

CITY OF MORAINE PERSONNEL POLICY MANUAL

June 2, 2002

Revision 1, January 1, 2003

Revision 2, May 2, 2004

Revision 3, September 10, 2007

Revision 4, February 20, 2009

Revision 5, i

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**SECTION 1
INTRODUCTION**

BACKGROUND

The purpose of this manual is to explain the Human Resources Policies and Procedures for primarily full-time City employees, with some sections applicable to part-time and seasonal employees. Policies are defined as the basic rules that guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.

This manual is written in accordance with Section 5.3 of the City Charter, Powers and Duties of the City Manager. Each section page is dated according to its original effective date and later revision date.

These policies and procedures are not intended to be and do not constitute a contract. This is a policy and procedures guide to inform employees and managers regarding applicable laws, regulations, and policies governing employment with the City of Moraine.

Per City Ordinance 1462-02, the policies adopted within this manual supersede all previous written and unwritten City human resources and personnel policies. In the event there is a conflict between the subjects expressed in this manual and any other applicable state laws, City ordinances and resolutions, or collective bargaining agreements, the applicable law, ordinance, resolution, or collective bargaining agreement shall prevail. Questions regarding the interpretation and application of these policies should be directed to the employee's Department/Division Head, or the Office of the City Manager.

All full-time employees shall receive a copy of this policy manual (see receipt), and a copy shall be distributed to each City Department and Division Office. Each Council member shall also receive a copy of the manual. As conditions warrant, these policies may be amended, revised, or deleted by the City Manager. Such revisions, amendments, or deletions will be distributed as appropriate. 5

SECTION 1.1:

Unless otherwise indicated in other policy sections, the following definitions shall apply:

(a) The Appointing Authority is authorized by law to make personnel appointments to City positions.

The City Council is the appointing authority for the City Manager, Clerk of Council, Director of Department of Finance, and Director of Department of Law. The Finance Director is the appointing authority for Finance Department positions. The City Manager is the appointing authority for all other City positions.

(b) Chain of Command shall mean the sequence of Division/Department supervisors up to the City Manager that an employee must follow in discussing issues or problems regarding City operations or their employment.

(c) City shall mean the City of Moraine.

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

(e) Employee is any person holding a position subject to City appointment, removal, promotion, or reduction by the appropriate appointing authority.

(f) Employer is the appointing authority, authorized by law to make appointments to positions, or the designee of the appointing authority.

(g) Position means a specific group of duties and responsibilities assigned or delegated by the appointing authority to be performed by a group of employees or one employee.

(h) Position Description is an analytical statement of position qualifications, duties, and responsibilities, based on a needs analysis and including conditions of work and supervisor-employee relations. This description is the baseline document for hiring, training, and evaluating.

(i) Qualifications. All positions, descriptions, and corresponding statements of minimum qualifications shall relate directly to position duties and responsibilities. Such qualifications will be reviewed periodically to ensure their accuracy.

(j) Supervisor shall mean an individual who has been authorized by the appointing authority to oversee and direct the work of lower level employees on a daily basis.

Effective Date: June 2, 2002

SECTION 1.2: OBJECTIVES

(a) The City of Moraine recognizes that a human resources system which recruits and retains competent, dependable City personnel is indispensable to effective City government.

(b) The policies and procedures set forth in this manual are designed to:

(1) Promote safety, high morale, and foster good working relationships among employees of the various Departments and Offices of the City by providing consistent and well-understood personnel policies, equal opportunities for advancement, and appropriate consideration of employee needs;

DEFINITIONS 6

- (2) Enhance the attractiveness of a career with the City and encourage each of its employees to give his or her best effort to the City and the public;
- (3) Encourage courteous and dependable service of the highest quality to the public, who are both our customers and our ultimate employers;
- (4) Provide fair and equal opportunity for qualified persons to enter and progress in the City service based on merit and fitness as determined through objective and practical human resources management methods; and
- (5) Ensure that all City operations are conducted in an ethical and legal manner so to promote Moraine as an effective, progressive City government.

Effective Date: June 2, 2002

SECTION 1.3: DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY

- (a) Diversity is the full utilization of all human resource potential. It is understanding and valuing differences while mobilizing similarities to effectively achieve a common objective or goal. The City of Moraine believes that diversity is about all of us -- and all that we bring to the workplace. This is based on the many dimensions of diversity. From such diverse backgrounds comes a diversity of ideas and experience that benefits the City every day, and reflects the community we serve.
- (b) Each person is valued, and challenged to reach their full potential and held accountable to contribute to the vision, mission, and values of the City of Moraine.
- (c) The City of Moraine is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, disability, age, military status, or veteran status in the hiring, placement, training, and promotion of its employees, in accordance with the requirements and objectives set forth in the Civil Rights Acts of 1964 and 1991, the Equal Employment Opportunity Act of 1972, the Vietnam Era Veterans Readjustment Act of 1974, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the President's Executive Order 11246 (Equal Employment Opportunity), Age Discrimination in Employment Act, and the Uniformed Services Employment and Reemployment Rights Act, as well as other applicable federal and Ohio laws. Upon request, the City of Moraine will consider reasonable accommodation for any qualified individual with a disability, necessary to allow that individual to perform the essential functions of the position.
- (d) All job-related training and educational programs will be reviewed periodically to be certain that all personnel are given equal opportunity to participate in these programs.
- (e) Affirmative Action means the City actively works to achieve equal opportunity for all employees and job applicants, and fosters a more inclusive employee environment that appreciates diversity in people while achieving common City objectives. Because Moraine receives federal funding through grants and contracts, the City is required to file reports with the EEOC. The City also collects voluntary EEO information from applicants.

Effective Date: June 2, 2002

Revision Date: September 10, 2007

Revision Date: February 20, 2009

SECTION 1.4: MANAGEMENT RIGHTS

The appointing authorities maintain the ultimate right to administer the business operations and policies of 7

the City. Management retains the sole and exclusive right and responsibility to:

- (a) Determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy such as the functions and programs of the City, standards of services, its overall budget to include wages, utilization of technology, subcontracting, and organizational structure.
- (b) Direct, supervise, assign, reassign, schedule, evaluate, hire, suspend, discipline, demote, terminate, lay off, transfer, promote, or retain employees.
- (c) Maintain and improve the efficiency and effectiveness of the City's operations.
- (d) Determine the overall methods, process, means, or personnel by which the City's operations are to be conducted.
- (e) Determine the adequacy of the work force, as well as to make, amend, and enforce work rules, regulations, standard operating policies and procedures.
- (f) Determine the duties to be included in all position classifications.
- (g) Determine the overall mission of the City as a unit of government.
- (h) Effectively manage the work force.
- (i) Take actions to carry out the mission of the City.

The above listing of management rights shall not be deemed to exclude other proper functions not specifically listed herein, or granted in a labor contract, traditionally exercised by the employer.

Effective Date: June 2, 2002

SECTION 1.5: DEPARTMENT/DIVISION RULES AND REGULATIONS

- (a) Department/Division Heads are responsible for the operation of their Department or Division.
- (b) Department/Division Heads may establish additional written policy and procedures for their Department or Division. Such guidance shall be reviewed and approved by the City Manager.

Effective Date: June 2, 2002

SECTION 1.6: CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

- (a) All City employees are presumed to be classified civil servants in the City Merit Service unless

the position which they occupy has been excluded from the classified service as stated in the City Charter or by City ordinance.

- (b) After completion of a 6-month probationary period, or the probationary period designated in the

classification specifications, classified employees may only be disciplined for cause by following the procedures set forth in the City's ordinances and policies (see Section 7). Classified employees may not actively participate in partisan politics (see Political Activity, Section 6).

- (c) Some City employees serve in the unclassified civil service by law, or by appointment to positions 8

which have been excluded from the classified service. Such employees serve at the pleasure of the appointing authority, and may be removed at any time, with or without cause as long as the removal does not violate federal or state laws. Per City Charter Section 7.3, City positions or employees who serve at will and are in the

(1) All Officers elected by the people

(2) All part-time and seasonal personnel

(3) Chiefs and Deputy Chiefs

(4) Directors and Assistant Directors

(5) Clerks, Secretaries, and Receptionists

(6) Unsworn Community Services Officer

(7) Superintendents and their assistants

(8) Police Lieutenants appointed after January 1, 2009

(9) All positions not specifically included by the City Charter in the classified service

Effective Date: June 2, 2002

Revision Date: May 2, 2004 Revised per City Charter, dated 11/4/03.

Revision Date: February 20, 2009 Revised per City Charter, dated 11/25/08
unclassified service include : 9

SECTION 2

PERSONNEL APPOINTMENTS

SECTION 2.1: EMPLOYEE STATUS

(a) All City employees are to be classified as full-time, part-time, temporary, or seasonal:

(1) Full-time Probationary Employee-- new full-time employee normally scheduled to work 40 hours per week, and hired with the intention of becoming a regular employee after serving a probationary period.

(2) Full-time Regular Employee-- an employee normally scheduled to work 40 hours per week, or some other work schedule such as Fire Division shifts, who has passed their probationary period.

(3) Part-time Employee-- an employee who is normally scheduled to work 36 hours or less per week.

(4) Temporary Employee-- an employee hired for a limited period of time, either full-time or part-time.

(5) Seasonal Employee-- an employee who works in a position that may only be performed during certain times of the year, whether full-time or part-time. Such employees may, in management's discretion, be reinstated during the next season, or the earliest possible period when there is a need for seasonal employment.

(6) Provisional Employee-- a current employee appointed to temporarily fill a position vacancy created by the absence of a full-time regular employee. The provisional appointment shall not exceed 120 workdays.

(b) Full-time regular employees are eligible for all benefits as provided by the City. Part-time employees accrue paid time off (PTO) hours and are covered under workers compensation injury provisions.

(c) Temporary and seasonal employees are not entitled to any benefits unless otherwise specified in this manual. All employees are eligible for Bureau of Workers' Compensation coverage.

(d) Part-time, temporary, and seasonal employees are always in probationary status.

(e) Probationary employees serve at the will of the appointing authority, and may be removed at any point in the probationary period.

(f) Employees who are required to handle City funds shall be bonded.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 2.2: POSITION CLASSIFICATION PLAN

(a) All City positions shall be classified in accordance with a plan so that any and all positions whose duties, responsibilities, and necessary qualifications are sufficiently alike shall be allocated to a position with a title and position description that accurately reflects the duties and responsibilities and within an appropriate salary range.

(b) The City Manager's Office shall be responsible for maintaining the classification plan, which begins with the Table of Organization.¹⁰

(c) A reclassification is reallocating a position to the appropriate position title and/or pay range as is necessary to provide an equitable, just, and proper classification. A reclassification may be up or down in pay ranges. A Department/Division Head may request a review of the classification of a position, provided at least 2 years have elapsed since the last review of the position. A reclassification to a higher pay range will reallocate a position to the appropriate step to give the employee an increased salary. Such a classification recognizes a position has increased in value to the City based on the duties and responsibilities changing by more than 25 percent.

(d) If the reclassification is to a lower pay range, the salary of the employee(s) shall remain at the current level until the annual range step in the lower range increases to the employee's current salary level. In certain cases when a reclassification to a lower salary range is recommended, this reclassification may be delayed until after the employee in the position leaves that position.

(e) Requests for classification review should, where practical, be submitted prior to September in order to be considered and presented as part of the annual budget planning process, and implemented on January 1 of the following year. However, the City Manager's Office may review requests for classification review (time permitting) at other periods of the year.

(f) A request for a classification review should be accompanied by the following information:

- Department/Division position description
- Present position salary range and step of position employee
- Department/Division Head's detailed justification for reclassification request
- Necessary budget money to allocate for reclassification (range increase plus benefits and cost-of-living increase for next fiscal year if necessary)

(g) Upon receiving a reclassification request, the City Manager's Office, in coordination with the Department/Division Head and Merit Service Commission (if a classified position), will conduct an audit of the position to assess the position's duties and responsibilities, workload, and market value. The audit will attempt to use both external and internal position comparisons. The performance of the employee in the position will also be considered in the request. If the audit recommends approval to a higher or lower classification, the reclassification will go to the appropriate appointing authority for approval. In the case of a classified position, the reclassification must be approved by the appointing authority and Merit Service Commission. An unclassified position requires only appointing authority approval. Reclassifications require City Council approval and an amended table of organization.

(h) To allocate new positions, the Department/Division Head shall complete a proposed position description covering the duties and responsibilities of each proposed new position. He or she shall recommend that the position be allocated to one of the ranges in the classification plan. The City Manager's Office shall verify the position allocation information and coordinate the proposal with the Merit Service Commission, if necessary, and the appointing authority to amend the table of organization.

(i) To maintain an accurate plan, each time a vacancy occurs, the position description may be reviewed by the Department/Division Head and the City Manager's Office.

(j) Each time a Department or Division is reorganized; proposed position descriptions for all affected employees should be submitted to the City Manager's Office for review.

(k) The City Manager may also require Departments to submit revised position descriptions if there is reason to believe that there has been a significant change in a position's duties and responsibilities.

(l) Each time a new position is established; a position description shall be written and incorporated in the existing plan. The position title shall be added to the list of titles. Likewise, an abolished 11

position shall be deleted from the classification plan by removing the position description and eliminating the position title.

(m) The City Manager's Office and Finance Director shall coordinate appointing authority approval with the City Council (if needed) or the City Manager may change the table of organization and all applicable payroll and personnel records as necessary.

Effective Date: June 2, 2002

Revised

SECTION 2.3: ORIGINAL APPOINTMENTS: IDENTIFICATION, ANNOUNCEMENT, AND APPLICATIONS

(a) Classified positions shall be appointed in accordance with the Merit System Commission Rules and Regulations.

(b) For unclassified positions, a **Personnel Requisition Form (Form 2.3)** is completed by the appropriate Department/Division, and sent to the City Manager's Office in order to start the coordination process. The form is sent to the appropriate appointing authority for final approval. Once the requisition is approved, the City Manager's Office will develop a recruitment process to be utilized. The City posts the job opening for a minimum period of 14 calendar days. However, the posting may be for a shorter period in cases of urgent need to fill the position quickly, provided that the posting must specify the shorter application period. Qualified, current employees may apply for vacant positions. The appointing authority shall endeavor to select the most qualified candidate for each position in accordance with the provisions of Chapter 124 of the Ohio Revised Code and the procedures of this section.

(c) To the extent practicable, the City shall announce available vacancies by appropriate means, including but not limited to newspaper advertisements, mailings to community and professional organizations, persons requesting copies of job announcements, and/or notices to placement offices of universities, colleges, or vocational training programs. In announcing the availability of job openings, the City should consider methods likely to increase awareness of employment opportunities for all racial and ethnic groups, both sexes, and persons with disabilities.

(d) Each announcement should specify the title, salary, overview of the job, the required qualifications, position duties and responsibilities, the type of selection procedures to be used, and the deadline for and method of application.

(e) An application must be properly completed and submitted before a person can be considered for a City position. An Employee Action Form (Form 4.1) and In-processing Package shall be completed before a new employee starts to work.

Effective Date: June 2, 2002

Revised

SECTION 2.4: EVALUATION OF APPLICANTS

(a) The appointing authority and/or Department Head and/or panel shall interview applicants following an initial screening of applications or résumés. In considering applicants, the City will not reject a person on the basis of age, race, religion, ethnic origin, gender, disability, marital status, veteran status, or political affiliation. Applicants shall submit to any required interviews, reference checks, criminal history checks, credit history checks, driving record checks, medical examinations, drug 12

tests, performance tests, or other job-related screening procedures.

(b) An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information or examination is job-related.

(c) The appointing authority shall make the appointment conditional pending the passing of the necessary checks or tests as referenced in paragraph (a) above.

(d) In the event any qualified person with a disability has applied for a position and requires a reasonable accommodation in order to complete any test, examination, or other selection process, the City shall, upon request, evaluate the need for and consider such a reasonable accommodation. The City is not required to provide any reasonable accommodation (1) that is not requested within a reasonable time prior to the test, examination, or other selection procedure involved; (2) that would represent an undue hardship to the City; or (3) where the requested accommodation would impair or invalidate a test or other device that directly measures the ability to perform an essential function of the job.

Effective Date: June 2, 2002

SECTION 2.5: BASIS FOR SELECTION

(a) Appointments to vacant positions shall be based on the applicant's demonstrated knowledge, skills and abilities, education and training, past work performance and experience; ability to perform the described work, including the potential to adapt to future changes; flexibility; commitment to public service and demonstrated work ethic; and other job-related qualifications, as ascertained through practical and objective indicators of performance, to the extent possible.

(b) Each Department Director/Head shall be a resident of the City at the time of his appointment and during tenure of office, unless waived by City Council. (City Charter Section 6.1)

Effective Date: June 2, 2002

SECTION 2.6: BASIS FOR DISQUALIFICATION

(a) An applicant may be eliminated from consideration based on inherent management rights, including but not limited to such factors as the applicant:

(1) Does not possess the knowledge, skills, or abilities necessary to effectively perform the essential duties of the vacant position; with or without reasonable accommodation;

(2) Has made a false statement of material fact on the application form or other documents or materials submitted in connection with the application and selection process, or in the course of any interview or other portion of the selection process;

(3) Has committed or attempted to commit a fraudulent act at any stage of the selection process;

(4) Is an individual who is not a U.S. citizen and is not legally permitted to work in the United States; or

(5) Failed to comply with an order for payment of child support in the State of Ohio or another state.

(b) An applicant may be eliminated from consideration upon other reasonable grounds relating to the 13

position's required or preferred knowledge, skills, and abilities, or budget limits. Further, less qualified applicants may be eliminated from further consideration as the selection and review process proceeds and the pool of applicants under consideration is narrowed.

(c) No City official or employee shall recommend, appoint, or vote for the appointment of a family member to a City position. Family members include father, mother, husband, wife, son, daughter, brother, sister, grandfather, and grandmother.

(d) If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee is subject to termination for dishonesty, incompetency, or other grounds specified under Ohio Revised Code (ORC) Section 124.34.

Effective Date: June 2, 2002

Revision Date: September 10, 2007

SECTION 2.7: MEDICAL EXAMINATION, DRUG TEST, AND IN-PROCESSING

(a) After successful completion of the interview and/or evaluations, the applicant may receive a conditional appointment letter from the City Manager. He or she may then be scheduled for a post-employment offer (or pre-employment) medical examination depending on the City position, and will be scheduled for a drug test by a City-contracted medical facility. Such examinations help to ensure that selected job applicants are physically able to perform the essential duties of the position, with or without reasonable accommodation. Any individual who fails a drug test as a pre-employment fitness for duty examination shall be advised that they will not be considered for employment in any position for at least 12 months. No applicant shall be required to undergo a medical examination or drug test prior to a conditional offer of employment.

(b) The drug test will determine if the applicant is illegally using a controlled substance. A controlled substance includes, but is not limited to, the following:

Marijuana
Tranquilizers
Cocaine
Methaqualone
Opiates
Lysergic Acid Diethylamide(LSD)
Phencyclidine (PCP)
Mescaline
Amphetamines
Heroin
Barbiturates
Morphine
Ecstasy

(c) Certain City positions (to include the Police and Fire Divisions) may also require a physical ability test, a psychological examination, and/or a polygraph exam.

(d) After these examination and evaluation requirements are passed, the applicant will be signed up for benefits, receive an initial orientation, and become an employee.

(e) Each employee shall be issued a City identification card that they must carry while on duty. This card may also serve as a swipe (time) card for non-exempt employees.

(f) During employment, the City Manager or designee may require an employee to have a physical and/or mental examination, or drug test to ensure the person is able to perform the duties of their position. 14

Effective Date: June 2, 2002

SECTION 2.8: PROBATION

- (a) Each newly hired or promoted full-time regular employee shall serve a probationary period. Probationary periods are normally for 6 months, except for original appointments to the Fire and Police Divisions which shall have a probationary period of 12 months. A longer probationary period may be imposed only with the approval of the appointing authority.
- (b) Supervisors use the probationary period to observe closely and evaluate the employee's performance and aptitude for the job. By means of a mid-probationary period evaluation, the supervisor endeavors to determine and communicate to the employee pertinent information concerning his or her progress in the new position, problems and achievements at that point, and any need for improvement in order to complete the probationary period successfully. Likewise, throughout the probationary period the employee is encouraged to bring problems to the supervisor and discuss any needs or concerns with the goal of enhancing his or her performance. Supervisors recommend retention of those employees who meet acceptable work standards during the probationary period, and the removal of those employees who do not meet acceptable standards. The hiring process is not finalized until the probationary period is successfully completed, and the burden remains on the newly hired employee throughout that period to show that he or she is a suitable candidate for on-going employment.
- (c) An employee may be separated for failure to complete the original probationary period successfully at any point prior to the end of the probationary period. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion, if available, upon failure to complete the promotional probationary period successfully at any point prior to the end of the probationary period. The appointing authority shall review each case individually, and evaluate the employee's fitness for the position and quality of work in determining whether the employee has successfully completed probation. Employees serve at will and remain subject to removal at any time during the probationary period, and a probationary removal is not considered a disciplinary action, or subject to the right to appeal.
- (d) 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. A promotional probationary reduction is not subject to appeal or the disciplinary or complaint procedures of this manual.
- (e) The probationary period shall be based on calendar days from the date of appointment. Time on paid or unpaid leaves shall not be counted toward the completion of the probationary period.

Effective Date: June 2, 2002

SECTION 2.9: PROMOTION AND PROVISIONAL APPOINTMENT

- (a) A promotion is advancing from one pay range to another higher pay range as the result of filling a vacant position with new and increased responsibilities. This is usually accomplished through civil service competitive examinations or by another process for unclassified positions. A promotion gives the employee a new anniversary date. Promotion

is not from reclassification or adjustment of the same position and not from one step to another within the same range.

- (b) Whenever a vacancy occurs, the Department Head shall submit a **Personnel Requisition Form** to the appropriate appointing authority. The appointing authority shall determine if the position is to be filled.¹⁵

- (c) If approved to be filled and the position is in the classified service, the Merit System Commission develops an eligibility list for selecting a candidate.
- (d) If approved to be filled and the position is in the unclassified service, the Department/Division Head shall recommend an appropriate procedure for filling the position to the City Manager's Office.
- (e) In considering applicants for promotion, the appointing authority may consider all relevant factors,
including but not limited to an employee's completion of any required probationary period, required training courses; skills; experience; education and training; past performance (including the employee's annual performance evaluation ratings); the employee's ability to perform the duties of the new position, including the ability to adapt to future changes; flexibility; commitment to public service and a demonstrated work ethic; and other job-related qualifications.
- (f) Provisional Appointment. An employee may be appointed provisionally to a position for 120 workdays pending an examination being given for a classified position. A provisional employee is in the unclassified service while serving in the position.

Effective Date: June 2, 2002

Revision Date: September 10, 2007

Revision

SECTION 2.10: TRANSFER

- (a) Consistent with ORC Section 124.32, a lateral transfer is defined as a move from one Department or one Division to another, or within a Department/Division, when the employee retains an equivalent position and same pay range. If the transfer is made to a position of a lower pay range, it will be considered a demotion. When an employee is demoted to a lower range position, he/she shall be paid at a rate that is within the approved range for the lower range position. The rate of pay shall be determined by the City Manager. All permanent transfers are for at least one year, and require appointing authority approval. A transferring employee must fully qualify for the job to which he/she is being transferred. A transferred employee shall retain all accumulated leave and other benefits.

Effective Date: June 2, 2002

SECTION 2.11 TEMPORARY ASSIGNMENT ("PLUS PAY")

- (a) A temporary assignment of 1,500 hours places an employee, deemed qualified, in a different position classification, which has different duties and responsibilities. A temporary assignment shall be used by the appointing authority to meet the operational needs of a Department or Division due to illness, emergencies, or special circumstances.
- (b) An employee temporarily assigned to a position in a higher pay range for more than one workweek shall receive his/her regular weekly rate of pay plus an additional 5 percent, or the minimum rate of the appropriate range, whichever is higher, up to a maximum of 10 percent. This is at the City Manager's discretion, and is to compensate for the temporary higher level job responsibilities. Such additional compensation shall after 40 continuous hours, be retroactive to the start of the temporary assignment. See **Form 2.11** for computing the additional pay.
- (c) Temporary assignments to a higher level position shall not be used to temporarily promote employees, nor may the temporary assignment be a new position on the Department table of 16

organization.

(d) An employee temporarily assigned to a position with a lower rate of pay shall not be reduced in salary.

Effective Date: June 2, 2002

SECTION 2.12: REINSTATEMENT OF EMPLOYEES

(a) Employees who resign without delinquency or misconduct on their part may be considered for reinstatement to the same or similar position within one year. The decision whether to reinstate an employee who has resigned City employment shall be solely at the discretion of the appointing authority. An employee who separates due to injury or physical disability shall be reinstated to the same or similar position within three years from the date of separation, provided a physical examination shows the person has recovered from their injury or disability (ORC Section 124.32). Such employees shall be assigned an adjusted hire date, which reflects their lapse in City service, by changing the actual date of original hire to a later date based on the length of time not employed by the City.

(b) Reinstatement provisions for police officers and firefighters are contained in ORC Section 124.50.

(c) Reinstated employees do not serve a probationary period upon reinstatement unless they did not pass the probationary period prior to separation or unless an agreement between the employee and the City states otherwise.

(d) In determining the "years of service" for longevity purposes, the total length of full-time service with the City of Moraine shall be used. If two or more partial years are involved they will be added to make complete years. The period of time from resignation to reinstatement shall not be used in the calculations.

(e) In determining the "years of service" for vacation purposes, the total length of full-time service with the City of Moraine shall be used. If two or more partial years are involved, they will be added to make complete years. The period of time from resignation to reinstatement shall not be used in the calculations.

(f) A reinstated employee, regardless of the length of the break in service, shall be credited with that sick leave credit earned, but not used, converted to vacation, or paid at resignation.

(g) Absent a collective bargaining agreement to the contrary, a reinstated employee is eligible to compete for promotional positions based on his adjusted hire date.

Effective Date: June 2, 2002

SECTION 2.13: EMPLOYEE'S TIME OF SERVICE (SENIORITY)

(a) It shall be the policy of the City to hire and promote upon the basis of merit, qualifications, and seniority. City seniority shall mean an employee's length of continuous full-time service with the City, based on the employee's most recent date of hire with the City. City seniority shall be the basis for such benefits as accumulation of sick leave, vacation leave, longevity bonuses, or other cumulative monetary benefits based on length of service. Classification seniority shall mean an employee's length of continuous full-time service in the employee's current position classification based on the original date of appointment in that classification. Classification seniority shall be the basis for vacation schedules, layoff, and recall preference. 17

In the event employees have the same classification appointment date, a "seniority tie," the employee who first filed his or her application for the position based on date and time will be considered the senior employee. If no record exists of the date and time of application, the person whose last name is first in the alphabet will be considered the senior employee in that classification.

(b) Layoff and Recall. For purposes of layoff and recall procedures, the full-time or part-time employee's time of continuous service, defined as continuous service with the City is considered by the appointing authority when the order of layoff within a classification is determined. A break in service occurs when an employee is terminated for any reason other than layoff, retires, is laid off for more than one year, or fails to return to work within 10 calendar days of a recall from layoff. If an employee is reinstated within one year of the termination date, continuous service will include all previous continuous service time, but will not be credited for the time between the separation and the reinstatement.

(c) Retirement. For purposes of determining retirement benefits, service time is defined by the provisions of the retirement system in which the employee participates, and may include service time purchased by the employee or the employer pursuant to the laws and regulations governing the retirement system.

