

# City of Bexley Personnel Policy Manual

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# Section 1: Introduction

## 1.1 - Introduction

This manual has been written for the convenience and information of City officers and employees. This Policy Manual is not a contract of employment, either expressed or implied. The City reserves the right to change any provision of the Manual, without employee consultation. Although the City may periodically distribute copies of this Policy Manual to City officers and employees, individuals should visit the office of a City Department Head or consult the City's internal computer network drive to view the current version of the City's Policy Manual. **Employees have an affirmative responsibility to familiarize themselves with city policies and procedures and to request further information from a supervisor in the event of uncertainty as to the meaning or operation of particular policies or procedures.**

This Policy Manual is a collection of the policies and procedures the City uses to administer City employment. The material contained in the Manual reflects applicable Federal, Ohio and Bexley law, including legislation, administrative regulations, and charter provisions. As a general rule, all employees of the City of Bexley are governed by the policies and procedures contained in this Policy Manual. Employees who are members of bargaining units may have the terms and conditions of their employment governed to a significant degree by a collective bargaining agreement. If the terms of a collective bargaining agreement conflict with the terms of this Policy Manual, the collective bargaining agreement will control over the Policy Manual with regard to the point of conflict. The superseding effect applies only to employees who are members of the bargaining unit covered by the collective bargaining agreement in question.

The policies set forth and adopted within this Policy Manual generally supersede all previous written and unwritten personnel policies of the City of Bexley, except as specifically noted by the Mayor.

## 1.2 - Management Authority

The City of Bexley maintains the ultimate authority to establish, interpret and administer policies and to direct the operation of the services and facilities under its jurisdiction. This authority includes, but is not limited to, the right to:

- Exercise executive management and administrative control of City employment and City properties and facilities.
- Hire all employees and, subject to pertinent legal strictures, determine their qualifications and the conditions for their continued employment, and determine the conditions for their dismissal or demotion, and promote, transfer and assign all such employees;
- Establish performance requirements for each City department, including training, work methods, equipment and staffing levels, as deemed necessary or advisable by the City of Bexley;
- Determine all work schedules, hours of operation, and duties, responsibilities and assignments of employees, as well as the terms and conditions of their employment.

All management authority not specifically delegated to individual employees is retained by the City. Policies established by the City of Bexley shall be consistent with the policies set forth in this Manual, Federal Laws, State laws (to the extent not superseded by local laws enacted pursuant to the City's charter or home rule authority), the Charter of the City of Bexley, Bexley City Ordinances and the City of Bexley Municipal Civil Service Commission Rules.

## Section 2: Employment Practices

## 2.1 - Equal Employment Opportunity

The City of Bexley is an Equal Employment Opportunity Employer. The City's employment actions will be based upon merit, fitness, and such other bona fide occupational qualifications and not on an individual's race, color, religion, sex, sexual orientation, national origin, disability, or other non-job related criteria.

## 2.2 - Immigration Law Compliance

The City of Bexley is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration and Reform Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the Form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions regarding the City's application of the Immigration and Reform Control Act of 1986 may contact the Office of the Mayor. Employees may raise questions or complaints about the City's practices without fear of reprisal.

## 2.3 - Municipal Civil Service

The City's employees are members of a municipal civil service system administered by the City of Bexley Municipal Civil Service Commission. The City's employees fall into two broad categories of civil servants: classified employees, whose employment is subject to the procedural and substantive features of the City's civil service system, and unclassified employees, who serve at the pleasure of their City appointing authorities and who generally do not participate in the civil service mechanisms applicable to classified employees.

Article XII, Section 51 of the City Charter identifies the following positions as being unclassified:

1. All officers elected under the Charter;
2. All officers and members of boards or commissions whose appointment is subject to concurrence by Council or who are appointed by Council;
3. One secretary or clerk for the Mayor, assistant or clerk for the Auditor and for each board or commission appointed hereunder;
4. The Chief of Police;
5. The heads of any departments or sub-departments, the supervisors or assistant supervisors of any functions, or such other supervisory or management personnel that may be created by Council under the Charter;
6. All employees whose service is temporary or part time;
7. All unskilled labor positions, designated as such by ordinance of City Council.

The City of Bexley Municipal Civil Service Commission maintains a journal of positions exempt from the classified civil service. Employees occupying positions falling outside the Charter's list of unclassified positions, or the Civil Service Commission's list of exempt positions, are in the City's classified civil service.

The City has analyzed its classified positions and assigned them to groups of positions known as "classifications." A classification includes positions having similar duties, responsibilities, authority and qualifications. The City has arranged its classifications in a Classification Plan. The Classification Plan not only shows all of the classifications (and the positions falling within each classification), but also identifies the pay ranges assigned to each classification. City Council is responsible for determining the pay ranges for these classifications. The City of Bexley Municipal Civil Service Commission is responsible for maintaining and modifying the Classification Plan and determining whether particular positions are correctly assigned to classifications.

The City uses class titles from the Classification Plan in all personnel and payroll actions involving classified civil servants.

Although the employment of the City's classified civil servants is subject to state laws, City Charter provisions, City ordinances and City of Bexley Municipal Civil Service Commission Rules governing the classified civil service, those employees may be members of bargaining units covered by collective bargaining agreements. In such cases, collective bargaining agreements may supersede various aspects of civil service provisions otherwise applicable to those employees. Nevertheless, bargaining unit employees continue to be members of the City's civil service system and subject to those civil service provisions not superseded by collective bargaining agreement.

## 2.4 - Probationary Period

The standard probationary period for classified civil service positions is one hundred eighty (180) calendar days. The probationary period may be extended by mutual consent of an employee and his or her Department Head. Additionally, the City will extend the length of a probationary period by the length of time an employee was absent from scheduled duty during his or her probationary period.

## 2.5 - Vacancies & Promotions

The City will post, internally for five working days, vacancies which occur or are imminent within the City, except in those cases where an employee is eligible for reinstatement from layoff to the vacant position. During the five-day posting period, any employee wishing to apply for the vacant position shall submit a written application to Human Resources or the head of the department where the vacancy exists.

The department head or designee is not obligated to consider any application submitted after the close of the posting period.

Vacancies in positions above the lowest classification in the classification series will be filled, insofar as it is practicable as determined by the department head, by promotion of current employees.

Employees applying for promotion must:

- Meet minimum job qualifications as established in the position description; and
- Submit a proper application in a timely fashion;
- Have the ability to perform the functions of the job, as described in the position description and any other description of the position issued by the City in connection with the posting of the position;
- Not be in a probationary period.

Among other factors, the City may consider an employee's work history, attendance, disciplinary actions and experience, familiarity with duties of the new position, and potential supervisory ability in considering his or her qualifications for the job.

Human Resources, in partnership with the hiring supervisor, will determine a short-list of candidates for further consideration. Interviews will be conducted by a selection committee consisting of at least the immediate supervisor and one other qualified person.

In addition to considering current employees, the City will consider filling the vacant job through selection of a qualified outside job applicant. Qualifications may include successful completion of an appropriate civil service exam. The appointing authority shall publicly announce by appropriate means all vacancies to be filled and shall maintain a list of announced vacancies for public inspection.

An application must be properly completed and submitted before an applicant will be considered for employment.

## 2.6 - Employment of Relatives



The City of Bexley does not employ relatives or other family members of a current employee (for example, mother, father, brother, sister, child, spouse, domestic partner as defined by City Ordinance, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, cousin, legal guardian or other person who stands in the place of a parent, or for whom the employee stands *in loco parentis*) to work in the same department or any unit thereof or under the same supervisor. However, the City generally permits the employment of relatives in different departments, so long as each of the two relatives is entirely uninvolved in the hiring or supervision of the other and no other conflict is posed by their simultaneous employment.

As addressed in Section 301 of this Manual, where two City employees are married to each other, they are not entitled to duplicate health insurance coverage under the City's group policy(ies).

## 2.7 - Performance Evaluations

The City evaluates a City employee's job performance twice during the employee's probationary period and at least once during each calendar year thereafter. Among other things, the City uses performance evaluations to determine efficiency in the computation of retention points for layoffs of classified employees.

Evaluations are performed by an employee's immediate supervisor. In the case of annual evaluations, the evaluation generally covers the twelve months preceding the evaluation date. After completing the evaluation, the supervisor will discuss the evaluation with the employee and will counsel the employee regarding any improvement in performance that appears desirable or necessary. Employees may add comments to their evaluation forms. An employee is required to sign the evaluation form to verify that he or she has seen the completed document. The employee's signature does not mean that he or she agrees with the evaluation. A copy of the performance evaluation is retained in the employee's Personnel File, in accordance with the Records Retention Policy.

## 2.8 - Remote/Hybrid Work

Remote/Hybrid work arrangements are defined as circumstances where an employee regularly works from home or at another approved location for part of their workweek.

Remote/hybrid work arrangements are determined at the discretion of the Department Director and may be changed or revoked at any time. Remote/hybrid work arrangements are an option in some circumstances, but not an employment right.

In certain circumstances, hybrid work from home arrangements may be considered provided the role meets the criteria described below, the employee has a demonstrated track record of meeting performance expectations, and the supervisor and employee agree to work from home expectations.

### **Compatibility with Job Duties**

The City of Bexley is a small organization that seeks to provide excellent service to all residents and stakeholders, with many positions requiring a physical presence in and throughout the community. The size of our team and our commitment to service often requires employees to step in and perform duties outside of their regular roles. Therefore, work from home arrangements will not be compatible in most circumstances.

Examples of job duties incompatible with remote/hybrid work may include but are not limited to:

- In-person customer service for residents and/or stakeholders
- Public safety services requiring patrol or direct response
- Infrastructure maintenance and development
- Using specific systems and equipment that are only available on-site
- Significant in-person collaboration with others, including leading teams
- Managing City facilities

### **Performance History**

Remote/hybrid arrangements are only available to employees who have demonstrated the ability to meet all performance expectations of their role. Employees who are on a Performance Improvement Plan are not eligible for remote/hybrid work. For new employees, supervisors may consider waiting until 90 days after hire before reviewing performance and suitability for remote/hybrid arrangements.

Other considerations include:

- Ability to meet performance expectations and deadlines
- Ability to work independently with minimal management oversight
- Ability to communicate effectively
- Track record of reliable attendance

### **Hybrid/Remote Work Expectations**

The supervisor and employee will review and agree to basic expectations for the hybrid/remote work arrangement. These expectations should be recorded via the Remote/Hybrid Plan form at the end of this policy guide and reviewed at minimum, every 6 months. These expectations should include:

### **Schedule**

The employee and supervisor should establish a minimum number of days and/or hours that the employee will work in the office each week. Consider the location's need, daily or seasonal workload, and other department factors when establishing the in-office expectations.. Variations to the established in-office schedule should be communicated by the employee in advance.

During projects or busy times, the employee may be required to come into the office more frequently as directed by their supervisor.

### **Work Hours and Availability**

Supervisors should establish regular work hours for their teams. Whether working remotely or in-office, the employee should be available during their regular working hours to make/receive phone calls, communicate via email, and participate in video-conferencing with webcam enabled.

While working remotely, the employee shall route calls from their desk phone to their mobile or home phone or use a City-owned desk phone, as determined by their supervisor.

Personal tasks, errands, and appointments should only be performed during non-work time.

### **Work Environment & Equipment**

While working from home, employees should maintain a dedicated work space, free from distractions. It's the employee's responsibility to maintain phone and high speed internet access. Employees are responsible for communicating to their supervisor any circumstances that prevent the employee from being available during their regular work hours (e.g. a power outage).

Employees should follow the same personal appearance and workplace safety guidelines whether they are working from home or an office.

City-owned equipment will be maintained by the City. Employee-owned equipment will be maintained by the employee.

### **Public Records and Confidential Information**

Although an employee permitted to work a remote/hybrid schedule may perform work offsite, public records requirements of the Ohio Revised Code and City of Bexley still apply, even when personal IT equipment is used to perform the work. All record retention schedules must be followed.

Care should also be taken to protect confidential information of employees, residents, and other stakeholders to the City. Employees are expected to use VPN to access the City's network drives, store and transmit confidential information appropriately, and conduct sensitive or confidential conversations in a private environment.

### **Timekeeping and Time Off**

Employees should log their hours worked according to City policy. A non-exempt employee should not work overtime without prior permission from their supervisor.

Employees should request time off using the appropriate forms for time away from work, including Sick Leave for the employee's own health care or to provide care for others as outlined in the Sick Leave policy.

### **Human Resources Support**

Should an employee need to assist a family member with a health or caregiving-related situation, please consult with Human Resources to determine if leave should be designated as Family Medical Leave Act (FMLA) or if a hybrid/remote arrangement should be explored as a reasonable accommodation under the Americans with Disabilities Act (ADA).

Employees shall report any work-related injuries to their supervisor at the earliest opportunity, whether working remotely or in-office.

### **Performance Concerns**

Should an employee not meet performance expectations, attendance expectations, or not adhere to the expectations within this policy, the employee may be subject to disciplinary action and/or the remote/hybrid work arrangement may be terminated. The supervisor is responsible for communicating with the employee and the Department Director about any

circumstances negatively impacting the remote/hybrid work arrangement (e.g. declining performance, consistent connectivity issues, etc).

### **Occasional Remote Work**

There may be situations where a non-remote/hybrid employee may request to work from home on a limited basis to support work/life balance – For example, to care for a mildly sick child or to be home to meet a repair person. In these circumstances, the job duties must be compatible with remote work, the employee must be in good standing, hours must be kept accurately (net of any time taken to attend to personal affairs), and the employee should seek prior approval from their supervisor.

Employees are expected to follow the availability, work environment, timekeeping, and communication expectations outlined above any time they are working remotely.

## **2.9 - Americans with Disabilities Act (ADA)**

The City of Bexley is committed to complying with the Americans with Disabilities Act (ADA) and ensuring equal employment opportunities for individuals with disabilities. The City prohibits discrimination based on disability and is dedicated to providing reasonable accommodations to qualified employees and applicants to enable them to perform essential job functions and participate fully in the workplace.

