifications.

B. The Employer shall only use the information maintained in the personnel records system in a manner consistent with ORC Section 1347.01 et. seq., ORC Section 149.43, or as otherwise required by law or court order.

### 606.2 PROCEDURE

A. Each employee shall be allowed to review the contents of the personnel file(s) pertaining to them.

B. Employees requesting to obtain or review information in their personnel file may be required to provide proof of identification. Representatives of employees requesting to obtain or review information shall produce a written release from the employee requesting that the representative review the record. Said release shall be placed in the employee's file.

C. The Employer will monitor the accuracy, relevance, timeliness, and completeness of its personnel records, take reasonable precautions to protect information in the system from unauthorized and unlawful modification, destruction, use, or disclosure, and shall collect, maintain, and use only that information necessary and relevant to the Employer's functions.

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## Reporting Changes in Personal Information

### 607.1 POLICY

A. Failure to report changes in personnel file information may prevent employees from obtaining or maintaining employee benefits or services. Each employee is responsible for reporting any change of personnel file information within three (3) calendar days of the occurrence of the change. Notification shall be made in writing to the Personnel Department.

B. For purposes of this section, a change in personnel file information shall include the following:

1. name change;
2. address change;
3. telephone number change;
4. marital status change;
5. changes which may affect employee benefits (i.e., insurance and pension[s]) such as changes in dependents or beneficiaries;
6. number of exemptions for tax purposes;
7. citizenship;
8. selective service classification;
9. association with a government military service organization; or
10. any changes in licensure or insurability affecting the employee's job.

### 607.2 PROCEDURE

A. Employees shall normally report changes in personnel file information in writing to the Personnel Department within three (3) days of such change.

B. The Personnel Department shall forward any change immediately to the Finance Department for processing and then placed in the employee's personnel file.

## Public Records

### 608.1 POLICY

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

A. Public Records: All records kept by the City of Groveport are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the City of Groveport that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

B. Response Time: Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review and redaction of the records requested.

It is the goal of the City of Groveport that all requests for public records should be acknowledged in writing or, if possible, satisfied within three business days following the office's receipt of the request. If the request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

- An estimated number of business days it will take to satisfy the request;
- An estimated cost if copies are requested;
- Any items within the request that may be exempt from disclosure;

C. Record Requests: Each request for public records should be evaluated for a response using the following guidelines:

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

## Public Records

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2. The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

3. In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

4. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

5. Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored, and the necessity for any legal review of the records requested.

6. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and in final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the City within three (3) business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

\*an estimated number of business days it will take to satisfy the request;

\*an estimated cost if copies are requested;

\*any items within the request that may be exempt from disclosure.

7. If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

## Public Records

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Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

C. Costs for Public Records: Those seeking public records will be charged only the actual cost of making copies.

1. The charge for paper copies is \$.05 per page.
2. The charge for downloaded computer files to a compact disc is \$1.00 per CD.
3. The charge for downloaded computer files to a flash drive is \$1.00 per flash drive.
4. There is no charge for documents e-mailed.
5. Requesters may ask that documents be mailed to them. They will be charged for the actual cost of the postage and mailing supplies.
6. The charge for downloaded computer files that require the use of a Universal Serial Bus (USB) flash drive will be as follows:
  - a. 4, 8, 16, 32, 64 Gigabyte Jump Drive - \$8.00 per drive;
  - b. 128 Gigabyte Jump Drive - \$16.00 per drive;
  - c. 256 Gigabyte Jump Drive - \$27.00 per drive.

Due to computer viruses, the City of Groveport will not allow or accept a requestor's personal jump drive for downloading the requested computer files.

7. The minimum charge for a police report is \$2.00
8. Law Enforcement Video Footage Fees: The City of Groveport will charge a fee to produce video footage from body-worn cameras, dash-mounted cameras, or surveillance cameras. The fee is \$75 per hour of video footage produced, with a maximum of \$750 per request for a video record, rounded up to the nearest hour. This fee is necessary to cover the costs associated with reviewing, redacting, processing, storing, and distributing video files. The City of Groveport requires payment in advance based on this estimated cost of production. Fees and requests will comply with Ohio Revised Code Section 149.43(B)(1). Requests by victims or their representatives under Marsy's Law may be exempt from fees.

D. Electronic Records: Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as an Android or iPhone) are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail

## *Public Records*

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records that relate to public business and other electronic records in accordance with applicable records retention schedules and to copy them to their business e-mail accounts and/or to the office's records manager.

E. Failure to respond to a Public Records Request: The City recognizes the legal and nonlegal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester attorney's fees and damages.

# Employee Accidents / Injuries and Transitional Work Program

## 609.1 POLICY

A. Any employee who is injured in a work-related accident or suffers an exposure to a hazardous chemical or blood borne pathogens due to a work-related accident or incident shall immediately report the accident or exposure to the employee's immediate manager and complete an BWC Accident Report by the end of the employee's work shift, if possible, or not later than within thirty-six (36) hours after the accident/exposure, if approved by the employee's manager. In all instances of an on-the-job accident, the employee must notify his/her manager verbally immediately. Accidents involving motor vehicles and/or personal property must also be accompanied by a police report.

B. The manager shall be responsible for immediately notifying their department head of an on-the-job accident/injury, who shall immediately inform the Personnel Department.

The manager shall also be responsible for verifying that the employee has received medical treatment (if necessary), securing the accident site (if necessary), and investigating the accident, and completing an Investigation Report. The manager shall require all witnesses to the accident to complete a Witness Statement Form which shall accompany the Investigation Report. The Investigation Report and Witness Statement Form shall be completed as soon as is practicable after the accident. All reports and accompanying documentation shall be submitted to the Personnel Department.

If an employee seeks medical treatment for an on-the-job accident/injury, the employee must provide a medical release from the treating physician before being allowed to return to work. Employees may be subject to drug testing under the City of Groveport Drug Free Workplace policy.

C. The City may offer transitional work (alternate work duties) to an employee who is receiving Workers' Compensation, even if the employee has not requested transitional work, so long as the transitional work is approved by the employee's treating physician. The determination of transitional work will be at the discretion of the Administrator on a case-by-case.

If an employee refuses the transitional work assignment they may be subject to discipline. Additionally, the employee's Workers' Compensation benefits or sick leave may be terminated, which would result in the employee being placed on an unpaid leave of absence. Additionally, an employee assigned to transitional work shall not be scheduled to work a holiday and shall not be eligible for overtime pay.