(d) For all other purposes, other than those defined above, service time shall be defined as set forth in the provisions of the Ohio Revised Code.

Effective Date: June 2, 2002

Revision Date: September 10, 200718

**SECTION 3
EMPLOYEE PERFORMANCE**

SECTION 3.1: GENERAL PERFORMANCE EXPECTATIONS (FITNESS FOR DUTY)

(a) Expectations. All employees shall maintain sufficient competency to properly perform the duties of their position. Employees of the City of Moraine shall perform their duties in a manner which will maintain the highest standards of safety and effectiveness in carrying out the mission, objectives, and functions of the City.

(b) Public Service. The City of Moraine takes pride in providing courteous and effective service to our Citizens, Moraine businesses, and visitors. We depend on all of our employees to maintain this high level of public service. The City welcomes comments – positive or negative – on our performance of these services. Some people may want to discuss an issue or complaint in person. In that case, employees should refer the person to their Division Head, or have the person fill out the Community Action Form. Citizens, businesses, and visitors can provide their comments online via the City web site using the Community Action Form, or complete the form at the City Municipal Building. This form will be routed to the appropriate Division for resolution/information, with a copy provided to the City Manager's Office. If someone needs a personal response to their submitted form, he or she will need to provide their name and phone number. If a formal written complaint is necessary, it will be investigated in accordance with Section 3.7.

(c) Effective Employee Performance. The City's ability to provide courteous and effective public service depends directly on individual employee performance, the ability of Division employees to work together, and then Division's cooperating to complete City projects. The City motto, *Progress Through Unity*, sums up our commitment to make the City of Moraine staff a safe, service oriented staff. The City performance expectations for employees start with their position descriptions and then other City and Division guidance, such as this Personnel Policy Manual. Supervisors and managers are responsible for building on this basic guidance to develop staffs and Divisions that are capable of accomplishing the City's services.

(d) It is inevitable that disagreements or other problems will occur between co-workers. When these situations occur, employees are encouraged to talk to their supervisors to try to resolve the matter before the situation becomes worse. A personal discussion, or if necessary mediation through a neutral source, such as Employee Assistance Program, can also be helpful. If a formal written complaint is necessary, it will be investigated in accordance with Section 3.7.

(e) Unsatisfactory Performance. Unsatisfactory performance includes, but is not limited to, the following behavior:

- (1) Lack of knowledge of City policy and procedures
- (2) Unwillingness or inability to perform assigned tasks
- (3) Failure to conform to established work standards
- (4) Failure to take appropriate action that is within the employee's responsibility
- (5) Absence without leave
- (6) Excessive absenteeism
- (7) Repeated poor performance evaluations
- (8) Written record of repeated infractions of rules, regulations, directions, or orders
- (9) Lack of energy in performance of duties

(10) Carelessness in performance of duties

(11) Violation of safety rules and procedures¹⁹

- (12) Damage to City property or equipment due to negligence
- (13) Injury to co-workers or public due to negligence
- (14) Failure to assist citizens in a courteous manner within established City policy
- (15) Gambling in any form by City employees during work hours or on City property at any time
- (16) Failure to maintain effective working relationships with other employees

Effective Date: June 2, 2002

Revision Date: September 10, 2007

Revised

SECTION 3.2: ETHICS

- (a) City employees are bound and expected to maintain the highest ethical standards, to serve the public safely, skillfully, and effectively, and to ensure that our actions as public employees are governed by applicable laws and regulations and the public interest, and are never influenced by private interests or gain. Each City employee will receive and acknowledge receipt of State Ethics Laws at in-processing.
- (b) City employees are public servants whose compensation is paid by the taxpayers. Accordingly, City employees shall:
 - (1) Avoid any conflict of interest, or the appearance of any conflict of interest.
 - (2) Accept no private compensation or reward for performing their duties.
 - (3) Serve all members of the public with honesty, diligence, respect, equity, courtesy, and fairness.
 - (4) Not disclose or use confidential City information in performing his or her duties, for private gain.
 - (5) Not accept items, meals, or gifts, which are deemed to be *of such value or character as to manifest a substantial and improper influence upon him or her with respect to his or her duties*. The frequent acceptance of gifts from a single source may violate this policy even if no single gift is of seemingly significant value.
- (6) Not accept employment with or provide services for any firm or company which is engaged in providing services or products for the City or with such firm or company that is required to obtain approval from any City Council, board, or commission. It is absolutely necessary that an employee give priority to his job with the City. If outside work is accepted, it shall not be undertaken without the advance knowledge of the employee's supervisors, the Department/Division Head, and the City Manager. Any failure to report for duty because of outside work may result in disciplinary action.
- (7) Not accept employment whereby such employment would or may bring disrespect or compromise the employee's City position.
- (8) Not become self-employed in any activity during normal City working hours, or use City facilities to conduct such activity.
- (c) Employees who have any doubt regarding possible ethics violations should consult with their Department /Division Head or/and City Manager.

Effective Date: June 2, 2002

Revision Date: September 10, 200720

Revision

SECTION 3.3: CONFIDENTIALITY

- (a) Each City employee holds a position of trust in the matter of access to confidential information. Every employee is expected to recognize the responsibilities entrusted to him or her in preserving the security and confidentiality of this information, and is required to abide by the following policy:
- (1) An employee must not exhibit or divulge the contents of any record to any person, except in the conduct of his or her work assignments, or in accordance with Ohio law and City policies concerning release of information.
 - (2) An employee must not remove, or cause to be removed, copies of any record or report from any file from the office where it is kept, except in the performance of his or her duties or with the express, prior approval of management.
 - (3) An employee must not seek to benefit personally, or permit others to benefit personally, from any confidential information that has become available by virtue of his or her work assignment.
 - (4) An employee must not knowingly include or cause to be included in any record or report a false, inaccurate, or misleading entry.
- (b) Employees are further expected to refrain from participating in any discussion or gossip about a person, or his or her individual circumstances, that might be perceived by others to be information obtained from City records or otherwise in the scope of employment with the City. Discussion of any such information, even if not technically a breach of confidentiality, may create the perception of impropriety, which is to be conscientiously avoided.
- (c) The Health Insurance Portability and Accountability Act (HIPAA) requires the City keep all employee personal health information, to include injury claims, medical exams, drug tests, and other medical information confidential. This means that only the City Manager and Finance personnel should have medical records/information on City employees. Obviously, supervisors and co-workers may become aware of health and medical situations, and may receive related paperwork as events occur, but this information needs to be sent to Finance for retention. Following this basic guidance will ensure we comply with HIPAA.
- (d) Violation of any portion of this policy will result in disciplinary action such as reprimand, suspension, or termination, in accordance with the City disciplinary policy.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revised

SECTION 3.4: PERFORMANCE EVALUATION

- (a) A written performance evaluation provides supervisors with an effective mechanism to measure and communicate positive and negative aspects of job performance to their 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, assignments, pay increase, promotion, and retention of employees. The work performance of each regular employee shall be evaluated in accordance with these established procedures.

(b) Employees serving initial or promotional probationary periods normally receive two probationary 21

- evaluations during their period of probation. The first evaluation is completed halfway through the probationary period; the second evaluation is completed no later than 10 days prior to the completion of the probationary period. Should a newly hired employee be given a probationary removal before the end of his or her probationary period, a final evaluation is made at the time of the removal. In such case, the reason for removal is simply stated "employment terminated during probationary period.
- (c) Each City employee is normally evaluated annually within 30 days after the anniversary date of his or her employment or position appointment (if transferred or promoted), or at some common date if so established.
 - (d) Prior to writing the performance evaluation, the supervisor should discuss the performance period with the employee in order to gather facts for use in the evaluation.
 - (e) The employee's supervisor completes the performance evaluation form and reviews it with the Department/Division Head or City Manager as appropriate. The Department/Division Head will sign the form after he or she has reviewed it, and before the evaluation is discussed with the employee.
 - (f) Each employee receives a copy of his or her performance evaluation. The supervisor or other designated representative shall discuss the evaluation with the employee and counsel the employee regarding both the employee's strengths and weaknesses. The performance evaluation should be objective by relating it to the employee's position description duties and responsibilities and other assigned (and documented) tasks that occurred during the period.
 - (g) Performance goals should be established and documented by both supervisor and employee, in order to give all concerned a clear expectation of their duties and responsibilities, plus improve performance in areas that may have been weak during the evaluation period.
 - (h) After the employee signs the evaluation form, the original is sent to the City Manager's Office.
 - (i) If after 6 months in an annual evaluation period, an employee transfers to another Department or Division, a performance evaluation should be written to cover that period of time.
 - (j) An appointing authority may establish a special, alternate schedule for evaluations if necessary.
 - (k) Regular full-time employees dissatisfied with their performance evaluations may seek reconsideration through use of the grievance procedure. Such appeal rights shall not apply to employees serving in a probationary period.
 - (l) No employee shall receive a step increase if he or she has received an overall rating of "unsatisfactory" in the most recent performance evaluation, provided that such evaluation has been completed in a timely manner.
 - (m) If necessary, the Department/Division Head shall submit a step increase request on the **Employee Action Form (Form 4.1)** with the performance evaluation in order to adjust the employee's salary.
 - (n) Supervisors and employees shall also use **Form 6.5, Review of City of Moraine's Harassment Policy**, to review this policy at the time of the performance evaluation.
- Effective Date: June 2, 2002 Revision Date: May 2, 2004 revised

SECTION 3.5: TRAINING²²

(a)

(b) On-the-Job Training (OJT). On-the-job training prepares an employee to effectively perform the responsibilities required of his or her position. It allows the employee to learn his or her job duties, correct procedures, and expected performance levels, under the immediate direction of an experienced worker. The conduct of such training is the responsibility of supervisors under the direction of the appointing authority. . The appointing authority or designee should periodically examine current and proposed training programs in order to ensure their relevance to both the individual employee and organizational training needs.

(c) Employees may be required to attend job-related training programs, courses, workshops, and seminars. If the appointing authority requires such training, the City shall pay for the fees and expenses of the training.

Effective Date: June 2, 2002

SECTION 3.6: EMPLOYEE RECOGNITION

(a) The City of Moraine recognizes meritorious service through various programs. It is the responsibility of each Department/Division to oversee these programs and make recommendations to the City Manager.

(b) Service Pins. These pins are awarded to employees based on the number of years of paid City service. Temporary, seasonal, and part-time years of service count toward this award, and it is based on accumulated (not continuous) years.

(1) Time served in the military, while away from City service, does not count toward accumulated City time.

(2) Service pins are presented for 5, 10, 15, 20, 25, 30, 35, and 40 years of service.

(c) Employee of the Year Award. This award recognizes a full-time employee who consistently achieves excellence in his or her performance.

(d) Retirement Awards. Regular, full-time employees who retire from the City of Moraine may be recognized by an appropriate award.

Effective Date: June 2, 2002

Revision Date: September 10, 2007

Revised

SECTION 3.7: CITIZEN OR EMPLOYEE COMPLAINT POLICY

(a) Purpose. The purpose of this Complaint Policy is to ensure that the integrity of the City is maintained through an internal system where objectivity, fairness, and justice are assured by intensive and impartial investigation to:

(1) Clear the innocent,

(2) Establish guilt of wrong-doers,

(3) Facilitate prompt and just disciplinary action,

(4) Identify defective policy, procedures, training, or equipment. Training Program Evaluation 23

(b) Emphasis will be placed on the positive approach rather than the negative or the punitive aspects of discipline. This policy is based on the premise that discipline is a function of administration and a well-managed work force is one that voluntarily and ungrudgingly conforms to all City policies and regulations.

(1) Employees shall be advised of expected job behavior, and the types of conduct the City has determined to be unacceptable behavior.

(2) Immediate attention shall be given to infractions. Written complaints shall be filed in a timely manner. No complaint will be accepted more than 30 days following the alleged event unless the circumstances prevented timelier reporting.

(3) Each offense shall be dealt with as objectively as possible.

(c) ResponsibilityA complaint, or otherwise driven investigations of violations shall be first the responsibility of the Department or Division Head of the staff member involved. Should the complaint involve an employee under the direct supervision of the City Manager, or if the City Manager determines the nature of the complaint would be most effectively handled by the City Manager, or his designated representative, then the City Manager may direct or conduct the investigation.

(d) Violations and ComplaintsAll alleged or suspected violations of Law, Ordinances, or City Rules, Regulations and Orders will be investigated. This shall include complaints reported to supervisory or administrative personnel by citizens, or other City employees, and those violations observed by supervisors and co-workers.

(1) Supervisors shall have the responsibility of investigating alleged violations or employee misconduct by members subordinate to their position.

(2) Supervisors do not need to seek higher authority to initiate investigations when the employee's violation is within the scope of their own responsibility and authority, except when the nature of the complaint would require investigation by the Office of the City Manager.

(3) Supervisors shall have the authority to issue verbal reprimands, written reprimands, and to place an employee on paid leave of absence if the situation warrants immediate response.

(4) Allegations, that upon initial investigation appear to be substantiated by fact, and if true, would constitute a criminal act under law, will be investigated by the Police Division in consultation with the Office of the City Manager.

(5) The Office of the City Manager retains the right to investigate any area of behavior that may threaten the integrity or effectiveness of the City.

(6) If the complaint involves only the citizen's contention that he is innocent of a charge placed against him by a police officer, then the citizen shall be advised to seek judicial redress through established court procedures.

(7) If a complainant refuses to sign the affidavit or other paperwork stating the alleged violation, the complainant shall forfeit his rights to an investigation. However, the City Manager shall, if the allegations are of such a nature that further investigation is warranted, investigate the allegations.

(8) If an employee is charged with a criminal offense, he/she shall report the matter to their Department/Division Head; if the charge results in loss of driving privileges, or sanctions that impair the employee's ability to perform their duties, they shall report those circumstances to their Department/Division Head. Nothing contained herein is intended to presume any diminishment of the employee presumption of innocence in the court proceedings.

(9) An employee shall notify her/ his Department / Division Head if they become involved in any matter of litigation, including but not limited to, becoming a party to a lawsuit, bankruptcy, or 24

any other matter which is, or may become an issue at court.

(e) Procedures

(1) All formal written complaints must be investigated. This includes:

A. Those violations reported to supervisors by:

1. City employees.
 2. Citizens (including prisoners) in person, by telephone, or by correspondence.
- B. Those violations observed or suspected by supervisors or co-workers.

C. Any alleged or suspected breach of integrity or case of immoral conduct from whatever source it may be reported or developed.

D. Any situation where an employee has been injured or killed by the willful or deliberate act of another person.

E. Any situation in which a citizen has been injured or killed by an employee, whether on duty or not.

F. Assisting any employee of the City by investigating cases of personal harassment, threats, false accusations, or contrived situations that may be harmful to him/her.

(2) Incidents excluded:

A. Personal written complaints filed more than 30 days after alleged incident, with the following exceptions, when the:

1. Act complained of is a criminal violation in which case the criminal statute of limitations will prevail, or the
2. Complainant can show good cause for not making the complaint earlier.

(3) Initial fact finding into investigations will be the responsibility of the immediate supervisor of the employee. If the employee's supervisor is not on duty at the time the complaint is received, the designated supervisor will record the initial complaint information and forward that report to the proper supervisor. If after initial fact finding, it appears the investigation may be criminal in nature, or due to its complexity, the investigation will be immediately reviewed with the Office of the City Manager for further guidance.

(4) Each supervisor will assume the duties and obligations of his position in the investigation of all areas of employee behavior under his purview in an effort to discover inefficiency or misconduct at its earliest stage. He does not need to seek higher authority to initiate investigations when the complaint is within the scope of his own authority and responsibility, except when the complexity of the case requires City Manager assistance.

(5) When there are indications that the person complained against has been drinking and/or is under the influence of drugs, the person will immediately be required to submit to visual observation, the results of which will be formally recorded, and followed by a test for alcohol or drug use, if necessary. The lapse of time expressed in minutes, between the initial report or observations of the person's condition and the intoxication tests will be accurately recorded.

(6) When the investigation is completed, the final report will be submitted initially to the City Manager and will conclude with the classification of the case into one of the following categories:

A. Unfounded -- allegation is false or not factual.

B. Exonerated -- incident occurred, and was lawful and/or proper.

C. Not Substantiated -- insufficient evidence either to prove or disprove the allegation.

D. Sustained -- the allegation is supported by sufficient evidence to justify a reasonable 25

conclusion of a violation of law or City policy and regulations.

(7) When the investigating person determines that the allegation is sustained, the level of the offense must then be considered. The examples of Group I, II, and III offenses, described in Section 7 of the Personnel Policy Manual, are characteristic of offenses/infractions that have been historically judged to be of such nature so as to warrant those penalties established for each group. The offenses included are to be used as examples, and are not meant to be an exhaustive list of possible offenses or disciplines.

(8) Once the investigation is complete, the investigation shall be submitted as a formal report. Within this report, the investigator shall identify the allegation, the finding (unfounded, exonerated, not substantiated, or sustained), and any recommendations for changes in policy, procedure, training, or equipment.

(9) The employee is entitled to grieve the findings of the investigating supervisor and/or the City Manager. All grievances will follow the appropriate protocol.

(10) The City Manager recognizes that administering impartial and appropriate discipline is an important purpose of his office, and that the initiation of disciplinary action should be at the lowest level of supervision.

(11) The City Manager will:

A. Maintain a file of all current investigations.

B. Critically examine all areas of employee functions wherein may lie a threat to the integrity of effectiveness of the City.

C. Make an investigation at the request of any City employee who feels threatened in any manner. Such persons are authorized to report his or her situation directly to the City Manager without reporting to their supervisors.

D. Give assistance to investigators engaged in a disciplinary investigation.

E. Direct the preparation of all documents necessary for disciplinary proceedings.

(12) On direct receipt of an alleged violation, the City Manager may refer it to the supervisor of the accused directly, or may make an independent investigation of the complaint.

(13) The City Manager may review all disciplinary investigation reports received or prepared by the supervisors for the:

A. Thoroughness and promptness of the investigation and the completeness of the reports in order to discover failures or deficiencies in the investigation or the reports that in turn deserve disciplinary investigation.

B. Need for providing advice, suggestions, or assistance to the person in charge of the investigation.

C. Desirability of taking charge of the investigation.

D. Suitability of the classification of the case.

(14) Investigations conducted by personnel other than supervisors will conform to the foregoing provisions of this order insofar as they are applicable.

(15) Confidential Nature of Investigation and Files. Mistaken or even deliberately false reports and accusations may be made against employees. In some instances the most conscientious and hard working employee will be the subject of such reports.

In order to ensure the integrity of the City, it is necessary to investigate completely and thoroughly all reports and accusations from all sources. This must be done. At the same time, the reputations and good names of innocent employees must be protected. This is important to morale, and to the effectiveness of the City operations. All investigations will be regarded as confidential, and the City Manager will retain the investigation files.

(16) Administrative Leave With Pay. Any supervisor may impose administrative leave with pay 26

for a member or employee when it appears that such action is in the best interest of the Division.

Any person placed on leave shall be instructed to report to the Office of the City Manager at 9:00 a.m. on the next business day, unless circumstances dictate a different course of action, and is approved by the City Manager.

The supervisor imposing or recommending the suspension will report at the same time.

Final City authority and responsibility rests with the City Manager. The City Manager retains the prerogative and right to sanction or withhold any disciplinary action until such time as any appeal has been concluded.

(f) Employee's Rights During an Internal Investigation.

(1) Requirements of Formal Complaints Against Employees.

A. Formal complaint statements must be in writing and signed by the person filing the complaint. Complaints in affidavit form are not required, but all signed letters will be verified to ensure that they are not fictitious.

B. The person making the complaint must have firsthand knowledge of the incident.

C. A written and signed letter from a supervisor, or from another employee who is aware of the facts, may fulfill the requirements of a complaint.

(2) Employee Required to Answer Questions.

A. An employee can be required to answer questions relating to his/her duties, and he/she can be disciplined, up to and including termination, for refusal to answer such questions.

B. Any required statements can be used against the employee in a disciplinary action or in an administrative proceeding. However, these required statements would be inadmissible in subsequent criminal action.

C. Voluntary statements or confessions made by an employee while being questioned would be admissible in criminal proceedings.

D. When an employee is ordered to submit to a polygraph examination, the information gained cannot be used against the employee in any subsequent criminal proceedings. Disciplinary action, including termination, may be taken against the employee if he/she refuses to take the polygraph examination or fails to answer truthfully.

E. Polygraph questions asked during the course of the examination will pertain only to the investigation and said questions will be narrow in scope.

(3) Counsel at Internal Investigations.

A. An employee will be permitted to have counsel present during an interview pertaining to an investigation of a non-criminal matter.

B. An employee will be permitted to have counsel present during any interview pertaining to an investigation of a criminal matter.

C. For the purposes of this section, counsel will refer to legal counsel or union representation.

(4) Special Tests.

A. An accused employee may request a breath test, a urine test, a psychological test, or a polygraph test if he/she believes such a test would be beneficial to his/her

defense. Also, the City may require such tests upon the direction of the City Manager.

B. A supervisor is required to direct an employee to submit to a breath or urine test 27

when the supervisor has reasonable suspicion that the employee is under the influence of alcohol or drugs while at work.

(5) Confidentiality of Reports. All complaint investigation reports are confidential and will not be released to unauthorized persons.

(6) Interview Rights.

A. All interviews will be conducted while the employee is on duty, if possible.

B. The interviews will be held at the Municipal Building, or at a location designated by the City Manager.

C. During the interview, there will be one individual designated as the interviewer, and only he/she will ask the interviewee(s) questions.

D. Prior to answering any questions, signing a statement or participating in an identification lineup, the accused employee shall be informed of the allegations made against him/her and (when applicable) receive a copy of the original complaint and a statement of charges.

E. The accused employee being interviewed shall not be subjected to offensive language or threatened with transfer, disciplinary action, or termination. No promise or reward shall be made as an inducement to answer any questions.

F. Once an employee has been officially charged, all further interviews or interrogations *shall be electronically recorded*. Any interruptions will be duly noted and any relevant discussions transpiring during breaks will be summarized, transcribed on the recording device, and verified for accuracy by the accused.

Effective Date: September 10, 2007

Revised28

SECTION 4

COMPENSATION AND HOURS OF WORK

SECTION 4.1: CLASSIFICATION PLAN, COMPENSATION, AND STEP INCREASES

- (a) The classification plan is based on an analysis of the qualifications, duties, and responsibilities of City positions. Positions are grouped by similar level of qualifications and level of difficulty as well as supervisory experience. Classification specifications include the position title; minimum and preferred qualifications; the knowledge, skills, and abilities necessary to accomplish the position's duties; and responsibilities. The classification plan also includes the appropriate salary range for positions based on internal position audits, external labor market conditions, and collective bargaining agreements.
- (b) The Department/Division Head may review the duties and responsibilities of positions and propose adjustments or revisions to the classification plan and submit recommendations to the Office of the City Manager, as necessary. The classification plan is approved by the Merit System Commission (for classified positions), and appointing authority, as appropriate, with City Council approval.
- (c) New employees are hired at the appropriate pay range for their position, theoretically at the beginning step of their assigned salary range when the classification plan is current and up to date. If exceptional qualifications and experience warrant it, a new employee may begin at any step within the salary range.
- (d) Annual Step Increase. Employees, who are not members of a collective bargaining unit, may be approved for annual step increases based upon satisfactory performance as documented on their annual performance evaluation and the recommendation of their Department/Division Head. In certain circumstances of exceptional performance, the appointing authority may approve advancement of two steps within a salary range. Two-step salary increases will be based on documented exceptional performance as indicated on the employee's annual performance evaluation, and the recommendation of their supervisor, Department/Division Head, and the final decision of the appropriate appointing authority. This two-step policy shall not pertain to Council salary range increases beyond the top step in a salary range.
- (e) An employee promoted to a higher classification shall advance to a pay step within the higher pay range which gives the promoted employee a pay increase over his or her current salary.
- (f) City Council may approve across-the-board (cost-of-living) pay increases.
- (g) An employee may request that his or her position be audited for proper classification by requesting a review to their Department/Division Head or the City Manager's Office. Unless duties are substantially altered (more than 25 percent) on a permanent basis, the employee may not request such a review for two years from the date of the results of the last review.
- (h) The **Employee Action Form (Form 4.1)** will be used to request all pay changes.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revised29

SECTION 4.2:

- (a) The current weekly payroll period is from 12:01 A.M. on Sunday and continues for seven consecutive days to end at 12:00 Midnight the following Saturday. The Department/Division Head shall establish the appropriate work schedule for their Department/Division in consideration of public service, workload, operational needs, and collective bargaining agreement. Employees may not adjust their work schedule without their supervisor's approval.
- (b) Approved lunch periods are not considered as work time; therefore, employees shall be relieved from work for that time period.
- (c) With the exception of employees exempt from overtime according to Sections 7 and 13 of the Fair Labor Standards Act (FLSA) of 1938, as amended by later 29 U.S.C. Sections • , employees shall be entitled to overtime compensation at the rate of one and one-half (1 1/2) hours for each hour worked in excess of 40 hours or other permitted work schedule in the designated work week.
- (d) Exempt Employees . Labor law exempts broad categories of management and administrative jobs from overtime coverage, compensation or comp time, because they are paid on an annual salary basis: executive, administrative, professional, and highly compensated computer employees.
- (1) Exempt employees are paid a pre-determined annual salary on the basis of the nature and responsibility of their position. They are expected to work a minimum of 2,080 hours per year, including paid leaves for vacation, holiday, injury, jury duty, sickness, and funeral. Recognizing that exempt employees perform their work to include attending meetings outside "8 to 5" office hours or on business trips, these employees perform their 2,080 hours in a flexible manner. Accordingly, hours of work of exempt employees may be subject to adjustment with the approval of the Department/Division Head and/or City Manager. While exempt employees are permitted some flexibility in their schedules, they are expected to maintain regular office hours.
- (2) Based on exempt employees working a flexible work schedule beyond the normal "8 to 5" office hours, these employees need to individually track the total hours they work each week. The hours worked over 40 per week are designated flex time hours. If performance and workload permit, these hours can be used to adjust an employee's schedule with approval of the supervisor. Flex time hours have no cash value, and employees have no right to use the time or be paid out when they separate. For documentation purposes and the period of time employees have to "use or lose" accrued flex hours, the City uses the standard three-month quarter that begin in January each year plus two weeks beyond that quarter. For example, one quarter would be the months of April, May, and June. Any flex hours accumulated in those three months would have to be used or lost by July 15th . Exempt employees may use a maximum of 8 hours at any one time.
- (3) The salary amount may not be reduced because of variation in work performed in any time period less than a year, and the salary may not be subject to partial-day docking of pay. The employee shall receive his or her full salary for any week in which he or she performs any work or is on paid leave status without regard to the number of days or hours worked.
- (4) Supervisors of exempt employees are expected to track their employee's attendance.
- (e) The following employees are designated exempt employees :

Assistant Law Director
Building/Zoning Administrator
City Engineer
City Manager **SCHEDULED HOURS AND OVERTIME 30**

City Planner
Deputy Finance Director
Deputy Fire Chief
Director of Human Resources
Director of Parks and Recreation
Economic Development Director

Finance Director

Fire Chief

Law Director

Manager of Information Technology

Police Chief

Police Lieutenant

Recreation Superintendent

Street Superintendent

Superintendent of Buildings and Park Maintenance

Other positions so designated by an appointing authority

(f) Non-Exempt Employees and Overtime Compensation. All other City employees are designated non-exempt ("hourly") employees for wage purposes. For these employees, overtime compensation is permitted for an employee working in excess of 40 hours in one week. Employees shall be paid time and one-half their regular rate for each hour of overtime worked. Overtime will only be paid in cash for the work week it is earned. Comp time will not be awarded or accrue for working overtime. Business travel for non-exempt employees shall count as hours worked. Hours worked shall not include:

(1) Meal periods where the employee is not required to perform any duties

(2) Travel time to and from the employee's home

(3) Time spent overnight while traveling on City business

(4) On-call or stand-by time where the employee is merely required to leave information as to where he or she can be reached or wear a paging device

(5) Paid or unpaid leaves of absence; and

(6) Work performed contrary to the direction of the employee's supervisor.