### **Employment Practices**

The City of Bexley will not discriminate against any qualified individual with a disability in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

Reasonable accommodations will be provided to qualified applicants and employees with disabilities unless doing so would cause undue hardship to the City.

### Requesting Accommodations

Employees or applicants needing accommodations should submit their requests to Human Resources. Human Resources will engage in an interactive process with the individual to identify the appropriate accommodation and implement it in a timely manner.

All accommodation requests and related information will be kept confidential to the extent possible.

### Non-Discrimination and Anti-Retaliation

The City strictly prohibits any form of discrimination against individuals with disabilities. This includes harassment, exclusion, or any adverse action based on disability. Retaliation against individuals for requesting accommodations, filing a complaint, or participating in an investigation is strictly prohibited.

### Complaint Procedure

Any employee or applicant who believes they have been discriminated against based on disability or has experienced retaliation may file a complaint with Human Resources.

## 2.10 - Pregnant Workers Fairness Act (PWFA)

The City of Bexley is committed to providing a supportive and inclusive work environment for all employees, including those affected by pregnancy, childbirth, and related medical conditions. In compliance with the Pregnant Workers Fairness Act (PWFA), the City will provide reasonable accommodations to employees and applicants to ensure they can continue to perform their job duties safely and effectively.

### Non-Discrimination

The City of Bexley prohibits discrimination against employees and applicants on the basis of pregnancy, childbirth, or related medical conditions. This includes hiring, promotion, termination, compensation, job assignments, and other terms and conditions of employment.

The City will not deny employment opportunities or take adverse employment actions against individuals due to their need for reasonable accommodations related to pregnancy.

### Reasonable Accommodations

Employees and applicants affected by pregnancy, childbirth, or related medical conditions may request reasonable accommodations to enable them to perform their job duties.

Reasonable accommodations may include, but are not limited to:

- More frequent or longer breaks.
- Modified work schedules.
- Temporary transfer to a less strenuous or hazardous position.
- Acquisition or modification of equipment.
- Temporary reassignment to light-duty tasks.
- Providing seating or allowing employees to sit more frequently.
- Adjustments to uniforms or dress codes.

The City will engage in an interactive process with the employee or applicant to identify appropriate accommodations and implement them in a timely manner.

### Requesting Accommodations

Employees or applicants needing accommodations should submit their requests to Human Resources. Human Resources will engage in an interactive process with the individual to identify the appropriate accommodation and implement it in a timely manner.

### Anti-Retaliation

The City strictly prohibits retaliation against any individual for requesting an accommodation, filing a complaint, or participating in an investigation under this policy.

### Complaint Procedure



Any employee or applicant who believes they have been discriminated against or denied a reasonable accommodation can file a complaint with Human Resources.

## 2.11 - Lactation Accommodation

The City of Bexley is committed to supporting breastfeeding employees by providing a private and comfortable space for expressing breast milk. In compliance with federal and state laws, the City will provide reasonable break time and facilities for employees who need to express milk during work hours.

### Lactation Breaks

The City will provide reasonable break time for an employee to express breast milk for their nursing child for up to one year after the child's birth. The frequency and duration of lactation breaks will vary depending on the needs of the employee and will generally coincide with regular break times and lunch periods.

If additional time is needed beyond the standard break times, employees may use accrued paid leave or take unpaid breaks.

### Lactation Rooms

The City will provide a private, clean, and safe space, other than a bathroom, for the purpose of expressing breast milk. The space will:

- Be shielded from view and free from intrusion.
- Include a chair, a table or flat surface, and an electrical outlet.
- Be located near a source of running water and a refrigerator or cooler for storing expressed milk, if possible.

Employees should contact their supervisor or Human Resources to access the lactation room.

### Storage of Breast Milk

Employees may store expressed breast milk in a designated refrigerator provided by the City or in their personal cooler. Breast milk should be labeled with the employee's name.

#### Requesting Lactation Accommodations

Employees who need lactation accommodations should inform their supervisor or Human Resources as soon as possible. Supervisors and Human Resources will work with the employee to arrange suitable break times and access to a lactation room.

## 2.12 - Severe Weather & Other Emergencies

To ensure continuity of services to our residents, the policy of the City of Bexley is to remain open during normal operating hours. However, due to extreme circumstances, such as severe weather, major utility failure, or other emergency conditions, the Mayor or designee may suspend or limit various operations.

#### Essential Employees

The Mayor's office, in coordination with Human Resources, will establish a list of all essential employees and their contact information. Essential employees are those who are critical to the continuity of the City's operations and safety of the public. This listing shall be reviewed and updated on at least an annual basis. Essential employees shall report to work as required during emergencies and closures.

#### Non-Essential Employees

In the event of severe weather or other emergency, non-essential employees are required to report to work if they feel they may safely do so. The Department Director has the ability to authorize a non-essential employee to work remotely during an emergency, if it is determined that the job duties are compatible with remote work.

#### Closure of Operations and Compensation

In rare and extreme circumstances, the Mayor or designee may close certain operations. In the event of a closure, all non-essential employees, including full-time and part-time personnel, will be compensated for the number of hours they were scheduled to work during the closure period. Employees not scheduled to work because of scheduled vacation, personal, sick, compensatory, or other paid leave will be charged for leave regardless of the declared closure. If paid scheduled leave ends prior to the end of the declared closure, no leave time will be charged for the remainder of the closure.

During emergencies or closures, departments required to maintain twenty-four hour or emergency service operations may continue to use available personnel beyond regularly scheduled hours to ensure appropriate service coverage and to cover for non-available staff. Eligible employees required to work beyond their regular shift shall be paid overtime, as appropriate.

#### Employee Absences When Operations are Open

Employees who are scheduled to work when operations are open are expected to make every effort possible to report to work so that City services can continue. However, in circumstances where the weather conditions interfere with travel and cause the employee to be absent, arrive late to work, or leave work early the employee can, upon approval by their supervisor, account for the time by utilizing the following options:

- Charging the time to vacation leave, personal leave, or previously accrued compensatory time, or
- Receiving time off without pay if all applicable accrued time off has been exhausted.

Employees failing to report during inclement weather without notifying their supervisor or Department Head may be subject to disciplinary action. Sick Leave shall not be used for absence purposes for inclement weather. The City reserves the right to request a doctor's note to substantiate the use of Sick Leave.

## **Section 3: Benefits**

### **3.1 - Life & Health Insurance**

The City may contract with one or more insurance companies, health maintenance organizations, or other entities authorized to do business in this state to provide insurance benefits to eligible full-time employees, as well as the City's elected officials and others as directed by City Council.

#### **Life**

City Council will determine the amount of life insurance to be provided annually to eligible employees through adoption of an appropriate ordinance.

#### **Health**

The City may provide group health, dental and/or vision insurance coverage for eligible full-time employees. If practicable, the City will arrange for employee premiums for such insurance coverage to be paid by automatic payroll deduction. All premiums will be determined by City Council. Information on how to file a claim and claim forms may be obtained from the Mayor's Office.

#### **Effect of Marriage**

When two City employees are married to each other, they are not entitled to duplicate insurance coverage under the City's group policy(ies). Each employee may obtain individual single coverage or one coverage to cover both spouses and their dependents. They cannot obtain a combination of single and family coverage, or two units of family coverage.

### 3.2 - Workers' Compensation

All City employees are covered by Ohio's workers' compensation system, which provides medical and compensation benefits for employees who suffer work-related injuries, diseases and death. The system is administered by two state agencies: the Ohio Bureau of Workers Compensation (BWC) and the Industrial Commission of Ohio (IC). BWC is the administrative and insurance arm of the system, and IC hears and decides contested workers' compensation claims and issues.

Employees who suffer a job-related illness or injury meeting the requirements of Ohio's Workers' Compensation laws should be eligible for reasonable medical, surgical, and hospital service expenses, as well as medication and equipment required for treatment. If the accident or illness causes an employee to miss more than seven (7) working days, the employee also may be eligible for compensation due to loss of wages. Employees cannot, however, receive Workers' Compensation and City sick leave or job related injury leave benefits at the same time. BWC provides a death benefit payable to beneficiaries of employees whose death is the direct result of a job-related accident or illness. Employees involved in a workplace accident while under the influence of drugs and/or alcohol may be denied their Workers' Compensation benefits.

Immediately after the occurrence of a job-related accident, an employee must file an Accident Report with his or her immediate supervisor. **Failure to do so may result in disciplinary action.** This requirement applies even in the absence of any personal injury. Accident Report forms and Workers' Compensation forms may be obtained in each City department. Employees may contact BWC directly at:

BWC

30 W. Spring St. Columbus,  
Ohio 43215-2256

Phone Number: 1-800-OHIOBWC (1-800-644-6292)

TTY Number: 1-800-BWC-4-TDD (1-800-292-4833)

Fax Number: 1-877-520-OHIO (6446)

<http://www.ohiobwc.com/>

### 3.3 - Unemployment Compensation

City employees may be eligible to receive unemployment compensation benefits upon separation from City employment. To be eligible for benefits, an employee must have worked at least twenty (20) weeks in the past year, have experienced involuntary unemployment, be actively seeking work and have an employment application on file with the Ohio Department of Jobs and Family Services (ODJFS). The determination of eligibility for unemployment compensation benefits is made by ODJFS.

Employees may contact ODJFS directly at:

Ohio Department of Job & Family Services

Office of Unemployment Compensation

PO Box 182404

Columbus, Ohio 43218-2404

Phone Number: 1-877-644-6562

<http://jfs.ohio.gov/ouc/index.stm>

### 3.4 - Retirement Benefits

Federal law requires local government employees to contribute to the Federal Social Security System, unless they participate in and contribute to one of the State's retirement systems. While there are several systems serving specific groups of employees, most City employees are members of the Ohio Public Employees Retirement System (OPERS) with sworn law enforcement officers covered by the Ohio Police & Fire Pension Fund (OP&F).

Employees should consult their retirement systems to obtain detailed information regarding contribution rates, retirement eligibility, the status of retirement fund contributions upon severance from employment and availability of service credit for prior public service.

### 3.5 - Tuition Reimbursement

All full-time employees are eligible to participate in a tuition reimbursement program. Participation is voluntary and available only for job-related, self-development courses taken during non-working hours. All course work must be taken in accordance with a planned program approved in advance by the employee's department head.

#### **Reimbursement**

For approved courses, an employee shall be reimbursed 100% of the tuition expense and expenses incurred for required textbooks, to a maximum of \$4,000 during each calendar year, provided that the employee satisfactorily completed the approved course by attaining a grade C or better, or an equivalent. No reimbursement is available for any other expense related to course attendance. Reimbursement shall be made to an employee upon submission of official transcripts, tuition statements and receipts for textbooks.

#### **Tuition Reimbursement Repayment**

If an employee, within two (2) years of receipt of tuition reimbursement, leaves City employment for any reason other than to commence regular or disability retirement, the employee must repay the City all tuition reimbursement received during the two (2) year period prior to leaving City employment.

#### **Annual Tuition Reimbursement Cap**

The City shall cap overall tuition reimbursements based on annual appropriations, with reimbursements provided on a "first come, first served" basis. In order to better provide funding for this, employees planning on using tuition assistance are requested to notify the Mayor by October 1 of the preceding year to assist with the annual budget process.

### 3.6 - Employee Assistance Program (EAP)

The City offers an Employee Assistance Program (EAP) to all employees and their household members. Employees are encouraged to use the program to receive assistance with mental well-being, work/life balance, and substance abuse issues.

SupportLinc

1-888-881-LINC (5462)

[www.supportlinc.com](http://www.supportlinc.com) (group code: bexley)

## Section 4: Leaves

### 4.1 - Vacation

The City administers vacation leave in accordance with the provisions of the current benefits ordinance. Vacation with pay will be granted to all full-time employees on the anniversary date of hire based upon years of employment with the City, other municipal corporations in the State of Ohio, counties in the State of Ohio, or the State of Ohio, as follows:

Beginning	Through	Workdays of Vacation
	After end of 3 months	20 hours accrued
	After end of 6 months	Additional 20 hours accrued
	After end of 9 months	Additional 20 hours accrued
	After end of 12 months	Additional 20 hours accrued
End of year 1	3 <sup>rd</sup> Year	10 workdays
Year 4	7 <sup>th</sup> Year	12 workdays
Year 8	11 <sup>th</sup> Year	16 workdays
Year 12	14 <sup>th</sup> Year	17 workdays
Year 15	17 <sup>th</sup> Year	21 workdays



Year 18	21 <sup>st</sup> Year	22 workdays
Year 22	Separation	26 workdays

### **Significance of Prior Service**

With approval of the Mayor and the Auditor, new employees with substantial workplace experience may be provided with up to 80 hours of paid vacation accrual. In situations where City of Bexley workers have prior service with Ohio municipalities, counties or the State of Ohio, such prior service affects only the rate at which the employees accrue vacation leave (as set forth in the chart above). It does not permit employees to carry-over vacation leave previously earned while serving with such political subdivisions to their present jobs with the City of Bexley.

### **Accrual and Carry Over**

Subject to the approval of the department head or, in the case of a department head, the Mayor or Auditor, as appropriate, an employee may schedule accrued vacation in two (2) hour increments. Each employee is required to schedule vacation during every year. Except when the Mayor or the Mayor's designee concludes that extraordinary circumstances warrant an exception to the general rule, every employee must use his or her accrued vacation by the employee's anniversary date of each calendar year; the City generally will not pay employees cash in lieu of unused vacation or permit employees to carry over accrued vacation leave beyond an employee's anniversary date. In the event of extraordinary circumstances, a maximum of ten days of vacation time may be carried over from year to year upon the written request of an employee to his or her department head, or in the case of a department head, the Mayor or Auditor, as appropriate

### **Termination of Employment**

An employee who is separated from City service through removal, resignation, retirement or layoff with unused vacation leave to his or her credit shall be paid in a lump sum for that unused vacation leave at the time of separation. When an employee dies, the City will pay a lump sum

for his or her unused vacation leave to the surviving spouse or, if there is no spouse, to the estate of the deceased employee.