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## Safety and Health

### 610.1 POLICY

A. Generally: The Employer is concerned about the safety and health of every employee. The department heads, managers, and employees are responsible for maintaining a safe workplace.

B. Director's Responsibility: Each director or designee is responsible for safety in the area under the director's control and will be given the assistance, authority, and support necessary to fulfill this responsibility. Every work-related accident should be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The director should correct unsafe conditions. The director should ensure each employee complies with all rules and regulations and that safe working methods are used by employees under the director's supervision.

C. Employee's Responsibility: Employees are also responsible for maintaining a safe workplace. Employees shall obey all workplace safety rules and report all potential or evident workplace safety problems to the director.

### 610.2 PROCEDURE

Employees shall acknowledge their obligation to follow and enforce all workplace safety rules and report all potential or evident workplace safety problems by signing a Workplace Safety and Illegal Activity Form upon initial employment.

## Confidentiality of Public Records

### 611.1 POLICY

A. Confidentiality, Generally: Each employee of the City shall treat all documents, publications, and written and spoken communications of the City as confidential, even if regarded under R.C. 149.43 as "public records."

B. Self-Help to Public Records Prohibited: No employee may copy or remove any record or writing, even those regarded as "public" under R.C. 149.43, without first having received advanced written authorization from the Employer.

C. Use of City Records in Personal Actions: No employee may copy or use any City writing, document, or record in any grievance, administrative appeal, or legal action without having first obtained the written authorization from the Employer. This particular policy does not apply to matters obtained through formal "discovery" under the Rules of Civil Procedure or an administrative hearing.

D. Tape Recording Prohibited: No employee may tape record any meeting, conversation, or telephone call unless he or she has received advanced written permission from the Administrator or City legal counsel.

E. Penalty For Breach of This Policy: Any employee who is discovered to have violated any of the above enumerated policies will be disciplined, up to and including termination. Any former employee who is discovered to have violated this policy by producing unauthorized documents or tape recordings at any grievance, administrative appeal, or civil action against the Employer, will be barred from seeking a remedy of reinstatement and may be subject to civil or criminal penalties.

## Chapter 7 - EMPLOYEE CONDUCT

## Ethics of Public Employment

### 700.1 POLICY

A. All employees shall maintain the highest ethical and moral standards and perform their duties within the parameters of the laws of the State of Ohio and other rules and regulations that may be set forth by the Employer. Employees should remember that their compensation is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, effective, and professional manner. Discourtesy or rudeness to the public will not be tolerated.

B. No employee shall:

1. Use their position for personal gain or engage in any transaction which may conflict with the proper discharge of the employee's official duties.
2. Use or disclose confidential or proprietary information concerning the property, government, or affairs of the City without proper legal authorization.
3. Solicit or accept anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation interested directly or indirectly in conducting business dealings with the city.
4. Accept from any person, firm, or corporation doing business with the City any material or service for the private use or benefit of the employee.
5. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair independent judgment or action in the performance of the employee's official duties.
6. While an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee through decision, approval, disapproval, etc.
7. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the City except as provided in O.R.C. Section 102.04.
8. Have a personal interest in a contract with the City or use his position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or a business associate has an interest.
9. Use his position or authority to secure approval of the employment of a member of the employee's family or a business associate or to obtain a pay increase, fringe benefit improvement, or promotion of such individual(s).

## *Ethics of Public Employment*

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### **700.2 PROCEDURE**

A. Any employee who is in doubt as to the application of this policy or other ethics laws or regulations may seek the advice of the Administrator and Personnel Director, who may seek the advice of Legal Counsel, who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.

B. Employees will be provided with a copy of Ohio's ethics laws, R.C. Section 102, and R.C. Section 2921.42, within fifteen (15) days of hire, and the Employer will require employees to acknowledge receipt in writing.

## Tardiness

### 701.1 POLICY

A. Habitual tardiness is inexcusable and will not be tolerated. Tardiness is defined as any time a nonexempt employee reports to work after the employee's scheduled starting time and the employee's lateness is not excused. Employees tardy by seven (7) minutes or more shall not be paid for the period of time the employee is tardy. Pay will be deducted for this purpose to the whole quarter ( $\frac{1}{4}$ ) of an hour.

B. In addition, a tardy employee, who is tardy of ten (10) minutes or more, shall be subject to progressive disciplinary action as follows:

Event.....Discipline Progression

2 times tardy in a 12 month period.....Verbal Reprimand

3 times tardy in a 12 month period.....Written reprimand

4 times tardy in a 12 month period.....One (1) day suspension without pay

5 times tardy in a 12 month period.....Three (3) day suspension without pay

6 times tardy in a 12 month period.....Up to and including termination

### 701.2 PROCEDURE

A. The Employer will consider the employee's tardiness record over the previous twelve (12) months from the date of the most recent occurrence, providing there has been no intervening discipline, in applying this policy.

B. Record of Verbal Reprimand generally will be given by an employee's manager/director. A Record of Verbal Reprimand Form shall be given to the employee and a copy placed in the employee's personnel file. Written reprimands will also be issued by the employee's manager/director and a Record of Written Reprimand Form shall be given to the employee and a copy placed in the employee's personnel file.

C. Any manager or director may recommend suspension or termination of an employee. However, only the Administrator and Mayor possess the authority to suspend or terminate an employee.

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## Failure to Report and/or Leaving Without Notification

### 702.1 POLICY

A. Employees are expected to report for and remain at work as scheduled. Employees who call off work for personal reasons should call off in advance of their starting time in accordance with procedures established by their department head.

Employees who call off must make contact with management or designee each day of their absence unless they have made alternate arrangements. Calling off work in accordance with their procedure will not necessarily result in an employee approved leave for their absence. The employee's manager will consider the underlying reason for the absence in order to determine whether to grant approved leave.

Employees will be considered no call/no show for the purpose of this section if they fail to report to work for an entire workday or leave work prior to the scheduled quitting time and such absence has not been properly approved.

No call/no show.....Discipline Progression:

First (1st) occurrence within the last 12 months..... Written reprimand

Second (2nd) occurrence within the last 12 months..... Three (3) day suspension without pay, fine, or working suspension

Third (3rd) occurrence within the last 12 months..... Five (5) day suspension without pay or working suspension

Fourth (4th) occurrence within the last 12 months..... Up to and including removal

B. Employees may be excused for absences due to legitimate reasons if proper notification procedures contained in this code are met. The Employer reserves the right to deny approval for employees who demonstrate a pattern of such absences.