(g) Nonexempt employees shall not work overtime without the approval of their supervisor, except in emergency situations. No employee shall, without good cause, refuse a reasonable request of their supervisor to work overtime.

(h) Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to overtime compensation. If an employee is absent on a scheduled overtime day, such employee shall not be entitled to additional compensation.

(i) Nonexempt employees must record their actual start and stop time of work each day as directed by their Department/Division Head or City Manager. The times recorded each day must be accurate, though with the supervisor's approval, the employee may round the time to the nearest quarter-hour. Employees in this status, with the exemption of Fire and Police Division safety personnel, shall use the time clock or other time recording system as follows:31

- (1) At the beginning and end of the work day.
- (2) At the beginning and end of the meal period.
- (3) Any other time that an employee leaves and returns to their work location for personal reasons.
- (4) Each employee shall use his or her own time card or time sheet. Using another employee's card, recording another employee's time, or falsifying hours worked shall be considered a serious policy infraction subject to suspension, dismissal, and/or criminal prosecution.
- (j) An employee cannot volunteer to do the work that he already does, nor can he waive any of his rights to overtime pay under the FLSA. Therefore, the City is obligated to make sure that the overtime work is not being performed, or if it is being performed, that the employee is paid.
- (k) Whenever a nonexempt employee is called into work at a time other than his or her planned work schedule, thereby necessitating additional travel to and from work, he or she shall be guaranteed 2 hours of work. However, any work required by the Department/Division Head, prior to the start of the scheduled work shift and which continues into the employee's scheduled shift, is not covered by this minimum policy. Similarly, any work required by the Department/Division Head that continues beyond the employee's scheduled shift is not covered by this minimum policy.
- (l) Whenever a nonexempt employee works an 8-hour day, and then takes an evening meal break in order to return for an evening meeting (after 6:00 pm), the employee shall be paid a minimum of one-hour overtime or the actual length of the meeting, whichever is greater in length.
- (m) During any given work week, a supervisor may alter an employee's schedule, hour for hour, to avoid the employee working in excess of the regular scheduled work week of 40 hours.
- (n) A part-time employee shall not serve in another City part-time position if the combination of the part-time positions' hours exceeds 40 hours a week.
- (o) All employees working a full work shift will, to the extent practicable, receive a meal period that is normally one, unpaid hour.
 - (p) Approved lunch or meal periods are not considered as work time; therefore, each employee shall be completely relieved, if possible, from work duties for that time period.
 - (q) Lunch or meal periods which are uninterrupted by work are excluded from compensable time. Lunch or other meal periods that are interrupted by authorized calls to duty must be counted as compensable time, since the employee has not been relieved of all duties.
 - (r) Employees who are completely relieved from work during their approved meal period are not required to request permission to leave their work premises during their scheduled meal period.
 - (s) Each Department/Division Head may specify whether formal break periods shall be used or an informal break policy allowing employees the discretion to use reasonable work breaks for purposes such as using the bathroom, purchasing refreshments, and other personal needs. No employee may abuse personal breaks for excessive time away from work, including for smoking.
 - (t) Break periods are at the sole discretion of the supervisor and may be granted only to the extent practicable without interference with normal work operations.

(u) Employees shall not waive/forfeit their meal or break periods to reduce their workday or work week, or to accumulate time off benefits. Break periods are offered for employees to literally take a break for their assignments, and meal breaks are to be used as such. Employees also may not use their meal break for other purposes, and then eat their meal at their work station.

(v) Hours of Work for Part-Time Firefighters/Paramedics/EMTs. The Fire Chief or his designee will 32

determine tours of duty. All additional hours of pay as provided herein shall be paid in one-half hour increments. All on-call personnel shall work the entire time for which they are compensated, unless excused by the Fire Chief or his designee. Additional calls received while on active duty shall not be considered as an additional call for the purposes of pay. In such cases, the initial call will be extended and pay for extra hours will apply. Personnel shall be paid weekly with the pay week starting at 0700 hours on Sunday and ending at 0659 hours on the following Sunday. All appropriate pay rates shall be based on the FLSA, Section 207, Subsection K, in that a firefighter/paramedic/EMT may work 216 hours in 28 consecutive days before overtime compensation is paid.

- (w) City employees shall not serve as a volunteer for the same position in which they are employed full- time or part-time by the City. This section shall not preclude Public Safety officers from accepting special detail assignments with second employers.
- (x) City employees may be contracted to be paid by the City to teach classes for the City that are not related to their position's duties and responsibilities. The contract shall indicate that they are working as an independent contractor and not as a City employee. Therefore, the hours the person uses to teach the class does not count as City employment, and the person is not compensated at his or her employee pay rate and is not covered by City benefits. The person is also responsible for providing the material necessary to teach the class. As a contractor, they have to comply with the terms of the contract and all City and Department/Division regulations and rules regarding use of City facilities. City employees shall not influence the development of a program or class for which they or a family member would personally benefit as a contracted teacher or instructor.
- (y) Ohio Minor Labor Law (ORC Chapter 4109). This law affects any person less than 18 years of age who has not obtained a high school diploma or GED. A 14 or 15 year-old person needs a Work Permit (Age and Schooling Certificate) before they can start work during any time of the year. A 16 or 17 year-old person needs a Work Permit if they are working during the school year: when school is in session, to include holidays, school breaks, and weekends. During summer vacation, 16 and 17-yearold persons need a Parent or Guardian Consent Form and Minor Wage Agreement Form. Ohio Minor Labor Law requirements are posted in each City facility.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 4.3: PAY PERIOD

- (a) Employees are paid weekly, every Friday, via direct deposit to the employee's designated bank or financial institution. The City shall not access employee financial accounts to make negative adjustments.
- (b) If a holiday occurs on a Friday on which a pay day falls, wages will be paid, if possible, on the preceding Thursday afternoon.
- (c) Supervisors of employees working the third shift in continuous operations Departments will be allowed to pick up paychecks from the Finance Department after 3:30 PM on Thursday

afternoon providing appropriate forms are filed in advance with the Finance Department. This option is available to employees not working on Friday.

- (d) The Department/Division Head or designee should try to answer questions regarding an employee's pay inquiries, before referring the matter to the Finance Director.³³

Effective Date: June 2, 2002

Revised

SECTION 4.4: PAYROLL DEDUCTIONS

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

(a) The Ohio Public Employees Retirement System (OPERS) or The Ohio Police and Fire Pension Fund (OPFPF). The state law requires that employees contribute to the OPERS or the OPFPF, rather than Social Security. Membership in one of the programs is compulsory upon being employed.

(b) Income Taxes. Federal, State, and City governments require that taxes be withheld from wages. The amount of tax to be withheld is determined from tables furnished the appropriate government offices, according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Finance Department of any necessary changes.

(c) Garnishments. This is a court ordered legal claim against a City employee's wages by a creditor for nonpayment of a debt and must be executed by the Finance Director. Employees are expected to resolve debts through payroll deductions, so that the City does not have to devote additional time and effort to adjust and figure garnishment amounts. Employees may not be disciplined for garnishments when the employee has demonstrated a willingness and effort to resolve his or her financial problems. Repeated garnishments may be cause for disciplinary action. Finance shall notify the Department/Division Head and the office of the City Manager of Garnishments.

(d) Miscellaneous. These deductions may include Medicare, deferred compensation, child support, and other authorized withholding. The employer may refuse to make deductions not required by law, or that are below certain prescribed minimum amounts, or at irregular intervals, or for other cause that the employer deems not in the best interests of the City. All requests for payroll deductions must be arranged through the Finance Department.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision

SECTION 4.5: OPERS RETIREMENT PLAN AND CONVERSION PLAN

This state pension plan is administered by an independent state agency. While the City has basic information on the system, specific questions should be addressed to OPERS at 1-800-222-7377 or 614-466-2085.

(a) For employees hired before December 31, 1999, the City will make the full payment contribution to the retirement system.

(b) For employees hired after December 31, 1999, the employee is required to contribute 10% (starting in 2008) of their gross pay, which is deducted each pay period. This amount is matched by a contribution of 14.00% (starting in 2008) from the City. After the employee's fifth anniversary of employment, the City shall begin making both the employer and employee contribution to the retirement system. During the period of time that the City has imposed the furlough program, 34

employees will either be paying their portion of the pension contribution, or be furloughed for 4 hours per week, dependant on their work assignment, and other conditions; this program is temporary, and will discontinue upon achievement of certain financial goals established by the City.

(c) Beginning January 1, 2003, OPERS offers three retirement plans for public employees with less than 5 years of total service credit as of December 31, 2002, and new employees hired on or after January 1, 2003. Eligible employees have 180 days from when they begin employment to select which retirement plan they want to participate in – this change in plans affects all full-time, part-time, and seasonal employees who work or have worked for the City of Moraine or other Ohio government or educational organizations. OPERS will send information packages to all the eligible employees, and conducts information seminars throughout the year. Employees can receive additional assistance by calling OPERS or go to www.opers.org.

(d) Former City employees who do not want to continue their OPERS retirement plan participation may fill out a Pension Plan Refund Application form at the Municipal Building receptionist counter.

(e) OPERS Conversion Plan (City Resolution 6391-08). Employees enrolled in OPERS with 25 or more years of full-time Ohio public service (OPERS, STRS, SERS, and/or OP&F) may cash out accumulated vacation and sick leave hours one time each year during December. The 25 or more years' credit may be for years served or purchased. If an employee decides to participate in this program, he or she will need to notify their Division Head and the Finance Director prior to the coordination process for the next year's budget (before August 1st each year) so money can be allocated in the budget. An eligible employee may participate in this program by identifying their planned month and year of retirement, and then coordinate cashing out the allowed vacation and sick leave during their remaining years of City employment. Please contact Finance to enroll in this program.

(f) Vacation Hours Conversion. An eligible employee may cash out vacation hours, at one day (8 hours) of vacation leave for one day (8 hours) of pay (1 for 1), with vacation cash out limited to the maximum amount of vacation leave and vacation longevity days an employee earns in a one year period.

(g) Sick Leave Hours Conversion. An eligible employee may be paid out for sick leave hours at the same exchange rate allowed at separation, in accordance with their collective bargaining agreement or the Personnel Policy Manual. The payout is limited to the maximum amount of sick leave days an employee earns in a one year period.

(h) An employee participating in the conversion program must maintain a minimum balance of two weeks of vacation leave (80 hours) and six weeks of sick leave (240 hours). After beginning this program, an employee shall not receive sick leave donations, and cannot convert sick leave hours to vacation hours. Participating employees will sign an agreement that they have received and understand the terms of this voluntary OPERS Conversion Plan, and that their participation is not grievable.

(i) Deductions from the Early Payoff. Because the early payout is earnable income, deductions will be made for income tax, school tax, and Medicare (if necessary).

(j) Other Considerations. The cash out of sick leave for the purpose of this program shall not affect eligibility for the annual wellness program bonus. Employees need to verify their total years of public service with Finance to make sure there are eligible for participation.

(k) Cost Consideration for The City. To offset the cost to the City for paying the entire OPERS premium, the payout will be at 80% of the employee's basic pay rate.

Effective Date: June 2, 2002

Revision Date: May 2, 200435

Revision Date: September 10, 2007

Revision Date: February 20, 2009

Revised

SECTION 4.6: ON-THE-JOB INJURY AND WORKERS' COMPENSATION

State law provides that every City employee is eligible for workers' compensation for injuries or occupational illness arising out of or in the course of his/her employment. The Finance Department administers the City's workers' compensation program, and certifies or rejects workers' compensation claims. Some of the guidelines are:

- (a) If an employee is injured during the course of employment with the City, he/she must immediately stop working and notify the supervisor and complete all required paperwork at the earliest practical opportunity. The supervisor normally notifies the Department/Division Head and Finance Department and ensures that an injury report is promptly completed. The City **Injury Report (Form 4.6)** must be completed, regardless of the apparent seriousness of the injury or whether medical attention is required. If medical treatment is sought, the supervisor also notifies the managed care organization (MCO) by completing the first two sections of the First Report of Injury form and faxing the form to the MCO. The MCO must receive this report via facsimile as soon as possible in order to initiate workers' compensation benefits. Both the City Injury Report and MCO First Report of Injury should be forwarded to the Finance Department no later than 24 hours after the injury.
- (b) Unless there is an emergency situation, the City does not expect an employee to work through an injury, but to stop and have their supervisor assess their ability to continue working.
- (c) Should an employee's injury require medical attention, the supervisor provides the employee with the Injured Worker's Information Kit and gives the employee the MCO identification card to be used at the treating facility. It is the employee's responsibility to notify the caregiver that the injury is work-related and to provide the caregiver with the employer/MCO information on the identification card, so that the necessary workers' compensation paperwork can be initiated. In the event the employee is physically incapable of notifying the caregiver of the nature of the injury, his or her supervisor shall do so. Employees and supervisors are encouraged to use medical services designated by the MCO in order to ensure prompt treatment and to control costs.
- (d) The Department/Division Head or designee shall conduct an investigation of the injury incident as soon as possible.
- (e) Employees are responsible for keeping their supervisor informed of their injury recovery status, absences, and their expected date of return to work.
- (f) Any documents received from the injured employee, his or her physician, hospital, the MCO, or Bureau of Workers' Compensation must be immediately forwarded to the Finance Department.
- (g) Employees who are injured in the line of duty and must leave work before completing their work period shall be paid at their regular rate of pay for the balance of time left in their scheduled workday.
- (h) During injury leave, the City will pay the employee his or her regular salary for the first 90 calendar days after the date of the injury. Thereafter, if the employee remains injured and

unable to return to work, the employee may receive Workers' Compensation pay. See Section 5.5 for a description of work related injury leave.

Effective Date: June 2, 2002

Revision Date: September 10, 200736

Revised

SECTION 4.7: TRAVEL AND TRAINING EXPENSE REIMBURSEMENT

(a) City employees shall receive reimbursement for reasonable expenses incurred while traveling on official City business. Pursuant to ORC Sections 305.17 and 325.20, this policy is intended to serve as a guide for the proper processing of various travel activities of City employees. Employees who travel on behalf of the City are expected to use good judgment and to make related expenditures in a prudent manner, consistent with both the highest ethical standards and the need to expend public funds in a frugal and economical manner.

Public officials and employees are prohibited from accumulating frequent flyer miles or other travel incentive awards when City pays for such business travel. (Ohio Ethics Commission)

City employees are encouraged whenever possible to use their City of Moraine Purchasing Card to pay for travel and training expenses. When this is not possible the following methods can be used:

(1) Advance payment by City check to the vendor through the normal purchase order process.

(2) The employee may make direct payment and request reimbursement through the **Travel Expense Report (Form 4.72)**.

(3) The employee may arrange for the City to be directly billed by the vendor for payment.

(b) Local Travel and Training Expenses. Travel and training expenses **for less than 8 hours duration** and do not involve overnight travel are to be handled in accordance with this section.

(1) Transportation. Whenever possible, an employee will request a City vehicle for travel to local seminars, meetings, and other City business. When a City vehicle is not available, an employee may use their personal vehicle and be reimbursed at the current Internal Revenue Service (IRS) rate. Local mileage for use of a personal vehicle should be turned in for reimbursement on a monthly basis using **Form 4.73, Monthly Mileage Log – Personal Vehicle**.

In order to operate a City vehicle for business purposes, a copy of the employee's current driver's license shall be on file with Finance Department. If an employee is to be reimbursed for use of a personal vehicle, proof of insurance must be on file with the City as well.

Parking fees and tolls are reimbursable upon presentation of detailed receipts.

(2) Registration. Fees for registration, including meals, for local meetings and seminars are reimbursable.

(3) Attendance at Meetings with Food Served or Other Work-Related Functions. Reasonable expenses incurred by employees when attending or holding breakfast, lunch, or dinner meetings necessary to the performance of their official duties, or for functions in which the employee or official was asked to appear as a representative of his or her office or otherwise in an official capacity, are reimbursable, provided that the employee attaches a statement to the reimbursement request detailing the business or official purpose of such meeting and a list of the persons in attendance. The appointing authority must approve the expenses for each separate meeting or function. These meetings do not fall under the per diem rate of this policy, and will be paid at actual cost when submitted with a request for payment, together with a statement as to the public or business purpose of said meeting. No reimbursement is available under this policy for any event, meeting, or function in connection with any political party or campaign, or any candidate for office.

(c) Non-Local Travel and Training Expenses. Travel and training expenses **for more than 8 hours duration and/or** involve overnight travel are to be handled in accordance with this section.37

(1) Authorization. Prior to the expenditure of any funds for non-local travel and training, **Form 4.71, Request for Approval of Business Related Travel**, should be completed and turned in for approval. Upon approval, a blanket purchase order for the estimated cost of travel should be processed for approval. Expenses for the travel can be processed once the purchase order has been approved.

(2) Registration. Registration fees for employees attending conferences and seminars are eligible expenses.

(3) Lodging. Lodging expenses are eligible expenses in accordance with these provisions: Employees shall use a room at the lowest reasonable available rate, including conference, seminar, or government rates, where available. Many conferences and seminars provide a listing of pre-arranged hotels for registrants to place in priority order and a hotel is assigned. The rates provided by the conference are acceptable under this policy. When a non-employee spouse or other guest accompanies an employee on business travel, only the stated single rate is an eligible expense.

(4) Meals. Employees will be paid a per diem allowance, which will cover meals and gratuities. The per diem will be based on the rate approved by the General Services Administration (GSA) for that location (see www.gsa.gov). When meals are included in the registration fee, the per diem will be reduced based on the following breakdown, 25% for breakfast, 25% for lunch and 50% for dinner. **Please use Form 4.74, Request for Per Diem Payment.**

(5) Transportation. Employees are expected to use the form of transportation that is the most economical in regards to actual cost and travel time. Travel by airplane, bus, train, or other common carriers shall be undertaken at the lowest rate reasonably available. Air travel must be at coach or economy rates.

As an alternative to commercial transportation, private/personal modes of transportation may be used provided the employee will not be reimbursed more than what the least expensive commercial mode of transportation would reasonably cost for the same trip. Travel time would need to be considered in the decision to allow the alternative form of transportation. The employee would be responsible to provide satisfactory proof of the cost of the commercial transportation to the City.

When an employee can obtain a significantly lower airfare by staying over an extra day, the employee may be reimbursed the cost of lodging and meals for that period of time if the aggregate cost of lodging and meals is less than the amount of the airfare saved.

(6) Rental Car. There may be occasions when the use of a rental car is appropriate. If necessary, City employees will rent a mid-size or smaller car, and the justification must be recorded on **Form 4.71** for approval. If approval is given for use of a rental car, the employee will need to provide detailed receipts for all related expenses.

(7) Receipts. Detailed receipts are required for all expenses except mileage for use of a personal vehicle (Form 4.73 is required to record mileage for a personal vehicle) and meals under the per diem method.

(8) Telephone Calls. When traveling outside of Montgomery County, one personal phone call per day is eligible for reimbursement. An exception to this rule may be made in case of emergency. Business calls back to the City are eligible expenses.

(9) Ineligible Expenses. The following items are examples of expenses that are not eligible for reimbursement:

- Dry cleaning
 - Cosmetic needs
 - Personal car repairs
 - Alcoholic beverages
 - Personal telephone calls exceeding the number allowed above

- Expenses incurred by or for persons who are not City employees

- Personal entertainment to include in-room movies
- Internet access/connection

(d) Deadline for Filing Expense Reports. Expense reports are to be submitted no later than 10 work days after the travel in question, or 10 work days after the receipt of an invoice for expenses for such travel, whichever is later. Any request submitted after such period is not eligible for reimbursement.

(e) Reimbursement to City for Expenses Paid Just Prior to Separation. The appointing authority may reject any request for out-of-town travel submitted by or on behalf of an employee, who is scheduled to resign, retire, or otherwise separate from City service within 90 days of the requested travel.

(f) Forms. All City employees shall use Forms 4.71, 4.72 and 4.73 when requesting travel and expense benefits.

(g) Falsification of Information. Employees who falsify travel and training reimbursement claims are subject to discipline up to and including termination and possible prosecution for theft.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

Revised

SECTION 4.8 TUITION PREPAYMENT OR REIMBURSEMENT AND EDUCATION INCENTIVE

(a) The City offers tuition prepayment or reimbursement to regular full-time employees after 12 months of full-time City service for higher education courses which are specifically related to a position's duties and responsibilities and which increase the employee's ability to become more effective in their primary area of work.

(b) Application and Qualification. Prior to beginning the course for which prepayment or reimbursement is being requested, the employee must submit a **Tuition Payment Agreement (Form 4.8)** to his or her supervisor. Since the City is primarily interested in paying for courses that result in a college degree, the employee needs to include a degree plan (listing of courses) with the request. The supervisor, the Department/Division Head, and the appointing authority must approve this request. To ensure funding is available, the tuition request shall be made far enough in advance so money can be made available in the Department/Division budget for that year. The discretion to grant or deny final approval lies solely with the appointing authority. The appointing authority may consider the request under the following criteria:

(1) The relevance of the course to the employee's job duties or those of a position within the office or Department that the employee may reasonably hope to attain; provided that the appointing authority may, in his or her sole discretion, approve

payment for core courses in a basic education requirement for a college degree program that does meet this relevance standard.

- (2) The employee's performance, including performance evaluations and disciplinary actions.
- (3) The City's special need for additional education or training among particular classifications, positions, or employees.
- (4) The course is offered through an accredited college, university, technical institute, business 39

school, or related educational school or institution.

(5) Courses taken during an employee's normal working hours or during time in which he or she is being paid by the City will not be eligible for reimbursement. Any request for the use of flexible work schedules may be considered by the appointing authority.

(6) The availability of tuition funds.

(c) Amount of Payment. The City will pay the employee up to \$ 4,000 per year for tuition, enrollment fees, laboratory fees, and books for a maximum of 6 semester hours or 9 quarter hours per academic term, providing he or she receives a passing grade of "C" for undergraduate work, "B" for graduate work, or a grade of "pass" in a system that offers only "pass/fail" grades. Payment will be reduced proportionality for courses in which an employee is receiving financial assistance via scholarships, grants, or loans.

(d) If the employee receives a lower than required grade, the employee shall reimburse the City for all the funds received for the course or courses. If necessary, the City may deduct the amount due from the employee's paycheck in order to pay for the course costs.

(e) The City will not pay fees for course work beyond the attainment of the employee's next higher degree; such as bachelor's degree if employee has no degree. Payment for a master's degree would only be considered if the degree is necessary to perform the position's duties and responsibilities.

(f) An employee who has received education funds must, as a condition for such payment, remain a City employee for a period of time equal to the academic term for which they received payment. For example, a semester term equals approximately 15 weeks, and a quarter term equals approximately 10 weeks. The employee's work commitment will begin to be served after the completion of the semester or quarter, and the work commitment remaining for any other quarter or semester must be served consecutively and not concurrently. An employee who does not complete the work commitment prior to separating from City employment, whether through resignation, retirement, or termination, is required to return funds received under this tuition reimbursement program to the City. The amount of the funds to be returned shall be pro-rated to reflect the portion of the work obligation that the employee has accomplished prior to separation, and such funds may be withheld from remaining paychecks or other funds due the employee.

(g) The granting or denial of tuition reimbursement is a prerogative of management, and is not subject to the grievance procedure. The appointing authority may, upon notice to the employees affected, reduce the individual and/or aggregated limits on tuition reimbursement, limit the number of credit hours for which reimbursement may be sought, or limit the program to those employees or classifications where the learning needs are most critical to the City.

(h) The City offers Education Incentive pay to employees who earn a degree from an accredited college that is directly related to his or her position. To earn the incentive pay, the employee shall have completed 24 months of service with the City prior to earning the degree. The Education Incentive pay shall remain the same amount for both non-union and union employees. This pay will be added to the employee's base rate per hour, based on this annual amount:

(1) Associate's Degree \$425 (\$0.20 per hour)

(2) Bachelor's Degree \$850 (\$0.41 per hour)

Effective Date: June 2, 2002

Revision Date: May 2, 2004

SECTION 4.9 ADMINISTRATIVE LEAVE WITH OR WITHOUT PAY⁴⁰

- (a) The appointing authority may, pending the outcome of a pre-disciplinary hearing or an investigation, place an employee on administrative leave with or without pay. (ORC 124.388) While on administrative leave, the employee will not come into his/her work place. A Department/Division Head planning such action shall coordinate this leave with the appointing authority.
- (b) An employee on such paid administrative leave shall not accrue paid leave hours, and will continue to be covered by health and life insurance policies. If the employee is reinstated to regular employment status, paid leave hours may be retroactively restored.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 4.10 LONGEVITY PAY

- (a) Longevity pay shall be paid to all regular full-time, non-union employees who have served the City of Moraine for 10 or more years. Longevity will be computed on December 31st of the year payment is made.
- (b) The longevity payment shall be made each December between the first and fifteenth of that month, based on the following years of service and payment:
 - (1) 10 years 10 hours pay
 - (2) 15 years 15 hours pay
 - (3) 20 years 25 hours pay
 - (4) 25 years 30 hours pay

Effective Date: June 2, 2002

SECTION 4.11: SEPARATION PAY

- (a) Upon separation from employment for any reason, an eligible employee shall be paid for all hours worked but unpaid, unused vacation hours subject to Section 5.2, unused sick leave hours subject to Sections 5.3 and 5.4, and/or compensatory time earned but not yet used for non-exempt employees.
- (b) Personal leave days are not subject to separation pay.
- (c) In the event of the death of a current employee, separation pay includes the employee's unused accrued pay to which the employee would have been entitled and shall be paid directly to the designated beneficiary, or to the employee's estate, if no beneficiary is named. Unused sick leave will be paid at one day for each two days of sick leave credit.
- (d) Final payments upon separation will be made within 30 days of the separation, pending all City property and equipment is turned in. The 30 payment period may be modified upon request by the employee and agreement by the City Manager.
- (e) Additional severance pay may be at the discretion of the appointing authority with City Council approval, unless otherwise provided by contract or written policy.⁴¹

Effective Date: June 2, 2002
Revised

SECTION 5

EMPLOYEE BENEFITS

SECTION 5.1: HOLIDAYS

(a) All full-time employees are entitled to the following 10 paid legal holidays:

New Year's Day First day of January

Good Friday Friday before Easter Sunday

Memorial Day Last Monday in May

Independence Day Fourth day of July

Labor Day First Monday in September

Thanksgiving Day Fourth Thursday in November

Day after Thanksgiving

Christmas Eve Day 24th day of December

Christmas Day 25th day of December

New Year's Eve Day 31st day of December

(b) If the holiday falls on a Sunday, it will be observed on the following Monday. If it falls on a Saturday, it will be observed on the preceding Friday. Christmas Eve Day will be observed on the business day preceding the observance of Christmas Day. New Year's Eve Day will similarly be observed on the business day preceding the observance of New Year's Day.