### **Minimum Usage**

Usage for one (1) day or less. An employee must request vacation leave a minimum of twenty four (24) hours in advance of the anticipated usage. Failure to provide proper notice may result in rejection of the request to use vacation leave.

Usage for two (2) or more consecutive days. An employee must request vacation leave a minimum of two (2) weeks in advance of the anticipated usage. Failure to provide proper notice may result in rejection of the request to use vacation leave.

### **Vacation Leave as Sick Leave**

An employee may, in lieu of using a day of sick leave, use accumulated, unused vacation time. Such use must comply with current City policies and/or appropriate labor agreements, including requirements for scheduling in advance, scheduling in a minimum of two (2) hour increments and approval by the department head or Mayor as appropriate. Pursuant to Section 402, use of vacation leave as sick leave is treated the same use of sick leave for purposes of determining eligibility for wellness payment.

### **Part-Time, Temporary & Seasonal Employees**

Only full-time employees are eligible to accrue and use paid vacation time. In the instance of Part-Time, Temporary, and Seasonal Employees, time off without pay may be granted with prior supervisor approval, in accordance with the approval policies above.

## **4.2 - Sick Leave**

The City administers sick leave in accordance with the provisions of the current benefits ordinance.

### **Sick Leave Accrual**

For each completed eighty (80) hours in active pay status (including, but not limited to, vacation, sick and personal leave), an employee earns 4.616 hours of sick leave. The amount of sick leave time which may be accrued is 2,100 hours.

Sick leave shall be paid at the employee's rate of pay in effect at the time the leave is used.

### **Use of Sick Leave**

An employee may request sick leave for the following reasons:

- Illness or injury of the employee or a member of his or her immediate family.
- Exposure of the employee or his or her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.
- Death of a member of an employee's immediate family.
- Necessary medical, dental or optical examinations or treatment of the employee or his or her immediate family.
- Pregnancy, childbirth and/or related medical conditions of an employee or his/her immediate family.

For purposes of this subsection, the "immediate family" is defined as only: mother, father, brother, sister, child, current spouse, domestic partner as defined by City Ordinance, grandparent, grandchild, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current daughter-in-law, current son-in-law, current daughter-in-law, current son-in-law, legal guardian or other person who stands in the place of a parent, or for whom the employee stands *in loco parentis*.

In cases where an employee requests to use sick leave for the illness or injury of a Domestic Partner, the employee must have a complete and signed affidavit attesting to the relationship on file with Human Resources.

**Sick Leave Approval**

An employee must notify his or her supervisor of a request to use sick leave and the reason for the request at least one hour prior to the employee's scheduled starting time. Failure to do so may result in denial of sick leave for the period of absence unless the employee provides the department head a written explanation for noncompliance which the department head deems acceptable. If medical attention is required, a certificate from a licensed physician or practitioner may be required to justify the use of sick leave. An employee may be required to submit to a medical examination if the City suspects sick leave abuse. An employee who abuses sick leave will be subject to disciplinary action. Employees should consult other City policies for further provisions regarding sick leave abuse, tardiness, and absenteeism.

Falsification of illness information given orally, by certificate or any other means shall be grounds for disciplinary action including dismissal.

**Termination of Service**

When a full-time employee terminates service, he or she also will receive one (1) hour of pay for each eight (8) hours of unused sick leave to his credit for total unused sick leave up to and including 320 hours; one (1) hour of pay for each four (4) hours of unused sick leave in excess of 320 up to and including 2,100 hours. The payment shall be calculated in accordance with City policy and shall constitute payment in full of all sick leave credit accrued but unused by the employee. No payment will be made to any employee, for any unused sick leave, unless it is in excess of 232 hours. When termination of service results from the death of the employee, all unused sick leave to his or her credit shall be paid at the rate set forth above, in a lump sum to his or her designated beneficiary or to his or her estate.

**Wellness Benefit**

All full-time employees who do not request and are not granted sick leave, except bereavement leave, during each three (3) calendar months of continuous service shall, in addition to the accumulation of sick leave during that period, have the option to:

- 1) Take off one (1) day of work, the scheduling of which must be approved by the employee's Department Head and must be used in the quarter following the period during which it was earned or the day is lost or
2. Accrue eight (8) hours of straight time to be paid, if practicable, on the next full pay period) Vacation, personal days or injury leave may not be used in lieu of sick leave to qualify for the wellness benefit.

Wellness payments will be paid as soon as practicable after being earned and shall be in addition to all other pay and allowances.

### 4.3 - Bereavement Leave

In the event of the death of an employee's mother, father, sister, brother, current spouse, domestic partner as defined by City Ordinance, child, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current stepchildren, current daughter-in-law, current son-in-law, current stepmother, current stepfather, grandmother or grandfather, current grandmother-in-law, current grandfather-in-law, legal guardian or other person who stands in the place of a parent or for whom the employee stands in loco parentis, the employee shall be granted three (3) working days off as sick leave with regular pay to attend the funeral or to attend to any other necessary business.

If the funeral occurs outside of the State of Ohio, the employee may be granted sick leave usage for a maximum of five (5) working days if he or she actually attends the funeral.

The Mayor may approve additional days of sick leave or leave without pay on a case-by-case basis.

### 4.4 - Sick Leave Abuse, Tardiness & Absences

The City's ability to operate effectively depends upon the efficiency with which the City's employees perform their services. Employees who engage in sick leave abuse, excessive tardiness or excessive absences degrade the effectiveness of the City's operations. Thus, such

employees are subject to discipline in accordance with the terms of this Section. Employees should also consult the sections of this Manual addressing sick leave, hours of work, and discipline in order to have a full understanding of their rights and responsibilities.

### **Sick Leave Abuse**

The City may discipline any employee the City determines to have abused sick leave. Such discipline may involve sanctions up to, and including, discharge. The City may refuse to pay an employee for time he or she was absent from work if the City finds that the employee engaged in sick leave abuse during that time.

Sick leave abuse is defined as excessive, patterned or fraudulent use of sick leave. One example of sick leave abuse occurs when an employee requests sick leave for an absence from work where the absence was not due to a reason for which sick leave is authorized under Section 402 of this Manual, but rather was due to some other reason. Patterned use of sick leave includes, but is not limited to, regular usage (or requests for usage) of sick leave on the same day of the week, usage (or requests for usage) of sick leave on days abutting holidays, paydays or vacation days, and usage (or requests for usage) of sick leave taken for portions of a day abutting the beginning, end and/or break time during a day or days, or utilization of sick leave as it is accrued. Excessive use of sick leave refers to three (3) or more incidents within a six (6) month period, where no chronic condition exists which has been documented by a licensed medical practitioner. Where an employee is off work for one or more days in succession for one illness, it will be counted as one (1) incident.

### **Absence without Leave**

An employee may be subject to discipline and/or wage deductions for absences that are not covered by approved leave or personal days.

### **Tardiness**

An employee may be subject to discipline, or have his or her pay docked in accordance with Sections 613 and 614 of this Manual, in the event of repeated or excessive tardiness.

### **Notification of Supervisor**

In the event an employee knows that he or she will be late to work, or unable to work at all on a particular day or days, the employee must notify his or her immediate supervisor of the tardiness or absence prior to the beginning of the employee's work day, shift or other pertinent work period. The employee must provide such notice at least one hour prior to the time the employee is scheduled to work. The requirement to provide this advance notice of absence applies regardless of whether the employee has a legitimate basis to request sick leave or other leave to cover the absence. Employees who fail to provide notice in accordance with this Section are subject to discipline.

The City may excuse employees from failing to comply with this Section where the City determines that exigent circumstances prevented the employee from doing so.

#### 4.5 - Personal Leave

Except in the case of employees for whom City Council has established a different personal day benefit by ordinance (e.g., Police Chief and Police Captain), each full-time employee may take three (3) personal days during the calendar year at the discretion of the employee and upon approval by the employee's department head, or, in the case of a department head, the Mayor.

During an employee's first calendar year, personal days accrue based on the number of months of continuous service with the City as follows: one (1) personal day after one (1) month's service; one (1) personal day after six (6) month's service; one (1) personal day after eight (8) month's service. Thereafter, personal leave for an employee accrue as of January 1 of each year.

Personal days are non-cumulative and are not considered to be sick days or holidays. Therefore, employees cannot receive pay in lieu of taking personal days off work.

An employee must request personal leave a minimum of twenty-four (24) hours in advance of the anticipated usage. Failure to provide proper notice may result in a rejection of the request to use personal leave.

## 4.6 - Holidays

All holidays will be observed in accordance with the provisions of the City's current benefits ordinance. Except in the case of employees for whom City Council has established a different Holiday benefit by ordinance (e.g., Police Chief and Police Captain), Holidays for full-time employees are:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Bexley Day (Observed second Monday in August)
- Labor Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day

At the discretion of the Mayor, some or all City offices may remain open on Bexley Day, and this may be a floating holiday. Employees may request this day off with pay through the year. Bexley Day must be used by December 31st of each calendar year or it will be forfeited.

Please see the Holiday Compensation section for additional information.

## 4.7 - Family Medical Leave Act (FMLA)

The City provides leave benefits in compliance with the federal Family and Medical Leave Act of 1993.

Eligibility. Employees who (1) have been employed for at least one year, *and* (2) have been employed for at least 1,250 hours during the preceding 12-month period, are eligible for family and medical leave. Employees who are not eligible for family and medical leave will have their leave rights determined by existing policies for sick leave, disability leave, and other paid and unpaid leave benefits.



Nature of the benefit. Leave taken as family and medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave, job-related injury leave, and personal leave prior to using leave authorized as family and medical leave. If leave is requested for any of the other reasons listed below, the employee must use all of his or her accrued paid vacation or personal leave (but need not use his or her paid sick leave). The remainder of the leave period will then consist of unpaid leave.

Reasons for leave. During any 12-month period, an eligible employee may be granted a total of twelve weeks of combined unpaid family and medical leave and paid sick, vacation, personal and job-related injury leave for the following reasons:

- the birth of the employee's child, and caring for the child immediately after birth;
- the placement of a child with the employee for adoption or foster care;
- The entitlement to leave for the birth of a child or the placement of a child for adoption or foster care will expire twelve months from the date of the birth or placement.
- to care for a spouse, child, or parent who has a serious health condition;
- a serious health condition that renders the employee incapable of performing the functions of his or her job.
- a qualifying exigency arising out of the fact that the employee's family member is on covered active duty or has been notified of an impending call or order to covered active duty status, or
- the employee is needed to care for a family member who is a covered servicemember with a serious injury or illness.

## Definitions

Key employee means a salaried employee who is among the highest paid ten percent of City employees. In determining which employees are among the highest paid ten percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). For the purposes of this definition, earnings include wages, premium pay, and incentive pay, but do not include incentives whose value is determined at some future date, for example: benefits or perquisites.

Equivalent position means the same position or one having the same or substantially similar duties and responsibilities, and one entailing substantially equivalent skill, effort, responsibility, and authority.

Serious health condition is an illness, injury, impairment, or physical or mental condition that involves either:

- **inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this Section, incapacity is defined as the inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment for the serious health condition, or recovery from the serious health condition), or any subsequent treatment in connection with such inpatient care; or
- **continuing treatment by a health care provider**, which is further defined as:
  - A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves: treatment two or more times by a health care provider or at the instruction of a health care provider, or treatment by a health care provider on at least one occasion resulting in a regimen of continued treatment by the health care provider.
  - Any period of incapacity due to pregnancy for prenatal care.

- Any period of incapacity or treatment for such incapacity due to chronic serious health condition defined as a condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.
- Any period of permanent or long-term incapacity due to a condition for which treatment may not be effective.
- Any period of absence to receive multiple treatment by, under orders of, or on referral by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if the condition were not treated.
- Excluded from the definition of “serious health condition” are the following:
  - Treatment consisting of a routine physical examination, eye examination, or dental examination, or continuing treatment that can be initiated without a visit to a health care provider, i.e. taking over-the-counter medications.
  - Cosmetic treatments unless inpatient hospital care is required or complications develop; common cold, flu, routine dental or orthodontia problems, etc. unless complications develop.
  - Employee absence due to substance abuse (including alcohol), arising as a result of using the substance, rather than for treatment.

Health care provider means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices or others “capable of providing health care services”.

Others capable of providing health care services include podiatrists, dentists, optometrists, clinical psychologists, chiropractors (limited to treatment consisting of manual manipulation of

the spine to correct a subluxation as demonstrated by an X-ray to exist), nurse practitioners, nurse-midwives, clinical social workers, and Christian Science practitioners.

Spouse means a husband or wife as defined by state law.

Parent means a biological parent or an individual who stands or stood *in loco parentis* (those with day-to-day responsibilities to care for and financially support a child) to an employee when the employee was a son or daughter.

Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing *in loco parentis*.

### **Application for leave**

In all cases, an employee requesting leave must complete the City's "*Application for Family and Medical Leave*" form and return it to Human Resources. The completed and signed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

### **Notice of leave**

An employee intending to take family and medical leave because of an expected birth or placement, or because of any planned medical treatment, must submit an application for leave at least 30 days before the leave is to begin. If leave is to begin within 30 days, the employee must give notice as soon as the necessity for the leave becomes apparent. Notice shall be given to Human Resources.

Once the City has learned that the employee's leave is being taken for a reason required under the family and medical leave act, it must promptly (within two business days, absent extenuating circumstances) notify the employee that the paid leave is designated and will be counted as leave under the Family and Medical Leave Act. It must also give notice that the City requires paid leave to be substituted for unpaid leave or, in appropriate circumstances, that paid leave taken under an existing leave plan will be counted as leave provided for under the family

and medical leave act. This notice may be made orally or in writing, but if made orally it must be confirmed, in writing, no later than the following payday, unless the payday is less than one week after the oral notice, in which case the notice must be given no later than the subsequent payday. The written notice may be in any form, including a notation on the employee's pay stub.