C. Voluntary Resignation Procedure: For employees who remain absent without leave for three (3) or more consecutive workdays, the Employer will attempt to contact the employee at their last known address and notify the employee that failure to return to work will be deemed a voluntary resignation. If the Employer cannot locate the employee or if the employee fails to return to work after notification, the Employer will consider the employee to have voluntarily resigned and will remove the employee from the payroll.

## Sick Leave Abuse

### 703.1 POLICY

A. The purpose of this policy is to establish and outline the discipline and corrective action for the inappropriate use of sick leave. The policy is intended to provide for the equitable treatment of employees without being arbitrary and capricious, while allowing management the ability to exercise its administrative discretion fairly and consistently.

B. It is the policy of the Employer to grant sick leave to employees when requested in accordance with Section 500 of this code. It is also the policy of the Employer to take corrective action for the unauthorized use of sick leave and/or abuse of sick leave. It is further the policy of the Employer that when corrective and/or disciplinary action is taken, it will be applied progressively and consistently.

It is the intent of the Employer that when discipline is applied it shall serve the purpose of correcting the performance of the employee.

#### C. Definitions:

1. Sick Leave: An absence granted for medical reasons or as otherwise defined in Section 500 of this code.
2. Unauthorized Use of Sick Leave:
  - a. failure to notify the manager of an absence;
  - b. failure to complete the standard Leave Request form;
  - c. failure to provide the physician's verification when required;
  - d. fraudulent physician verification.
3. Misuse of Sick Leave: Use of sick leave for that which it was not intended or provided.
4. Pattern of Abuse: Consistent periods of sick leave usage, for example:
  - a. before and/or after holidays;
  - b. before and/or after weekends or regular scheduled days off;
  - c. after pay days;
  - d. any one specific day;
  - e. absence following overtime worked;
  - f. half days;
  - g. continued pattern of maintaining zero or near zero leave balances; or
  - h. excessive absenteeism.

### 703.2 PROCEDURE

A. Physician's Verification: At a department head's discretion, an employee may be required to provide a statement from a physician who has examined the employee or the member of the employee's immediate family for all future illnesses. However, if the department head or designee

## *Sick Leave Abuse*

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finds mitigating or extenuating circumstances surrounding the employee's use of sick leave, the physician's verification need not be required and may be revoked by the director.

Should a director or designee find it necessary to require an employee to provide a physician's verification for future illnesses, the order shall be made in writing with a copy provided to the employee and a copy to the employee's personnel file.

Employees who have been required to provide a physician's verification for illnesses will be considered for approval of sick leave only if the physician's verification is provided within three (3) days after the employee returns to work.

B. Unauthorized Use or Abuse of Sick Leave: When the unauthorized use of or abuse of sick leave by an employee is substantiated, the employee's department head or designee shall begin corrective and progressive discipline, keeping in mind any extenuating or mitigating circumstances.

When progressive discipline reaches the first suspension under this policy, a corrective counseling session will be conducted with the employee. The Personnel Director will explain the serious consequences of continued unauthorized use of or abuse of sick leave.

C. Pattern Abuse: If an employee abuses sick leave in a pattern as noted in the examples cited, but not limited to those in definitions, the employee's director or designee may reasonably suspect pattern abuse. If it is suspected, the director or designee shall notify the employee in writing that a pattern of abuse is suspected. The notice will invite the employee to explain, rebut, or refute the pattern of abuse claim. Use of sick leave for valid reasons shall not be considered a pattern of abuse.

An "occasion," for purposes of this section, shall mean an individual utilization.

If a suspected pattern of abuse is due to more than six (6) pre-scheduled medical appointments, the Employer reserves the right to require the employee to submit to a medical examination from a licensed physician selected by the Employer to determine whether the employee is able to perform the essential functions of the employee's position, either with or without a reasonable accommodation.

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## Solicitation and Distribution

### 704.1 POLICY

- A. Generally: This policy is intended to protect the interests of the citizens of the City by ensuring that only official Employer business is transacted in the Employer's work areas during work time.
- B. Non-Employee Solicitation and Distribution: There shall be no solicitation or distribution by non-employees at any time on any Employer property or in any work area. This section does not apply to vendors transacting business with the Employer.
- C. Employee No Solicitation Rule: There shall be no solicitation by employees of other employees or non-employees during work time. Employees may solicit other employees during non-work time in non-work areas provided both employees are on non-work time for nonprofit organizations.
- D. Employee No Distribution Rule: There shall be no distribution by employees during work or non-work time in the work area. Employees may distribute goods and written materials during non-work time in non-work areas only.
- E. Miscellaneous: The terms "distribution," "solicitation," "vendor," "work time," "non-work time," "work areas" and "non-work areas" are defined in the definitions section of this code. This policy shall be clearly posted on the Employer's premises. Any deviations from this policy shall be approved as to content and form by the City's legal counsel.
- F. Employee Compliance: Employee compliance with this policy is required. Employee violations of this policy will result in appropriate disciplinary action.
- G. Employer's Responsibility: The Employer shall determine work time and non-work time, and work areas and non-work areas.

## Personal Appearance

### 705.1 POLICY

It shall be the policy of the City that each employee's dress, grooming, and personal hygiene shall be appropriate to the work situation. Employees are reminded that they are not only representing themselves and the City of Groveport, but they are also representing its residents.

Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.

Employees are expected at all times to present a professional, businesslike image to customers, prospects, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

A. Casual Dress: At its discretion, the City allows employees, with the exception of police officers (who shall follow Police Department regulations and standard operating procedures), to dress in a more casual fashion than is normally required assuming dress does not impact safety or performance standards. Employees are still expected to present a neat appearance and are not permitted to wear inappropriate clothing. Casual attire should maintain a professional, businesslike image to customers, prospects, and the public.

Employees should consider their daily schedule and dress appropriately. If an employee is meeting with someone outside of a City facility, they should dress according to their standards. If necessary, the employee should call ahead to determine what their dress code is and dress accordingly.

B. Basic Standards:

- Clothing should be clean and wrinkle-free;
- Appropriate undergarments shall be worn at all times;
- Hair, including sideburns, mustaches, and beards, should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length;
- Jewelry and other accessories should present a businesslike appearance;
- Body piercing (other than earrings) should be appropriate for the work environment;
- Dress shoes, casual shoes or sandals Denim shirts, skirts, or dresses;
- Khakis, Dockers, casual slacks;
- Dress or casual shirts (with collars and crew necks);
- Dress attire associated with religious beliefs.