(c) In observance of each authorized holiday, employees will normally be granted the day off from work. Full-time employees shall receive 8 hours straight time pay for each authorized holiday.

(d) When a full-time employee is required to work on the day observed as a holiday, he shall be entitled to pay for such time actually worked at 1½ times his regular base rate of pay. An employee of a Department / Division with a 7 day per week schedule, shall be paid the 1 ½ pay only if working the actual holiday, which may or may not be the day the holiday is observed.

(e) Part-time and seasonal employees shall also be paid at 1 ½ times their regular rate of pay for time actually worked on a *holiday*. For part-time firefighters, holiday pay begins with the start of their tour on the actual holiday.

(f) If a holiday occurs while an employee is on paid leave, the employee that day will not be charged against the employee's leave.

(g) Employees must be in active pay status the day before and the day after the holiday, and at the commencement of the holiday in order to receive holiday pay. Active pay status in this case means hours worked or hours on paid leave.

(h) An employee shall produce a satisfactory doctor's statement to verify any use of sick leave on the day before and/or the day after a holiday. Failure to produce such a requested statement may result in denial of sick leave pay and such disciplinary action as may be appropriate.42

Effective Date: June 2, 2002
Revision Date: May 2, 2004
Revised

SECTION 5.2: VACATION, PERSONAL LEAVE, AND PAID TIME OFF

The City of Moraine believes that it is in the best interest of the City and the individual for full-time employees to take vacation away from the job for the purposes of rest and recuperation. Upon completion of one year of continuous employment, all employees shall take a minimum of 40 consecutive hours of vacation per year; this requirement may be waived due to circumstances approved by the Department/Division Head and the City Manager.

(a) New, non-union employees hired on or after January 1, 2002, shall receive 5 days (40 hours) of vacation credit after successfully passing their six month probationary period. After six months, an employee would continue to accrue vacation leave hours based on their weekly paid status.

(b) Full-time, regular employees accrue vacation credit as follows:

1 through 4 years 10 days

After 5 years to 14 years 15 days

After 15 years of service..... 20 days

(c) Vacation Accrual

(1) For non-union employees, up to 5 years of service for vacation accrual purposes may include full-time service in this City or in another Ohio public, political subdivision, such as cities, villages, townships, public school districts, health districts, special districts established by state law, or other appointing authorities for public employees established under Ohio law. It does not include service with the federal government, military service (except active duty service with the Ohio National Guard or other authorized Ohio militias), or service in any other state. Any employee claiming prior service for purposes of vacation accrual is responsible for obtaining verification of this prior service from his/her prior employing jurisdiction, by means of an original letter signed by an authorized official of the jurisdiction. Vacation accrual based upon prior service may only be granted to the employee prospectively from the date upon which the employee has provided such written verification from the prior employer. (ORC Section 9.44)

(2) An employee who has retired in accordance with the provisions of any retirement plan of the State of Ohio and who is employed by the City is not eligible to have any prior service counted for the purpose of vacation leave. (ORC Section 9.44)

(d) Vacation leave accrues while on paid status. No vacation credit is earned while an employee is on unpaid status. Employees are responsible for tracking the accuracy of their leave accrual and use.

(e) Vacation leave shall be taken in units of not less than 1 hour for the first five years of employment and no less than 3 hours thereafter.

(f) Vacations are scheduled in advance and at management's discretion in accordance with workload requirements of the individual Departments and Divisions. For this reason, it is essential that vacation requests be made at least one week in advance of the proposed

starting date, and vacations of one week or more should be requested at least 30 days in advance. All requests for vacation approval must be submitted to the employee's immediate supervisor and are subject to final approval or disapproval of the appointing authority or his designee. The supervisor shall grant or deny the requested vacation as soon as practical.⁴³

(g) The Department Head shall post a vacation calendar during the month of January in order for employees to make their vacation requests that year. Vacation requests made during the month of January shall be honored on the basis of the employee's classification seniority within the Department or Division. After January, no seniority rights to preferred dates shall exist.

(h) Due to Department/Division operational requirements, management may block out periods of time as not available for vacation.

(i) In no case may an employee take his or her vacation early, prior to the actual accrual of the vacation credit as provided in this section. In other words, no employee may be advanced vacation.

(j) An employee's unused yearly vacation leave, to include the additional vacation hours, may be carried over into the next vacation year. However, no more than three years of unused vacation leave may be accumulated at any time. Upon Department/Division Head recommendation, and based on circumstances beyond the control of the employee, the City Manager may approve a waiver to the three-year accumulation limit, and authorize payment in lieu of forfeiture. Except for resignation or retirement, this is the only time; an employee may be paid for accrued and unused vacation hours. (Payout provided for previously, + 25 yr employee?)

(k) Any employee who resigns or retires shall be paid for any earned but unused vacation leave providing it does not exceed the maximum carry over balance.

(l) In the case of death of an employee, the employee's accrued vacation leave will be converted to a lump sum payment payable to the employee's beneficiary or estate.

(m) In addition to the above allotted vacation leave; **Longevity Vacation Leave** is awarded full-time employees on their anniversary for years of continuous City service:

4 years of City service	8 hours
8 years of City service	16 hours
12 years of City service	32 hours
16 years of City service	48 hours
20 years of City service	64 hours

(n) **Personal Leave**. After one year of City service, a full-time employee shall be allowed 3 Personal Leave Days per year. Time off for personal business shall be taken in no less than one hour increments, at the discretion of the Department/Division Head. On the first anniversary, the days are awarded and shall be used before the end of that calendar year. In later years, the days are awarded January 1st. Personal days have no cash value, cannot be cashed in, and cannot be carried over to the next calendar year. The City requires that employees use personal leave days before December 15th to avoid confusion with the year-end Finance system changeover.

(o) **Paid Time Off**. After 6 months of continuous City service, part-time employees (not including seasonals) earn paid time off (PTO) hours on a basis of .025 hours per one hour worked. PTO may be used for absences from work: sick leave, vacation, etc., and shall be taken in units of not less than 2 hours. Unless a part-time employee calls off sick or is prevented from working due to an emergency situation, the employee will request PTO at least six workdays in advance, except for part-time firefighters. PTO hours have no cash value, cannot be donated, and may not be cashed in when an employee separates from City employment. If a part-time employee becomes a full-time employee, the PTO hours may be transferred to vacation or sick leave hours on a one-for-one basis. Part-time employees who have already accrued sick leave will have their accrued sick leave hours converted to PTO hours at a 3-to-1 ratio. If a full-time employee becomes a part-time employee, accrued paid leaves are transferred to PTO hours on a one-for-one basis.⁴⁴

(p) PTO hours are accrued and used while working only in part-time status. PTO hours cannot be earned by an employee who may be working one position in full-time status and one position in part-time status. PTO hours cannot be used while an employee is in seasonal status.

(q) Employees shall request leave via the **City Absence Report Form 5.2**.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

Revised

SECTION 5.3: SICK LEAVE

(a) Sick leave is a benefit provided to employees to aid them in offsetting the financial burden of an illness. Employees are expected to be in attendance daily, and sick leave is only to be used in cases of illness or funeral purposes. Sick leave is a form of insurance, and is not intended to be extra days off. Just as an employee would only claim health insurance benefits when actually ill and needing treatment, an employee may only use sick leave when incapacitated by illness, or as otherwise provided in this policy. An employee may request sick leave for absence resulting from illness as described below, provided he or she completes the **City Absence Report Form 5.2** as described in this manual. The form shall be submitted immediately upon return to work or in advance of doctor's appointment or medical appointment, exam, operation, etc. Sick leave may be requested only for the following reasons:

(1) Illness or non-work related injury of the employee or a member of his or her immediate family: mother, father, brother, sister, child, or spouse.

(2) Exposure of an employee or a member of his or her immediate family to a contagious disease that would have the potential of seriously jeopardizing the health of the employee or the health of others.

(3) Death of a member of the employee's immediate family or extended family (family of spouse), in excess of what is permitted under funeral leave in Section 5.8. This extended leave is at the discretion of the Department/Division Head.

(4) Medical, dental, optical, or psychological examinations or treatment of employee or a member of his or her immediate family, requiring the employee's presence, provided that the employee should seek to schedule such examinations outside of work hours whenever possible.

(5) Any period of incapacity due to employee's or employee spouse's pregnancy or for prenatal care, as Medical Leave under Section 5.7.

(6) As Family Leave under Section 5.7 due to the birth of the employee's son or daughter, or due to the placement of a son or daughter with the employee for adoption or foster care and in order to care for such son or daughter.

(b) For a personal health condition of the employee or family member, which would qualify under the provisions of the Family and Medical Leave Act (FMLA), an employee may be required to use those provisions, as described in Section 5.7. This leave may run concurrently.

(c) A physician's certificate will be required when an employee has been absent more than three consecutive days. The physician's certificate will be filed with the **City Absence Report Form 5.2**. The physician's certificate must be signed by the treating physician or their designee and state the exact nature of the illness, not simply that the employee was "under the doctor's care." This same policy applies when an employee is absent to care for members of the immediate family.

(d) If the employee will be absent more than five workdays, the physician must also state when the employee is expected to return to work.⁴⁵

- (e) In regard to sick leave abuse, patterned use, or instances of repeated absence preceding or following a holiday, an employee shall be required to provide a physician's certificate stating the cause for the sick leave absence. This certificate shall be obtained at the employee's expense and on his/her own time. This requirement shall be in addition to other appropriate discipline that might be imposed for such improper use of sick leave.
- (f) The City Manager or designee shall have the right to require a satisfactory physician's certificate for absences fewer than three consecutive days if he or she concludes that this action serves the best interest of the City, or to verify the proper use of sick leave. The City may also require an employee to be examined by a physician selected by the City in order to verify the proper use of sick leave, and the City will pay for such an examination.
- (g) If an employee fails to present a required physician's statement or **City Absence Request Form**, the employee may not be paid for the sick leave and may be subject to disciplinary action. If the request is denied, and the employee has already been overpaid, such overpayment may be deducted from the employee's next paycheck. A request may be denied by the Department/Division Head based upon any investigation that discloses inconsistent facts about the proper use of sick leave.
- (h) An employee requesting sick leave shall inform his or her supervisor of the fact and the reason for the leave request at least 30 minutes prior to the scheduled shift, unless the employee is involved in an emergency situation, or the bargaining unit contract specifies a different time to call off sick. Employees shall notify their supervisor each day they will be absent, before their shift starts. Failure to comply with these notification procedures may result in denial of sick leave for the period of absence, and such disciplinary action as may be appropriate. The employee may be required to have a medical examination, nursing visit, or other inquiry that the City deems necessary. An employee who gets sick on the job and needs to leave should immediately notify the supervisor and request sick leave.
- (i) Sick Leave Accrual Prior to April 11, 1993. Full-time employees hired prior to April 11, 1993 shall accrue sick leave credit at the rate of 1.5 days per month (18 days per year). Employees hired prior to this date may accrue an unlimited amount of sick leave time.
- (j) Sick Leave Accrual After April 11, 1993. Full-time employees hired after April 11, 1993 shall accrue sick leave credit at the rate of 1.25 days per month (15 days per year). Employees hired after this date may accrue an unlimited amount of sick leave time.
- (k) Sick Leave Accrual After May 1, 2004. Full-time employees hired after May 1, 2004 shall accrue sick leave credit at the rate of 1.00 day per month (12 days per year). Employees hired after this date may accrue an unlimited amount of sick leave time.
- (l) Part-time employees will not accrue sick leave.
- (m) Sick leave accrual is based on an employee being on active pay status: hours worked, hours on vacation, hours on holiday leave, hours on personal leave, and hours on compensatory time off. Sick leave credit shall not accrue during any disciplinary suspension or other type of unpaid leave or layoff.
- (n) Sick leave shall be charged in increments of not less than one-half hour.
- (o) Employees absent on paid sick leave shall be paid at their regular rate of pay.
- (p) If an employee has exhausted all their sick leave credit, he or she shall use vacation leave and personal leave for sick leave purposes, in order to account for their 40-hour work week.
- (q) Employees who transfer from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between 46

separation, reappointment, or transfer does not exceed 10 years. The words “public agency” as used above include the State, counties, municipalities, all boards of education, libraries, townships, and other public appointing authorities within the State of Ohio. (ORC 124.38)

- (r) Paid Leave Donation. Pursuant to ORC Section 124.391, full-time City employees may voluntarily donate vacation, personal, or sick leave to full-time employees who have exhausted all sick leave and other paid leave as a result of a life-threatening injury or illness of an employee or a member of the employee’s immediate family. All such donations are subject to the following provisions:
- (1) Before an employee is eligible to receive donated leave, the employee must have been absent for a period equal to at least 14 consecutive calendar days and have exhausted all paid sick leave, vacation leave, personal leave, or other available, paid leave.
 - (2) The employee’s absence must result from a documented serious health condition or injury to the employee or a member of the employee’s immediate family, as determined by the City Manager or a designee. The City Manager’s determination as to whether or not an injury or illness is “life-threatening” within the meaning of this policy is in the employer’s sole discretion and is final, and this determination is not subject to appeal under the complaint procedure or any other grievance procedure.
 - (3) The decision of individual employees whether or not to donate vacation leave to another employee must be free and voluntary, and no official, supervisor, or employee shall pressure, solicit, or coerce any employee, directly or indirectly, to donate leave to another employee. Any violation of this subsection shall be considered grounds for disciplinary action, up to and including termination.
 - (4) No employee shall donate more than 40 hours of paid leave to other employees in any one calendar year. No employee may donate sick leave unless he or she has a sick leave balance of at least 15 days (120 hours).
- (5) No employee shall be eligible to receive more than 60 days (480 hours) of donated paid leave during the course of that employee’s service with the City.
- (6) The employee donating the paid leave via the **Sick Leave Donation Form (Form 5.3)** must provide written notice of the donation to the City Manager at least seven calendar days in advance of its use by the transferee employee, and such notice shall include both the identity of the employee to whom the leave is donated and a statement that the employee donating the leave is forever waiving his or her claim to such paid leave. Upon receipt of the notice, the City Manager shall credit the sick leave balance of the receiving employee. The employee receiving the donation may not use the leave to cover any absence prior to seven days after the receipt of this notice.
- (7) This policy applies only to non-bargaining unit employees, unless the program has been incorporated into the applicable collective bargaining agreement.
- (s) An employee who fraudulently obtains sick leave; who falsifies sick leave requests, documentation, or records; who misrepresents the grounds for a sick leave request; or who uses sick leave for improper purposes shall be subject to disciplinary action up to including termination. Further, an employee may be disciplined for excessive sick leave use in appropriate cases, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave or the inability of the

employee to perform the essential functions of his or her position. Employees are expressly prohibited from engaging in either of the following during a paid or unpaid sick leave:

- (1) Paid employment of any kind, or
- (2) Other activities, whether or not paid, that are inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family.
- (t) To monitor the proper and effective use of sick leave and minimize the potential for sick leave

abuse, Division Heads or their designee should periodically review employee attendance records in order to observe total time absent due to illness, as well as patterns of sick leave absence: same day of week; prior to or following days off, weekends, or holidays; or using sick leave as soon as it is earned.

(u) Sick leave is a benefit to be used solely for injury, illness, and funeral purposes, and intentional misuse may be considered theft of public funds.

(v) Altering a physician's certificate or falsification of a written, signed leave statement shall be grounds for discipline and/or legal prosecution.

(w) Wellness Incentive. Full-time, non-union employees shall receive a pro-rated cash bonus for the non-use of sick leave of any kind (including FMLA leave) in a full calendar year, other than for sick leave purposes under the FMLA policy. This is based on the employee working a minimum of 2,080 paid hours during the calendar year. The bonuses shall be paid during the month of January, based on non-used sick leave hours in the previous year, with the incentive payment deducted on a pro rata hour for hour basis to the minimum of 16 hours for 24 hours of pay:

0 hours sick leave used..... 40 hours pay

8 hours sick leave used..... 32 hours pay

16 hours sick leave used..... 24 hours pay

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

Revision Date: February 20, 2009

SECTION 5.4: SICK LEAVE CONVERSION

(a) Full-time employees appointed prior to April 11, 1993 may exchange/convert any sick leave in excess of 90 days in the ratio of two unused sick leave days for one additional day of paid vacation, not to exceed a maximum of 10 days of sick leave exchanged for 5 additional days of vacation in any one calendar year. All conversions shall be based upon the number of sick leave credits earned as of January 1 of each year. Conversions will be made only during the month of January each year in order to facilitate vacation scheduling. This conversion option is not available to employees appointed after April 11, 1993.

(b) A full-time employee appointed prior to April 11, 1993 who resigns, retires, or otherwise terminates employment in good standing shall be paid for his or her accumulated sick leave as follows:

(1) Less than 10 years of City service, no payment.

(2) Over 10 years but less than 20 years of City service, one day for each two days of sick leave credit as of the last day of work.

(3) Over 20 years of City service, one day for each two days of sick leave credit earned during the first 20 years of service, and one day for each one day of sick leave credit earned after 20 years of service as of the last day of work.

(c) A full-time employee appointed after April 11, 1993 who resigns, retires, or otherwise terminates employment in good standing shall be paid for his or her accumulated sick leave as follows:

(1) Less than 10 years of City service, no payment.

(2) Over 10 years but less than 20 years of City service, one day for each three days of sick

leave credit up to 90 days total sick leave credit as of the last day of work.

(3) Over 20 years of City service, one day for each three days of sick leave credit earned up to 120 days total sick leave credit as of the last day of work.

(d) At separation, the sick leave conversion payment shall be based on the employee's hourly rate of pay at the time of separation, and shall eliminate all sick leave credit accrued by the employee.

(e) Employees who die shall be considered to have terminated their employment as of the date of their death, and shall be eligible for such sick leave conversion payment on the basis of the employee's regular hourly rate of pay at the time of death, at the conversion ratio of one day's pay for each two days of earned but unused sick leave. This amount shall be paid to the employee's beneficiary.

(f) Sick leave conversion shall be requested via letter to the City Manager.

Effective Date: June 2, 2002

SECTION 5.5: INJURY LEAVE

(a) In the event an employee is injured while on duty and is unable to perform either his regularly assigned duties or those light or transitional duties which may be assigned by the Department/Division Head and approved by the treating doctor, the injured employee may receive injury leave. Such leave may be provided if the employee notifies his supervisor within 48 hours following the time of the injury unless the employee is hospitalized. The notification shall include a doctor's statement of the injury description, employee work limitations, and the expected date of return to full or transitional duty. If the employee is hospitalized immediately following the injury, he shall submit the doctor's statement within 5 days after being released from the hospital.

(b) Upon injury notification, the employee's supervisor will immediately ensure that the employee receives appropriate medical attention, assess the cause of the injury, and identify any hazardous conditions to be corrected. He will also determine that the injury or occupational illness occurred while on duty, and whether the injury is the result of self-infliction, "horseplay," negligence, or drug or alcohol use. The supervisor will certify that the BWC First Report of Injury (FROI) and Employee Injury/Incident Report (Form 4.6) are accurate. See Section 4.6 for a description of the injury reporting process.

(c) The employee will use sick leave until BWC certifies/allows the claim, then the injured employee may be paid for up to 90 calendar days of injury leave after that date. If the employee is absent from work more than 5 work days as a result of BWC certified injury claim, the 5 days shall be returned to the employee's sick leave balance and counted as injury leave. While on injury leave, the employee will be placed concurrently on medical leave, per the Family and Medical Leave Act (which provides up to 60 work days of leave) provisions in Section 5.7. The City will pay an insured employee a maximum of 90 calendar days of injury leave in a 12-month period of time regardless of the number of compensable, work-related injuries.

(d) Thereafter, beginning with the 91st calendar day of absence due to an injury and having a BWC allowed injury claim, the injured employee is eligible to receive BWC temporary total compensation, and the employee may at his or her option, elect to receive supplemental City compensation to bring the pay rate to his or her base rate. Such supplemental City compensation shall be charged against the employee's accumulated sick leave as long as the employee receives temporary total compensation.

(e) BWC pays temporary total compensation based on medical evidence from the attending physician. These periodic physician reports ensure the continuous payment of temporary total compensation. BWC will refer injured employees for an examination at various times to determine whether they 49

still qualify for compensation, rehabilitation, and if they are receiving the proper medical treatment. BWC determines whether to continue or cease temporary total compensation based on evidence of the employee's maximum medical improvement (MMI). MMI occurs when an individual's medical condition stabilizes to the point the injured worker's physical or mental condition will not change, despite continued medical treatment and/or rehabilitation.

- (f) If BWC makes a medical determination that the injured employee has reached MMI, is not physically or mentally able to accomplish the full duties of their City position, and will no longer receive temporary total compensation, the employee may elect to use any remaining accumulated paid leave while expeditiously applying for a disability retirement. The City will require the employee to resign as soon as a decision is made by the appropriate pension agency, or the employee has exhausted his/her accumulated paid leave options.
- (g) An employee returning from injury leave must have a doctor's medical release to return to work. To secure this release, the employee must present a statement from the doctor giving the injury description, date of return of work, and certifying that the employee is able to return to work without any restrictions, or with restrictions and possible perform light duty (see Section 5.6). The City Manager or his designee may approve an employee returning to work.
- (h) An employee returning to work from injury leave, who has not used the 90 days of injury leave, and who needs to return to their doctor for required follow-up or continuing treatment as a result of the injury, shall be paid injury leave for these doctor visits as long as a doctor's statement is provided to the City for these visits.
- (i) While on paid City injury leave, all benefits (to include seniority) shall be maintained, except as otherwise provided in these rules and regulations.
- (j) The City Manager may require the employee to be examined by a physician of the City's choosing, at City cost, to determine the employee's continuation of an approved injury leave, or to resolve any issue about an employee's return to work. This may involve the employee accomplishing a physical ability test or a psychological examination. If an employee refuses to submit to a medical examination, or if the report from the doctor conducting the medical examination concludes that the employee is either not injured or is able to return to work, further injury leave compensation may be denied.
- (k) If the report from the doctor selected by the City is in conflict with the report submitted by the employee's doctor regarding the injury, limitations on the employee's ability to work, or the expected date of return to work, the member shall be examined by a third doctor selected by the City from a list of doctors to be mutually agreed to by both parties. The City will pay for the cost of this examination. The opinion of the third doctor shall determine the employee's injury status at that time.
- (l) No injury leave will be granted to an employee who is off work because of any medical condition that existed prior to the employee's first day of work with the City, including an aggravation or re-injury, off duty injury, or any such pre-existing condition.
- (m) The City Absence Report Form 5.2 shall be used to record all forms of leave associated with an employee's injury.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 5.6: LIGHT OR RESTRICTED DUTY⁵⁰

- (a) The City recognizes that in particular circumstances of an employee's injury or illness, an employee is not able to return to work in a full duty work status; but is capable of performing certain job assignments, which constitute a limited portion of one or more position classifications. These assignments are referred to as light or transitional duty, and may be offered by the City if there is a need for such duty. Such assignments are temporary, and are not to be considered an accommodation to a permanent illness or injury. It serves the mutual benefit of the employee and the City to provide a temporary light duty assignment. Temporary is defined herein as not more than 180 consecutive calendar days.
- (b) This process allows the City to comply with the BWC Managed Care Organization policy that requires the employer to work with the health care provider to return an injured or ill employee to a modified-duty/light duty position, tailored to an injured employee's condition until they regain full capacity to return to full duty. A light duty position description will be written and coordinated with the health care provider. If the City offers the injured employee a light duty position, the employee is obligated to accept the position. An employee who refuses an offer of light or transitional duty may forfeit any eligibility for BWC compensation.
- (c) Application for Light Duty Status. The supervisor of a full-time employee who is off work due to an injury or illness, or the injured or ill employee may request to return to work on a light duty assignment by doing the following:
- (1) The supervisor or employee must submit a written request via letter to the City Manager to be placed on light duty status, based on a temporary light duty position description.
 - (2) The employee must obtain and provide to the City Manager a completed **Physician's Light Duty Release Form (Form 5.6)** or a completed BWC MEDCO-14 Report of Work Ability form. The form must be completed and signed by the employee's attending physician. The doctor must state that there is reasonable medical probability that the employee will be able to return to full duty at a specified date in the future, and authorize the employee to return to work in a light duty position and outline the parameters within which the employee may work. The City Manager reserves the right to have the employee examined at City expense if necessary to determine the extent of injury and entitlement to light duty.
- (d) Approval of Request. After completing the application process, the City Manager may authorize the employee to return to work in a light duty status for up to 90 consecutive calendar days, based on the approved duty assignment.
- (e) Extension. Prior to the end of the first 90 days on light duty status, the employee may request to work additional time on light duty for up to 90 additional consecutive calendar days by submitting the request in writing to the City Manager, and submitting a current written statement from his/her physician, in which the physician approves extended light duty. An extension shall require City Manager approval.
- (f) Criteria for Placement on Light Duty. The determination of whether or not to place an employee on light duty work status shall be made by Department/Division Head and the City Manager. The City is not required to provide light duty positions. The following criteria shall be considered in determining whether or not, to place an employee on light duty. The criteria shall include, but not be limited to:
- (1) That a light duty position be available for assignment within a Department or Division.

- (2) There exists the medical probability that the employee will be able to return to full duty within 180 days. The employee must be qualified for the assignment as additional training will not be provided.
- (3) The physician's written opinion is that the employee is able to perform light duty activities, and can return to full duty within 180 days.⁵¹

- (g) Work Restrictions on Light Duty. An employee who receives a light duty assignment will not work overtime or on holidays. An employee who receives a light duty assignment shall not engage in off duty employment without written consent of the Department/Division Head and City Manager.
- (h) There is no employee appeals process associated with light duty assignments.
- (i) The City has a BWC approved Transitional Workplace Program which allows an occupational therapist to come into the workplace and provide treatment for employees recovering from injury. The occupational therapist can also ensure the employee is working within his or her light duty limitations, so as not to aggravate their recent injury.
- (j) End of Light Duty Assignment. A light duty assignment will immediately end should the employee's condition become permanent, as documented by a physician's written statement.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 5.7: FAMILY AND MEDICAL LEAVE

- (a) This section implements the Family and Medical Leave Act (FMLA) of 1993. Nothing in this section is intended to expand or provide rights in addition to those covered in the FMLA. All terms used in describing this policy have the meaning assigned to them by the FMLA and the federal regulation implementing the act.
- (b) Eligibility. The Family and Medical Leave Act covers employees who have worked for the City for at least 12 months, which need not be consecutive, and have accumulated 1,250 hours worked during the year preceding the leave request. Paid leave hours do not count as time actually worked.
- (c) Entitlement. An eligible employee is entitled to 480 hours (12 work weeks) of paid and/or unpaid leave (continuous or intermittent) in a 12-month period for maternity; paternity; adoption or foster care placement; care for a sick spouse, child or parent with a serious health condition; and a personal serious health condition. If an employee experiences more than one of these events in a 12-month period, only a total of 480 hours of leave is available. The City will cover its share of the employee's health insurance premium during the unpaid leave, and will return the employee to their previous job or an equivalent position. When both spouses are employed by the City, their 480 hours will be combined for leave purposes involving birth or adoption/foster care of a child or to care for either of the employees' parents. If the leave is for serious health conditions of the employee or child, each employee is entitled to the full 12 weeks. From 12 to 26 work weeks of FMLA leave may be available to families of military service members who are injured in the line of duty or for specific urgent circumstances related to being on active duty or called to active duty status. 52

(d) Medical Certification. The City requires that employees provide written medical certification to

support their request for FMLA leave. The City may also require periodic status reports from an employee on FMLA leave to determine the employee's status and plans for returning to work. A City representative (not the employee's supervisor) and the City's health insurance carrier may contact the employee's health care provider to clarify or confirm information in an FMLA medical certification. The City may request an opinion from a second or third health care provider to validate an employee's medical certification. The City can also require periodic re-certification of an employee's medical condition. If the employee fails to provide the required medical certification, the leave does not qualify as FMLA leave; therefore the employee is not entitled to continued medical coverage and the right to reinstatement at the end of the leave.