### **Medical certification of leave**

An application for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must also be accompanied by a "*Medical Certification Statement*" on the form provided by the City, completed and signed by the appropriate health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child, or parent, the certification must so state and must also provide an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her position. An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., and the regulations at 29 C.F.R. 1630.2(n).

An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. For the purposes of family and medical leave, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave is commenced, whichever is earlier.

Employees who are utilizing FMLA leave are prohibited from having alternative work for another employer during the hours they would normally have been working for the City of Bexley.

An employee “needed to care” for a family member includes both physical and psychological care. Examples are the provision of basic medical care, transportation of a family member to a doctor, and the provision of psychological comfort and reassurance which would be beneficial to a child.

The FMLA authorizes the City to require employees to obtain recertification. Generally, recertification may be required at intervals of 30 days or more, however, the FMLA authorizes the City to require recertification more frequently if there is a significant change in circumstances, or the City receives information casting doubt on the continuing validity of the earlier certification.

### **Designation as “key employee”**

At the time the employee notifies the City of the need to take family and medical leave (or when family and medical leave commences, if earlier), the City will inform the employee if he or she qualifies as a key employee. At that time, the City will also fully inform the employee of the potential consequences that key employee status has on reinstatement and maintenance of health benefits. This includes an explanation of the possibility that the City might determine that substantial and grievous economic injury to the City’s operations will result if the employee is reinstated from family and medical leave. If this notice cannot be given immediately because of the need to determine whether the employee is a key employee, it will be given as soon as practicable after the City is notified of a need for leave (or after the commencement of leave, if earlier).

### **Benefits coverage during leave**

During a period of leave taken as family and medical leave, an employee will be retained on the City’s health plan under the same conditions that applied before leave commenced. To

continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in the loss of coverage or in the City advancing the cost of the employee's share of premium expenses and thereafter recovering those costs from the employee, at the sole discretion of the City.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of the entire premium paid by the City for the employee's health insurance coverage during the family and medical leave, unless the reason the employee fails to return is either (1) the presence of a serious health condition which prevents the employee from performing his or her job, or (2) the existence of circumstances beyond the employee's control that make it impossible for the employee to return to work.

If a key employee does not return from leave when notified by the City that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the City that the employee does not desire restoration to employment at the end of the leave period, or family and medical leave entitlement is exhausted, or reinstatement is actually denied.

### **Benefit accrual during leave**

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family and medical leave will not lose any seniority or employment benefits that accrued before the date the leave began.

### **Eligibility for and use of intermittent leave**

When leave is taken to care for a child, spouse or parent with a serious health condition, or in the case of the employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule, but only when medically necessary. When leave is taken for the birth of a child, or for adoption or receiving a child for foster care placement, leave may be

taken intermittently or on a reduced schedule, but only when the intermittent or reduced schedule is agreed to by both the City and the employee.

For these purposes, intermittent leave is leave taken in separate blocks of time due to a single family need, illness, or injury. A reduced leave schedule is a change in the employee's schedule for a period of time, typically from full-time to part-time.

Intermittent leave or leave taken on a reduced schedule will reduce the total amount of leave available by the amount actually taken. For these purposes, an employee's workweek includes all the time during which the employee is necessarily required to be on duty. If, for example, an employee works 37 hours each week, his or her leave period will consist of twelve weeks of 37 hours each, for a total of 450 hours. If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the twelve weeks of leave to which the employee is entitled. For example:

An employee who normally works five days a week takes off one day each week. The employee would use 1/5 of a week of family and medical leave for each day leave is taken.

An employee who normally works 8-hour days works 4-hour days under a reduced leave schedule. That employee uses 1/2 week of family and medical leave each week he or she works on this reduced schedule.

When an employee who normally works a part-time schedule or variable hours uses intermittent leave or a reduced schedule leave, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule. For example, if an employee who normally works 30 hours per week works only 20 hours per week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third of a week of family and medical leave for each week the employee works the reduced leave schedule.



If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave period would be used for calculating the employee's normal workweek.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, or if the City agrees to permit intermittent or reduced schedule leave for the birth of a child or placement of a child for adoption or foster care, the City may require the employee to transfer, temporarily, to an available alternative position. This transfer may extend during the period the intermittent or reduced leave schedule is required. The alternative position must be one for which the employee is qualified and which better accommodates the recurring leave periods than does the employee's regular position. The alternative position must have equivalent pay and benefits, but does not need to have equivalent duties. The City may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. In such a case, the City would not eliminate benefits which otherwise would be available to the full-time employee but not to a part-time employee; it would, however, proportionately reduce benefits that accrue based on length of service, including the accumulation of sick leave and vacation leave.

### **Both spouses employed by the City**

When both spouses are employed by the City and are eligible for family and medical leave, the employees are limited to a combined total of twelve weeks of leave during any twelve month period if the leave is taken for the birth of the employee's son or daughter or to care for the child after birth, for placement of a child with the employee for adoption or foster care (or to care for the child after such placement), or to care for the employee's parent with a serious health condition.

### **Restoration to employment**

An employee eligible for family and medical leave will be restored to his or her old position or to an equivalent position. An equivalent position is one that involves the same or substantially

similar duties and responsibilities and entails substantially equivalent skill, effort, responsibility and authority. When determining whether a position is an “equivalent position” under this Section, the City will consider those factors set out in 29 C.F.R. 825.215. If as a result of the leave the employee is no longer qualified for the position because of the employee’s inability to attend a necessary course, renew a license, etc., then upon returning to work the employee will be given a reasonable opportunity to fulfill those conditions. If the employee is no longer able to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the terms of this Section, but may have rights under the Americans with Disabilities Act. In no event can the City guarantee that an employee will be returned to his or her original job.

#### **Restoration to employment of key employees**

In each case where the City has determined that an employee on family and medical leave is a key employee, it will make a determination based on the facts available whether substantial and grievous economic injury to the City’s operations will result if the key employee is reinstated. For the purpose of this Section, a “substantial and grievous economic injury” to the City’s operations includes, but is not limited to, reinstatement of an employee who would cause substantial, long-term economic injury to the City.

As soon as the City makes a determination that substantial and grievous economic injury to its operations will result if the key employee is reinstated following family and medical leave, the City shall notify the employee in writing of its determination, and that notice will include notice that the City (1) cannot deny family and medical leave to the employee and (2) that it intends to deny restoration to employment on completion of the family and medical leave. This notice shall be given either in person or by certified mail. The notice must explain the basis for the City’s finding that substantial and grievous economic injury will result and, if leave has commenced, must provide the employee with a reasonable time in which to return to work. After this notice has been given, the employee is still entitled to request reinstatement at the end of the leave period, even if the employee did not return in response to the City’s notice.

Upon receiving such a request, the City shall again determine whether there will be substantial and grievous economic injury resulting from reinstatement, based on the facts at that time. If the City determines that substantial and grievous economic injury will result, it shall notify the employee (in person or by certified mail) of the denial of restoration.

### **Return from leave**

An employee must give notice to Human Resources of their intent to return from leave.. If an employee wishes to return to work prior to the expiration of a family and medical leave of absence, notification must be given to the employee's supervisor at least five working days prior to the employee's planned return. Employees may be require to submit a "Fitness for Duty" certification from their healthcare provider, attesting to their ability to return to full duty.

### **Failure to return from leave**

The failure of an employee to return to work upon the expiration of a family and medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family or medical leave of absence due to the continuation, recurrence, or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that it is more probable than not that he or she will not be able to return at the expiration of the leave period.

## **4.8 - Job-Related Injury Leave**

All full-time employees may be allowed injury leave for each service-connected injury with pay not to exceed 60 total workdays in a calendar year, except for positions where a different injury leave allowance has been established (e.g. Police Chief, Deputy Police Chief). Injury leave is not cumulative from year to year. It is charged at the rate of one (1) hour for each work hour absent and may be extended by City Council in its discretion on such terms as it establishes in a particular case.

Injury leave may be granted upon the recommendation of the department head and the approval of the Mayor only for injuries determined by a licensed physician (and/or in consultation with a City-designated physician at the discretion of the Mayor) to have so injured the employee that he or she cannot perform the essential functions of his or her position. The physician shall submit a written statement to the City providing information regarding the nature and cause of the injury or illness and the probable time necessary to recover. The physician must also state when the employee will be able to return to full duty and whether the employee is a candidate for Transitional Duty.

If the Mayor grants injury leave to an employee, the Mayor or designee must file with the Auditor a written statement explaining the reasons for the approval of leave. Once the Mayor has initially granted injury leave, Council may, in its sole discretion, grant further extensions of the leave.

The City will not provide job-related injury leave compensation for any period during which an employee is receiving Workers' Compensation benefits. An employee may choose to pursue Workers' Compensation benefits instead of job-related injury leave. As an alternative, an employee may file a form with the Bureau of Workers Compensation indicating that the employee has applied for wage continuation from the City and that the employee will not seek Workers' Compensation benefits for the period of that wage continuation. By filing in this manner, an employee may preserve eligibility to receive Workers' Compensation benefits after job-related injury leave is exhausted.

In order to avoid any possibility that an employee might receive both job-related injury leave pay from the City and Workers' Compensation benefits for the same period of time, the City will require an employee who seeks job-related injury leave to sign an agreement with the City pursuant to which the employee agrees to reimburse the City for any wage or salary benefits received by him as a Workers' Compensation claimant for the time period for which job-related injury leave pay is awarded.

The terms of this job-related injury leave policy are separate and distinct from the provisions relating to the accumulation and usage of sick leave.

## 4.9 - Transitional Work Program

### **Intent**

It is the intent of this policy to provide a rehabilitative process in the case of extended work related injury or illness. The Transitional Work Program (TWP) is for the temporary placement of employees who are temporarily unable to perform the essential job functions of their regular positions due to a workplace injury. It is not an occupational goal, but an interim step in the physical recovery and conditioning of injured or ill employees.

### **Selection Criteria**

When an extended workplace illness or injury is evident, the Department Head or TWP Coordinator will supply the attending physician with a detailed description of the employee's regular job duties, physical requirements and a signed release from the employee. Based upon this information, the physician will be asked to indicate any work restrictions and to supply a prognosis, which includes an estimated time for full recovery.

The Department Head, supervisor and TWP Coordinator will review the attending physician's evaluation and determine if the employee is suited to a transitional duty position.

A productive transitional duty position description will then be sent to the physician with a request to release the employee for such duty.

If the physician releases the employee for transitional duty and the physician feels the employee will be able to return to regular duty within eight (8) weeks, the employee may be assigned transitional duty.

The Department Head, supervisor or TWP Coordinator will then contact the employee via certified mail indicating a “start date” for the transitional duty. Usually such “start dates” will be within 72 hours of the physician’s release.

If the employee refuses to report to the transitional position, the employee will be considered to have voluntarily resigned from the City and will be removed.

### **Additional Conditions**

The maximum length of time an employee can remain in the Transitional Work Program is eight (8) weeks.

While in the Transitional Work Program, employees have the right to apply for vacancies within the City, provided they can perform all the essential job functions of the position at the time the position is to be filled.

Payment for Transitional Duty will be at the employee’s full hourly rate, including longevity (if any), for all hours worked.

While in the Transitional Work Program, the employee will continue to accrue vacation and sick leave benefits.

Should the annual performance appraisal due date fall within the time that the employee is in the Transitional Work Program, the appraisal should be completed in a timely manner. The position description of the position worked the majority of the time during the appraisal period should be utilized.

At the end of eight (8) weeks, if the physician of record will not release the employee to regular duty, the employee will be placed on the appropriate leave (i.e., sick, FMLA, Workers’ Compensation, etc.).

If the employee is released for regular duty and refuses to report, the employee will be removed.

Employees participating in the Transitional Work Program are subject to the same standards of conduct and policies that apply to all employees.

The Department Head and/or the TWP Coordinator may review the status of an employee's rehabilitation and reserves the right to discontinue Transitional Duty if the employee is unable to do the transitional duties or will be unable to resume their regular job duties within the eight (8) week time period.

#### 4.10 - Jury Duty & Court Leave

The City shall grant full pay to full-time employees where an employee is summoned for any jury duty or subpoenaed as a witness by any court or other adjudicatory body. All compensation for such duty must be reimbursed to the City unless such duty is performed totally outside of normal working hours.

The City does not pay employees for court leave for criminal or civil cases, when the case is being heard in connection with the employee's personal matters. These absences would be leave without pay or vacation time at the discretion of the employee. An employee shall request prior approval for court leave, in order for such leave to be granted.

#### 4.11 - Military Leave

Employees who are members of the Ohio National Guard, the Ohio Defense Corps, the State and Federal Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in the military service in field training or active duties for periods not to exceed a total of 31 calendar days in one calendar year.

Employees are required to submit to the City an order or statement from the appropriate military commander as evidence of such duty. There is not a requirement that the service be in one continuous period of time. The maximum number of hours for which payment will be made in any one calendar year under this provision is 176 hours.

Employees who are members of those components listed in the paragraph above will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the governor to assist civil authorities. Such emergency leave will be without pay if it exceeds authorized military leave for the year (31 days). The leave will cover the official period of the emergency.

#### 4.12 - Personal Leave of Absence Without Pay

The Mayor or Designee may, upon written request, consider a request for a personal leave of absence without pay. Such leave is permissive and is at the sole discretion of the Mayor/Designee.

An employee may be authorized, with approval of the Mayor/Designee to take an unpaid leave of absence for personal reasons, without loss of employment rights. An employee, while on such a leave of absence, is in an inactive pay status and thus exempt from vacation and sick leave accrual, and all other benefits. Insurance coverage may be maintained at the expense of the employee. If granted this leave shall be taken in blocks of five (5) consecutive work days. This leave of absence is limited to a maximum duration of three (3) months in any one calendar year.