C. Restrictions:

- see-through garments (unless covered by a jacket or sweater);
- clothing that is too tight or too short;

## *Personal Appearance*

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- bare shoulders (sleeveless blouses and dresses are permitted provided the majority of the shoulder is covered);
- bare midriffs;
- low necklines;
- ripped or disheveled clothing;
- camouflage;
- Jeans (including colored jeans) unless approved by the Administrator;
- bib overalls;
- athletic clothing or exercise wear except as required by the department;
- shorts or skorts;
- T-shirts (certain tops in a T-shirt style may be acceptable as long as they present a dressier appearance; for example, for men this would include a collarless shirt worn under a jacket);
- shirts and/or hats with insignia or printing (unless designer apparel or City-related);
- hats (unless part of City uniform);
- novelty buttons;
- similar items of casual attire that do not present a businesslike appearance;
- heavily scented colognes, perfumes, and deodorants.

D. Interpretation: Interpretation of dress code standards is the responsibility of the managers, directors, Personnel Director, Chief of Police, and Administrator. If job duties or medical conditions warrant exceptions to these rules, it shall be at the discretion of the Administrator, Personnel Director, and/or Chief of Police and shall only be granted in rare situations. Requests for advice and assistance in administering or interpreting this policy should be directed to your director.

E. All clothing and uniforms issued by the Employer shall only be worn during working hours, when representing the Employer, in travel to and from work, and at such other times as directed by the director. Uniforms or portions of uniforms shall not be worn on days off, after work, or for personal business.

F. Enforcement: Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Nonexempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy will result in disciplinary action.

## **Alcohol and Drug Abuse and Testing Policy -- Non - CDL and CDL Licensed Personnel**

### **706.1 POLICY**

Click the link below to read our Drug-Free (Substance-Free) Workplace Program Packet:

[Drug Free Workplace Packet.pdf](#)

## Gambling

### 707.1 POLICY

A. The Employer does not permit the organizing and/or running of games of chance for the individual profit of the organizer (gambling) by employees during workdays or on Employer property. For purposes of this policy, the workday includes regular working hours, lunch periods, clean-up time and other breaks. Violation of this policy will be cause for disciplinary action.

## Garnishments

### 708.1 POLICY

A. A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt, served by legal authority, is a garnishment and shall be recognized and executed by the Employer. Repeated garnishments on the wages of an employee may result in disciplinary action.

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

### 708.2 PROCEDURE

A. The following procedure will apply for the first garnishment received for an employee:

1. The employee will be informed by the Finance Director of the consequences of further garnishments; and

B. For second or subsequent garnishments received for an employee:

1. A meeting will be arranged between the employee, Personnel Director, and the Administrator to discuss the continuing problem; and
2. The employee will be referred to an appropriate agency by the Personnel Director in order to assist the employee in working out the employee's financial difficulties.
3. Depending on the circumstances, the employee may be subject to disciplinary action.

C. Repeated garnishments may be cause for further disciplinary action.

1. Employees will not be disciplined for garnishments if they have demonstrated a willingness and effort to resolve their financial problems.

## Use of Employer Information and Computers

### 709.1 POLICY

The use of this policy is to establish controls on the use of City-provided information technology (IT) resources to ensure they are appropriately used for the purposes for which they were acquired.

This policy shall be applicable to all City employees (full-time, part-time, seasonal, and temporary) as well as volunteers and independent contractors who are provided access to the City's technology systems.

A. IT resources include, but are not limited to equipment such as desktop and laptop computers, mobile data terminals (MDTs), servers, networking equipment, telephone equipment and voicemail, cell phones, tablets, printers, digital copiers, facsimile machines, digital audio and video recorders, software, e-mail, instant messaging and Internet services, as well as supplies such as paper, toner, and ink. Great care is required to prevent the misappropriation of City-owned IT resources.

B. The City's IT resources are the property of the and, therefore, City management reserves the right to monitor and review all usage of the system. This policy serves as notice to City employees that they shall have no reasonable expectation of privacy in conjunction with their use of City-provided IT resources. Contents of City IT resources may be subject to review, investigation, and public disclosure. Access and use of the Internet, including communication by e-mail and instant messaging and the content thereof, are not confidential, except in certain limited circumstances recognized by state and federal law. The City reserves the right to view any files and electronic activities, and report findings to appropriate managers and authorities.

C. Employees shall not load any software or use other similar technology to prevent the City to access, inspect, and monitor its IT resources.

D. Concealing or misrepresenting one's name or affiliation to mask unauthorized, fraudulent, irresponsible, or offensive behavior in electronic communications is strictly prohibited.

E. Accessing networks, files, or systems or an account of another person without proper authorization is strictly prohibited.

F. Employees are responsible for ensuring that they save their files to the network so that the regular scheduled network backup can backup their files. Copying data to a floppy disk or mass storage device including, but not limited to, Compact Disk (CD), Digital Versatile Disk (DVD), external hard drive, jump/thumb/USB drive will be limited to the need for transferring files for a specific, time-defined need.

G. E-mail: The City provides e-mail for employees to conduct City business. Communication by e-mail is encouraged when it results in the most efficient and/or effective means of communication. The sender of e-mail messages must retain the primary responsibility for

## *Use of Employer Information and Computers*

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seeing that the intended recipient receives the communication. Any suspected misuses of the City's e-mail system should be reported to the Administrator.

Electronic mail, both internal and external (Internet), may be a public record subject to disclosure in the same way that messages or similar substance contained in or upon media are defined as public records pursuant to applicable law. Therefore, employees should exercise great care regarding the appropriate content and deletion of their e-mail transmissions.

H. Internet: Employees who are eighteen (18) years of age or older shall be permitted access to the Internet as needed for the performance of their job duties. Employees younger than eighteen (18) years of age shall have access to the Internet in the performance of their job duties at the discretion of their department head.

I. Personal Use: Limited personal use of the City's IT resources by City employees is permissible provided that such use is appropriate and does not, in the opinion of the City or the employee's manager, interfere with the employee's job performance.