(e) Responsibilities. Employees are required to request FMLA leave, and if necessary, the City retains the right to require an employee to request family or medical leave under this policy. However, it is the City's responsibility to designate the start of FMLA leave, and such designation may be made without a request from the employee where permitted by the act. At such time, the City Manager will provide the employee with a Department of Labor form letter, DOL WH-381 that details the FMLA leave rules.

(f) Leave Computation. The rolling 12-month period in which an employee is entitled to 480 hours of paid and/or unpaid leave will be computed by measuring backwards from the first day of FMLA leave. The method of leave computation depends on whether the employee is on family leave or medical leave. The City may designate a period of absence as FMLA leave (for family or medical purposes) when an employee is receiving paid leave (such as sick, injury, vacation, personal, comp time, or workers' compensation), and count the leave as running concurrently for purposes of both the benefit plan and FMLA entitlement.

(g) Family Leave. Family leave is leave for maternity, paternity, adoption or foster care purposes.

(h) Notification of Family Leave. It is the duty of the employee to notify his/her Department/Division Head as soon as the pregnancy or placement has been confirmed. This notice should be at least 30 days prior to either the due date or the placement, except that if 30 days notice is impossible, notice shall be given as soon as possible. The City will not waive this notice requirement.

(i) Family Leave Time Available to Employee. An employee on family leave due to the birth of the employee's son or daughter or due to the placement of a son or daughter with the employee for adoption or foster care and in order to care for such son or daughter must use paid leave in the following order: sick leave must first be used, and then vacation and personal leave, and compensatory time. Family leave runs concurrently with the other paid leaves. If the combined paid leaves do not equal 480 hours, the employee may use the balance as unpaid FMLA leave. An employee's eligibility for family leave expires one year after the child's birth or placement. When both spouses are employed by the City, their 480 hours will be combined for family leave purposes.

(j) Utilizing Family Leave. Family Leave will be granted to an employee in hourly periods for the birth of a child and to care for the newborn child, and for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child. Family Leave

will be granted to a male employee upon the birth of his child and for the subsequent care of the child. Adoption or foster care leave will be granted for preparation and placement of a child into the employee's home.

- (k) Medical Leave. Medical leave is leave for care of an employee's sick spouse, child, or parent with a serious health condition, and for an employee's personal serious health condition lasting more than three consecutive calendar days of incapacity and involving medical treatment by a health care provider, or overnight admission to a medical care facility. Some examples of a serious health condition include: heart attacks or other serious heart conditions, most cancers, strokes, injuries, appendicitis, pneumonia, and any period of incapacity due to pregnancy, or for prenatal care. 53

Medical leave will be granted to an employee in hourly periods for medical treatment. Medical leave will be granted to a female employee upon the certification of the employee's physician that she is no longer capable of adequately performing her job related duties due to pregnancy.

(l) Notification of Medical Leave. It is the City's responsibility to designate the start of FMLA leave and whether it is paid or unpaid after obtaining information from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc.) if the employee is incapacitated. This written notification needs to be coordinated with Human Resources to ensure compliance with Department of Labor notification procedures.

(m) Medical Leave Time Available to Employee. An employee on medical leave must first exhaust paid leave in the following order: sick leave, and thereafter vacation, personal leave, and compensatory time. Medical leave runs concurrently with these paid leaves. If the combined paid leaves do not equal 480 hours, the employee may use the remaining balance as unpaid FMLA leave. When both spouses are employed by the City, their 480 hours will be combined for leave purposes.

(n) When employees are allowed to work at home, or to return to work in a light or restricted duty capacity, that time cannot count against FMLA leave.

(o) The City may require fitness for duty evaluations for employees who take FMLA medical leave for a serious health condition, in order to evaluate the employee's ability to perform the essential functions of their position.

(p) Employees are encouraged to review and understand the purpose of family leave and medical leave, with the understanding that these leaves are not to be used for vacation. Such abuse will be subject to disciplinary action.

(q) Supervisors shall track FMLA leave via the **City Absence Report Form 5.2**.
Effective Date: June 2, 2002

Revision Date: January 1, 2003

Revision Date: May 2, 2004

Revision Date: September 10, 2007

Revision Date: February 20, 2009 (FMLA revision was effective January 16, 2009)

SECTION 5.8: FUNERAL LEAVE

(a) Full-time employees may be granted paid funeral leave with approval of the Department/Division Head for a maximum of five work days for the death of a spouse or child, to include stepchildren. In the event of a death of an immediate family member, other than spouse or child, the employee may be granted four work days of paid funeral leave. For purposes of this section the "immediate family" is defined as: mother, father, sister, brother, grandparent, grandchild, stepparents, stepsiblings, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian, or other person who stands in place of the employee's parent.

(b) Two days of paid leave may be used when the death is that of any other legal relative.

(c) Funeral leave shall not be charged to sick leave. Reference Section 5.3 (a), sick leave may be used in excess of what is permitted under the above funeral leave. This extended leave is at the discretion of the Department/Division Head.

(d) The City reserves the right to request documentation of the death.

(e) Employees shall use the **City Absence Report Form 5.2** to document funeral leave.⁵⁴

Effective Date: June 2, 2002

Revision Date: January 1, 2003.

SECTION 5.9: MILITARY LEAVE

(a) The City will comply with Federal and State laws regarding military duty, as discussed in current regulations, and as amended by City Ordinance 1424-01 (September 27, 2001). The major provisions of these laws are current as of this date, and are summarized below

(b) Active Duty. Military leave is governed by ORC Chapters 5903, 5923 and Section 124.29. In general, any regular full-time employee with more than 90 days tenure who voluntarily or involuntarily enters any of the Armed Forces of the United States shall be granted a military leave of absence without pay. An employee not accepted for active duty shall be reinstated to his or her former position without change in status or reduction in pay. Following honorable discharge, or discharge under honorable conditions, an employee who completes an initial active duty obligation (without voluntarily reenlisting or extending that obligation) is entitled to his or her previous City position within 30 days of written request, provided the employee is physically and mentally able to do the work required, and reports for work within 90 days of such discharge or within 90 days after he or she is released from hospitalization continuing after discharge for a period of not more than one year. In the event the employee's former job no longer exists, he or she may be employed in such capacity for which he or she is qualified, at a salary comparable with that formerly received. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting status, rank, rating, increments, and qualifications, as though they had continued their City employment. This does not require that benefits for vacation and sick leave accrual be applied as part of total length of service.

(c) Reserve Training. ORC Section 5923.05 requires that Ohio National Guard and all U.S. Armed Forces reserve component members be authorized up to 22 work days (176 hours per year) leave with pay per calendar year for training, emergency assistance, or call up for active duty purposes. Employees are entitled to receive the difference between their regular rate of pay and their base rate of military pay for the purpose of complying with ORC for up to 22 eight-hour workdays per calendar year. Employees are required to submit the necessary documentation and complete the necessary leave papers with requests for such leave. Time off for the military reserve duty will not be considered as leave from City service.

(d) Employees shall validate their military leave with a copy of official orders in order to receive reimbursement.

(e) Positions vacated by persons entering active military service or on reserve duty may be filled by the City Manager as appropriate.

(f) Any of the above leave provisions shall be requested on the **City Absence Report Form 5.2**.

Effective Date: June 2, 2002

SECTION 5.10: COURT LEAVE

(a) The City shall pay court leave according to an employee's regular salary when an employee is summoned for any jury duty or subpoenaed as a witness by any court or other legal proceeding during the employee's regularly scheduled work day.⁵⁵

- (b) Employees should honor any subpoena issued to them for testimony involving City business, including those from state or local agencies involving workers' compensation, unemployment compensation, Merit System Commission, and Personnel Appeals Board hearings.
- (c) All compensation received from the summoning agency for such duty shall be paid to the City unless such duty is performed totally outside of normal work hours.
- (d) The employee will be expected to report for work following jury duty, if a reasonable amount of time remains during his or her scheduled work day.
- (e) If an employee is called for jury duty or subpoenaed to testify in a court, agency, or other legal proceeding outside of his or her regularly scheduled working hours, the employee may retain all compensation for such court service.
- (f) If an employee is taking part in a court case not related to their City employment, he or she must use vacation leave, compensatory time off, or leave without pay for the period of absence.
- (g) Any of the above leaves shall be requested via the **City Absence Report Form 5.2**.
- (h) The City will have to evaluate, on a case-by-case basis, paying for extended leaves for jury duty beyond 30 workdays.
- (i) The City Manager may approve court leave for other reasons at his discretion.

Effective Date: June 2, 2002

SECTION 5.11: LEAVE WITHOUT PAY

This section explains reasons for leave not permitted by other policies.

- (a) The appointing authority may grant a leave of absence without pay to a regular full-time or part-time employee for a maximum duration of six months for an extraordinary personal reason. Such a leave may not be renewed or extended beyond six months.
- (b) Leave without pay may be granted for a maximum period of one year for purposes of education, training, or specialized experience which would be of benefit to the City service by improved performance at any level; or for voluntary service in any government-sponsored program.
- (c) The decision whether to grant a leave of absence without pay lies in the sole discretion of the appointing authority, and is not subject to any complaint or appeal process.
- (d) Except for emergencies, the employee should advise the appointing authority at least 60 days or as much as practicable prior to commencement of the desired leave, so that appropriate plans may be made for assignments and coverage during the employee's absence.
- (e) The City cannot guarantee that the employee may be returned to the position formerly occupied, or to a similar position if the employee's position no longer exists. If upon completion of the leave, the employee's position is no longer available, the separated employee may be considered for other vacancies if available, provided that he or she is qualified for the vacant position.
- (f) An employee may return to work before the scheduled expiration of the leave if requested by the employee, subject to approval of the appointing authority and the availability of the position. If an employee fails to return to work at the expiration of an approved unpaid leave of absence date, the employee, absent extenuating circumstances, shall be considered to have resigned from the position.⁵⁶

- (g) An employee who receives leave of absence without pay under this provision does not earn sick or vacation leave credit, holidays, longevity bonus credit, or service credit, nor is he or she eligible for City paid health care and life insurance. The employee will receive notice of COBRA eligibility to purchase healthcare insurance.
- (h) All leaves of absence shall be requested via the **City Absence Report Form 5.2**.
- (i) If it is determined that an employee is abusing the leave of absence and not actually using the leave for the specified purpose, the City Manager may cancel the leave and direct the employee to report for work.
- (j) Any employee who is on a leave of absence without pay and accepts employment elsewhere is considered to have voluntarily separated from his or her City employment.

Effective Date: June 2, 2002

SECTION 5.12: CITY INSURANCE and EMPLOYEE ASSISTANCE BENEFITS

- (a) The City of Moraine offers the following healthcare and life insurance benefits to each full-time employee:
 - (1) After 30 days of employment, the City provides at City expense either an individual or family group healthcare insurance plan as applicable. A copy of the healthcare benefits shall be provided to each employee at in-processing. The City reserves the right, however, to require employees to contribute a share of the cost of the insurance premiums based on market conditions and the City's finances.
 - (2) Healthcare insurance for 30 calendar days after an employee leaves City employment.
 - (3) Employee group life insurance coverage, which begins the first day of the month after the first day of work, and ends immediately upon separation from City employment.
- (b) Employees are responsible for providing the Finance Department with all changes that affect their insurance policies: mailing address, telephone number, marital status, dependent names, court orders for dependent coverage, beneficiary names, etc. Employees may be obligated to pay health insurance claims if information is not accurate.
- (c) Upon retirement, an employee may purchase life insurance from the City's group life insurance carrier.
- (d) The employee's insurance rights and obligations are subject to the appropriate insurance plans, as amended.
- (e) The Employee Assistance Program (EAP) offers confidential assistance and professional counseling to full-time employees and their family members for such issues as family relations, alcohol or drug dependency/abuse, stress management/conflict resolution, and other emotional problems. This service is provided at no cost to employees.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

Revised57

SECTION 5.13:

- (a) If an employee's health care insurance coverage stops due to end of employment for reasons other than gross misconduct, the employee may be eligible to continue group coverage under provisions of federal law, known as the Consolidated Omnibus Budget Reconciliation Act of 1986 or COBRA. Coverage for the eligible employee and his or her eligible dependents may continue following termination of employment if the employee pays the required total monthly premium. This continuation of coverage applies only to medical and dental insurance.
- (b) COBRA health care requires that individuals covered by employer group health plans be given an option to continue group coverage for up to 18 months or up to 36 months under certain conditions.
- (c) Additional information about eligibility for, and conditions of, continued medical and dental insurance coverage following separation is available from the Finance Department.
- (d) If a qualifying event occurs that results in loss of insurance coverage, the employee will receive notice of eligibility.

Effective Date: June 2, 2002

Revised **HEALTH CARE INSURANCE FOLLOWING SEPARATION (COBRA)** 67

SECTION 6

EMPLOYEE CONDUCT

SECTION 6.1: APPEARANCE AND UNIFORMS

- (a) In accordance with the following City policy, the department/division head shall prescribe the appropriate dress standards, grooming, and hygiene that present a positive City of Moraine image.
- (b) Employees shall wear clothing appropriate to their job setting, with emphasis given to clothing that is conducive to safe and effective performance of required job duties. Except for office workers who generally wear civilian clothing, all other employees shall wear uniforms that clearly identify them as City of Moraine employees.
- (c) Because the Municipal Building is the focal point for City government, administrative employees in that building will promote a positive business environment by their professional appearance and customer service. In order to dress professionally, administration personnel will have no visible tattoos above the waist, no facial body pierces except three holes in each ear, and no skirt length higher than 2 inches above the knee. While the City allows Municipal Building employees to dress in a more casual fashion on Friday, employees are still expected to present a neat appearance and are not permitted to wear jeans (denim), athletic clothing, t-shirts, sweatshirts, shorts, athletic shoes, "flip-flop" sandals, ripped or disheveled clothes, or similarly inappropriate clothing. This does not apply to Municipal Building employees who are transiting the building to accomplish work outside or in other City locations.
- (d) The City will pay for required employee uniforms. While uniforms can become dirty or damaged in the course of work, employees are required to keep their uniforms clean, neat, and in good repair for the start of their shift. Accordingly, employees shall not alter their uniform appearance such as cutting off the shirt sleeves.
- (e) City issued uniforms shall only be worn while on official City business.
- (f) City employees shall not wear clothing (shirts, pants, hats, etc.) that advertises beer, liquor, tobacco, or other products that are of a questionable nature in the workplace, or other clothes that may be considered provocative, offensive, or misrepresent the City of Moraine. Employees shall also have no visible tattoos above the waist, or facial body pierces except three holes in each ear. Women's skirt length shall be no higher than two inches above the knee.
- (g) Certain uniform items and necessary equipment shall be furnished as required by collective bargaining agreements or other City policies. The Police Chief, Police Lieutenants, Fire Chief, Deputy Fire Chiefs, Street Superintendent, and Building and Parks Maintenance Superintendent shall be furnished these required items upon appointment and shall be entitled to the uniform and equipment allowances established by the union contracts within their division.
- (h) Part-time Firefighter/Paramedics/EMTs shall be paid a uniform allowance based upon actual hours worked up to a maximum of \$500 every six months, at the rate of \$0.40 cents per hour worked on platoon duty. This allowance shall be paid by check in two equal installments: the first payroll in January and first payroll in July. The allowance shall be post paid January through June, and July through December paid in January. Personnel shall maintain a serviceable current uniform.
- (i) The City has a Central Safety Committee with representatives from each division and labor union. This committee serves as focal point for risk management, safety, and health coordination and planning. The City Manager has also appointed two Accident Prevention Coordinators to facilitate and coordinate safety information, processes, and training.68

- (j) 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 will not be compensated for any work time missed because of failure to comply with this policy. Failure to present a professional appearance may also be cause for disciplinary action.

Effective Date: June 2, 2002 Revision Date: May 2, 2004 Revision Date: September 10, 2007

SECTION 6.2: ATTENDANCE, ABSENCE, AND TARDINESS

- (a) The department/division head or designee shall establish daily work schedules and maintain daily employee attendance records, including actual hours worked and the duration of any lunch or other meal break.
- (b) Regular attendance is an essential function of every City employee's job, and both management and co-workers count on every employee to be at work. Accordingly, barring illness or emergency, employees not on prior authorized leave are expected to be in attendance each workday. Any employee who is not able to report to work because of illness, injury, inclement weather, or other extenuating circumstance shall inform his or her supervisor of the fact with as much advance notice as possible, but in no event not later than one-half hour prior to his or her scheduled starting time. Failure to properly inform a supervisor of absence from work may be subject to appropriate disciplinary action.
- (c) An absence is any scheduled work time missed by the employee, which may include tardiness. An authorized or excused absence occurs when an employee notifies his or her supervisor in advance of their absence via completion of the **City Absence Report Form 5.2 5.2**, or in an emergency, via telephone or in person.
- (d) An unauthorized absence occurs when an employee fails to show for work at the designated time and/or when an employee fails to notify his or her supervisor of their absence prior to the normally scheduled work time. Failure to follow procedures set forth for requesting and receiving approval for leave of absence or any absence during normal work hours shall constitute cause for disciplinary action, up to and including termination.
- (e) In departments where work is performed on a 24-hour schedule, all absences from work shall be reported to the employee's immediate supervisor as far in advance as possible.
- (f) When an employee returns to work following an absence, the employee shall immediately report to his or her supervisor or designee. The employee shall complete the **City Absence Report Form 5.2 5.2** and provide the appropriate documentation to substantiate their absence. The form and documentation shall be reviewed by the department/division head to determine whether the absence shall be approved. If not approved, the leave may not be paid, and the employee may be disciplined.
- (g) If an employee fails to report to work or report his absence, they are subject to discipline, up to and including termination.
- (h) If an employee fails to report to work, or report his absence, for a period of three consecutive work days, he or she is assumed to have abandoned the position and to have resigned, effective at the end of their regular shift on the third day.
- (i) Tardiness occurs when an employee reports to work after the scheduled starting time, returns late from a meal or other break period, or leaves early without permission. Whenever an employee is tardy, a non-exempt employee may be subject to a reduction in pay corresponding to the amount of time he or she was late, unless he or she offers to the supervisor a written reason for being late 69

found acceptable by the supervisor. Employees shall not use sick leave to cover tardiness. In addition, if an employee is continually tardy, that employee may be subject to appropriate disciplinary action. See Section 7.1 (n).

Effective Date: June 2, 2002

SECTION 6.3: SAFETY AND HEALTH

Employee safety and health are primary City concerns shared by both supervisory and non-supervisory personnel. All employees are required by ORC 4101:17 to comply with the Ohio Public Employment Risk Reduction Program (PERRP), which uses OSHA safety standards and rules for workplace risk management. Failure to adhere to these policies and procedures may result in disciplinary action up to and including termination. Basic safety and health information for all employees is provided via the City Safety and Health Program Manual on the City computer system and in each division administrative office. City divisions also have safety standards and rules for specific equipment use.

- (a) It is the supervisor's responsibility to ensure employees are trained in the proper operation and safety procedures before the employee uses equipment or operates a City vehicle. All equipment, vehicle, and safety procedures training shall be documented by the supervisor or an authorized/certified trainer and such documentation kept in the department/division files for as long as the employee serves with the City of Moraine.
- (b) All employees are responsible for the safe operation of equipment and vehicles, to ensure that the City's work places are safe, correct unsafe work conditions or practices, properly use prescribed safety equipment, and enforce safety rules and regulations.
- (c) All employees shall report the existence of any hazardous condition or unsafe work practice observed in the workplace to their supervisor using **City Hazard Report (Form 6.3A)**. If the division has its own designated safety officer, the employee or supervisor may directly notify the division safety officer. The supervisor shall coordinate the appropriate corrective action with the department/division head. **Equipment or vehicle accidents shall be reported on the Equipment or Vehicle Accident Report (Form 6.3C).**
- (d) All employees who drive City vehicles or personal vehicles on City business shall maintain the appropriate speed limits and traffic regulations and wear safety belts at all times.
- (e) Supervisors may send employees home and advise them to seek medical attention, if in the supervisor's discretion, the employee appears to be too tired or ill to continue working safely. Missed work hours shall be charged to sick leave. An employee who is sent home due to fatigue or illness shall not return to work for at least 8 hours or their next regularly scheduled work shift, whichever occurs later.
- (f) Any accident occurring during work hours, whether or not it appears that injuries were incurred, shall be reported to the immediate supervisor at once and then the department/division head at the earliest opportunity. If the employee's condition requires medical treatment, the supervisor or department/division head must also notify the Managed Care Organization (MCO) no later than the end of that work shift, and send a **BWC First Report of Injury (FROI) Form** to the MCO via facsimile within 24 hours of the occurrence. Upon completion of the above notification requirements, the supervisor or the department/division head must complete the supervisor's section of the City's **Employee's Injury/Incident Report (Form 4.6)** as soon as possible, to properly document the event for compliance with both BWC and PERRP reporting requirements. All accident, injury, and hazard paperwork will be given to the HR Director within 48 hours.
- (g) If necessary, a post-accident drug test may be required. See Section 6.4.70

- (h) A review board may investigate accidents, injuries, and hazards. This board will also evaluate and recommend safety procedures to prevent future occurrences, as well as recommending disciplinary action if necessary. The board will consist of the City Manager, Human Resources Director, department/division head, and other City management whose expertise may be required.
- (i) The City has a Central Safety Committee with representatives from each division and labor union.

This committee serves as focal point for risk management, safety, and health coordination and planning. The City Manager has also appointed two Accident Prevention Coordinators to facilitate and coordinate safety information, processes, and training.

- (j) Accidents and injuries to members of the public shall be reported using the **Non-Employee Accident/Injury Report (Form 6.3B)**.

Effective Date: June 2, 2002 Revision Date: May 2, 2004 Revision Date: September 10, 2007

SECTION 6.4: DRUG-FREE WORKPLACE

- (a) Background. The purpose of this program is to aid in the prevention of accidents and injuries from the misuse of alcohol and controlled substances by City employees, by having an easy to understand substance abuse policy, employee education and training, and alcohol and drug testing policy and procedures for all City employees. We know the misuse of alcohol and controlled substances can cause grave harm to not only the person using the substance but also to fellow employees and citizens. The citizens of Moraine have the expectation that they are living in a safe environment, and City employees have the expectation that they are working in a safe environment. Substance abusers not only compromise that expectation, but also file twice as many worker's compensation claims than non-abusers, are less productive, are more likely to request time off, are more likely to be late for work, and have 300 percent higher medical costs and benefits which increase premiums (from U.S. Department of Health and Human Services).

All City employees are involved with safety in one aspect or another, in day-to-day operations and decision making: crime prevention, law enforcement, emergency medical service, fire prevention and suppression, building and park maintenance, parks and recreation programs, driving all types of City vehicles, equipment and machine maintenance and use, chemical use and storage, accurate accounting of City finances and resources, and management and training of City personnel.

Given that alcohol and drug abuse is a continuing problem, both here and nationwide, and that there are significant costs to the City when there is a local problem, this is an opportunity to enhance our present policy and procedures by implementing a DFWP that will help develop a safer and more cost-effective workplace. This program will also allow the City to participate in the BWC DFWP and lower our premiums through discounts.

This program does not apply to employees who are CDL holders as they already participate in their own DFWP, which randomly tests these employees for 50 percent of their positions for controlled substances and for 10 percent of their positions for alcohol.

- (b) Definitions. For purposes of this policy, the following definitions shall apply:

- (1) Controlled substance includes any illegal drug and any prescription drug.
 - (2) The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.71

- (3) Abuse includes use of illegal drugs as well as use of prescribed drugs not legally obtained or not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity; and excessive use of alcohol.
- (4) While at work means all time from the time the employee begins to work or is required to be in readiness for work until the time she/he has left work.
- (5) A medical review officer (MRO) is a licensed physician who is trained, knowledgeable, and experienced about controlled substance abuse; and collection, testing, and evaluating methods and procedures.
- (6) A substance abuse professional (SAP) is an individual qualified to provide evaluation and treatment to a person who tests positive for controlled substance abuse in accordance with the requirements of 49 Code of Federal Regulations Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
- (7) EAP is the Employee Assistance Program that is a confidential program available to all full-time employees for assistance with personal issues or problems, either for the employee or members of their immediate family. EAP services are paid for by the City.
- (8) A 10-panel, pre-employment drug screen includes these controlled substances:
Marijuana
Tranquilizers
Cocaine
Methaqualone
Opiates
Lysergic Acid Diethylamide(LSD)
Phencyclidine (PCP)
Mescaline
Amphetamines
Barbiturates
- (9) A 5-panel drug screen includes these controlled substances:
Marijuana
Phencyclidine (PCP)
Cocaine
Amphetamines
Opiates
- (10) Personal resources are programs available to employees either at work or elsewhere that can be used for counseling and assistance, medical treatment, and/or rehabilitation. Full-time City employees have EAP and healthcare insurance plans available to them as personal resources.
- (c) City of Moraine DFWP
- (1) Annual employee DFWP awareness, policy, and procedures training will be conducted for all employees, and a separate session for supervisors.
- (2) This DFWP prohibits any alcohol misuse that could affect the performance of an employee on the job. This includes use on the job, use during the four hours before reporting or returning to work, having prohibited concentrations of alcohol in the employee's system while at work, or use during four hours following an accident or until employee undergoes a post accident alcohol test.
- (3) This DFWP prohibits any controlled substance (drug) use without a licensed physician's written prescription.
- (4) Employees or applicants shall be subject to the following tests: pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up during a rehabilitation program.72

(5) Alcohol and substance abuse sample collection and testing will be performed at Kettering Workers Care using breath-testing devices approved by the National Highway Traffic Safety Administration (NHTSA), and controlled substance testing will be conducted by a Department of Health and Human Services (DHHS) certified testing laboratory. These procedures protect the employee and the integrity of the testing processes, and safeguard the validity of the test results. All testing results are reviewed by the MRO before the results are reported. The City and Kettering Workers Care, or another certified facility chosen by the City, will use the testing methods and procedures as described in the City of Moraine Drug and Alcohol Testing Policy and Procedures Manual Sections II C., D., and E.

(6) The testing procedures use an evidential breath-testing device for alcohol testing and urine specimen collection for controlled substance testing; however, a non-evidential breath testing device or urine specimen collection may be used for post-accident alcohol testing. All alcohol testing methods use the same threshold level for determining test results.

(7) Before performing an alcohol or controlled substances test under this policy, the City will notify each employee that the alcohol or controlled substances test is required under this policy.

(8) This program shall not apply to employees who possess a Commercial Drivers License (CDL).

(d) Required Tests

(1) Pre-employment testing. Prior to an applicant beginning work for the City, after being offered a position, he/she shall undergo testing for alcohol and drugs (10-panel). Any individual who fails these tests will not be considered for employment in any position for at least 12 months.