All other types of paid leave **must** have been exhausted before any consideration may be given to the request for Personal leave of Absence Without Pay.

Upon the employee's return to work, the City retains the right to place the employee into the same or similar position at the same or similar wage.

This leave is not intended to extend or reduce FMLA leave.

#### 4.13 - Paid Parental Leave

All full-time employees eligible and approved by the City of Bexley for the Family Medical Leave Act (FMLA) based upon the birth or adoption of a child, if the employee is a biological parent, spouse or domestic partner, or legal guardian, and the child resides with the employee, will be



eligible for partial payment of their current salary during their absence without the use of banked paid time off under paid parental leave.

Eligible employees will be required to adhere to a two week waiting period before paid parental leave benefits begin. Employees may use their banked paid time off during this initial waiting period.

Eligible employees will receive fifty percent of their current salary, for a period of no longer than ten weeks following the two week waiting period. Employees may use their banked paid time off for the remaining fifty percent of their current salary (for a total of 100 percent current salary).

Eligible employees will receive paid parental leave on a bi-weekly basis.

Paid Parental Leave will run concurrent with FMLA leave.

## Section 5: Hours of Work & Compensation

### 5.1 - Hours of Work & Overtime

Employees will be paid their salary, wages or other compensation as provided for in the annual pay ordinance enacted by the Bexley City Council.

The normal workweek for all full-time hourly employees shall consist of five consecutive workdays and two consecutive days off; provided that the Director of Recreation may, with the approval of the Mayor, establish a different schedule of workdays and days off for Recreation employees. The regular hours for full-time employees hired on or after January 1, 2014 shall be eight hours per day. For payroll and overtime eligibility, the work week shall be defined as 12:01 a.m. Monday to 12:00 a.m. Sunday. The Mayor may, when he/she determines such change to be necessary, amend the regular work period and work hours for any employee.

FLSA non-exempt employees who work in excess of forty hours per regular work week as set forth above shall be compensated at the rate of one and one-half times the employee's straight

time hourly rate of pay.. Employees are prohibited from working any time in excess of the forty hours per regular work period unless they have received prior approval of their supervisor. Failure to adhere to this prohibition may result in discipline, up to and including termination. The City will attempt to have overtime work be voluntary; however, the City reserves the right to require mandatory overtime work.

In the event of an emergency, as determined by the Mayor or his/her designee, all employees are required to respond if contacted by the City. This requires that all municipal employees possess a home or cellular telephone. An employee must report any change of telephone number to his or her supervisor.

Each supervisor will give the opportunity for overtime work to those employees within the specific department for which the overtime work is needed (i.e., Street Department workers will be given the first opportunity for all street work, etc.). However, special assignments may be assigned by lottery involving all employees who sign up for the assignment. Each supervisor will, to the best of their ability, rotate overtime assignments within their respective departments. However, this rotation may be waived by the supervisor if there is a clear and present emergency as determined by the supervisor which requires a more timely response or if the overtime request is made by another department or supervisor who is unaware of the rotation list. If an employee turns down an overtime opportunity or is unable to report, the employee will forfeit his or her place in the rotation until the employee's next turn.

In order to document hours for all employees, a bi-weekly time report form must be submitted in writing and approved by the immediate supervisor at the end of each pay period in which the hours were worked.

### **Overtime Pay For Court Appearances, Training and Other Activities**

Court Pay. A non-exempt employee will be paid for Bexley Mayor's Court appearances wherein the employee acts in his or her official capacity as a witness for, or otherwise on behalf of, the City. A minimum of two hours overtime will be paid to the employee if the time for any Bexley Mayor's Court appearance is outside the normal work hours of the employee. In cases of

appearances before other courts, a minimum of three hours overtime will be paid provided that such appearance in his or her official capacity as a witness for, or otherwise on behalf of, the City occur during an employee's off duty hours.

Training. Non-exempt employees who work overtime resulting from mandatory attendance at a regularly scheduled training or educational school, class or clinic will be eligible for overtime. Overtime compensation will be calculated at one and one-half (1-1/2) times the number of hours actually worked.

### **Travel Time and Compensation**

General Rule. The time it takes for an employee to transport himself or herself to and from work (commuting) is not working time and not compensable.

Exception. However, if an employee is requested by the City to attend to an emergency after his/her regular work hours at a location further away than the distance he/she normally travels to work, the City will compensate the employee at his/her regular rate of pay from the time the employee is assigned to work until the time the employee arrives directly back at his/her residence.

This exception to the general rule does not apply to situations where an employee is called in to work after regular work hours due to an emergency and only has to travel to his/her normal work location or another location that is not beyond the distance the employee normally travels (another location within the city). In such a case, the City will compensate the employee from the time the employee reaches the work location until the time the employee completes his/her duties at the work location.

### **Time Clock Procedures**

All hourly employees shall adhere to the following procedures when using the time clock:

All hourly employees will be required to clock-in or clock-out, as appropriate, at the following times:

- Prior to starting work;
- At the beginning and end of the lunch period;
- At the end of the work period; and
- For any authorized overtime.

No hourly employee is permitted to clock-in any earlier than seven (7) minutes prior to his or her scheduled starting time, unless specifically authorized and directed to do so by his or her supervisor.

Employees are allowed a seven-minute grace period for clocking-in or -out, subject to the restrictions noted below. This grace period may be used when an employee clocks -in or -out at the beginning or end of the work day, or at the beginning or end of lunch break.

- If an employee clocks-in more than eight minutes late when beginning work for the day, or when returning from lunch, or clocks-out more than eight minutes early for lunch or at the end of the day, the City will dock the employee's pay to the next closest quarter hour or fifteen minutes.

Furthermore, employees are not permitted to use the eight minute grace period for both clocking-in and clocking-out in any given work day or lunch period. The grace period is not intended to extend the time actually spent on lunch periods, or to shorten the length of the work day. Thus, if employees use the grace period to clock-in a few minutes late, they should remain at work a corresponding period of time during the day. If the employee uses the grace period to go on lunch break a few minutes early, the employee should return to work a few minutes early as well.

- The grace period may not be used as an excuse for tardiness in the case of any meeting or other event scheduled to begin at the beginning of the work day, or other time.

Employees are not permitted to clock-in or clock-out for another employee. Employees who clock in or out for another employee will be disciplined up to and including termination.

No employee may work overtime unless specifically authorized and directed to do so by his or her supervisor.

## 5.2 - Longevity Pay

Each full-time hourly and salaried employee will receive longevity pay effective on his or her anniversary date, which is the date he or she started working for the City. Longevity pay is paid annually and is included in the next regular pay following the employee's anniversary date. Longevity pay is determined by the current benefits ordinance (or applicable collective bargaining agreement).

Upon retirement, either voluntarily or by disability, or upon death, longevity pay will be prorated from the employee's most recent anniversary date to the date on which the separation occurs. In the event of an employee's death, the City will make the longevity pay payment to the employee's designated beneficiary or secondarily to his or her estate.

## 5.3 - Holiday Pay

Full-time employees are entitled to eight (8) hours of holiday pay at the employee's regular rate of pay for holidays listed in Section 4.6. In addition, a non-exempt, full-time employee will receive double-time payment for any hours he or she actually works on such a holiday. Unless otherwise directed by the Mayor, non-exempt full-time employees should not work on a scheduled holiday. Any person absent the working day before or after a holiday, without prior approval, shall not receive holiday pay for that holiday.

Part time, temporary, and seasonal employees are not eligible to receive holiday pay

## 5.4 - Compensatory Time Off

A non-exempt hourly employee may accumulate and maintain up to forty (40) of compensatory time. Compensatory time is earned at the rate of 1.5 hours for each hour worked in excess of

forty (40) hours in a work week. Compensatory time thresholds may vary by bargaining unit contract.

The employee must notify the City of any pay period in which they worked overtime and want such time to be accumulated as compensatory time. Compensatory time off requests must be made a minimum of twenty-four (24) hours in advance of the anticipated usage and are subject to supervisory approval.

Compensatory time may be carried over up until January 31<sup>st</sup> of the succeeding year adjusted to the rate of pay in effect in the preceding year. In the pay period following January 31<sup>st</sup> of each year, all unused compensatory time will be “cashed out.”

## 5.5 - Rescheduled Work Time

As a general rule, employees are required to obtain appropriate leave to cover absences from scheduled periods of work. In the case of work that may be accomplished safely and effectively at other than regularly-scheduled work times, an employee may seek the permission of his or her supervisor to make up missed work time during the same seven (7) day workweek in which an absence occurs, without using leave to cover the absence. Supervisors may approve such requests if they conclude that the employee may safely accomplish legitimate work objectives in the proposed weekend or after-hours make-up period. Department heads may provide further instructions to supervisors within their departments regarding make-up work, so long as those instructions are consistent with this policy and other provisions of the City’s Policy Manual.

Non-exempt employees generally may not perform make-up work for a period longer than the employee was scheduled or expected to work on the day of the absence. An employee must obtain specific, advance permission from their supervisor before engaging in make-up work that would result in overtime compensation, or otherwise involve more work time than the employee missed on the day of the absence.

Employees who miss scheduled work without obtaining leave and without obtaining permission from a supervisor to make-up work as specified by this policy may be subject to discipline.

## Section 6: Conduct

### 6.1 - Code of Ethics & Conflict of Interest

The City of Bexley is a public agency and as such is responsible to the community and the individuals it serves. All employees are expected to maintain the highest possible ethical and moral standards and to perform their duties within the guidelines established by appropriate statutes, certification and licenses standards, and other policies, procedures and rules established by the City.

Conduct that interferes with City operations, brings discredit to the City, is illegal or is offensive to the public, individuals served, or fellow employees will not be tolerated. Such prohibited conduct includes, but is not limited to:

- Engaging in any transaction, business or any other activity conflicting with the proper discharge of official duties, or violates Ohio Revised Code Chapters 102 or 2921, or Ohio Revised Code Section 124.57.
- Disclosure, without proper authorization, of any confidential information acquired by the employee in the course of the employee's official duties that is confidential. Information may obtain confidential status pursuant to statute, regulation, common law or other source of authority. Employees should consult with their department head or designee before disclosing any information to members of the public or other persons not known to have authority to receive such information. This includes information regarding City employees and residents of the City. Employees receiving requests for disclosure of public information (or requests that might involve public records) must promptly forward those inquiries to the City official responsible for handling public information requests.

- Use of confidential information or influence of position to advance personal, financial or other private interests;
- Acceptance of any gift, in the form of service, loan, item or promise from any person, firm or organization, which maintains an interest in any business dealings with the City of Bexley;
- Acceptance of any gift, in the form of service, loan, item or promise from any person, firm or organization that may tend to influence an employee in the proper discharge of official duties; and
- Engaging in any matter presenting a conflict of interest with the City of Bexley, or undermining the integrity of the City of Bexley.
- Engaging in outside employment during work hours. Employees may, however, engage in outside employment provided it is not during a period of time in which they are being compensated for work by the City of Bexley.

## 6.2 - Drug Free Workplace & Substance Abuse

### **Drug-Free Workplace**

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

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The City may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed



to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The City maintains a drug and alcohol free workplace in order to eliminate the inherent risks and liability to the City, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting City business. Also prohibited is the illegal use of legal substances. As set forth in detail in paragraph B-8 below, medical marijuana use as authorized by state law is not exempted from the City's drug and alcohol free workplace policy, constitutes a violation of this policy, and employees are subject to discipline up to and including discharge for any violation of this policy, including use of medical marijuana.

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

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

## **Drug Policy**

### **Definitions**

Controlled Substance: Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).

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

Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 et seq.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline.

Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately, but in no event longer than five (5) calendar days, of the arrest or conviction.

Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.

Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

The City has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

### **The Drug/Alcohol Testing Policy**

In order to maintain a safe and healthful work environment, the City reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

Where the City has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the City's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a City representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the City. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.

Any employee who tests positive may request retesting of the original specimen at their own expense.

Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the City Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.

Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.

Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.

Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.

Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the City's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors. Employees holding a CDL, and applicants for positions requiring a CDL, are subject to the reporting guidelines of the FMCSA Clearinghouse. The FMSCA Drug and Alcohol Clearinghouse guidelines are addressed below.

### **Discipline**

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

### **Refusal to Test**

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

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

### **Prescription/OTC Medications**

Employees must inform the City if they are taking any medication that may impair their ability to perform their job functions. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any City function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the City or its employees, or result in criminal behavior.

### **Drivers with CDLs and the FMCSA Drug and Alcohol Clearinghouse**

The City is committed to complying with the Federal Motor Carrier Safety Administration's (FMCSA) Drug and Alcohol Clearinghouse. The City will report failed and refused drug and alcohol tests by CDL drivers.

Additionally, the City will conduct the required queries of the FMSCA Clearinghouse annually and during the pre-employment process in order to ensure driver eligibility to perform safety-sensitive functions, including driving a commercial vehicle. In order for the City to conduct the necessary queries, employees and applicants are required to complete the required written consent.

Consistent with the FMSCA Clearinghouse requirements, the City shall conduct a full query of the Clearinghouse of each pre-employment driver during the background investigation process.

The City will conduct limited queries, at least annually, for all employers required to possess and maintain a CDL.

The City will report all drug and alcohol program violations to the FMSCA Clearinghouse, including negative return-to-duty test results, as well as, the date of the successful completion of a follow-up testing plan for any driver with unresolved drug and alcohol program violations.

The City will report the following to the FMSCA Clearinghouse:

- Alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative return to duty test result;
- A refusal to submit to a drug or an alcohol test;
- A refusal to test determination made in accordance with 49 CFR 40.191;
- A report that the driver has successfully completed all follow-up tests;
- Verified positive, adulterated, or substituted drug test result;
- Pre-duty or on-duty alcohol use;
- Drug use as defined in the regulations;
- The City's report of completion of follow-up testing;
- Other results required by law.

The City will not report drug and alcohol testing results outside of DOT required tests.