J. Prohibited Use of IT Resources:

1. Violation of Law: Violating or supporting and encouraging the violation of local, state, or federal law is strictly prohibited.
2. Illegal Copying: Downloading, duplicating, disseminating, printing, or otherwise using copyrighted materials, such as software, texts, music, and graphics, in violation of copyright laws is strictly prohibited.
3. Operating a Business: Operating a business, directly or indirectly, for personal gain is strictly prohibited.
4. Accessing Personal Services: Accessing or participating in any type of personal ads or services, such as or similar to dating services, matchmaking services, companion finding services, pen pal services, escort services, or personal ads is strictly prohibited.
5. Harassment: Downloading, displaying, transmitting, duplicating, storing, or printing material that is offensive, obscene, threatening, or harassing is strictly prohibited.
6. Gambling or Wagering: Organizing, wagering on, participating in, or observing any type of gambling event or activity is strictly prohibited.
7. Mass E-mailing: Sending unsolicited e-mails or facsimiles in bulk or forwarding electronic chain letters in bulk to recipients inside or outside the organization is strictly prohibited.
8. Solicitation: Except for City-approved efforts, soliciting for money or support on behalf of charities, religious entities, or political causes is strictly prohibited.
9. Participation in Online Communities: Any use of City-owned IT resources to operate, participate in, or contribute to an online community, including, but not limited to, online

## *Use of Employer Information and Computers*

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forums, chat rooms, listservs, blogs, wikis, peer-to-peer file sharing or social networks, is strictly prohibited unless approved by the Administrator.

10. Unauthorized Installation or Use of Software: Installing or using software, including, but not limited to, instant messaging clients and peer-to-peer file sharing software, or personally owned software, without proper approval is strictly prohibited. Installation and use of unlicensed software is strictly prohibited. The City may reconfigure systems and delete any unauthorized software and data that may be discovered.

11. Unauthorized Installation or Use of Hardware: Installing, attaching, or physically or wirelessly connecting any kind of hardware device to any City-provided IT resource, including computers and network services, without prior authorization of the Administrator is prohibited.

12. Use of City-Owned Equipment and Personal Computers : Employees are prohibited from utilizing personal technological devices such as computers, cell phones, and tablets on the City's network or accessing City equipment for non-work-related entertainment during paid working hours. Prohibited activities include, but are not limited to, online shopping, academic coursework, and social media. Non-compliance will result in disciplinary action up to, and including, termination.

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## Workplace Violence

### 710.1 POLICY

A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the City. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.

B. The purpose of this policy is to provide guidance to employees of the City should they encounter a situation that they believe is or could result in an act of violence.

C. The word "violence" in this policy shall mean an act or behavior that:

1. is physically assaultive;
2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
4. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
5. a reasonable person would perceive as intimidating or menacing;
6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. consists of a communicated or reasonably perceived threat to destroy property.

D. The Employer prohibits the following:

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

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

## Workplace Violence

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1. Dealing with the Public: Violent situations could occur in employee contact with the public. While the Employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.
2. On-the-Job: Situations could occur where relationships between employees, or between an employee and a manager, result in strong negative feelings by the individuals involved.
3. Off-the-Job: An employee could become involved in a personal non-criminal dispute with a co-worker, family member, or neighbor during the employee's non-working hours. The Employer prohibits any act of violence by an employee towards any other employee while off duty. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee's place of residence in the order.

F. The possession or use of dangerous weapons is prohibited on Employer property, in Employer vehicles, or in any personal vehicle which is used for Employer business or is parked on Employer property, except as hereinafter provided.

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

### **710.2 PROCEDURE**

A. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the Employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include, but is not limited to: suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.

B. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on a City-controlled site, or is associated with City employment.

## *Workplace Violence*

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C. All incidences of suspected or potential violence should be reported to the employee's immediate manager or the director. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.

D. Manager Responsibilities: Managers and directors are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involve an employee of the Employer.

E. When any actual, potential, or suspected incident of violence is brought to the attention of a manager or the director, the director or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a appropriate incident form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the department head or designee shall:

1. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
  - a. assigning a different employee to the area or job;
  - b. talking with the disgruntled client or employee(s);
  - c. discussing the incident and offering suggestions for appropriate actions;
  - d. referring the affected employee(s) to professional help or counseling;
  - e. disciplining the employee(s), up to and including termination of employment.

F. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their director a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. The director shall forward a copy of the protective order to the Administrator, Personnel Director, Chief of Police and the Law Director.

## No Smoking

### 711.1 POLICY

Smoking, vaping and the use of smokeless tobacco shall be prohibited in all City-owned property and vehicles, with the exception of designated smoking areas as established by state law.

### 711.2 PROCEDURE

A. Any employee violating this policy shall be given a Verbal Reprimand upon the first infraction. Further violations shall be subject to further disciplinary proceedings.

## Inclement Weather

### 712.1 POLICY

A. If a weather emergency is declared in Franklin County, the City Administrator, with approval by the Mayor, will make a decision regarding closing the office. A weather emergency is where the county or city restricts travel except for emergency vehicles. In such an emergency, when the office is closed, non-essential employees normally scheduled to work will not be required to report to work and will receive pay for the employee's normal scheduled work day.

Statewide, there are three (3) snow emergency levels that the county Sheriff can declare.

1. Level I Snow Emergency – County and township roads are hazardous with blowing and drifting snow. Roads are also icy and drivers should use caution.
2. Level II Snow Emergency – County and township roads are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the county and township roads. Listen to radio stations and/or contact employers to see if you should report to work.
3. Level III Snow Emergency – All county and township roads are closed to non-emergency personnel. No one should be out unless it is absolutely necessary to travel. All employees should listen to radio stations and/or contact employers to see if they should report to work. Those traveling on county and township roads may subject themselves to arrest.

Those living in another county where there is no snow emergency issued within Franklin County but issued within their county, must use other appropriate leave or flex their work schedule within the same work week to make up lost hours.

The above snow emergency levels declared by a sheriff should not be confused with a "State of Emergency" which may be issued by elected officials of the affected jurisdiction (mayor, county commissioners, township trustees, etc.). A State of Emergency is generally not issued unless local resources are not adequate to handle the emergency or disaster and state assistance is needed. The office will automatically be closed to the public during a declared Level III Snow Emergency or when a State of Emergency is declared in Franklin County.

B. During a countywide emergency, employees shall comply with the following:

1. Employees and the general public may be advised not to leave the premises because of severe weather or other emergency conditions continuing after regular working hours. Remaining on the premises after hours will not entitle employees to overtime compensation or compensatory time unless they remain at work because they are required by department head direction to assist during the emergency situation.
2. An employee on sick leave or vacation status at a time of emergency closing will not be affected and will have his/her sick leave or vacation account charged accordingly.

## *Inclement Weather*

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3. Part-time employees who are scheduled to work will be treated in the same manner as full-time employees for purposes of this section (hours paid will not exceed the employee's scheduled number of work hours).