(2) Post-accident testing. Post-accident alcohol or drug testing shall be required after all City accidents, not just vehicle accidents that occur while a person is at work. An accident is an unplanned, unexpected, or unintended event that occurs on City property, or during the conduct of City business, or during working hours, or which involves City-supplied vehicles used in conducting City business, or within the scope of City business, **and results in any of the following**: a fatality of anyone involved in the accident, or City employee bodily injury requiring medical treatment, or one or more motor vehicles have disabling damage requiring the vehicle to be transported away from the scene.

Medical treatment means treatment received from a person licensed to provide medical treatment, such as a doctor, nurse, paramedic, or EMT. If medical treatment is required, then the injury is a reportable BWC injury requiring the immediate filing of a First Report of Injury. Medical treatment does not include first aid, such as a band-aid on a small cut, various creams for sunburn, ice on a strain or contusion, etc.

a. Following an accident that requires medical treatment and testing, a City supervisor will ensure the injured employee receives immediate medical treatment, and the required alcohol and drug tests are administered with 8 hours for alcohol and within 32 hours for drugs.

b. An employee who is subject to post-accident testing is required to remain available for such tests, and the employee shall refrain from consuming alcohol for up to 8 hours following the accident, or until he or she submits to an alcohol test, whichever occurs first.

c. If any delay in testing is due to an employee's failure to follow required procedures, or other employee misconduct, such behavior may be considered an obstruction of the testing process, and refusal to submit to a test.

d. If the required tests are not administered within the time limits above, a written record must be maintained citing the reasons for the delay or the failure to administer the tests.73

e. Nothing in these rules should be construed as to require the delay of necessary medical attention for injured people following an accident, or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

f. Any breath, blood, or urine test for alcohol or controlled substances, conducted by safety or medical officials following an accident shall be considered a post-accident test provided the tests were administered within the required times following the accident, and the requirements and the results of the tests are obtained by the City of Moraine.

g. Rebuttable Presumption Law. Effective October 13, 2004, Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the main reason of the work related injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

h. After Normal Business Hours Testing. If an alcohol or drug test is required after Kettering Workers' Care business hours, 7:30 a.m. to 5:00 p.m., Monday through Friday, then supervisors need to call for on-call testing: 937-572-5914.

i. All new employees need to sign Form 6.4B, Acknowledgement of Drug-Free Workplace Program Policy and Procedures, after receiving and reading the DFWP information. The DFWP Policy and Procedures are reviewed with new employees at in-processing. Any questions regarding this policy should be directed to the Human Resources Director.

(3) Reasonable suspicion testing. If a supervisor has reasonable suspicion to believe that an employee may have violated the City's DFWP, the City may require the employee to undergo tests for the use of alcohol and/or drugs. Employees are required to submit to testing based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee." Reasonable suspicion testing is authorized during, just preceding, or immediately at the end of the workday. The employee shall submit to the drug or alcohol testing.

(4) Random testing. As a minimum, 5 percent of the annual, average number of City employees, full and part-time, will undergo alcohol testing. The minimum annual percentage rate for drug testing is 25 percent of the average number of full and part-time City employees. The selection of

employees for random alcohol and drug testing shall be made by a scientifically valid method provided by an independent testing facility. Under the selection process used, each employee shall have an equal chance of being tested each time quarterly random selections are made.

(5) Return to duty testing. After an employee fails to pass an alcohol or drug test, the employee shall undergo evaluation by a SAP, and will be required to undergo and pass another test before the employee is permitted to return to duty.

(6) Follow-up testing. Employees who are reinstated after problems associated with alcohol and/or drug misuse shall be subject to unannounced follow-up testing as directed by a substance abuse professional, with a minimum of six tests during the first twelve months after the return to duty date.

(e) Policy and Procedures.

(1) The unlawful manufacture, distribution, dispensing, possession, or use of an illegal or controlled substance is prohibited. 74

- (2) The use of an illegal or controlled substance or alcohol prior to beginning work or during meal or break periods is prohibited.
- (3) Any illegal use or abuse of a legal drug is prohibited.
- (4) An employee is prohibited from working under the influence of alcohol or drugs that have a history of impairment.
- (5) An employee who must use a prescribed medication during work hours that may impair his or her safety or the safety of others or may otherwise impair the employee's ability to perform work shall so notify the supervisor or department/division head. The department/division head may then, at his discretion: (1) place the employee on sick leave, (2) reassign the employee to duties posing no such risk, or (3) have the employee's ability to work without impairment evaluated by the employee's physician or a physician selected and paid for by the City.
- (6) No employee shall report to work or remain at work if the employee tests positive for alcohol or if the MRO determines a drug test is positive.
- (7) An employee who has been convicted of a violation of a criminal alcohol or drug statute shall notify his or her department/division head no later than five days after such conviction. The City may impose appropriate disciplinary action, up to and including termination for the first offense.
- (8) A series of drug and alcohol tests are available to determine employee compliance with this DFWP.
- (9) If an employee refuses to participate in this program by refusing to take a required test, it is a violation of this policy and the employee is subject to discipline, up to and including termination.
- (10) If an employee voluntarily admits to his or her supervisor that they have violated this policy, prior to being notified that they need to take an alcohol or drug test, the employee will be required to take an evaluation and rehabilitation program as described below, using their own resources, before they can return to work. This self-initiated process will not count as a positive test.
- (11) If an employee fails to pass a drug or alcohol test, it is a violation of this policy, and the consequences are described below.

(f) Consequences For Violating DFWP Policy and Procedures.

- (1) Each employee who has engaged in conduct prohibited by this policy shall be advised by the City of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. These resources include the EAP and healthcare insurance plan that are available to full-time employees as personal resources.
- (2) For Alcohol Testing. Following the initial test that shows the blood alcohol content was at 0.02 percent or greater, a confirmatory alcohol test must be done within 15 to 20 minutes. If the confirming test shows a blood alcohol content of 0.04 percent or higher, the test is considered positive. The employee must be removed from, and cannot return to work until, at a minimum:
- The employee undergoes and completes, using personal resources, evaluation, and when necessary, rehabilitation within ninety (90) days of the initial positive test;
 - A SAP determines and signs a statement, **Form 6.4A, Return to Work Certificate**, that the employee successfully complied the required rehabilitation and is fully able to return to work;

- c. The employee undergoes return to duty testing, using personal resources, administered by a City designated testing facility with an alcohol concentration test result of less than 0.02 percent; and
- d. The employee undergoes, using personal resources, follow-up testing after the return to work as directed by the SAP at a City designated testing facility, with a minimum of 6 tests in the first 12 months following the return to work.
- e. An employee with an alcohol concentration of 0.02 percent or greater, but less than 0.04 percent, will not be permitted to return to work for a minimum of 24 hours and must undergo a return-to-work test from a City designated testing facility with an alcohol concentration test result of less than 0.02 percent within 48 hours of the initial test. For purposes of this alcohol testing, an alcohol concentration less than 0.04 percent shall not be deemed a positive test resulting in an automatic violation of this policy. In this case, full-time employees shall be placed on sick leave, some other form of paid leave other than injury leave, or administrative leave without pay if they have exhausted their paid leaves.

(3) For Drug Testing. Following a determination that an employee has misused controlled substances, as determined through testing, the employee will be removed from work until at a minimum:

- a. The employee undergoes and completes, using personal resources, evaluation and, when necessary, rehabilitation within ninety (90) calendar days of the initial positive test.
- b. A SAP determines that the employee successfully complied with any required rehabilitation, that the SAP completes a statement, **Form 6.4A, Return to Work Certificate**, indicating the employee is fully able to return to his/her job, and the employee, using personal resources, takes a return-to-work test with a verified negative test result at a City designated testing facility.
- c. The employee, using personal resources, undergoes follow-up testing administered by a City designated testing facility after the return to work as directed by the SAP, with a minimum of 6 tests in the first 12 months following the return to work.

(4) Employees shall use sick, vacation, and personal leave; accrued comp time; or PTO while they are not at work during the above evaluation and rehabilitation programs. If an employee has

exhausted all of his or her paid leaves, the employee may be placed on unpaid leave of absence.

(5) Any employee governed by this policy who tests positive for alcohol and/or controlled substances after returning to work following an initial positive alcohol and/or controlled substance test shall be immediately terminated.

(g) Review and Questions. All employees are required to sign the **Form 6.4B, Acknowledgement of**

Drug-Free Workplace Program Policy and Procedures. Any questions regarding this policy should be directed to the Human Resources Director.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 200776

SECTION 6.5: SEXUAL HARASSMENT AND OTHER FORMS OF ILLEGAL HARASSMENT

- (a) The City of Moraine is committed to maintaining a professional and collegial work environment in which all individuals are treated with respect and dignity. The desired standard of Moraine employee behavior is one of cooperation and respect for each other, despite any differences in race, color, sex, age, national origin, religion, disability, veteran status, or political affiliation. Harassment interferes with this desired environment because it is unwelcome and unwanted verbal or nonverbal (physical) conduct which threatens, intimidates, or insults another person, where such conduct has the effect of creating an offensive, intimidating, or hostile environment, or interferes with or adversely affects a person's work performance.
- (b) This policy covers all employees of the City, and Human Resources will review this policy with each employee when he or she in-processes to begin their City employment. The City will not tolerate harassment, whether engaged in by fellow employees or by supervisors, or by non-employees who conduct business with the City. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of their employment or at City-sponsored functions.
- (c) Harassment does not include the conduct or actions of supervisors intended to provide employee discipline or correct problems through verbal warnings, written reprimands, performance evaluations, or other supervisory actions intended to promote positive performance.
- (d) Sexual Harassment. Sexual harassment includes unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. It is City policy to fully support enforcement of state and federal anti-discrimination laws which provide that sexual harassment is prohibited where (1) submission to or rejection of such conduct by an individual is used as the basis for employment decisions (hiring, evaluating, promoting) affecting such individuals; or (2) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (e) Examples of sexual harassment include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes, flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering; whistling; touching; pinching; assault; coerced sexual acts; suggestive insulting, obscene comments, or gestures; and display in the workplace of sexually suggestive objects or images.
- (f) Hostile Environment. As to the hostile environment type of harassment, the same principles that apply to sexual harassment based on gender apply to harassment that is offensive on the basis of a person's protected status as referenced in paragraph (a). In each case, the issue is whether the conduct was unwelcome, was it abusive to the person affected by it, or was it severe enough to create a work environment that a reasonable person finds abusive or gross. To determine whether the behavior is severe enough to create a hostile environment depends on various factors: the frequency of the unwanted conduct, severity of the conduct (whether the conduct was physically threatening or humiliating, or a simple offensive remark), did the conduct unreasonably interfere with work performance, the psychological effect on the employee, and whether the harasser was a supervisor in the division.
- (g) Fraternalization. Consensual romantic and sexual relationships between City employees are not expressly forbidden, but such relationships are considered very unwise because factors such as real or perceived power of one person over another may override claims of consent at a later date.

(h) The City will investigate all allegations of harassment and encourages reporting of all incidents as soon as possible, regardless of who the offender may be. It is the right of all employees to seek, at any time, redress by the Ohio Civil Rights Commission, the Equal Employment Opportunity 77

Commission, or through a court of law. However, employees are encouraged to exhaust the City's administrative remedies before consulting outside agencies.

- (i) Supervisor Responsibility. City supervisors are responsible for the elimination of any and all forms of harassment and intimidation of which they are aware. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that the harassment is not appropriate and will not be tolerated. In such a situation, ultimate disciplinary action will await completion of an investigation. A supervisor is required to report harassment cases to his or her department/division head, who in turn, is required to report the matter to the Human Resources Director. Such reports to superiors and to the Human

Resources Director are to be made regardless of how knowledge of the case was acquired. The Human Resources Director will notify the City Manager of the complaint.

(j) How to Report a Complaint – Informal Procedure.

- (1) The employee who believes that they are being harassed should first confront the individual and let them know the behavior is unwelcome and ask them to stop.
- (2) If for any reason, a person being harassed does not wish to approach the offender directly, or if such action proves unproductive, then the employee should promptly report (not later than 30 days) the conduct to his or her non-involved supervisor, department/division head, or the Human Resources Director. If the accused offender is the City Manager, then the employee may contact the Law Director.
- (3) Upon the employee's request, the City may authorize its designee to counsel the alleged harasser or arrange for mediation between the victim and the alleged harasser.

(k) Formal Complaint and Investigation Process.

- (1) In the event that the reporting individual does not wish to pursue the informal procedure, or in the event that the informal procedure does not produce a result satisfactory to the reporting individual, the employee should promptly report (not later than 30 days) the incident to his or her non-involved supervisor, department/division head, Human Resource Director, or City Manager. If a complaint involves the City Manager, the complaint shall be filed with the Law Director.
- (2) In most cases, the Human Resources Director, after consulting with the City Manager, will collaborate with the Law Department to investigate and submit to the City Manager a report setting forth the facts of the case and recommended action.
- (3) All complaints will be handled in a timely and confidential manner. Anyone involved should not discuss the subject outside the investigation in order that the confidentiality of the employee who files a complaint will be protected and to encourage the reporting of any incidents of harassment, as well as to protect the reputation of any employee wrongfully charged with harassment. Confidentiality cannot be guaranteed, however, as applicable state and federal sunshine and freedom of information laws make it impossible to maintain confidentiality.
- (4) Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses.
- (5) The results of the investigation and the nature of the disciplinary action will be communicated by the City Manager's Office or Law Department to both the complainant and the offender as well as the affected department/division head or City Council, if appropriate. Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.⁷⁸

- (l) Sanctions for Harassment. Individuals found to have engaged in misconduct constituting harassment shall be disciplined. The City's response as a minimum will include a written reprimand. Additional action may include referral to counseling, withholding of a step increase or promotion, reassignment, suspension without pay, or termination.
- (m) False Accusations. If an investigation finds the reporting employee falsely and maliciously accused another employee of harassment, the reporting individual will be subject to appropriate discipline, up to and including termination.
- (n) Protection Against Retaliation. No employee shall intimidate, coerce, threaten, retaliate or discriminate against any other employee for filing a complaint of harassment or for participating in the investigation of a complaint.
- (o) The Human Resources Director shall maintain written records of each harassment complaint and how it was investigated and resolved.
- (p) The City or Moraine has developed this policy to ensure that all employees can work in an environment free from sexual harassment. This policy will immediately be disseminated to all employees and the City will provide it to all new employees in the future. All supervisory personnel are responsible for implementation of this policy. Failure to do so will be considered a failure to fulfill all of the obligations of their position. When a supervisor fails to act as required by this policy, that supervisor may be exposing him or herself to personal liability for the consequences of such inaction.
- (q) The City will conduct informational sessions concerning this policy, to ensure that all employees understand the City's commitment to elimination of harassment, and are familiar with the policy and of the remedies available to them.
- (r) Employees and supervisors shall use **Form 6.5, Review of City of Moraine's Harassment Policy**, to annually review this policy, preferably during an employee's annual performance evaluation.
- (s) Information or questions concerning this policy may be obtained from the Human Resources Director.

Effective Date: June 2, 2002

Revision Date: January 1, 2003

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 6.6: VIOLENCE IN THE WORKPLACE

- (a) All employees have the right to work in an environment free from physical and psychological violence, threats, and intimidation. Violence is any act of physical, verbal, or psychological threat or abuse, assault, or trauma that results in physical and/or psychological damage to an individual. It is a form of serious misconduct that undermines the integrity of the employment relationship. No employee should be subject to unsolicited and physical violence, threats, or intimidation. Such behavior may result in disciplinary action up to and including termination.
- (b) Because the City of Moraine has a strong commitment to its employees to provide a safe, healthy, and secure work environment, the City will not tolerate intimidation, violence, or threats of violence by or against its employees. The City will also not tolerate any violence or threats of violence against any City property or facility.79

- (c) The presence of weapons and the occurrence of violence in the work place are inconsistent with the above objectives. While the City has no intention of intruding into the private lives of its present or potential employees, it expects all employees to report to duty without possessing weapons, unless they are a City of Moraine police officer, and to perform their job without violence towards any other individual.
- (d) To reduce the risk of workplace violence, grievance, harassment awareness, employee assistance, and security programs are in place. The use of these programs can prevent and/or reduce the rate of workplace violence. These programs are discussed in other parts of this manual.
- (e) A primary deterrent to internal City employee violence is leadership and communication skills. All City employees should foster a supportive, harmonious work environment; try to reduce tension that could lead to conflicts; and recognize signs of a troubled employee. It should also be standard practice for employees to act promptly regarding worker complaints and misuse of rules related to workplace violence.
- (f) The City of Moraine prohibits the following activities:
 - (1) Use, possession, or sale of any weapon, while on duty or at any City facility. Weapons as used in this policy include, but are not limited to firearms, knives (other than a common pocket knife or eating utensils), stun guns, brass knuckles, numchucks, throwing stars, and other martial arts weapons. Any object used with the intent to inflict physical harm to another person shall be considered a weapon.
 - (2) Storing any weapon in a locker, desk, City vehicle, lunch container, tool kit, bag, purse, or other repository on City premises. City employees shall not have a weapon in a privately owned, leased, or borrowed vehicle while it is located on City property.
 - (3) Refusing to submit to a reasonable search while on duty or at a City facility. This policy is not intended to supersede any departmental work rule, collective bargaining agreement, or other provision of these policies and procedures which permit random or regular inspections of such property.
 - (4) Conviction of a criminal offense defined as an "offense of violence" by Ohio Revised Code Section 2901.01 (A)(9), (a), (b), (c), or (d), or conviction of any criminal statute for the illegal possession of a weapon.
 - (5) Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee or a co-employee.
 - (6) Actions or statements which a reasonable person would interpret as a threat, while on duty or at a City facility.
 - (7) Fighting, including any conduct which, under the circumstances, does or intends to inflict physical harm or injury, while on duty or at a City facility.
- (g) Sworn police officers and other safety personnel as approved by the City Manager shall be exempt from (f) (1) and (f) (2) of this policy.
- (h) Reporting and Managing Violence. Any suspicious, agitated, or violent people or activities in or around City buildings should be reported immediately to supervisors and the Police Division at Emergency 911, or Non-Emergency 298-7424. Visitors to City offices are expected to act in a respectful and civil manner. If they do not behave accordingly, they will be politely asked to calm down. If they continue to misbehave, they will be asked to leave. If assistance is needed, call the Police Division. An employee who witnesses an incident of violence or threatening language or 80

conduct should promptly report the incident to his or her supervisor or the Police Division. If possible, City employees should leave their work areas by the most expeditious means when faced with a violent situation. A crisis response team will form immediately to deal with a protracted situation. This team should consist of the City Manager, Police Chief, Fire Chief, Human Resources Director, Law Director, or their designees, and other department or division personnel as the City Manager deems appropriate.

- (i) No employee who reports an incident of violence or threatening conduct which is based on reasonable grounds shall be subject to discipline for reporting such conduct.
- (j) Any employee who participates in an activity prohibited by this policy is subject to discipline up to and including immediate termination.
- (k) If an employee is injured after instigating a fight, then his/her entitlement to workers' compensation benefits may be contested by the City.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

SECTION 6.7: USE OF CITY EQUIPMENT AND PROPERTY

- (a) When City equipment and property (tools, supplies, telephones, computers, uniforms, purchasing cards, official files, and other items) are provided to employees, it is the responsibility of supervisors and employees to see that the equipment is properly used, maintained, and returned to the City when the employee separates. Departments and divisions shall keep accurate records of City equipment and property issued to employees. See sample **Form 6.7A** for recording equipment and/or property.
- (b) Misuse, neglect, theft, and abuse of City equipment is prohibited. Accidents involving misuse (or abuse) of equipment shall be cause for disciplinary action. If an employee loses tools or damages equipment, he or she may be required to pay for those items lost or damaged, at the discretion of the department/division head.
- (c) When using the telephone or computer e-mail, employees are expected to communicate in a professional manner that will reflect positively upon them and the City. Employees should be aware that e-mail messages, whether transmitted through the internal network or via the Internet, are generally public records subject to disclosure in the same manner as any other memorandum, letter, or document.
- (d) Excessive personal use of telephones, or long distance telephone calls for other than business or emergency purposes without prior supervisory approval, may result in disciplinary action. Every employee is responsible for tracking their cost for personal long-distance phone calls or other charged phone services and reimbursing the City within 30 calendar days using **Form 6.7B, Log for Personal Phone Calls**. The Finance Department will provide each department/division with monthly summaries of long distance phone calls for department/division auditing purposes.

Employees who have a documented need for a City cell phone may use City-issued cell phones for only official business purposes, and will sign a cell phone use agreement that explains their cell phone use responsibilities. Failure to comply with this agreement may result in loss of their City cell phone and disciplinary action.⁸¹

- (e) City computers (software and hardware) are only for business use. Employees will not change the basic computer configuration or install non-City software on their computers without proper approval. Employees shall not store personal data on City computers, and shall not place passwords or other access limitations on the computer unless the Manager of Information Technology or the City Manager authorizes such limitations, and upon request, the employee shall promptly disclose the password to enable access. Excessive personal use of computer e-mail for other than business purposes may result in disciplinary action.
- (f) Employees may not share with others their assigned passwords for computer, Internet, or internal network access or other authentication devices, except as directed by their supervisors or as required by the Manager of Information Technology. An employee who believes that others have learned a password or who otherwise believes that the security of the City's computers or networks has been compromised in any way must immediately notify his or her supervisor or the Manager of Information Technology.
- (g) City employees will limit their use of Internet for personal purposes, so as not to interfere with their work responsibilities. Employees will not download software from the Internet, nor will they circulate external e-mail messages via the internal e-mail system unless the message relates to City business. Circulation in the work place of indecent material or material that ridicules or offends a reasonable person on the basis of sexual content or race, color, religion, ethnic or national origin, age, disability, or any other personal characteristic not related to job performance, is strictly prohibited. Employees who originate, forward, or circulate such material in the work place are subject to discipline, up to and including termination.
- (h) Employees may not use either the internal network or the Internet in a way that violates the law or the property rights of others, including infringement of copyrights, trademarks, licenses, or other protected property rights, or disseminating or receiving proprietary data, trade secrets, or other confidential information of the City or any other person or company. This prohibition is particularly important when downloading programs or copying other information from the Internet. If material is copyrighted or otherwise protected, you must request the permission of the owner before downloading or copying that information.
- (i) Obviously, employees may not use City computers or connections to the internal network or the Internet to gain unauthorized access to any computer system (known as "hacking"), to create or spread computer viruses, or to otherwise disrupt or damage the computers or data of the City or any other person, office, or company.
- (j) All messages created, sent, or retrieved over the Internet or electronic mail are the property of the City of Moraine, and should be considered public information. The City reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet and electronic mail are public communications and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
- (k) To prevent the introduction of viruses into the City computer system, employees will not open e-mail from unknown sources.
- (l) City bulletin boards are for official business purposes. Department/division heads shall ensure these bulletin boards are maintained accordingly.
- (m) Certain City employees may be required as a condition of employment to furnish their personally owned tools for use in performing their required job duties and responsibilities.

(n) Employees authorized to use City purchasing cards will sign a purchasing card agreement that explains their purchasing card responsibilities. Failure to comply with this agreement may result in loss of their purchasing privileges and disciplinary action. 82

- (o) Prior to separation from City service, employees shall return all City equipment and property issued or provided to them, and this information will be enclosed with the **Form 8, Employee Separation Form.**

Effective Date: June 2, 2002

Revision Date: September 10, 2007

SECTION 6.8: USE OF CITY VEHICLES OR USE OF PERSONAL VEHICLE FOR BUSINESS PURPOSES

- (a) Use of City-owned motor vehicles shall be strictly controlled by the City Manager and shall be restricted only for business purposes. The City Manager may authorize an employee to drive a City vehicle to and from home.
- (b) Employees operating a motor vehicle must have a valid motor vehicle operator's license, chauffeur's license, or commercial driver's license (CDL), appropriate to the vehicle. Employees shall notify their division/department head if any of their operator licenses are suspended, revoked, or expired, and the employee is required to drive a City vehicle or use their personal vehicle for business purposes.
- (c) Department/division heads will check the accuracy of driver licenses for all newly hired employees. The City may periodically check the validity of employee's driver licenses and their driving records. An employee who has an unacceptable driving record will not be permitted to drive a City vehicle or use their personal vehicle for business purposes until notified by their division/department head.
- (d) Employees are required to use privately owned vehicles or public transportation for purposes of getting to and from work. City vehicles are not to be used for this purpose unless explicitly authorized by the City Manager.
- (e) Any employee who operates a City vehicle shall exercise caution, responsibility, and adhere to all laws and safety regulations including use of seat belts for driver and passengers and speed limits. Reckless, careless, or other inappropriate operation of vehicles may result in disciplinary action, to include paying the City for the vehicle damage if the employee is at-fault.
- (f) Emergency road services, towing, and repair charges which occur while away from the City, and are directly chargeable to the operator of the vehicle, are reimbursable to the City employee, provided the employee provides appropriate receipts.
- (g) Traffic fines and arrests for illegal or improper use of automobiles are the sole responsibility of the employee, and may subject the employee to disciplinary action.
- (h) Any accident involving City vehicles must be immediately reported to the Police Department having jurisdiction at the accident scene and to the department/division head. Damaged vehicles should not be removed from the accident scene until the police arrive to investigate the accident. If the damage is minor, and the vehicles can be safely moved to the side of the road in order to relieve traffic congestion, the vehicles can be moved to the side of the road.
- (i) Minor employees (16 and 17 year olds) are NOT allowed to drive full-size City vehicles: cars, pick-up trucks, etc. Minor employees may drive smaller vehicles: golf carts, gators, etc., ONLY inside City parks, but not on regular highways or roads.
- (j) For insurance purposes, the City maintains insurance coverage on bodily injury and property damage to other vehicles and their occupants.83

- (k) Employees who use a personal vehicle for business purposes must have proof of liability insurance in the amount of \$100,000 per person and \$300,000 per accident.

Effective Date: June 2, 2002

Revision Date: September 10, 2007

SECTION 6.9: OUTSIDE EMPLOYMENT

- (a) Under no circumstances shall a full-time City employee have other employment which conflicts with the policies, objectives, interests, or operations of the City or their department/division. Further, no employee shall become indebted to a second employer whose interests might be in conflict with those of the City or his or her department/division.
- (b) Employment conflicts, as set forth in this policy, are defined as a situation in which a second job impairs the employee's ability to perform the duties of his or her position with the City.
- (c) Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations.
- (d) Outside employment, or "moonlighting," is a concern to the City only if it adversely affects the job performance of the employee's City job. Two types of conflicts which may arise are:
 - (1) Time Conflict. Defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of the employee's City job; or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quantity or quality of the employee's job performance with the City.
 - (2) Interest Conflict. Defined as when an employee engages in "outside employment" that tends to compromise his or her judgment, actions, or job performance with the City, or that otherwise creates a conflict of interest under applicable ethics law, or that creates the appearance or perception of a conflict of interest.
- (e) If the City Manager determines that an employee's outside employment is adversely affecting the employee's job performance, the City Manager may direct that the employee refrain from such activity. If the employee's continued outside employment either creates a conflict of interest or time conflict as defined in subsection (d), the City Manager may impose appropriate action, up to and including termination.
- (f) No employee shall use City owned equipment or uniforms to perform non-City employment, except with the permission of the City Manager.
- (g) To ensure compliance with this policy, employees shall request, in writing, permission from their division head to work elsewhere before they accept such outside employment. At the time permission for such outside employment is given, or at any time thereafter, the employee shall, at the request of their division head, execute the **Authorization For Release Of Employment Records (Form 6.9)**, which the City may forward to the outside employer at any time to obtain information in order to verify the employee is in compliance with all relevant provisions of this Manual. This policy applies to employees who presently work for another employer.
- (h) Any questions regarding the legal compatibility of two offices or positions in the public service should be addressed to the City Manager for an opinion.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: February 20, 200984

SECTION 6.10: SOLICITATION AND DISTRIBUTION.