In the event a driver refuses consent during the pre-employment screening process, the City shall not hire the driver. In the event a current employee refuses to give consent, the employee

may be disciplined, up to and including termination. Further, a current employee refusing consent may be found to be incapable of performing their essential job duties as they will not be permitted to drive. A driver cannot drive until the query is conducted. If a query of a current employee returns notice that a drug or alcohol violation exists, a full query will be conducted upon the receipt of specific consent by the employee.

CDL drivers may petition to correct FMCSA Clearinghouse records.

### 6.3 - Smoking & Tobacco

Employees are prohibited from using tobacco in all buildings, vehicles and other enclosed areas owned, leased or operated by the City. The prohibition extends to all areas immediately adjacent to the ingress and egress of enclosed areas as to ensure that tobacco smoke does not enter the enclosed area through entrances, windows, systems or other means. The use of tobacco is also prohibited in any other area posted as a non-smoking area.

For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco.

Employees who violate these prohibitions are subject to discipline.

### 6.4 - Harassment

The purpose of this policy is to maintain a healthy work environment and to provide procedures for reporting, investigating and resolving complaints of harassment, sexual or otherwise.

The City does not condone and will not tolerate any harassment. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.



## **Prohibited Activity**

No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.

Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by the City. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and verbal, physical and visual conduct of a sexual nature when:

- submission to such conduct (either implicitly or explicitly) is made a term or condition of employment; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual; or
- the conduct has the purpose or effect of unnecessarily or unreasonably interfering with work performance, or creates a hostile, intimidating, or offensive work environment.

Such conduct includes but is not limited to:

- Unwanted physical contact or conduct of any kind such as:
- Sexual flirtations, touching, advances or propositions;
- Verbal harassment of a sexual nature, such as lewd comments and sexual jokes;
- Demeaning, insulting, intimidating or sexually suggestive comments about an individual's personal appearance;

- Using sexually degrading words to describe an individual.
- Possessing demeaning, insulting, intimidating or sexually suggestive objects or pictures, including nude photographs.
- Possessing demeaning, insulting, intimidating or sexually suggestive written, recorded or electronically transmitted messages.

### **Employee's Responsibilities**

Each employee of the City is responsible for assisting in the prevention of harassment through the following acts:

- Refraining from participation in or encouragement of, actions that could be perceived as harassment
- Reporting acts of harassment to a supervisor; and
- Encouraging any employee, who confides that he or she is being harassed, to report these acts to a supervisor, Human Resources, Service Director, Chief of Police or Mayor.

### **Supervisor's Responsibilities**

Supervisors are responsible for assisting in the prevention of harassment. This responsibility includes:

- Monitoring the work environment on a daily basis for signs that harassment may be occurring;
- Counseling all employees on the types of behavior prohibited, and the City procedures for reporting and resolving complaints of harassment.

- Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are under their direct supervision.
- Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment pending investigation.

In the event that any City employee approaches a supervisor with a concern about harassment, that supervisor must assist the employee in the documenting and filing of a complaint with the City. This requirement applies regardless of whether or not the employee falls under the supervisor's supervisory authority.

Failure to take action to stop known harassment is grounds for termination.

### **Complaint Procedures**

Employees encountering harassment must tell the person engaging in the conduct that their actions are unwelcome and offensive. An employee who believes that harassment is occurring in the workplace should also document all incidents of harassment in order to provide the fullest basis for investigation. Forms are available from Human Resources, Service Director, Chief of Police and Mayor's offices.

Any employee who believes that he or she is being harassed must report the incident to his or her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment and appropriate investigative measures may be initiated. Where this is not practical, the employee may instead file a complaint with Human Resources, the Service Director, Chief of Police, or the Mayor.

- The supervisor or other person to whom a complaint is submitted must meet with the employee and document the incident(s) surrounding the complaint, the person(s) performing or participating in the harassment, and the dates on which the harassment is said to have occurred.

- The employee taking the complaint must expeditiously deliver the complaint to Human Resources, the Service Director, Chief of Police or the Mayor.
- Human Resources, the Service Director, Chief of Police or Mayor is responsible for initiating the investigation of any complaint alleging harassment.
- The investigator will immediately notify the Mayor and the City Law Director if the complaint contains evidence of criminal activity.
- The investigator will inform the parties involved of the outcome of the investigation.

There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying or participating in the investigation of such a complaint.

Complainants or employees accused of harassment may file a grievance when they disagree with the investigation or disposition of a harassment claim.

Employees have the right to file discrimination charges with the Ohio Civil Rights Commission and the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964 (as amended).

## 6.5 - Safety

To ensure a safe and healthful atmosphere for its employees, the City of Bexley has established a safety and health program in most of its departments. Each department has developed a safety program designed to meet its own particular requirements. An employee who discovers an unsafe working condition or practice in the employee's working area must report that unsafe situation to his or her supervisor or department head immediately.

All employees must wear proper safety equipment in any work situation where there is a clear and present hazard. As an example, safety glasses or goggles should be worn at any time an employee is operating any kind of power equipment. A protective hard hat must be worn if any

employee is working in a construction area where there is a danger of being struck in the head. Reflective safety vests must be worn while working in traffic. All maintenance personnel are required to wear proper work shoes or boots. Although shoes or boots need not be steel-toed, they should be of a heavy construction and comfortable fit. At no time will maintenance personnel be allowed to wear canvas or leather tennis shoes while on duty, except those designed and specified as work boots. It is the responsibility of each employee to safeguard and have available for work all safety equipment assigned to him or her. Safety equipment lost or damaged by carelessness will be replaced at the expense of the responsible employee.

All accidents must be reported to a supervisor immediately, regardless of whether anyone was injured as a result of the accident. It is extremely important that the accident report form contain a specific statement of what occurred and the names, addresses and telephone numbers of any witnesses to the accident.

A Police Accident Report must be completed for all accidents involving a City vehicle. This Police Accident Report will be in addition to the accident report the employee files with his/her department.

In the event of a personal injury resulting in medical attention, it is important that the employee instruct the provider of service (doctor or hospital) that the injury is job-related.

## 6.6 - Standards of Dress & Grooming

All City employees will present a professional appearance during working time and off-duty periods involving official representation of the City. This policy applies to all City employees, regardless of classification. Individual departments may impose additional, more specific policies regulating dress and grooming, based on the needs of those departments.

### **Clothing**

Uniforms The City requires employees occupying certain positions to wear uniforms. Employees occupying some positions of City employment must wear uniforms designed to serve particular safety or utilitarian purposes or to convey an employee's special authority.

Employees occupying other positions may be required to wear uniforms intended primarily to identify those employees as City employees.

Additional uniform standards are established and communicated at the departmental level.

Non-Uniformed Positions Employees who are not required to wear uniforms are expected to wear clothing appropriate to the position held.

Footwear and Accessories. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair.

### **Jewelry and Body Designs**

All jewelry and body designs worn by employees must be appropriate so it does not detract from a professional appearance or present a safety hazard.

### **Policy Compliance**

Supervisors have responsibility for explaining and enforcing the dress and appearance policy. Employees who report to duty in a non-compliant with the dress and appearance policy may be sent home to change without compensation. Failure to comply with this policy may result in disciplinary action. Employees who repeatedly violate the dress and appearance policy may be subject to discipline, up to and including dismissal.

Department Heads may make exceptions to the prohibitions set forth in this policy at the department level due to the nature of particular work assignments, or the occurrence of special events.

## 6.7 - Computer Usage

City computers and information systems are City property. They may be used only for explicitly authorized purposes. The City reserves the right to examine all data stored in or transmitted by their computers and systems consistent with law.

Employees have no right to privacy with regard to the Internet and email on City systems. Authorized designees (as referenced above) may access any files stored on, accessed via, or deleted from computers and information systems consistent with law. When necessary, Internet, email, social media, phone, voicemail and Instant Messenger (IM) usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. All software installed on any City computer must be licensed to the City. No City employee may install, uninstall, or reconfigure any software or hardware owned by the City without prior authorization from the City.

Employees may be required to maintain passwords for their computers. Employees are responsible for safely securing their passwords. Absent supervisor approval, employees shall not share passwords. Employees may be required to periodically change passwords. Employees shall follow all IT Guidelines regarding passwords.

### **Allowable Uses of Computer and Information Systems for Business Purposes**

- Facilitating job function performance.
- Facilitating and communicating business information within the City network.
- Coordinating meeting locations and resources for the City.

- Communicating with outside organizations as required in the performance of employee job functions.

**Prohibited Uses of Computers and Information Systems, Including but Not Limited to E-mail, Instant Messaging, Voicemail, and the Internet**

- Violating local, state, and/or federal law.
- Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit images, cartoons, or messages.
- Threatening others.
- Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related.
- Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
- Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus.
- Vandalizing the data of another user.
- Forging electronic mail and instant messenger messages.
- Sending rude or obscene messages (anything that would embarrass or discredit the City).



- Disseminating unauthorized confidential or proprietary City documents or information or data restricted by government laws or regulations.
- Browsing or inquiring upon confidential records maintained by the City without substantial business purpose.
- Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.
- Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.
- Sending or soliciting material (visual, textual, or auditory) containing ethnic slurs, racial epithets, sexually-oriented messages/images or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs.
- Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.
- Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user.
- Speaking to the media or to the public within any news group or electronic forum on behalf of the City if not expressly authorized to represent the City.
- Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

Whether on working time or not, these prohibitions apply at all times to City-owned computers and information systems. Employees cannot expect that the information they convey, create, file, or store in City computers and information systems will be confidential or private regardless of the employee's intent.

There is no expectation of privacy for anything sent by City email or IM, and that others can view this information at any time.

### **Securing Computer Equipment and Electronic Data**

City employees who are responsible for or are assigned portable computer equipment, cell phones, and electronic media (i.e., laptops, flash memory devices, external hard drives, DVDs, CDs, etc.) shall secure those items when not in the office as these items may contain confidential and/or HIPAA information, which could be compromised if lost or stolen. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor. Failure to properly secure portable computer equipment, cell phone, and electronic data is subject to disciplinary action.

Employees accidentally sharing City information, or accessing an improper website, or opening an email with a virus are to immediately notify their supervisors. Employees who receive ransomware, or other malware/virus, are to immediately notify a supervisor. Employees shall not open emails, or click links, about which they have a concern.

### **Attorney/Client Privilege**

Communications from the City's Legal Counsel deserve special consideration. Employees should be aware that sharing a privileged communication received from the City's Legal Counsel with the wrong person could result in loss of the attorney-client privilege – a serious matter. Because it is extremely easy to forward an E-mail, employees must be particularly conscious of this issue. Employees may not forward an E-mail communication from the City's Legal Counsel to anyone

not employed by the City, without the prior approval of the City's Legal Counsel. Such E-mails should not be shared with employees who do not have a business reason to have access to the information. Matters that clearly do not involve any confidential communications (such as those related to scheduling) may be forwarded to non-employees.

## 6.8 - Social Media Policy

The City supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, online forums, email, text messages, social media posts or other forms of electronic communication extend to employees revealing confidential information about the City or its employees, or engaging in posting inappropriate material about the City or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action up to and including termination.

Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

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

- Comments or displays which impact employees' abilities to perform their job duties or the City's ability to maintain an efficient workplace.

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

For City-maintained social media sites, the department head shall designate the employee(s) who is permitted to post, maintain and monitor the postings on behalf of the City. Absent prior approval, employees shall not add, or remove, any information, or posting, from the City's social media site.

## 6.9 - City-Owned Cell Phones

The City provides cellular telephones to some employees as a business tool. The phones are provided to assist employees in communicating with management and other employees, citizens, contractors with the City, associates, and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls.

All cell phone operators shall observe the following policies.

- Cellular phones are provided as a means of conducting official City business.
- Usage will be reviewed monthly, and cell phones privileges will be removed from any individual found abusing these policies.
- The City may, at its sole discretion, establish a monthly fee for the personal use of the cell phones to be assessed to individuals with City assigned cell phones.

- City assigned cell phones may not be used so as to interfere with the business of the City, or in a manner which violates City work rules, Ohio ethics or criminal laws, or any other local, state, or federal laws.
- City assigned cell phones may not be used to operate a business for personal gain or to solicit for commercial, religious, or political causes, nor may they be used for any non-job-related purpose without prior approval of the appropriate appointing authority.
- Employees are not to use City assigned cell phones to play games, take or communicate pictures except as needed for official City business.
- Use of any cell phones, including voice and text messaging, for personal business during the working day should occur only infrequently and for very brief periods of time and not interfere with an employee's work duties and productivity.

Employees who violate this policy may be subject to disciplinary action.

## 6.10 - Personally-Owned Devices

Employees wishing to use personally-owned devices to access City systems may do so under the terms and conditions set forth below. This policy is intended to protect the security and integrity of the City's data and technology infrastructure.

- Employees must follow the usage guidelines outlined in the Computer Use policy for all on-duty use of personally-owned devices or when connected to the City's networks
- Employee web usage on personally-owned devices accessing the City's network may be monitored by the City
- Devices must be presented to IT for proper job provisioning and configuration of standard applications and security software before they can access the City's networks
- All records retention policies are applicable, even when records are created using a personally-owned device

- In order to prevent unauthorized access, devices must be password protected using the features of the device and a strong password is required to access the City's network
- The device must lock itself with a password or PIN if it's idle for five minutes.
- The employee's device may be remotely disconnected or wiped if 1) the device is lost, 2) the City terminates his or her employment, 3) IT detects a data or policy breach, a virus or similar threat to the security of the company's data and technology infrastructure.
- Lost or stolen devices must be reported to the City within 24 hours. Employees are responsible for notifying their mobile carrier immediately upon loss of a device.
- The employee is personally liable for all costs associated with his or her device.
- The employee assumes full liability for risks including, but not limited to, the partial or complete loss of company and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable.

## **Reimbursement**

The City will reimburse employees for personally-owned cell phone usage if their job duties necessitate availability by mobile phone during work hours. Reimbursement eligibility is requested by the Department Director and approved by the Mayor and IT Manager.