4. Employees of the Police Department are considered essential employees under this section. Other employees may be designated as essential, as determined by the Administrator.

C. Employees who are not able to report to work due to weather conditions when no weather emergency has been declared; may, at their director's or manager's direction, make up the lost hours within the same workweek or use other available leave time not including sick leave.

D. Notwithstanding the provisions above, the Employer retains the right to close Agency offices, or to remain open during periods of inclement weather or other emergency conditions, at his/her discretion and based upon operational needs and work load requirements. Employees required to work during emergency conditions shall not be entitled to any additional compensation.

## Safety Rules

### 713.1 POLICY

- A. All employees are required to wear proper safety equipment.
  - 1. Proper Eye Equipment must be worn when operating specified equipment or in designated work areas.
  - 2. Hard Hats must be worn when working in areas where there is a danger of falling objects.
  - 3. Proper Footwear must be worn in order to provide the greatest amount of protection.
  - 4. Any other prescribed protective equipment shall be worn when required by any Department or Division.
- B. All City employees are required to maintain their respective work areas and all City properties in a clean, neat, and orderly fashion to prevent fire and accidents.
- C. All employees are required to use the proper tools to safely perform jobs. All defective and improperly operating tools must be reported to the appropriate manager as soon as possible.
- D. All employees shall dress in clothing appropriate to their jobs.
  - 1. Clothing should provide the employee with maximum protection from chemicals, sun, or other hazards.
  - 2. Hair should be kept in a restrained fashion when working around moving machinery. Loose jewelry should be removed when operating moving equipment.
- E. All employees are required to comply with the safety rules of their respective Divisions. The safety rules of the State of Ohio Industrial Commission and Federal standards will prevail.
- F. Employees are required to operate City vehicles in a safe and courteous manner and in accordance with all the motor vehicle laws of the state of Ohio and City. Snow plows used during snow removal shall be driven at a speed of 20 mph or less.
- G. All injuries which arise in the course of employment must be reported in writing to the manager on an incident report.
- H. If a question arises concerning personal safety on a particular job, the employee shall consult his or her immediate manager.

## Local Government Use of Social Media

### 714.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by City employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes.
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this City.

### 714.2 POLICY

The City will use social media as a method of effectively informing the public about City services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

### 714.3 AUTHORIZED USERS

Only employees authorized by the City Administrator or the authorized designee may utilize social media on behalf of the City. Authorized employees shall use only City-approved equipment during the normal course of duties to post and monitor City-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The City Administrator may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over City social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

### 714.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the City mission, and that conforms to all City policies regarding the release of information may be posted. Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.

## *Local Government Use of Social Media*

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- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

### 714.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Communications Manager or the authorized designee will be responsible for the compilation of information to be released.

### 714.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Any information that could compromise the safety and security of City operations, employees of the City, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on the City 's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will take this information to the City Administrator or Personnel Director who will ensure its removal from public view and investigate the cause of the entry.

# Speech, Expression, and Social Networking

## 715.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 715.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that City personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

## 715.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- (b) Comments, pictures, videos or displays about coworker(s), management or the City that are vulgar, obscene, threatening, intimidating, illegal, pornographic, harassing, or a violation of the City's workplace policies against discrimination, harassment or hostility on account of the individual's age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin,

## *Speech, Expression, and Social Networking*

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- race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law.
- (c) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
  - (d) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:
    - 1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
    - 2. Intentionally misrepresenting on social media actions taken by the City that would damage the City's reputation.
    - 3. Unprofessional communication which, if left unattended, could potentially result in a civil or criminal case of action against the City.
  - (e) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of City employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Administrator or the authorized designee.
  - (f) Posting one's photograph while wearing the City's uniform (or other similar attire, which could be misidentified as the official uniform) without prior approval.
  - (g) Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
  - (h) Comments or displays which impact employees' abilities to perform their job duties or the City's ability to maintain an efficient workplace.
  - (i) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of City logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the City Administrator or the authorized designee.
  - (j) Employees shall not imply that they are speaking on behalf of the Employer and shall include a disclaimer when speaking on certain matters.
  - (k) Unless authorized by the employees job duties in their position description, employees shall refrain from using personal external communications such as social media while on work time or with equipment that is provided to the employees by the City for work purposes. However, employees may use social media on their personal devices during authorized meal and break times.

## *Speech, Expression, and Social Networking*

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- (l) Adding personal "speech" or "expression" to the official City email signature line. The official City signature line is limited to official business information (name, title, department, and contact information). This restriction is content-neutral and intended to prevent the perception of City endorsement of any personal viewpoint.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### **715.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the City Administrator or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

### **715.4 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system.

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

## *Speech, Expression, and Social Networking*

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### **715.5 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the City Administrator or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

### **715.6 PROCEDURE**

Any users of the City's social media sites shall be approved as an administrator by their director.

Users are required to follow all of the above restrictions when administering any City site.

Social media sites may be monitored at the director or Administrator's discretion. Any deviation from the above policy shall be approved by the Employer. Any questions regarding the policy should be directed to his/her immediate manager or director.

Employees found to have violated any part of this policy may be subject to discipline up to and including termination.

## **Chapter 8 - EMPLOYEE DISCIPLINE, APPEALS, AND GRIEVANCES**

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## Progressive Discipline

### 800.1 POLICY

A. The Employer has adopted this discipline policy as a guide for uniformly administering discipline. However, this policy shall not be interpreted as a delegation of, or a limitation upon, the Employer's statutory rights and/or obligations set forth in the O.R.C. (See R.C. 124.34).

B. This policy provides discipline guidelines for specific offenses. The specific examples of offenses listed in any grouping are not totally inclusive and serve only as a non-binding guide.

C. The guidelines provided in this policy do not preclude the application of a more or less severe penalty for any infraction when specific circumstances warrant such deviation. Nothing in this policy shall be construed to limit the City's discretion to impose a higher level of discipline under appropriate circumstances.

D. Disciplinary actions of Verbal Reprimands and Written Reprimands will not be considered for progressive disciplinary purposes after twelve (12) months, provided there has not been a subsequent disciplinary action taken during the twelve (12) month period. Other disciplinary actions will not be considered for progressive disciplinary purposes after twenty-four (24) months, provided there has not been a subsequent disciplinary action taken during the twenty-four (24) month period. Disciplinary actions for immoral or illegal conduct may be considered during the entire period of the employee's employment with the Employer.