- (a) This policy is designed to protect the interests of the citizens of Moraine by ensuring that only official City business is transacted in City work areas during employee work time.
- (1) Non-employee Solicitation and Distribution. There shall be no solicitation or distribution by non-employees at any time on City premises, including offices leased or operated by the City or in any work area. This policy does not apply to vendors as defined in subsection (b) of this section.
 - (2) Employee No-Solicitation Rule. There shall be no solicitation by any employee during working time. Employees may solicit other employees during non-working times in non-working areas.
 - (3) Employee No-Distribution Rule. There shall be no distribution during working time or in non-working time in work areas. Employees may distribute or receive goods and written materials during non-working time and in non-working areas.
 - (4) Employer's Responsibility. It is the responsibility of the City Manager or designee to determine rules for the enforcement of this policy, and to define work time and non-working time and work areas and non-work areas.
 - (5) Exceptions. The only exception to this policy is solicitation and distribution for City sponsored campaigns, which are related to the business functions of the agency, or employer-approved programs related to employee health, fitness, and wellness.
- (b) Definitions. For purposes of this policy, the following definitions apply:
- (1) City -- the City of Moraine.
 - (2) Distribution -- an act of distributing goods, materials, or written materials.
 - (3) Employee -- any person in the employ of the City in any status.
 - (4) Employer -- the appointing authority, department/division head, or any designee having direct authority over City employees.
 - (5) Non-Work Area -- any area on or off City premises not designated as a work area.
 - (6) Non-Work Time -- any time during an employee's work day when the employee is totally relieved of work duties, such as break time and lunch or meal time. Whether an employee is in paid or unpaid status during these times is immaterial to the designation of non-work time.
 - (7) Solicitation -- an act of requesting an individual to purchase or accept goods, materials, or services, or a plea for a financial contribution.
 - (8) Vendor -- any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the City and its employees, which goods, materials, or services are utilized in the conduct of public business.
 - (9) Work Area -- any office, building, or physical location where official City business is transacted, or operations of the City are being conducted. This includes any public or private area where employees are engaged in work activities.⁸⁵

- (10) Work Time -- all the time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, scheduled breaks, and time before or after a work shift.

Effective Date: June 2, 2002

SECTION 6.11: POLITICAL ACTIVITY

- (a) The City encourages its employees to exercise their constitutional right to vote. Employees can cast their votes in elections before or after working hours, unless otherwise specified in a collective bargaining agreement. With permission of his or her supervisor, an employee may work before or after working hours or at lunch time to make up work time used for voting.
- (b) Employees in the classified service are prohibited by ORC Section 124.57 from engaging in political activity. Political activity and politics refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (c) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for public office in a partisan election
 - (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party
 - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office
 - (4) Circulation of official nominating petitions for any candidate participating in a partisan election
 - (5) Service in an elected or appointed office in any partisan political organization
 - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election
 - (7) Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success
 - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate
 - (9) Solicitation of the sale, or actual sale, of political party tickets
 - (10) Partisan activities at the election polls, such as solicitation of votes
 - (11) Participation in political caucuses of a partisan nature
 - (12) Participation in a political action committee which supports partisan activity
- (d) An employee in the classified service who engages in any of the activities listed in paragraphs (c)(1) to (d)(12) of this policy is subject to disciplinary action up to and including termination.⁸⁶

- (e) Employees in the unclassified service, who serve at the pleasure of the appointing authority, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional statutory provisions.
- (f) Notwithstanding the general prohibition against partisan activity or appointment to partisan office, ORC Section 124.57 does specifically permit classified employees to serve as a precinct election official for a primary, special, or general election, and the employee may, with the prior approval of the appointing authority, use vacation leave, compensatory time off, or unpaid leave so to serve.
- (g) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.

Effective Date: June 2, 2002

SECTION 6.12: CHAIN OF COMMAND

- (a) The chain of command is the vertical channel through which the supervisory responsibilities pass. Each employee has an immediate supervisor at the lowest level of their organization, the beginning of the chain of command, and each employee shall be familiar with their appropriate chain of command that runs from their department/division head to the City Manager.
- (b) All communications pertaining to the operation of the City of Moraine or its departments and divisions shall follow the vertical path of the chain of command. All employees will notify their immediate supervisor if they wish to discuss City business with anyone in the chain of command.
- (c) No employee will publicly criticize or ridicule instructions, orders, or directions they have received or make statements that undermine the effectiveness of the organization or ridicule others.
- (d) No employee will make any statement to another employee with reckless disregard for the truth or falsity of the statement.
- (e) Any employee found in violation of this policy shall be subject to disciplinary action up to and including termination.

Effective Date: June 2, 2002

SECTION 6.13: INFLUENCING

City employees shall not attempt to influence City Council or other City boards and commissions for personal gain, personal employment consideration, to affect the employment status of others, or to exert the influence of prominent citizens, persons holding public office, or persons connected with political or religious organizations in any manner affecting either their own status or that of others within or without the City organization.

Effective Date: June 2, 2002

Revision Date: May 2, 2004 87

SECTION 7

DISCIPLINE AND GRIEVANCES

SECTION 7.1: DISCIPLINARY PRINCIPLES AND APPLICABLE LAW

- (a) The City of Moraine believes that a clearly written discipline policy will minimize potential misunderstandings among employees in disciplinary matters. Accordingly, certain basic principles must consistently be applied in order to effectively and fairly correct unsatisfactory performance. All suspensions, demotions, and terminations shall be implemented by the City Manager as the appointing authority.
- (b) Counseling employees – which can simply be talking to each other – is an excellent means to mentor, teach, relieve stress, and reduce the occurrence of potential disciplinary situations. In the manager-subordinate relationship, counseling should not be considered a type of disciplinary action, but rather a means to improve communication.
- (c) An employee may be disciplined for incompetency, inefficiency, dishonesty, alcohol/drug abuse, immoral conduct, insubordination, neglect of duty, conviction of criminal charges, misfeasance (improper performance), malfeasance (misconduct), or nonfeasance (failure to act), violation of City policies and procedures, discourteous treatment of the public or other employees, willful failure to pay just debts, any failure of good behavior, or an accumulation of minor infractions. Employees are responsible for notifying their division head if they are arrested for a misdemeanor or felony criminal offense.
- (d) Degrees of Discipline. The City subscribes to the basic tenets of supervisors documenting and administering progressive, corrective discipline. The standards set forth herein are designed to be guidelines and the City reserves the right to employ an appropriate level of discipline in each and every case. The following may be considered in determining appropriate discipline:
 - (1) Seriousness of incident (infraction)
 - (2) Circumstances surrounding the incident (infraction)
 - (3) Employee's past disciplinary record
 - (4) Employee's past work performance
 - (5) Overall negative impact of incident on the organization
 - (6) Probability of future similar infractions
 - (7) Other pertinent factors
- (e) The following types of disciplinary action may be administered, in accordance with the provisions of this regulation and subject to applicable collective bargaining agreements:
 - (1) Verbal Reprimand. This is a reprimand to discuss the cause of an infraction/incident, what was done improperly, and recommendations to hopefully prevent further incidents. See **Form 7.1A**.
 - (2) Written Reprimand. This disciplinary action is designed to address violations of a minor nature, such as inability to work harmoniously with other employees and infractions of minor safety rules. See **Form 7.1B.88**

- (3) Suspension Without Pay. This disciplinary action should be used for repeat violations of a minor and/or intermediate nature, for significant violations, such as abuse of leave, fighting or unauthorized use of City property, and for initial infractions of important or major safety rules. Suspensions shall be for no less than one day (eight hours). Three day (24 hours) suspensions and ten day suspensions should follow principles of corrective discipline. Suspensions of greater than 10 days should normally not be used except for extenuating circumstances. A 10-day suspension would typically be followed by termination for the next related disciplinary incident. See **Form 7.1C**.
- (4) Demotion to Lower Classification. This disciplinary action is most appropriate when the employee has demonstrated an inability to perform the responsibilities and duties of the position. Failure to pass probation in a promotional position is not a disciplinary event.
- (5) Termination. This disciplinary action is appropriate for chronic violations of an intermediate nature, multiple violations of a significant nature, infractions of major safety rules, initial violations of a major nature, such as failure to report to work for three consecutive days, harassment, theft of City property, or reporting for work under the influence of drugs or alcohol, and in circumstances where progressive discipline has failed to correct the behavior requiring discipline.
- (f) Disciplinary action should be started at the immediate supervisory level, if the problem is first noted at that level. Written reprimands will be reviewed by the department/division head prior to being given to the employee. Department/division heads will recommend disciplinary action to the City Manager for suspension without pay, demotion to a lower classification, and termination of an employee. Serious or questionable disciplinary cases should be discussed with the City Manager prior to making a recommendation.
- (g) Under Ohio civil service law, employees in the classified service who have successfully completed their probationary periods have tenure during good behavior, and may be reduced in pay or position, suspended, or removed from employment only for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violations of such sections Ohio Revised Code, or any other acts of misfeasance, malfeasance, or nonfeasance in office. (ORC 124.34) In other words, classified employees who have successfully completed their probationary period may only be disciplined for just cause.
- (h) Unclassified employees serve at the pleasure of the appointing authority, and may be removed at any time, with or without cause.
- (i) A copy of all disciplinary actions shall be sent to the Human Resources Director for inclusion in the employee's personnel file.
- (j) An employee may request, through his or her division head, the expungement (removal) of a disciplinary action from his or her personnel file based on the time periods indicated below and if no related disciplinary offense has occurred:
- (1) Verbal reprimand, after 6 months
 - (2) Written reprimand, after 1 year
 - (3) Suspension, after 2 years
- (k) The City has adopted the following groups of offenses to generally describe disciplinary action for unsatisfactory performance of duty, and how such performance affects the City. The examples are characteristic of those offenses, historically judged to be of such a nature to warrant those disciplinary actions established for the group. The examples are not all-inclusive, and the City reserves the right to determine appropriate disciplinary action.⁸⁹

- (l) GROUP I Offenses cause a temporary or minor negative impact on City productivity, effectiveness, and/or morale. Some examples of Group I Offenses are:
- (1) Discourteous treatment of the public or a co-worker.
 - (2) Failure to "report off" work for any absence.
 - (3) Failure to commence duties at the beginning of the work period, returning late from a break period, or leaving work prior to the end of the work period, i.e. being tardy.
 - (4) Leaving the job or work area during the regular working hours without authorization.
 - (5) Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
 - (6) Leaving post of continuous operations position prior to being relieved by employees of incoming shift.
 - (7) Neglect or carelessness in signing in or out.
 - (8) Unauthorized absence from work, to include sick leave abuse.
 - (9) Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
 - (10) Distracting the attention of others, unnecessary shouting demonstration or otherwise causing disruption on the job.
 - (11) Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
 - (12) Failure to cooperate with other employees as required by job duties.
 - (13) Failure to use reasonable care of City property or equipment.
 - (14) Use or possession of another employee's working equipment without authorization.
 - (15) Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
 - (16) Failure to observe department/division rules, regulations, and policies.
 - (17) Obligating the City for any expenses, service or performance without authorization.
 - (18) Failure to report accidents, injury or equipment damage.
 - (19) Disregarding job duties by neglect of work or reading for pleasure during working hours.
 - (20) Unsatisfactory work or failure to maintain required standard or performance.
 - (21) Unauthorized use of telephone for other than business purpose.
 - (22) Excessive or repeated garnishments.
 - (23) Violation of departmental uniform regulations.

(m) Potential GROUP I Disciplinary Actions:

- First Offense Verbal Reprimand
- Second Offense Written Reprimand
- Third Offense 3-day suspension without pay
- Fourth Offense 10-day suspension
- Fifth Offense Termination

(n) Disciplinary Action for Excessive Tardiness As a Group I Offense:

- Three (3) unexcused tardies in a 365-day period Verbal Reprimand
- Four (4) unexcused tardies in a 365-day period Written Reprimand
- Five (5) unexcused tardies in a 365-day period 1 to 3-day suspension without pay
- Over five (5) unexcused tardies in a 365-day period 5 to 10-day suspension without pay
- Continued tardiness after two suspensions for tardiness Termination

(o) Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the Organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting minor impact against the organization than the Group I Offenses.

- (1) Sleeping during working hours.
- (2) Reporting for work or working while unfit for duty.
- (3) Being in possession of, or drinking alcoholic beverages on the job.
- (4) Unauthorized use of City property or equipment.
- (5) Performing private work on City time.
- (6) Willful failure of non-exempt employees to electronically punch or swipe in or out as required.
- (7) Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
- (8) Willful failure to make required reports.
- (9) Solicitation on City premises without authorization.
- (10) The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the City, or its operations.
- (11) Giving false testimony during a complaint or grievance investigation or hearing, or pre-disciplinary conference.⁹¹

- (12) Unauthorized posting or removal of notices or signs from bulletin boards.
- (13) Distributing or posting written or printed matter of any description on City premises unless authorized.
- (14) Unauthorized presence on City property.
- (15) Willful disregard of Department Rules.
- (16) Threatening, using abusive language, intimidating, coercing, or interfering with other employees.
- (17) Unauthorized political activity.
- (18) Willful violation of the appropriate chain of command.

(p) Potential GROUP II Disciplinary Actions:

First Offense Verbal reprimand and 2 or 3 day suspension without pay
 Second Offense 10-day suspension without pay
 Third Offense Termination

(q) GROUP III Offenses may be defined as those infractions that are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses if left undisciplined by proper authority, may cause long lasting and serious impact against the organization

- (1) Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any City property or equipment. Abuse or deliberate destruction in any manner of the City property, tools, equipment, or the property of employees.
- (2) Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying and City records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
- (3) Making false claims or misrepresentation in an attempt to obtain any City benefit.
- (4) Gambling during working hours.
- (5) Stealing or similar conduct, including destroying, damaging, or concealing of any property of the City or other employees.
- (6) The use, possession, or sale of illegal drugs.
- (7) Fighting or attempting injury to other employees, supervisors, or persons.
- (8) Carrying or possession of firearms on City property at any time without proper authorization.
- (9) Knowingly concealing a communicable disease such as TB, which may endanger other employees or the public.
- (10) Misuse or removal of City records or information without prior authorization.92

- (11) Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slowdown, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the City's work stations except as provided by Law.
- (12) Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the City or other employees without authorization; inserting slugs in vending machines without paying the proper charge therein; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action".
- (13) Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
- (14) Punching, signing, altering, or using other employees' time cards, swipe cards, time sheets or unauthorized altering of own time card or sheet.
- (15) Conduct violating morality or common decency, such as sexual harassment.

(r) Potential GROUP III Disciplinary Actions:

First Offense10-day suspension to termination

(s) City Gambling Definition. Gambling is establishing, facilitating, promoting, or operating a game of chance that is conducted for profit. A game of chance is a game whose outcome is randomly determined through some medium or device such as playing cards, dice, roulette wheels, or numbered balls; or placing bets on sports events. In such a game, participants bet or wage money based on the hope of winning something in return. If someone other than the winner of the game is receiving money for establishing, facilitating, promoting, or operating a game of chance, then the game is being conducted for profit – and it is a Group III Offense.

(t) City Policy on Gambling. In consideration of the various laws on gambling, the City definition of gambling, and employee morale, the City permits office sports pools. Such a pool will not be conducted for profit, and will not in any way interfere with the position duties and responsibilities of employees. Sports pools will not be conducted during work hours and will not use City equipment such as computers and printers. Sport pools do not include placing bets on horse races or sport events, or group purchasing of lottery tickets. Division heads shall halt such office pools when they determine the office pools interfere with City operations.

Effective Date: June 2, 2002

Revision Date: September 10, 200793

SECTION 7.2: PRE-DISCIPLINARY CONFERENCE PROCEDURES

- (a) All recommendations for suspensions without pay, demotions, or terminations of any full-time employee shall be subject to a pre-disciplinary conference before a neutral, third party City administrator appointed by the appointing authority. There is no requirement that the conference be conducted by an administrator outside the City department or division in question, although the conference should not be conducted by a person who is either a key witness to the events in question or who conducted the investigation of the allegations. The Human Resources Director will make the necessary conference arrangements.
- (b) This conference shall occur prior to any disciplinary action being invoked. At this pre-disciplinary conference, the employee is entitled to (1) notice of the charges against him or her, (2) an explanation of the evidence supporting the charges, and (3) an opportunity to respond before the decision is made. The conference shall be informal. However, the employee will have the right to be represented at the conference and to present witnesses on his or her behalf. The employee's department/division head or designee and the Law Director or his designee may attend.
- (c) Prior to the pre-disciplinary conference, the appointing authority will send a written notice to the employee informing him or her of the opportunity for the conference. The notice shall also contain a written summary of the charges to be considered at the conference. The pre-disciplinary conference is for the employee's benefit, to allow the employee to supplement the investigation record with his or her response to the allegations before a decision is made on any disciplinary action. Accordingly, the employee may waive the pre-disciplinary conference if he or she chooses, in which case he or she should deliver a written notice of the waiver to the appointing authority in advance of the hearing. Failure of the employee or his or her representative to appear at the appointed time of the conference will be deemed a waiver of the pre-disciplinary conference, and the appointing authority will proceed to a decision based on the available information.
- (d) Any objection to the designation of a pre-disciplinary presiding officer must be made prior to the time set for the hearing. The final decision as to who will conduct the pre-disciplinary conference lies exclusively with the appointing authority.
- (e) The employee may choose to be represented by counsel at the pre-disciplinary conference, provided that he or she notifies the appointing authority at least 24 hours prior to the scheduled time for the conference. Any requests for a continuance to obtain an attorney may be granted or denied in the sole discretion of the presiding officer. If the employee and his or her counsel are not prepared to proceed at the appointed time for the pre-disciplinary conference, this may be deemed a waiver of the hearing. Counsel for the employee in such conferences should be reminded that these proceedings are for the purposes set forth in (a).
- (f) Within five workdays of the pre-disciplinary conference, the neutral administrator shall submit written findings to the appointing authority. Such findings shall be limited to the issue of whether a basis exists for discipline to be imposed. The appointing authority is not bound by the conclusions of the presiding officer, and may adopt, reject, or modify this report or its findings. The appointing authority will implement the appropriate disciplinary action, and will issue the final decision to the employee in writing.

Effective Date: June 2, 200294

SECTION 7.3: APPEALS FROM DISCIPLINARY ACTIONS

- (a) Disciplinary action of suspension, demotion, or termination may be appealed through the grievance procedure as outlined in Section 7.4.
- (b) An employee in the classified service may also have the right to appeal a reduction in rank, a suspension of more than three working days, or a termination by filing a written notice of appeal with the Merit Service Commission within 10 calendar days from the date the official disciplinary notification is filed with the Commission. The Commission shall proceed within 30 calendar days from receipt of such notice of appeal to hear such appeal. The action of the Commission is final.
- (c) Unclassified employees serve at the will of the appointing authority, and may be disciplined up to and including termination without cause.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

SECTION 7.4: GRIEVANCE PROCEDURE

- (a) The City recognizes that within any organization there will be occasional differences among its employees regarding interpretations of rules or other problems stemming from conditions of employment. Hopefully, these differences can be discussed and resolved within a department or division. If not, the grievance procedure serves to promote good employee-management relations by minimizing and adjusting appropriate grievances, which if left unnoticed or unattended, can have very serious results both to employee effectiveness and ultimately City services.
- (b) When a grievance involves a legal issue which the respondent (individual hearing the grievance) cannot address, the grievance shall be forwarded to the City Manager and Law Director for an opinion before proceeding. All time limits set forth in this procedure shall be suspended until a response from the Law Director is received.
- (c) Nothing in this policy is intended to deny any employee to have redress to their legal rights, including the right to appeal to the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, once an employee elects as his or her remedy (or resolution) the provisions of procedures of any of the above named commissions or courts, with respect to any employee grievance or appeal from disciplinary action, he or she is denied the remedy of the grievance procedure provided herein.
- (d) The time limits established in this procedure may be extended by written, mutual agreement of the involved parties.
- (e) A grievant may have a representative of his or her choosing present at any step of the procedure, except Step 1. The expense of any representative shall be borne by the party using them. Witnesses may be called by both parties.
- (f) Grievances will be filed on the **City of Moraine Grievance Form (Form 7.4)**. This form plus any attachments shall serve as the official documentation of the grievance. The original of this form shall continue through the grievance procedure. Copies of the original form may be made as appropriate.95

(g) In order to provide employees with an orderly process by which to seek resolution of such differences, the City has established the following grievance procedure:

STEP 1 Any employee having a complaint regarding an alleged breach of rights under civil service law or this manual, or other City policies or procedures must first discuss his or her complaint informally with the immediate supervisor. If the issue is not resolved in this informal discussion, the employee must put the complaint in writing and present it to the immediate supervisor within seven calendar days from the date on which the employee knew or should have known of the alleged violation. The grievance form will also state the employee's requested remedy or resolution to the grievance. Within seven calendar days from the date the complainant first submitted the complaint in writing, the supervisor shall generally attempt to resolve the matter.

STEP 2 If the complaint is not resolved in Step 1, the employee may pursue the matter by presenting the written complaint to the department/division head or designee within seven calendar days of the reply received in Step 1. The department/division head or designee may, if he or she deems it advisable, meet with those concerned and otherwise attempt to resolve the matter. The department/division head or designee shall respond within seven calendar days of receiving the grievance.

STEP 3 If the complaint is not resolved at Step 2, the employee may pursue the matter by presenting the written complaint to the appointing authority or designee within seven calendar days of the reply received in Step 2. The appointing authority or designee shall meet with the complainant concerned and attempt to resolve the matter. The City Manager or designee will respond within seven calendar days of receiving the grievance.

(h) Complaints not taken to the next step by the employee within the specified time limits (including any written extension thereof) shall be considered to have been resolved on the basis of the decision at the previous step. The department/division head and the HR Director shall track the grievance throughout the procedure.

(i) Discussions at each step should be informal and try to lead to a factual assessment of the situation, in order to find out what led to the problem, and how it can be resolved.

(j) Responses should be based on factual conclusions, and references should be made to City policies or legal considerations on which the decision is based, when possible.

Effective Date: June 2, 200296

**SECTION 8
EMPLOYEE SEPARATION**

SECTION 8.1: RESIGNATION

- (a) An employee who plans to voluntarily resign shall formally notify his or her immediate supervisor in writing at least two weeks in advance of the effective date of separation.
- (b) Any employee who resigns is encouraged to have an exit interview with the City Manager or designee. The exit interview is an opportunity for the employee to offer constructive criticism and insights regarding their City work experience.
- (c) A written letter of resignation is required for purposes of processing the final payroll for the employee. A resignation becomes final once accepted by the appointing authority or designee.
- (d) Failure to give proper notification may result in ineligibility for re-employment.
- (e) Department/division heads will ensure all City property (uniforms, keys, identification card, purchase or credit cards, swipe card, and equipment) are returned and accounted for before the employee leaves City employment and receives their final paycheck. The **Form 8, Employee Separation Form**, and any equipment and property inventory form(s) should precede or accompany the **Employee Action Form**.
- (f) Reinstatement of employees is discussed in Section 2.12.

Effective Date: June 2, 2002

SECTION 8.2: TERMINATION (INVOLUNTARY SEPARATION)

- (a) Employees who are terminated as a result of disciplinary action will be monitored as they depart City property.
- (b) Department/division heads will ensure all City property (uniforms, keys, identification card, purchase or credit cards, swipe card, and equipment) are returned and accounted for before the employee leaves City employment and receives their final paycheck. The **Form 8, Employee Separation Form**, and any equipment and property inventory form(s) should precede or accompany the **Employee Action Form**.

Effective Date: June 2, 200297

SECTION 8.3: RETIREMENT

- (a) All City employees are required by law to participate in the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OPFPF). These programs are entirely independent of the federal Social Security System. Depending on the program, employees can receive pension benefits depending on their age and years of service credit, or if they have to retire due to a work related injury or disability.
- (b) An employee who desires to retire must submit in writing a request to retire and specify an exact retirement date. The request must be submitted to the appointing authority or his designee, and employees are encouraged to give as much advance notice of retirement as possible. The employee must also complete the necessary OPERS or OPFPF retirement application forms, which may be obtained from the Finance Department.
- (c) The requirements and procedures governing the retirement of City employees are set forth in ORC Chapter 145 and OPERS or OPFPF rules and regulations. OPERS and OPFPF are the sole and final authorities on all matters regarding retirement eligibility and benefits, and employees are encouraged to contact these programs directly with questions or concerns about benefit levels, service credit, or eligibility issues.
- (d) Brochures outlining OPERS or OPFPF benefits and specific issues such as service credit, survivor's benefits, disability retirement, and refund of contributions are available in the Finance Department.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

SECTION 8.4: LAYOFF AND RECALL

- (a) The City Manager may lay off City employees whenever a reduction in force is necessary due to:
 - (1) lack of work
 - (2) lack of funds
 - (3) reasons of economy or efficiency
- (b) The City Manager will follow the procedures outlined in this policy manual to determine the order of layoff. Such procedures include consideration of each employee's classification assignment, appointment type, and continuous service time. The City Manager will notify the City Council of the reasons for the layoffs.
- (c) Changing hours of work is not considered a layoff, and layoffs shall not be considered disciplinary actions.
- (d) Notification of Layoff or Displacement. An employee subject to layoff shall be notified, in writing, of the action at least 14 days prior to the effective date. The written notice shall include the effective date of layoff, the employee's retention points, information as to displacement rights and how to exercise those rights, the reason for the layoff, appeal rights, the right to obtain a copy of the layoff regulations, and the out-processing procedures. Employees must notify the City 98

Manager in writing of their intention to exercise their displacement rights (“bumping”) within 5 calendar days of notification, or any right to displace is waived.

(e) Definitions. The following definitions shall be applied to the procedures set forth in this policy:

- (1) Classification -- the official title assigned to a position occupied by one or more employees. A classification may comprise a group of positions that differ in some respects but are nonetheless sufficiently similar to be assigned to a single classification.
- (2) Classification Series -- those classifications which are similar in duties and functions, and which form a natural career progression and which are described by similar or identical terms except for a designation of the level by numerical or other designation.
- (3) Full-time Employee -- an employee who is scheduled to work a minimum of 40 hours.
- (4) Job Abolishment -- the permanent deletion of a position from the City table of organization because of a lack of continued need for a position, as a result of a reorganization for the efficient operation of the City, for reasons of economy, or because of a lack of work. A lack of work is deemed to be permanent if the lack of work is expected to last more than one year.
- (5) Lack of Funds -- there is a current or projected deficiency in the funds available for salaries, wages, and fringe benefits for City employees. This also applies to a position being kept in table of organization but is not funded.
- (6) Lack of Work -- there is a current or projected decrease in the work available for employees in a classification used by the City.
- (7) Length of Service-- the continuous, uninterrupted City of Moraine service of the employee, where no separation from employment has occurred. For purposes of this definition, any separation from employment lasting a period of thirty (30) days or less shall not be deemed a separation; nor shall personal or educational leaves of absence be deemed a separation. If an employee was separated, but was reinstated by specific action of the appointing authority within one year, the service time prior to the separation will be included in the employee’s length of service.
- (8) Part-time Employee -- an employee who is normally scheduled to work 36 hours or less per week.
- (9) Pay Range -- the minimum and maximum wage rate or salary within the salary schedule to which an employee’s position or classification is assigned.
- (10) Position -- the group of job duties that an individual employee is expected to perform. A classification may include a group of closely related positions.
- (11) Retention Points -- the system of establishing points for length of service in order to establish the order of layoff within a classification.
- (12) Seasonal Employee -- an employee who is called in to work for a limited period at a certain season or time of the year.