Smartphone Reimbursement: \$45 per month

- Employees whose job requires the use of a smartphone with a data plan

Cell Phone Reimbursement: \$25 per month

- Employees who job requires the use of a mobile phone (but not a data plan) during working hours
- The City will not reimburse the employee for roaming or plan overages
- Employees issued a City-owned phone/mobile device are not eligible for reimbursement

- The City requires a 614 area code as their personal line to be eligible for reimbursement

## 6.11 - Vehicle Operation

The City places the safety of residents of the City and employees above all other considerations. In keeping with this goal, the City has established guidelines for operation of City vehicles and the reporting of accidents, which involve City vehicles.

### Definitions

Frequent Driver: An employee who drives a City insured vehicle at least one (1) time per week.

Employees: As utilized in this policy, “employees” are defined as either frequent drivers or those individuals who drive their own personal vehicle or City vehicle for City business, as per their position description.

### Use of City Vehicles

Employees operating a City-insured vehicle must exercise caution and responsibility and shall adhere to all safety regulations and laws. The use of City vehicles is controlled by the Mayor or designee. Employees may use City vehicles only for the purpose of carrying out City business.

### Proper Licensure

Employees operating a motor vehicle are required to have a proper, valid Ohio Motor Vehicle Operator’s License/CDL, or such license as required by the State of Ohio to perform the duties set forth in the employee’s classification specification or position description. Applicants shall obtain a valid Ohio Motor Vehicle Operator’s License/CDL Class A with the proper endorsements prior to appointment to any position requiring the operation of a motor vehicle.

Applicants or employees may be required to obtain a driver’s transcript from the State of Ohio Bureau of Motor Vehicles. The cost of the transcript to be obtained will be paid by the City.

In the event that an employee's driving record indicates that he or she cannot safely and/or lawfully drive, the City may restrict or revoke the employee's work-related driving authority and may subject the employee to discipline, up to and including termination.

Employees who operate City motor vehicles or their personal vehicles within the scope of their employment and who do not possess an operator's license must notify their supervisor of this fact. The City makes no provision for "light duty" due to lack of proper licensure or the insurability of the employee. Failing to maintain proper licensure may subject the employee to discipline up to and including termination.

### **Driving Violations**

Violation of any Motor Vehicle Law may be the basis for disciplinary action and/or limitation of an employee's duties so as to not include operation of a motor vehicle. If the operation of a motor vehicle is an essential job function of the employee's position, then an employee may be terminated from employment with the City if the employee is unable to perform motor vehicle operation duties.

Any employee who accumulates six (6) or more points for violations under Ohio's Department of Motor Vehicle laws (point system) will be subject to disciplinary action under policy.

An employee who receives a citation/communication which may affect the employee's ability to legally operate a motor vehicle or to be insured by the City's fleet policy must report that citation/communication to their supervisor within twenty-four (24) hours of receiving it.

Employees must report all convictions for violation of motor vehicle laws. Such convictions must be reported within twenty-four (24) hours of their occurrence to their supervisor whether the violations occurred in Ohio, another state, territory or Canadian Province.

Employees who are cited for driving under the influence [of alcohol and/or other drugs] (DUI), driving while intoxicated (DWI), operating while impaired (OWI), or operating a vehicle under the influence (OVI) or similar offense will be reassigned to a position which does not require



operation of a motor vehicle pending disposition of the case. If convicted, the employee will be subject to corrective action up to and including termination.

CDL holders must maintain licensing and eligibility requirements as set forth by the Federal Motor Carrier Safety Administration (FMCSA).

The employee may be permitted to continue employment with the City in a position which does not require operation of a motor vehicle pending their participation and successful completion of an appropriate rehabilitation program.

### **Accident Reporting**

Within twenty-four (24) hours of being involved in any accident or unusual incident, such as a mechanical malfunction involving the operation of a City motor vehicle or destruction of equipment, an employee must provide a written report of the incident to his or her supervisor.

- If an employee becomes incapacitated as a result of an accident, the employee must supply the written report within twenty-four (24) hours of the time the employee becomes able to do so.
- The employee is responsible for making an immediate report of any vehicle accident to the proper law enforcement officials.
- An employee who has had more than one accident within a one-year period of time may be subject to discipline, up to and including removal.

## **6.12 - Posting & Bulletin Boards**

It is the policy of the City to post notices and other materials on City bulletin boards and property as a means of communicating information to City employees and the general public.

### **Posting on Official Bulletin Boards**

The City maintains official bulletin boards for the posting of required federal, state and local governmental notices, required legal notices, and information directly related to the conduct of City business.

### **Posting on City Property**

Only the Mayor and/or department heads may authorize the posting of notices or other material on City property, including all buildings, fixtures, grounds, vehicles and equipment owned, leased, rented or operated by the City. Only notices concerning events and activities authorized by, affiliated with, or sponsored by the City or a City agency may be posted on City property.

### **Posting Limitations**

The City reserves the right to:

- Limit the size of any notice or other materials to be posted;
- Limit the period of time any notice or other materials may be posted;
- Reject any notice or other material which contains any unfavorable, scandalous, derogatory, or other personal attacks upon an employee, public official, candidate for public office or governmental unit;
- Require an individual or group desiring to post a notice or other materials to submit a written request.

### **Violation of Posting Policy**

Any notice of material posted in violation of this posting policy or procedures may be removed and destroyed by the Mayor or a designated representative of the Mayor.

Any individual or organization that posts or removes any notice or other material in violation of the posting policy or procedures may be barred by the City from future posting privileges.

### 6.13 - Solicitation & Distribution

In order to maintain a productive, appropriate and safe working environment, the City reserves the right to govern solicitation and distribution by employees and non-employees.

#### **Employee No-Solicitation Rule**

Any solicitation by an employee of another employee on the premises of the City of Bexley, while either employee is on their working time, is prohibited. "Working time" means all the time when an employee's duties require that they be engaged in work tasks.

#### **Employee No-Distribution Rule**

Distribution of any type of non-work related literature, brochures, goods, etc., during working or non-working time in work areas is prohibited.

#### **Employee No-Access Rule**

Employees are not permitted access to the interior of the City of Bexley's facilities during their off-duty hours unless authorized by the Mayor or his/her designee.

#### **Non-Employee Solicitation and Distribution**

Non-employees are not permitted access to the premises of the City of Bexley, including the interior of the facilities and other working areas, for the purpose of solicitation and/or distribution. This section does not apply to vendors as defined below.

#### **Definitions**

Distribution - means an act of distributing goods, materials, and/or written materials.

Non-Work Area - means employees' break/lounge/lunch rooms, rest-rooms, and lobbies and hallways where business is not transacted or operations conducted.

Non-Working Time - means any time during an employee's work day when the employee is totally relieved of work duties, such as break time and lunch time. Whether an employee is in paid or unpaid status during these times is immaterial to the designation of non-working time.

Off Duty Hours - means any time before or after a work shift.

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

Vendor - means any individual, group, company or organization engaged in or desiring to engage in the supply of goods, materials or services to the City and its employees, to be utilized in the conduct of public business.

Work Area - means any office, building or physical location where official City business is transacted and/or operations are being conducted. This includes any public or private area where employees are engaged in work activities.

Work Time - means 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.

Any violation of this policy should be reported to management immediately. Any employee violating this policy shall be subject to disciplinary action.

## 6.14 - Weapons

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordinance onto the property of the City. A valid concealed handgun license does not authorize an individual to carry such a weapon onto these premises, unless specifically otherwise authorized. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

City employees are prohibited from carrying firearms any time they are working for the City or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a City identification badge, uniform, or other City issued paraphernalia that an employee is required to wear relative to their employment and working in resident's homes or other sites off City premises. Except for law enforcement officers, no employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a City owned vehicle.

This policy does not prohibit employees from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. City Parking Lot). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a City owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions Section 2923.1210 of the ORC. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on City premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon or firearm in violation of this policy at any time while they are working for the City, acting within the course and scope of employment, or acting as a representative of the City.

## 6.15 - Workplace Violence

### **Zero Tolerance**

The City is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the City enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or

affect employees, or which occur on City property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense. Acts of workplace violence must immediately be reported.

### **Prohibited Acts of Violence**

Prohibited acts of workplace violence include, but are not limited to, the following, which may occur on-duty or off-duty:

- hitting or shoving;
- threatening harm to an employee or his/her family, friends, associates, or property;
- intentional destruction of property;
- harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and social media postings;
- intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule;
- willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his/her safety;
- suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; and
- unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

### **Warning Signs and Risk Factors**

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following:

- hinting or bragging about a knowledge of firearms;

- making intimidating statements such as: “I’ll get even,” or “You haven’t heard the last from me.”;
- keeping records of other employees the individual believes to have violated departmental policy;
- physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech;
- acting out violently either verbally or physically;
- excessive bitterness by a disgruntled employee or an ex-employee;
- being a “loner,” avoiding all social contact with co-workers;
- having a romantic obsession with a co-worker who does not share that interest;
- history of interpersonal conflict;
- domestic problems, financial problems, unstable/dysfunctional family; and
- brooding, depressed, strange behavior.

## 6.16 - Employee Fraternization

City employees are required to devote their working hours to the performance of work duties. City employees are not to carry out romantic relationships during City working time, or using City vehicles or facilities. City employees who operate City vehicles are prohibited from permitting other City employees to “ride along” except where such use of the vehicle enables both employees to carry out their working duties for the City, or on the direction of a supervisor or Department Head.

Even in the absence of inappropriate interpersonal activity during working hours, some relationships between City employees are inherently problematic, regardless of whether they occur during working or non-working time. Accordingly, the City prohibits romantic relationships between Department Heads or supervisors and subordinate employees where one employee has a direct supervisory or performance review authority over the other. The City also encourages all employees to familiarize themselves with, and adhere to, the City’s Harassment Policy. City employment of multiple family members is addressed by the City’s Employment of Relatives policy.

## 6.17 - Discipline

The City of Bexley believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings regarding disciplinary matters.

### **Investigations**

The City has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation. Investigations shall be conducted upon receipt of an allegation of potential misconduct. Investigations shall be conducted promptly and in a reasonable and efficient manner to determine whether the alleged misconduct occurred.

### **Administrative Leave**

Employees may be placed on a paid “administrative” leave of absence pending an investigation. Employees placed on paid “administrative” leave are expected to remain available to their employer, including coming to their designated workplace, if requested, during their designated working hours while placed on paid “administrative” leave. An employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid “administrative” leave, for a period not to exceed two months, pending an investigation. However, an employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits.

Disciplinary action will be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee’s position, the employee’s



record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit the City's discretion to impose a higher level of discipline under appropriate circumstances.

### **Grounds for Discipline**

The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, nonfeasance or any other reason set forth in O.R.C. § 124.34.

### **Off Duty Conduct**

The property and image of the City is to be respected at all times; as such, an employee's off duty conduct that has a nexus to the workplace or could reasonably negatively impact the City may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

### **Arrests, Convictions & Criminal Charges**

Employees have an obligation to immediately inform the City of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be granted vacation leave in order to serve jail time.

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The City may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative or charge is independent of a disciplinary investigation. Although the City may utilize information obtained during other investigations, the City's decision to take appropriate

disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with the City is just cause for termination.

### **Duty to Report**

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of City Policies and Procedures whether the conduct occurs on-duty or off-duty. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

## **6.18 - Pre-Disciplinary Conference**

A pre-disciplinary conference will be held in accordance with this Section for all classified Bexley municipal employees who are charged with a disciplinary infraction that may result in a suspension of three (3) days or more, demotion or removal. The procedure for pre-disciplinary conferences set forth in this Section does not apply to unclassified employees who serve at the pleasure of the appointing authority or to employees covered by a collective bargaining agreement.

Whenever the Employer or his designee determines that an employee may be disciplined for cause (including all suspensions, reductions in pay or position or terminations), a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.

Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Employer will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to: (1) appear at the conference to present an oral or written statement in his or her defense; (2) appear at the conference and have a chosen representative present an oral or written statement in defense of the employee or (3) elect in writing to waive the opportunity to have a pre-disciplinary conference.

At the pre-disciplinary conference, the Employer will ask the employee or his or her representative to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.

At the conference the employee may present any testimony, witnesses, or documents which explain whether or not the alleged conduct occurred. The employee may be represented by any person he or she chooses, provided the representative is available at the time the conference is scheduled. If the employee intends to produce witnesses at the conference, the employee shall provide a list of witnesses to the Employer not later than one (1) hour prior to the pre-disciplinary conference.

Pre-disciplinary conferences will be held by the Mayor, or the Mayor's designee. A written report will be prepared by the Mayor, or designee, concluding as to whether or not the alleged misconduct occurred. Upon receipt and review of the report, the appointing authority will decide what discipline, if any, is appropriate. A copy of the report will be provided to the employee within five (5) calendar days following its preparation.

### 6.19 - Appeals of Discipline

Personnel actions including terminations, suspensions of over three (3) days, reductions in pay or position and layoffs may be appealed by affected employees to the City of Bexley Municipal Civil Service Commission. Administrative appeals involving suspensions of three (3) days or less shall be addressed exclusively at the pre-disciplinary conference level.

Appeals from removal, demotion or suspension must be filed with the Civil Service Commission within ten (10) days of the employee's receipt of notice of the disciplinary sanction. Appeals from layoffs or job abolishment must be made within ten (10) days after the employee's receipt of the layoff notice or the date of displacement.

The Civil Service Commission maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Commission may affirm, disaffirm, or modify personnel decisions made by the Appointing Authority.

## 6.20 - Complaint Procedure

In the event that an employee has a complaint regarding treatment by another employee/supervisor or has an operational concern, the employee should first informally discuss the issue with his or her immediate supervisor. In the event that the complaint is regarding the Mayor, the employee may discuss the concern with Human Resources and/or the City Attorney.