E. The Administrator maintains the authority to suspend or terminate an employee, except police department employees.

The Mayor shall have the authority to suspend police department employees. Suspensions of more than three (3) days, or terminations are to be executed by the Mayor pursuant to the City Charter. Authority to suspend, terminate, or otherwise discipline the Administrator, Finance Director, Law Director, Clerk of Council, and Chief of Police shall be governed by the City Charter.

F. All records of discipline shall be maintained in the employee's personnel file.

### 800.2 PROCEDURE

A. Managers/directors may issue Verbal and Written Reprimands. Forms for issuing and recording disciplinary actions are contained in Section 9 of this code. The forms shall be completed and signed by the manager or director responsible for administering discipline, delivered to the employee with the Personnel Director present (if necessary), signed by the employee (if applicable), and placed in the employee's personnel file.

B. The Administrator has authority to suspend or remove or otherwise discipline all City employees and appointed administrative officers, except those within the Departments of Police and Law, the Mayor's Office and the Council and as otherwise provided for by and under its Charter, subject to the provisions of the Charter pertaining to the City's merit system.

*Progressive Discipline*

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C. The Mayor may remove, suspend, or otherwise discipline members of the Police Department, subject to the provisions of the Charter and the City's merit system.

# Guidelines for Disciplinary Action and Penalties

## 801.1 POLICY

A. All unclassified employees of the City shall serve at the will of the Employer. However, to provide for professional and consistent delivery of services, the Employer has adopted the following principles to administer discipline of all employees.

B. The offenses set forth in Groups I, II, III below are examples of the misconduct and guidelines for determining the appropriate level of discipline for any employee. The examples of specific offenses are not all inclusive and the examples of disciplinary actions are a general guideline only.

C. In general, Group I offenses may be defined as those infractions which are of a relatively minor nature, and which cause only a minimal disruption to productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.

D. Group II offenses may be defined as infractions which are more serious in nature than Group I offenses and which, in turn, cause a more serious, longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II offenses, if left undisciplined, can cause serious, longer lasting impact upon the organization than Group I offenses.

E. Group III offenses may be defined as infractions which are very serious or possibly criminal in nature and/or which cause critical disruptions to the organization in terms of decreased productivity, efficiency, and/or morale. Group III offenses, if left undisciplined, may have a long lasting and serious adverse impact on the organization.

F. The following groups of offenses and guidelines for discipline are examples only and shall not be binding on the Employer:

### GROUP I OFFENSES

- FIRST OFFENSE..... Verbal Reprimand
- SECOND OFFENSE..... Written Reprimand
- THIRD OFFENSE..... A working suspension of one (1) to three (3) days; or a one (1) to three (3) day suspension without pay
- FOURTH OFFENSE..... Ten (10) day suspension without pay
- FIFTH OFFENSE..... Up to and including removal from City employment

Following are examples of Group I Offenses:

1. Failure to properly and completely sign/clock in or sign/clock out.

*Guidelines for Disciplinary Action and Penalties*

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2. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
3. Unintentional failure to observe official safety rules.
4. Inattention to the needs of the public.
5. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, or otherwise causing disruptions on the job.
6. Malicious mischief, horseplay, wrestling or other potentially harmful conduct.
7. Interfering with the work performance of subordinates or other employees.
8. Failure to cooperate with other employees.
9. Neglect of, or careless failure to observe, Employer rules, regulations, policies and procedures.
10. Excessive garnishments.
11. Use or possession of another employee's working equipment or property without approval.
12. Unauthorized use of the Employer's telephone for other than business purposes.
13. Obliging the Employer for any minor expense, service, or performance without prior authorization.
14. Neglect of, or careless failure to care for, Employer property or equipment.
15. Disregarding job duties by neglect of work (e.g., reading for pleasure, scrolling on one's phone, viewing T.V., etc.) during work hours.
16. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.).
17. Neglect of, or careless failure to, prepare required reports or documents.
18. Failure of a manager to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies and procedures of the Employer.
19. Violation of any policy or work rule.
20. Engaging in conduct on or off duty which reflects negatively upon the City of Groveport.

**GROUP II OFFENSES**

FIRST OFFENSE..... Instruction and a working suspension of one (1) to three (3) days; or a one (1) to three (3) day suspension without pay

SECOND OFFENSE..... Five (5) to ten (10) day working suspension or suspension without pay

THIRD OFFENSE..... Up to and including removal from Municipal employment

## *Guidelines for Disciplinary Action and Penalties*

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Following are examples of Group II Offenses:

1. Sleeping during work hours.
2. Reporting to work or working while unfit for duty.
3. Failure to report for overtime work, without proper excuse, after being scheduled to work in accordance with overtime policy.
4. Willful refusal to sign/clock in or sign/clock out when required.
5. Performing private work on Employer time.
6. Neglect or careless failure to observe official safety rules, or common safety practices.
7. Failure to report an accident.
8. Discourteous treatment of the public.
9. Threatening, intimidating, or coercing subordinates or other employees.
10. Use of abusive or offensive language toward subordinates or other employees, City officials, or the general public.
11. The making or publishing of false, vicious, or malicious statements concerning other employees, the Employer, Municipal operations, or the public.
12. Solicitation or distribution on Employer property in violation of the solicitation and distribution policy.
13. Willful disregard of the Employer's rules, regulations, policies and procedures.
14. Negligent failure to obey a reasonable order of a manager or failure to carry out work assignments, including verbal instructions.
15. Intentional neglect or misuse of Employer property or equipment.
16. Obligating the Employer for a major expense, service, or performance without prior authorization.
17. Unauthorized use of Employer property or equipment, including the unauthorized reproduction of this code or making copies of materials for personal use.
18. Failure to report equipment or property damage.
19. A traffic violation or accident while driving an Employer vehicle which evidences recklessness by the employee.
20. Refusing to provide testimony in court, during a public hearing or any other official hearing, investigation, or proceeding involving the Employer.
21. Refusing to provide testimony or information concerning any investigation being conducted by the Employer.
22. Possession or storage of alcoholic beverages on the Employer's premises.