(f) Method. When the City Manager concludes that there is reason to reduce staffing levels, he or she shall determine the number of positions and the classification in which layoffs will occur. The City Manager shall also prepare a layoff list with the retention points of all employees who have been appointed to the classification(s) selected for the layoff. Such a list should be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.99

- (g) Retention Points. Retention points are based on length of continuous City service. Full-time employees receive one (1) point for each completed weekly pay period of continuous service. Part-time employees receive one-half (0.5) point for each completed biweekly pay period of continuous service in other than full-time status. Retention points for continuous length of service shall be added to a base of 100 points to determine total retention points for each employee.
- (h) Order of Layoff.
- (1) The City Manager will lay off employees in the following appointment types before full-time regular employees in the affected classification(s): temporary employees, seasonal employees, part-time employees, and full-time probationary employees. For the purpose of the order of layoff, employees serving probationary periods as a result of a promotion shall be construed to have completed their probationary period.
 - (2) The City Manager shall prepare layoff lists separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the most recent hire date shall determine the employee to be laid off. If hire dates are the same, the City Manager shall decide the order of layoff.
- (i) Displacement (Bumping). Laid off employees may be permitted to displace (“bump”) employees in the next lower classification and successively lower classifications within the classification series when:
- (1) The lower classification is within the same classification series, and
 - (2) The employee has more retention points than an employee in the lower classification. Employees may not displace to a higher classification, nor may they displace to a higher appointment type (e.g., seasonal employees may not displace part-time employees, nor may part-time employees displace full-time employees). Further, employees may not displace into positions which require specialized skills or training which they do not possess. Displacement of employees with fewer retention points in successively lower classifications in the same classification series shall continue until the last employee in the lowest classification in the series has been reached and, if necessary, laid off.
- (j) Displacement Under Job Abolishment. Whenever the City Manager eliminates one or more positions through job abolishment, employees may displace into an available vacancy as determined by the City Manager. If no vacancy is available, the employee may displace other employees as follows:
- (1) If the City Manager determines that a vacancy is in the classification of layoff, the employee shall first displace to that vacancy, regardless of retention points within the classification.
 - (2) If the City Manager determines that a vacancy is available in a lower level classification, or in successively lower-level classification in the same classification series, the employee shall displace to that vacancy before he or she displaces another employee, provided that he or she has the fewest retention points in the classification of layoff.
 - (3) If there is no vacancy in the same classification or a lower-level classification in the same classification series, the employee whose position has been abolished, may displace (bump) an employee with fewer retention points in a lower-level classification in the same series. This succession of displacement shall continue until the last employee in the lowest-level classification in the series has been reached and, if necessary, laid off.100

- (4) An employee shall not be required to displace lesser appointment types under this provision, unless the employee has the fewest retention points in the classification series with that appointment type.
- (k) Pay Rate Following Displacement. Whenever an employee displaces to a lower classification as a result of layoff or job abolishment, the employee shall be paid according to the same rate of pay or range assigned to the lower classification in the classification series into which the employee was displaced.
- (l) Reinstatement Rights. The City Manager will establish a recall list, and employees shall be eligible for reinstatement for one year following layoff. Employees shall be offered positions that become available at their classification level and lower classification levels within the same classification series, in order of their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points in a classification shall be first on the recall list). An employee may only be recalled to a position if the employee is qualified to perform the duties of that position at the time of the recall. The recall list will be posted in a public and conspicuous place.
- (m) Each employee eligible to be recalled from layoff shall be notified of the offer of reinstatement by certified mail.
- (n) A laid off employee is responsible for keeping the City Manager informed of their current address. Failure to do so may result in the inability to notify the laid off employee of his or her eligibility for reinstatement.
- (o) Each recalled employee shall be allowed 10 calendar days from the date of receipt of the certified letter to return to work. Exceptions to this policy must be approved by the City Manager.
- (p) Any employee declining reinstatement to the same classification from which the layoff or displacement occurred shall be removed from eligibility for further recall.
- (q) If not removed previously, the name of any laid off or displaced employee shall be removed from eligibility for recall one calendar year after the employee was first laid off or displaced from his or her original classification.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

SECTION 8.5: SERIOUS INJURY OR DEATH OF AN EMPLOYEE

The serious injury or death of a City employee is a very unfortunate and traumatic situation that requires careful and compassionate consideration by City management and co-workers. To ensure the City has accurate personal emergency information for employees, each department/division shall maintain this necessary information, to include next of kin information, home address (not post office box), and telephone numbers. To fully inform his/her supervisors of important information in the event of a serious injury or death while at work, a detailed Job Injury and/or Death Notification Information package for employees to use is available in Human Resources. This information package should be returned to Human Resources in a large, sealed envelope, which will be secured in the Police dispatch center, and will only be opened by senior management in case of an emergency. The following guidelines shall be followed:101

(a) The serious injury or death of an employee shall be reported immediately to the City Manager's

Office (the City Manager, his designee, or his secretary).

(b) Official notice of the employee's serious injury or death will be made by the City Manager's Office,

and the name of the employee will not be announced until the employee's next of kin is notified.

(c) If the employee's death occurred at work, the circumstances of the death will be investigated by the City. The City Manager or his designee will provide information on the investigation results.

(d) The injured or deceased employee's department/division head will secure the employee's personal possessions, and return the possessions to the next of kin if these items are not part of the investigation.

(e) The City Manager's Office and the deceased employee's department/division will assist the employee's family as necessary and appropriate.

Effective Date: June 2, 2002

Revision Date: May 2, 2004 102

SECTION 9

MISCELLANEOUS POLICIES

SECTION 9.1: EMPLOYEE WORK AREAS AND CONVERSATIONS

(a) Employee Work Areas, Offices, and Desks.

- (1) In order to maintain security and to operate efficiently, City management must reserve the right to have complete access to all City work areas, property, offices, and equipment. Accordingly, employees who store personal items in City-owned desks, lockers, cabinets, storage areas, or vehicles do so at their own risk, and should have no expectation of privacy for items maintained in these areas. The City reserves the right to have access to any City owned or leased property, including employee desks, lockers, cabinets, storage areas, or City owned or leased vehicles used by employees for any business purpose, including search and retrieval of items found therein. This is true even if locks are provided or the employee uses his or her own lock.
- (2) No employee may intrude into an employee's or official's personal work area, including desks, work stations, and lockers, without a legitimate business purpose and without the prior approval of an appropriate management representative. This prohibition does not extend to items in plain view observed while the employee is in the area for a legitimate business purpose, but employees are cautioned that unauthorized looking through the papers, e-mail, or effects of others is prohibited.
- (3) The City maintains surveillance cameras inside and outside various facilities that video record activities in those work areas.

(b) Employee Audio and Video Recording.

- (1) The appointing authority must expressly approve any audio- or video-recording in advance, unless the monitoring is directed by court order, such as a duly issued warrant. No employee, including supervisors and managers, may surreptitiously audio-record or video-record conversations involving employees, officials, customers, or other persons. Employees who engage in such unauthorized recording are subject to disciplinary action and prosecution. This provision does not prohibit audio- or video-recording as part of a duly authorized investigation of allegations of employee misconduct or criminal violations where otherwise permitted by law.
- (2) The employer may choose to monitor and tape-record employee conversations with customers as part of a program of quality assurance and control only if the employees are previously notified that such monitoring may occur, and the customers are so notified by means of a recorded disclaimer or other express notification.
- (3) Employees shall not use cameras, to include phone cameras, for picture/video recording in or on City facilities unless the other employees involved are asked and agree to have their picture taken.
- (4) All telephone calls to the Police Dispatch Center are recorded.

Effective Date: June 2, 2002

Revision Date: May 2, 2004 103

SECTION 9.2: EXPENDITURE OF CITY FUNDS

- (a) City employees will not purchase items without department/division head approval and without an approved purchase order.
- (b) All City purchases will be documented by a receipt, invoice, contract, or other written form.
- (c) Department/division heads are responsible for controlling their respective budgets and ensuring that line items are not over expended, for making necessary budget adjustments, and for effectively carrying out approved programs. Failure to comply with department/division head directions or policy is a violation of this policy.
- (d) Any violation of (a), (b), or (c) will be treated as failure to account for public funds, with the appropriate disciplinary action up to and including termination.

Approved: June 2, 2002

SECTION 9.3: PERSONNEL FILES

- (a) The City shall maintain official personnel files on all employees. Such files shall include, but may not be limited to individual employment data; payroll information; work time schedules; records of additions or deductions paid; application forms and resumes; evaluations; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, or other personnel actions; and records of leave usage.
- (b) Under current Ohio public records law, the City cannot assure confidentiality of these records, which are considered public records with few exceptions. Employees will be notified when a public request is made to view their records. All such requests will be made to the Clerk of Council and coordinated with the Human Resources Director and/or Finance Director, as appropriate.
- (c) Per HIPAA, the City must keep all medical information, such as records of medical examinations, physician's statements, or other information regarding medical conditions of the employee in a separate file, and such medical records do not constitute public records and may not be disclosed except as otherwise provided by law.
- (d) An employee shall have a right to reasonable inspection of his or her official personnel file, and may make copies of any document in his or her file.
- (e) Employees must advise their department/division head, City Manager, Finance Director, or Human Resources Director, as appropriate, of any change in name, home and mailing address, marital status, telephone number, number of exemptions claimed for tax purposes, legal authorization to work in the United States, or military status.

Effective Date: June 2, 2002

Revision Date: May 2, 2004 104

SECTION 9.4: EMPLOYMENT-RELATED REFERENCE CHECKS

- (a) All requests for a reference for a current or former employee, whether in writing or by telephone, must be referred to the Human Resources Director. No other employee, except the City Manager, shall respond to any request for a reference or other information regarding the work performance of a current or former employee, except as authorized by the City Manager.
- (b) No reference shall be given for a current or former City employee unless the person who is the subject of the reference request executes the following release or its substantial equivalent:
- I hereby authorize the City of Moraine, its officers, employees, and agents, or any other person, to provide [Name of Employer Requesting Reference] and any other person or entity any and all information and opinions about me, and I release the City of Moraine, its officers, employees, agents, and all other persons and entities from any legal liability whatsoever for furnishing such information or opinions.
- (c) Candidates for employment with the City for whom the City is checking references should be asked to sign the following release:
- I authorize any person, school, current or past employer, and any other person or entity to provide the City of Moraine [Name of Office or Department] with any and all information and opinions about me, and I release all such persons and entities from any legal liability whatsoever for furnishing such information or opinions.
- (d) In order to avoid unnecessary risks of liability, all questions regarding the scope of any release or response to a reference request should be reviewed with the Human Resources Director.
- (e) This provision does not apply to requests for personal references not relating to employment with the City, but such requests must be directed to and responded to at the employee's home address and telephone number.

Effective Date: June 2, 2002

SECTION 9.5: POLICY ON EMPLOYEES WITH AIDS (ACQUIRED IMMUNE DEFICIENCY

SYNDROME) AND HEPATITIS B AND C

- (a) The City treats AIDS, HIV (Human Immunodeficiency Virus), and Hepatitis B and C infections as disabilities in accordance with our policy on Equal Employment Opportunity (EEO) and the requirements of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. In addition to the provisions of the City's EEO policy on non-discrimination and reasonable accommodation for disability, the following guidelines are intended to assist City employees in maintaining a work environment that is responsive to the workplace issues created by AIDS, HIV, and Hepatitis B and C infections.
- (b) A supportive and caring response from managers and co-workers is an important factor in maintaining the quality of life for an employee with these infections. Managers should be sensitive to the special needs of employees and assist them by demonstrating personal support, referring them to counseling services, and arranging for benefits counseling as necessary. Studies show that the support by others in the workplace can be therapeutic for these employees, and may help to prolong the employee's life.105

- (c) AIDS and Hepatitis do not present risks to the health of co-workers or customers. On the basis of current medical evidence, the City recognizes that AIDS and Hepatitis are life-threatening illnesses that are not transmitted through casual personal contact.
- (d) Co-workers will be expected to continue working relationships with any employee who has AIDS, HIV, or Hepatitis infections. Managers are encouraged to contact the Human Resources Director for assistance in providing employees with general information and information about these infections. Any employee who is unduly concerned about contracting these infections can be further assisted through individual counseling.
- (e) An employee with AIDS, HIV, or Hepatitis infections is not obligated to disclose his or her condition to a manager or any other employee of the City. To the extent possible, managers should protect the confidentiality of information regarding any employee's health condition, including an employee with one of these infections.
- (f) An employee with the AIDS, HIV, or Hepatitis infection is expected to meet the same performance requirements applicable to other employees, with reasonable accommodation if necessary. If an employee becomes disabled, managers will make reasonable accommodation, as with any other employee with a disability, to enable the employee to meet established performance criteria. Such reasonable accommodation may include, but is not limited to flexible or part-time work schedules, leave of absence, work restructuring, or job reassignment.
- (g) The City is following the progress of medical research on AIDS, HIV, and Hepatitis infections. If any significant developments occur, these guidelines will be modified accordingly. Questions should be directed to the Human Resources Director.

Effective Date: June 2, 2002106

SECTION 9.6:

- (a) Employees shall not smoke or use tobacco products in City vehicles, City buildings, or vehicles used for City business that may be occupied with members of the public, such as children participating in City sponsored trips.
- (b) Per ORC 3794, No Smoking signs are posted at each City building entrance to inform people of this law: smoking is not permitted in City buildings or near City building entrances, and that violations of the law may be reported to the Ohio Department of Health at 866-559-6446.
- (c) City designated smoking areas cannot be located by or near City building entrances (doors), windows, ventilation systems, or other areas that would permit the smoke to enter City buildings.
- (d) Divisions should consider designating smoking areas away from City buildings – physically separated from buildings so smoke does not enter the building, and smokers are not clustering near building entrances.
- (e) Employees should be particularly conscious of not smoking or using other tobacco products around children participating in the City's various recreation programs. The City does not want the liability of being associated with smoking and its related health hazards.
- (f) Employee breaks for purposes of smoking are governed under the provisions of Section 4.2, provided that smokers are entitled only to the same consideration for breaks as nonsmokers.

Effective Date: June 2, 2002

Revision Date: May 2, 2004

Revision Date: September 10, 2007

SECTION 9.7: WHISTLE BLOWING

- (a) If any City employee becomes aware, in the course of their employment, of (1) the violation of a federal statute, (2) the violation of a state statute, (3) a violation of a City ordinance, rule, or regulation, or (4) the misuse of public resources, the employee shall notify his immediate supervisor of the violation or misuse.
- (b) In the event that the immediate supervisor commits the violation or misuse, in part or in whole, the employee shall notify the next responsible City official in the employee's chain of command, either his/her department/division head or the City Manager.
- (c) No employee shall be disciplined for notifying his immediate supervisor, department/division head, or the City Manager of any violation or misuse as long as the notification was in good faith.

Effective Date: June 2, 2002 **SMOKING AND TOBACCO USE POLICY. 107**

SECTION 9.8: WEATHER EMERGENCIES

(a) The City recognizes that on rare occasions it may be impossible for a scheduled employee to report to work because of excessive snow, ice, or other weather emergencies. Because such weather conditions are part of a normal winter in Ohio, employees are expected to come into work whenever possible. If in the judgment of the City Manager or his designee, however, extreme emergency weather conditions exist, the provisions of subsection (b) govern payment of wages on such days.

(b) (1) Plan A.

In the event of extreme weather conditions not involving the closure of City facilities, scheduled employees who are able to come into work shall be paid their regular wage for actual time worked. Those employees who arrive late or who are unable to come into work because of the extreme weather shall have the option of taking leave without pay or using time from available vacation or compensatory time off to account for the time missed, or, when possible and approved by the employee's supervisor, by flexing hours in the remainder of the work week. Also, when actual or pending road conditions warrant, the City Manager may give approval for non-weather emergency employees to leave work early. All non-exempt employees who choose to leave work early, with the supervisor's approval, may do so, and may make up the lost time during the same week or use available vacation or compensatory time off, or leave without pay.

(2) Plan B.

In the event that the City Manager or his designee closes City offices because of an extreme weather emergency, employees shall receive full pay for the period of the closure. Public safety employees (Police and Fire), specific maintenance and operations employees, and other designated emergency service employees are required to report to work except with the express approval of their department/division head. Such emergency service employees shall be paid at their normal rate of pay for the actual hours worked. Each department having need for employees designated to respond under this plan shall establish its own list of employees, job classifications, and duties, and shall notify all affected employees of their status. If the employee remains unable despite best efforts to come into work, and all other alternative methods have been exhausted, the employee shall contact the supervisor, who may then arrange for the employee to be picked up at home.

(c) A telephone network shall be established to notify all department/division heads of the closing should this decision be made after normal working hours or on weekends. Department/division heads are responsible for notifying his or her employees of the closing.

(d) Employees must be in active pay status at the time that a weather-related closure begins in order to receive pay for the period of the closure. An employee who is off work on an approved vacation,

sick leave, compensatory time off, or other paid leave at the time of a weather-related closure shall be charged for the hours of the leave scheduled, and the employee may not substitute the hours of pay authorized for a weather-related closure for all or part of an approved paid leave after the leave has commenced. If the offices remain closed at the time that the employee is scheduled to return from the leave, however, the employee will not be charged for leave for the remainder of the closure period (e.g., if on sick leave when a weather emergency occurs and the office is subsequently closed, the employee will still be on sick leave).

Effective Date: June 2, 2002108

SECTION 9.9: THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND CITY EMERGENCY RESPONSE PLAN

An emergency situation may be declared by the City Manager or his designee in order to respond to an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action. This situation could be the result of NIMS activation or a local emergency. Within the context of the Emergency Response Plan and Incident Action Plans that deal with a particular incident or disaster, employees may be placed under the temporary supervisory authority of an incident commander from another division, agency, or jurisdiction.
Effective Date: September 10, 2007

SECTION 9.10: MEDIA POLICY

- (a) The City of Moraine intends to be proactive in its approach to sharing information with the public and in using media as one method of accomplishing this goal. A full and reasonable attempt shall be made to respond promptly and accurately to all media inquiries. Only designated staff members specifically authorized by the City Manager may speak for the City or give information to the media on behalf of the City.
- (b) It is recognized that the Fire and Police Divisions receive ongoing media requests regarding routine daily activities, and that these requests may be handled through the shift commander or officer in charge. For fast-breaking stories involving major emergency incidents, release of information needs to be coordinated through the Fire Chief, Police Chief, City Manager, or City Manager's designee. It is also recognized that if conditions make it impossible for immediate release of accurate information, then it is permissible to delay release of information until the emergency situation has stabilized.
- (c) All departments and divisions are encouraged to generate news releases pertaining to events and activities within their scope of responsibilities. The City Manager or his designee shall approve news releases.
- (d) It may be appropriate, on occasion, to call a news conference to announce a major City decision or to respond to an issue of general interest to the public. The City Manager or his designee shall approve news conferences.
- (e) Nothing in this policy shall be construed to limit or control comments made by members of the City Council to the media.

Effective Date: June 2, 2002

SECTION 9.10.1: SOCIAL MEDIA

- (a) For purposes of this policy, "social media" shall be defined as the collection of tools and online spaces available to help individuals and groups to generate content and engage in peer-to-peer conversations regarding content. Social media uses new technologies to transform broadcast and share personal, professional, audio, visual or other documentary records.

Examples of social media upon which individuals engage in social media networking includes; but is not limited to: Facebook, Twitter, MySpace, YouTube, Flickr, Linked-In, Google+, wikis, podcasts 109

and may also include personal or professional blogs. However, social media does not include e-mail, cell phones, or typical websites.

The City recognizes and encourages innovative ways to use these technology tools to communicate with its customers, enhance its services and provide benefits to the organization, such use must be part of a comprehensive approach to communication. Accordingly the principals of this policy shall be considered to apply to new and emerging methods of social media even if not expressly discussed herein.

(b) When employees wish to use these tools to communicate messages about the City, they shall start the process with their Division Head or the City Manager, who will help determine how social media fits into the City's overall approach to communications and marketing and discuss appropriate messaging, timelines and individual responsibilities.

(c) City maintained and related social media:

(1) The City Manager or an appointed designee will maintain list of approved users and account holders, and coordinate exchange of news, internal links and information to maintain consistency and limit duplication.

(2) The City Manager or an appointed designee will monitor content on each of the social media sites to ensure adherence to this policy for appropriate use, message and branding consistent with the mission and values of the City. The City Manager or an appointed designee retains the authority to remove information.

(3) Employees using any social media for work-related functions are bound by the City's equipment use policy, Section 6.7. Employees using an account for City/work purposes must identify themselves as a City employee in all instances.

(4) Information published using social media networking shall not reveal confidential (e.g. tax information), proprietary (e.g. police investigation techniques) or other information which reveals policies or practices of the City of Moraine which may impair or compromise the activities of the City. Extreme caution shall be used in the sharing of any information relating to the City of Moraine's practices and policies on social media sites. This guideline shall extend to communications that are deemed confidential by the social media and which are restricted to a limited sub-set of users of the social media. Security breaches are common and alleged restricted access may not prevent the confidential information from being shared beyond those for which it was intended for.

(5) It shall be the duty of all City employees using social media to be respectful regarding the City of Moraine, fellow employees, residents, vendors, colleagues in other agencies, and local business owners. Employees shall refrain from making references to City of Moraine vendors, residents, business owners, colleagues or other individuals without their expressed written consent.

(6) Employees shall refrain from writing negative comments, as well as recommendations or offering referrals because it may give the appearance that the City endorses certain individuals, companies or organizations being referenced.

(7) Social media activities shall not interfere with work commitments. Social media may be good resources for developing business relationships or providing information to

residents or prospective residents. It is more likely, however, that employees may find themselves wasting work time on social networking. Any social networking shall not interfere with the employee's primary job responsibilities.

- (8) Employees shall respect copyright laws, and reference and cite sources appropriately.

(9) Employees shall be responsible for reading, knowing, and complying with any terms of service required by any social media while engaging in social media.

(10) Public Comment Guidelines

a. Social media websites that are maintained by the City should display a link to the public comment guidelines. These guidelines

Thank you for visiting the City of Moraine <insert name of social media website>.

The purpose of this website is to share photos, video and information of public interest in the City of Moraine with our many residents, businesses, and visitors. The City strives to respond to comments within a timely manner during normal business days. This is not a work order request, if you need on call (937) 535-1000.

By using or accessing the City of Moraine <insert name of social media website> page, you agree to comply with <insert name of social media website>'s Terms and Conditions. Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Section 149.43 of the Ohio Revised Code.

Please note if you post a comment, the City reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or comments that are offensive to a person with reasonable sensitivity or target or disparage age, race, color, religion, national origin or ancestry, sexual preference, handicapped or disabled, genetic information, or status as a veteran or disabled veteran of the U.S. armed forces. Further, the City also reserves the right to delete comments that: (i) are spam or include links to other sites; (ii) are clearly off topic; (iii) advocate illegal activity; (iv) promote or oppose particular services, products, or political organizations and candidates; or (v) infringe on copyrights or trademarks.

*We reserve the right to remove or ban any user for comments that violate our Terms of Use, including but not limited to: **banning/hiding page administrators from one's personal account**. By accessing, affiliating with, or commenting on this page, your identity may be visible to third parties not affiliated with the City of Moraine. In addition, third parties may be able to access your profile and personal information. The City of Moraine is not responsible for access to your identity, profile, or personal information by third parties. It is the express responsibility of the user, or his/her parent or guardian, to protect the user's identity, profile, and personal information. Comments expressed on this site, other than those posted by the City of Moraine, do not reflect the opinions and position of the City of Moraine or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City of Moraine at (937) 535-1000 or whatshappening@ci.moraine.oh.us.*

(11) Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. Consult with your immediate supervisor or Division Head if you are uncertain.

(d) Personal maintained and related social media:

(1) The City prohibits use or updates to personal social networking sites with City equipment and/or on City time and may be subject to public record laws.

- (2) Posting proprietary information, content or confidential and/or sensitive information related to the City is prohibited on employees' personal sites.
 - (3) Employees using personal social media shall have clear disclaimers that the views expressed by the author are the author's alone and do not represent the views of the City of Moraine.
 - (4) Employees may not use City of Moraine logos or images including but not limited to photographs without written consent of their Division Head or the City Manager on their personal sites.
 - (5) Employees with personal sites or other types of social media which can be accessed by the public, shall not place or allow photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches, or badges, or in any other way, either directly or indirectly, identify themselves as an employee of the City for any reason, without approval as indicated.
 - (6) City employees who hold personal accounts are expected to know and understand the content and information posted to these accounts can be and easily connected to an individual's employment with the City of Moraine. Therefore, personal accounts may be viewed in some capacity as a reflection on the City by nature of their public accessibility.
- (e) On work-related and personal sites, employees are bound by applicable personnel policies, including, but not limited to, Section 3.2.b.
 - (f) On both personal and work sites, employees shall ensure their online content is consistent with the ethics and acceptable behavior of the organization. They may not post information or opinions that portray the City, Moraine's elected and appointed officials, or other employees in a negative light.
 - (g) Employees using these tools and whose conduct on or off the job negatively affects job performance or job performance of other employees, or the image or reputation of the City, will be subject to disciplinary actions, up to and including dismissal.

Effective Date: June 1, 2013

SECTION 9.11: SAVINGS CLAUSE

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

Effective Date: June 2, 2002112

SECTION 10 FORMS

☛ City Forms are located at O:/Forms

- Form 2.3 Personnel Requisition (10/17/00)
- Form 2.11 Temporary Assignment and Pay Plus (12/07/00)
- Form 4.1 Employee Action (02/03/10)
- Form 4.6 Employee's Injury/Incident Report (11/16/06)
- Form 4.71 Request For Approval of Business Related Travel
- Form 4.72 Travel Expense Report
- Form 4.73 Monthly Mileage Log
- Form 4.74 Per Diem Request
- Form 4.8 Tuition Reimbursements (4/5/02)
- Form 5.2 City Absence Report (1/1/03)
- Form 5.3 Sick Leave Donation (12/20/01)
- Form 5.6 Physician's Light Duty Release (9/22/00)
- Form 6.3A City Hazard Report (11/21/03)
- Form 6.3B Non-employee Accident/Injury Report (11/21/03)
- Form 6.3C Equipment or Vehicle Accident Report (11/15/04)
- Form 6.4A Return to Work Certificate (8/24/04)
- Form 6.4B Acknowledgement of DFWP Policy and Procedures (1/26/04)
- Form 6.5 Review of City of Moraine's Harassment Policy (1/1/03)
- Form 6.7A City Equipment and Property (3/14/02)
- Form 6.7B Log for Personal Phone Calls (3/14/02)
- Form 6.9 Authorization For Release of Employment Records
- Form 7.1A Record of Verbal Warning (1/1/03)
- Form 7.1B Record of Written Reprimand (1/1/03)
- Form 7.1C Record of Suspension (1/1/04)
- Form 7.4 Grievance (9/29/00)
- Form 8 Employee Separation (2/6/02)