If the immediate supervisor fails to resolve the complaint to the satisfaction of the employee, the employee may within five (5) working days of the decision of the immediate supervisor reduce the complaint to written form and file the written complaint with the department head.

If after ten (10) working days the employee's complaint remains unresolved after review by the department head, it may then be submitted to the Mayor. Any such submission to the Mayor must be in writing and made within five (5) working days of receiving the department head's written decision.

Except in matters under the jurisdiction of the City of Bexley Municipal Civil Service Commission, all decisions of the Mayor regarding complaints are final.

# Section 7: Finance Policies

## 7.1 - Travel Expenses

Policy: These regulations establish a standard procedure for reimbursing officials and employees of the City of Bexley for authorized expenses incurred while traveling on City business, attending conferences, conventions, or other activities serving the City's interest.

Approval: Prior to attendance at any activity, the appropriate department head must approve the benefit of the activity to the city.

In order for actual, necessary and reasonable expenses to be reimbursed, the responsible department must first have a purchase order certified by the Finance Director indicating that moneys have been appropriated to liquidate the estimated expenses.

Reporting: Upon return from an eligible activity, each traveler seeking reimbursement must:

- File an accurate and detailed travel expense report with the Finance Director.
- The report may seek reimbursement for actual, reasonable, and necessary expenses incurred while attending an eligible activity.
- Submit detailed original receipts covering all expenses for which it is practical to obtain receipts. Detailed original receipts are required for such items as lodging, travel, meals, registration fees, and extraordinary expenses that are an integral part of the activity.

#### Living Expenses: Meals

The City provides no reimbursement for meals unless the expense is incurred in the course of overnight business travel. In order to qualify for reimbursement, employees must submit a detailed original receipt together with a completed reimbursement request. The receipt must provide details of all items purchased. The City will not reimburse employees for the cost of alcoholic beverages.

- Reimbursement for breakfast will be made for actual costs, up to a maximum of \$15.00
- Reimbursement for lunch will be made for actual costs, up to a maximum of \$20.00
- Reimbursement for dinner will be made for actual costs, up to a maximum of \$30.00

#### Living Expenses: Lodging

- Employees traveling for City business are required to select hotel accommodations that balance cost efficiency and the necessity of the trip.
- The department head must authorize overnight lodging prior to the day of the event.

- Reimbursement for lodging will be made only if such expenses are properly receipted. Receipts for lodging must accompany the travel expense report.
- Employees should review and compare multiple hotel rates for their destination and consider factors such as proximity to the work location/event and safety.
- When submitting travel expenses for reimbursement, employees must provide a brief explanation of their lodging choice, including:
  - Why the selected hotel was the most cost-effective or appropriate option.
  - If a higher-cost option was chosen, a detailed rationale, such as safety concerns, lack of alternatives within proximity, or requirements tied to the nature of the trip.

#### Living Expenses: Incidental Expenses

Expenses incurred for laundry and dry cleaning may be reimbursed if the employee is in continuous travel status in excess of five days without returning home during that time. These items must be receipted and itemized.

#### Travel to High-Cost Areas

Employees who plan to travel to high-cost areas on City business may seek prior approval from the Auditor's office for meal and lodging expense reimbursement at levels appropriate for such areas. In such an instance, the Auditor's office may require the employee to provide documentation supporting the expenditure of meal and/or lodging costs in excess of the standard levels set forth in this policy.

#### Mileage

Each employee is expected to transport him/herself to and from various work locations within the City of Bexley without reimbursement for mileage. Sometimes this travel will be in a city vehicle and other times private owned vehicles may be used. Similarly, mileage traveled to and from work (commuting) is not reimbursable as employees are reasonably expected to transport themselves to and from work at their own expense.

When an employee is required by business necessity to travel outside the City (comprising travel beyond the city limits plus one (1) mile radius), the City will reimburse employees for mileage expenses incurred when using the employee's personal vehicle. Mileage will be calculated at the Federal reimbursement rate. This policy does not apply to employees with a vehicle allowance or City-owned vehicle

Business travel beyond central Ohio must be approved by the Mayor or Auditor. In the case of all City employees, out-of-state business travel must be approved by both the Mayor and the Auditor.

#### Registration Fees

Employees may obtain reimbursement for the fee for attending seminars, conferences, or other activities. Reimbursement for these expenses is provided only if the employee's department head has determined that the employee's attendance is beneficial to the City, has approved the employee's attendance at the event, and has ensured that the purchase order certification requirement is satisfied in advance of the event.

The purchase order must be accompanied by an itemized report specifying the items obtained by payment of the registration fee. The report should identify the meals, functions, and other components of the activity that are paid for by the general registration fee.

#### Audit of Travel Expenses Report

The Finance Director has the authority to question any items or expenses for which reimbursement is asked and may, with the consent of the Mayor, refuse to pay, modify, or reduce any item that is unreasonable or incompatible with the City's policies or prudent stewardship of the City's resources.

#### Frequent Flyer Miles

Frequent flyer miles earned while traveling on official City of Bexley business cannot be accrued to the employee.

## 7.2 - Credit Card Use

The City of Bexley credit card is one method for authorized employees to make purchases for City business use. The credit card policy establishes minimum standards for use of the credit card in order to ensure compliance with procurement policies and procedures. The purchasing policy for the City of Bexley and all related Administrative Orders and procedures apply to the use of the credit card. The credit card serves as a means of payment, not as an alternative to the City's procurement policies and procedures. The credit card program is not intended to avoid or bypass the competitive bid requirements of the City of Bexley Code and Administrative Orders, appropriation of funds process, approval process or payment process. Rather, the credit card program complements the existing process. Expenditures may not exceed appropriation under any circumstance.

A "cardholder" is an individual who has been approved by management to pay for certain work-related expenses with a credit card. The cardholder is responsible for the security and physical custody of the credit card and is accountable for all transactions made with the credit card. The credit card cannot be used for personal or non-work related purchases. The cardholder must comply with the City's record-keeping requirements. Cardholders are required to become familiar with the credit card policy and sign the Cardholder Implementation Form.

The credit card program carries corporate, not individual, liability. The cardholder's personal purchasing history is not impacted and purchasing checks are not conducted on cardholders. Billings for authorized purchases will be paid with City funds.

The City of Bexley will not accept liability or financial responsibility for unauthorized use of credit cards, i.e. fraudulent use of account numbers, lost or stolen credit cards, and purchases made for personal use.

### Issuance of Cards



Requests for the issuance of a credit card are to be made, in writing, to the Finance Director, or designee, with final approval made by the Mayor and City Auditor. Credit cards are “corporate” cards that will display the employee’s name as well as the City of Bexley’s name on the face of the card.

The credit card cannot be shared with other employees. In doing so, the cardholder is at risk of losing their issued card.

The following officers or positions, are authorized to use the credit card held by the City of Bexley:

- Mayor
- Chief of Police
- Service Director
- Assistant Service Director and designees
- Recreation and Parks Director and designees
- Information Technology Manager
- Executive Assistant to the Mayor
- Director of Administration and Development
- Finance Director
- Police and Service Employee Gas Card Users
- Additional positions as deemed necessary by the Mayor and/or City Auditor

#### Restrictions on Use

A credit card held by the City of Bexley shall be used only to pay for the following work-related expenses:

- Expenses authorized by an approved purchase order.
- Authorized travel, including airfare, conference registration, hotel, meals, and any miscellaneous travel expenses, in accordance with the City’s Personnel Rules.

- Purchase of materials and supplies from vendors when purchase orders, vendor accounts, or petty cash are not available or practical. (Note: all procurement rules and reimbursement of expense rules will be applicable to purchases made with credit cards).
- Business meals, in accordance with the City's Personnel Rules.
- Other expenditures as deemed necessary as authorized and preapproved by the Mayor or Finance Director.

In all instances, the City's tax-exempt status should be provided to a vendor so that sales tax is not charged. If a vendor fails to waive the tax, the employee must complete the attached Paid Sales Tax Justification Form, outlining their effort to have the tax waived. The Finance Director is authorized to determine whether the City or the employee is responsible for the tax liability.

City purchasing cards are to be used solely for City business as outlined above.

#### Violations of Credit Card Use

- Cash advances;
- ATM transactions;
- Traveler's checks, money orders, or similar products;
- Gift cards;
- Fax machines and copiers;
- Firearms, ammunition and explosives;
- Expenses for which per diem rate applies (see City's travel policy);
- Personal purchases of any kind;
- Entertainment and entertainment venues;
- Purchases of alcoholic beverages (Except in instance of events where beverages are being sold);
- Fuel for personal vehicles;
- Tobacco purchases;
- Exceeding the credit card account line limit;
- Sharing the credit card or card account number with unauthorized users;
- Failure to return the credit card when card user is reassigned, terminated or upon request; and

- Any product or service that is not considered official City business or any use of City funds considered inappropriate.

#### Late Charges

No late charges or financial charges shall be allowed as an allowable expense, unless otherwise authorized by the Auditor. Debt incurred as a result of the use of an authorized credit card, pursuant to this policy, shall be paid from monies appropriated to specific appropriation line items of the Appointing Authority for work-related expenses listed above.

#### Credit Card Procedures

The City of Bexley Credit Card may be used for purchases of less than \$3,000 without prior approval of the Mayor. Purchases at or exceeding \$3,000 require approval of the Mayor and must meet the requirements of the City of Bexley Credit Card Use Policy.

The City of Bexley Credit Card has a maximum individual card credit limit of \$15,000. The Finance Director has a maximum individual card credit limit of \$30,000 to accommodate larger purchases. The Mayor and City Auditor have the right to establish lower maximum individual thresholds. The opening of a credit card account or the increase in credit card limits can only be approved by the Mayor and/or City Auditor.

Credit card receipts for all expenditures shall be submitted to the Finance Department within 30 days of the purchase. An officer or employee is liable for reimbursement to the treasury for any amount for which he/she fails to provide itemized receipts as required by this policy. The City of Bexley shall keep statement data and proof of reconciliation, including receipts, on file for a period consistent with the record retention requirements of the law.

Whenever any employee who is authorized to use a credit card held by the City of Bexley suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the Finance Director immediately and in writing. If it is determined that there has been a loss, theft, or unauthorized use, the Finance Director shall immediately cancel the card.

If the Finance Director determines there has been a credit card expenditure beyond the appropriated or authorized amount as provided in this policy, the Finance Director shall immediately notify the Mayor and/or City Auditor.

Card user violations of this agreement will be investigated and may result in any or all of the following actions, but not limited to:

- Reimbursing the city for unauthorized expenses;
- Referral for criminal prosecution where applicable; and
- Disciplinary action, up to and including, termination.

#### Order Verification Procedures

The cardholder is responsible for ensuring receipt of goods and services and follow up with the vendor to resolve and delivery problems, discrepancies or damaged goods.

Items should be returned directly to the vendor by whichever means the vendor requires. The cardholder is responsible for seeing that the proper purchasing is posted for any returned items.

#### Discrepancies and Dispute Procedures

If items purchased with the credit card are found to be defective or the repair or service is faulty, the cardholder will be the responsible party to return those items, receive reparation or receive the purchasing for the purchase. If the merchant refuses to replace or correct the faulty item, then the purchase is considered to be “in dispute”.

All disputed items must be brought to the attention of the Finance Department by the cardholder. The Finance Department will note all disputed items on the monthly account billing statement.

#### Itemized Receipts Required

Every purchase, including those made via the Internet, must have a detailed itemized receipt. A purchasing card signature slip with only the amount charged is not considered sufficient documentation. If a tip was added to the meal purchase, the itemized and summary receipts must be turned in.

If a receipt is missing, the cardholder must make an attempt to acquire the receipt from the vendor. If the receipt is lost or not available, the cardholder is considered to be liable for the purchase and may be subject to the amount of the purchase being reimbursed to the city. In such cases, the cardholder will need to complete the attached Credit Card Missing Receipt Form. The form will be reviewed by the Finance Director, who will make a final recommendation to the Mayor and City Auditor, whether to hold the cardholder liable for the purchase and any required reimbursement to the City.

#### Cardholder

All Cardholders are purchasing agents for the City of Bexley. Accordingly, all Cardholders must have an understanding of City purchasing rules and regulations as contained in the City of Bexley Code and Administrative Orders.

Cardholder responsibilities include:

- Maintaining knowledge of Credit Card Policy and procedures and internal policies and procedures.

- Maintaining security of the physical credit card, the account number, expiration date, and security code; this includes ensuring that a secure website is used for any online purchases, the card number is not saved to any website; and that a credit card account number is not transmitted via fax machine.
- Ensuring all purchases are allowable according to city purchasing and credit card policies are only for legitimate City business purposes. Misuse (inappropriate, unauthorized, or fraudulent use) of the credit card may subject the Cardholder to disciplinary action, criminal prosecution, and/or termination of City of Bexley employment.
- Ensuring no sales tax is charged by the vendor.
- Ensuring all purchases comply with the City of Bexley Code and Administrative Orders regarding purchases.
- Adhering to the purchase limits and restrictions of the credit card and ensuring that all purchases are within all other spending and vendor guidelines established by the City of Bexley.
- Ensuring that the credit card is only used by the approved cardholder. Use by anyone other than the approved cardholder is strictly prohibited. The credit card is not transferable between cardholders or department personnel.
- Providing all vendors invoices, packing slips, cash register receipts, itemized receipts, charge slips and other pertinent documentation to confirm the receipt of the goods and services to the finance department by the assigned deadline.
- Submitting a letter if a receipt is missing and providing it to the Department Director and Finance Director for submission with the monthly statement. The letter must be signed by the cardholder and Department Director.
- Attempting to resolve a dispute or billing error directly with the vendor. If a cardholder cannot resolve the dispute or error with the vendor directly, then the cardholder must notify the Finance Director.
- Under no circumstances shall cash be accepted from a vendor in lieu of a credit to the credit card account.
- Reporting a lost or stolen credit card immediately to the Finance Director.
- Returning a credit card to the Finance Director when it is determined it is no longer needed.