*Guidelines for Disciplinary Action and Penalties*

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- 23. Unauthorized presence on the Employer's property.
- 24. Habitual neglect of timely completion of required reports or documents.
- 25. Willful failure to timely complete required reports and documents.
- 26. Violation of any policy or work rule.
- 27. Engaging in conduct on or off duty which reflects negatively upon the City of Groveport:

**GROUP III OFFENSES**

FIRST OFFENSE..... Up to and including removal from City employment

Following are examples of Group III Offenses:

- 1. Instigating, leading or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for a scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the Employer's premises.
- 2. Refusal, without legitimate reason, to work during emergency situations or conditions.
- 3. Signing or altering other employees' time records; altering one's own time records or having one's time records signed or altered by another, without authorization.
- 4. Knowingly concealing a communicable disease (e.g., T.B., etc.) which may endanger others.
- 5. Carrying or possessing firearms, explosives, or weapons on Employer property at any time.
- 6. Willfully withholding information which threatens the safety and security of the Employer, its operations, or employees.
- 7. Willfully demeaning, verbally abusing, and/or humiliating another person.
- 8. Committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability.
- 9. Fighting with, or attempting to injure, other employees.
- 10. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a manager.
- 11. Providing false testimony, statements, or information in any official Employer, court, or administrative investigation, hearing, or proceeding.
- 12. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process.
- 13. Violating the Employer's gambling policy as contained in this code.

## *Guidelines for Disciplinary Action and Penalties*

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14. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the Employer or of other employees.
15. Dishonesty or dishonest action. Examples of "dishonesty" or "dishonest actions" are: theft, pilfering, making false statements to secure an excused absence or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action.
16. Wanton or willful neglect in the performance of assigned duties.
17. The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol or a controlled substance which takes place in whole or in part in the workplace and/or a violation of the reporting requirements of the Employer's Drug Free Workplace Policy.
18. Driving a motor vehicle while on duty or on Employer business without a valid, applicable operator's license.
19. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position.
20. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position.
21. Intentional misuse of City or other public funds.
22. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the Employer or another employee.
23. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph, or title for personal gain, or otherwise violating the Employer's Code of Conduct or Ohio's ethics laws for public employees.
24. Engaging in off-duty employment activities which the Employer has determined to be an interest or time conflict.
25. Making false claims or misrepresentations in an attempt to obtain any benefit (i.e., falsification or altering a physician's statement when requesting sick leave.)
26. Misuse or removal of documents or information of a confidential nature or revealing such information without prior and appropriate authorization.
27. Misuse, removal, or destruction of Employer records without prior authorization.
28. Failure to maintain insurability under the City's vehicle insurance policy.
29. Violation of any policy or work rule.
30. Engaging in conduct on or off duty which reflects negatively upon the City of Groveport.

## *Guidelines for Disciplinary Action and Penalties*

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### **801.2 PROCEDURE**

A. Multiple minor infractions will normally be dealt with by following the progressive discipline procedure set forth below:

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

### **801.3 PREDISCIPLINARY MEETING**

A. Prior to the imposition of a suspension or termination of an employee identified in Section 800, Procedures, division (B) or as otherwise prescribed by Charter, the Administrator and Personnel Department will notify the employee concerning the allegations of misconduct and meet with the employee to provide an opportunity for the employee to respond to said allegations.

B. Prior to the imposition of a suspension or termination of an employee identified in Section 800, Procedures, division (C) or as otherwise prescribed by the Charter, the Mayor will notify the employee concerning the allegations of misconduct and meet with the employee to provide an opportunity for the employee to respond to said allegations.

C. An employee alleged to have committed misconduct shall be notified of the charges twenty-four hours prior to such meeting.

D. The Administrator may place an employee on Paid Administrative Leave dependent upon the nature of the infraction involved.

E. The City will issue a report determining the validity of the charges and the imposition of any discipline within ten (10) days of such meeting.

## Conviction of a Felony

### 802.1 POLICY

A. The Mayor shall not appoint a Chief of Police, a deputy marshal, a police officer, a night watch person, a special police officer, or an auxiliary police officer on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

B. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.

C. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

D. As used in this policy, "felony" means any of the following:

1. A felony that is an offense of violence as defined in Section 2901.01 of the revised code;
2. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the revised code;
3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
4. A felony involving dishonesty, fraud, or theft;
5. A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the revised code.

### 802.2 PROCEDURE

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

## Complaint / Appeals

### 803.1 POLICY

- A. Employee questions and complaints arising from the application of policies, procedures, and work rules, or other problems that affect employees from conditions of employment shall be promptly reviewed and corrective action taken, when appropriate, pursuant to this grievance procedure.
- B. All employees, including probationary employees, have the right to file a complaint without retaliation. No employee will be disciplined, harassed, or dealt with unfairly as a result of filing a complaint.
- C. Complaints regarding illegal discrimination shall be filed and resolved pursuant to the complaint procedure contained in the Equal Employment Opportunity/Anti-Discrimination section of this code, not this grievance procedure.
- D. Unclassified employees may not file an appeal as outlined in Step 3.

### 803.2 PROCEDURE

- A. Step One: Director:
1. Any employee with a complaint shall first discuss the matter with the employee's director within five (5) working days of the incident giving rise to the grievance. The director shall make every reasonable effort to resolve the grievance.
  2. If the employee is not satisfied with the director's response, the employee may proceed to step two.
  3. Those employees covered under a Bargaining Unit Agreement shall reference the current Bargain Unit Agreement in effect.
- B. Step Two: City Administrator/Personnel/Mayor:
1. The employee shall tender a complaint within five (5) working days of receipt of the response of the director as follows:
    - a. those employees outlined in Section 800, Procedures, division (C) or as otherwise prescribed by Charter to the Mayor;
    - b. all other employees or as otherwise prescribed by Charter to the City Administrator.
  2. The City Administrator, Personnel Department, or Mayor will schedule a meeting with the employee within ten (10) days of receiving the complaint and will issue a decision within ten (10) days following the meeting. Timelines may be extended upon written notice.

#### General Procedures for Meetings:

- A. Complaints citing issues of law shall be forwarded to the Director of Law for an opinion before proceeding. In such cases, time limits shall be waived until the opinion is received.

## *Complaint / Appeals*

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B. Meetings will be informal and controlled by the Administrator, Personnel Department, or Mayor.

C. The complaining employee shall bring all documentation and information necessary in order for the Administrator or Mayor to respond.

C. Step Three: Personnel Board of Review:

City employees may request appeals from administrative determinations made pursuant to the Code of Personnel Practices and Procedures (PPM). Appeals will be in accordance with the Rules and Procedures adopted by the Personnel Board of Review.

## **Chapter 9 - PERSONNEL PRACTICES AND PROCEDURES FORMS**

## Forms

### 900.1 CONTENT

Please see below City Personnel Practices and Procedure Forms:

[Practices and Procedures Forms](#)

## INDEX / TOPICS