

ORDINANCE NO. 116 - 07

By: Matthew Lampke

An Ordinance to authorize and direct the Mayor and Auditor, in their capacities as the appointing authorities of all City employees, to adopt, by execution of a joint executive order to be filed with the Clerk of Council on or before December 31, 2007, and to implement a personnel policy manual of uniform personnel policies and procedures governing all employees of the City, which shall be substantially in the form prepared by the City's employment counsel and previously presented to this Council, subject to any and all collective bargaining agreements in effect, from time to time, and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Mayor and Auditor, in their capacities as the appointing authorities of all City employees, are hereby authorized and directed to adopt, by execution of a joint executive order to be filed with the Clerk of Council on or before December 31, 2007, and to implement a personnel policy manual of uniform personnel policies and procedures governing all employees of the City, which shall be substantially in the form prepared by the City's employment counsel and previously presented to this Council, subject to any and all collective bargaining agreements in effect, from time to time.

Section 2. That this Ordinance is an emergency measure necessary for the immediate protection of the public health, safety or welfare, said emergency being the necessity of having in effect a uniform and up to date set of personnel policies and procedures governing City employees on or before December 31, 2007, and shall be effective upon passage and approval by the Mayor.

Passed: 12-18- , 2007

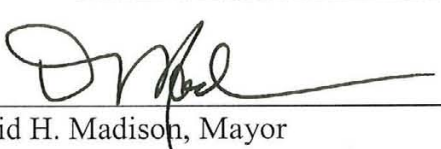


President of Council

Attest: 

Clerk of Council

11-27-07 First Reading
12-11-07 Second Reading
12-18-07 Third Reading
Passed

Approved: 12/18 , 2007


David H. Madison, Mayor

CITY OF BEXLEY

PERSONNEL POLICY

MANUAL

City of Bexley

Personnel Policy Manual

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Introduction



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.



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.



Public Records

The City of Bexley adopts this public records policy pursuant to Ohio Revised Code Section 149.43. It is the City's policy to adhere to the state's Public Records Act and thereby facilitate public access to information concerning the City's government functions.

Section 1. Public Records and their Maintenance.

In accordance with the Ohio Revised Code, the City of Bexley defines records as: any document, device, or item – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the City, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the City.

As required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules will be updated regularly and posted prominently at the City administration building and other City department offices located outside of the administration building.

Section 2. Record requests.

A requester must identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records. If it is not clear what records are being sought, the City may deny a request but will provide the requester an opportunity to to revise the request by informing the requester of the manner in which records are maintained by the City and accessed in the ordinary course of the City's business.

The City may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the City to identify, locate, or deliver the public records sought by the requester.

Section 3. Inspection of Records.

Public records will be available for inspection during regular business hours, with the exception of published holidays. The City's regular business hours are 8:00 a.m. to 4:30 p.m. although these hours may change from time to time. Public

records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 4. Exemptions from Disclosure.

The Ohio Revised Code exempts certain records from mandatory disclosure under the Public Records Act. With respect to each request, the City will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The City will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as required by the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 5. Costs for Public Records and Delivery Options.

Those seeking public records will be charged only the actual cost of making copies. The charge for paper copies is ___ cents per page. The charge for downloaded computer files to a compact disc is \$___ per disc. There is no charge for documents e-mailed to requesters by the City. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 6. E-mail.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the City. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the City's records custodian.

The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

Section 7. State Law Supersedes the City's Policy.

Notwithstanding the existence of this policy, the City will comply with applicable provisions of Ohio law governing public records, including but not limited to, Ohio Revised Code Section 149.43, and that to the extent that these state law provisions apply to the City, they will supersede and take precedence over this policy. The City retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.



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Employment Practices

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, national origin, disability, or other non-job related criteria.



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.



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.



Probationary Period

The standard probationary period for classified civil service positions is one hundred twenty (120) 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



Vacancies

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 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.

All qualified employees applying for the position will be interviewed by a selection committee consisting of at least the immediate supervisor and one other qualified person.

If no current employee is deemed to be qualified for the vacant position by the appointing authority, 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.



Promotions

It is the policy of the City of Bexley to provide employees with the opportunity to be promoted.

When the City determines that a job vacancy above the entry level exists, the City will post a notice on the appropriate bulletin board for a period of five (5) full working days. The notice will include the title of the position and the working hours or shift applicable to the vacancy.

During the five-day posting period, any employee wishing to apply for the vacant position must submit a resume or written application to the employer. The City is not obligated to consider any application submitted after the close of the posting period.

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;

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.

Upon receipt of an application from an employee, the City will give first consideration to full-time employees and consider part-time employees. If the City concludes that no current employee is qualified for the vacant position, the City will then consider selection of qualified outside job applicants to fill the position.

An employee serving his or her initial probationary period is ineligible for promotion.



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, 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. Except for the insurance restriction noted below, Section 207 does not apply to employees who were employed by the City of Bexley prior to the adoption of this policy.

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).



Performance Standards and Evaluation

The City evaluates a City employee's job performance twice during the employee's probationary period and 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 using forms prepared by the City of Bexley Municipal Civil Service Commission. 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. One copy of the performance evaluation is provided to the City of Bexley Municipal Civil Service Commission and the remaining copy is retained in the employee's personnel file.



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BENEFITS



Life and 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, hospital, surgical, major medical, dental and/or vision insurance coverage for eligible full-time employees. If practicable, the City will arrange for employee co-payments for such insurance coverage to be paid by automatic payroll deduction. All co-payment provisions 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.



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.

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/>



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>



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). Other State retirement systems include the Ohio Police & Fire Pension Fund (OP&F), the State Teachers Retirement System of Ohio (STRS), the School Employees Retirement System of Ohio (SERS), and the Ohio State Highway Patrol Retirement System (HPRS).

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.



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LEAVES

Vacation

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 |
|------------------|-----------------------|---------------------------------|
| End of year 1 | 3 rd Year | 10 workdays |
| Year 4 | 7 th Year | 12 workdays |
| Year 8 | 11 th Year | 16 workdays |
| Year 12 | 14 th Year | 17 workdays |
| Year 15 | 17 th Year | 21 workdays |
| Year 18 | 21 st Year | 22 workdays |
| Year 22 | Separation | 26 workdays |

Significance of Prior Service. 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 one (1) 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.



If, however, the Mayor or Mayor's designee concludes that extraordinary circumstances warrant an exception the general rule, the Mayor or designee may authorize an employee to carry over to the next year up to five (5) days of vacation leave, or to convert unused vacation leave into paid compensation at the rate of pay in effect in the pay period immediately proceeding the anniversary date. In the event that the Mayor or designee authorizes an employee to carry over five (5) days of vacation leave, and the employee has additional days of accrued vacation leave above and beyond the five (5) days carried over, the Mayor or designee may also authorize the balance of the accrued vacation leave to be converted into paid compensation as described above.

Employees seeking an exception to the general rule prohibiting the carry over or cashing-out of vacation leave must submit a written request to the Mayor's office at least two (2) weeks prior to the employee's anniversary date. The request must explain the extraordinary circumstances supporting the employee's request.

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.

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 one (1) 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.



Sick Leave

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

Sick Leave Accrual

For each completed eighty 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 1,920 hours.

All hours of sick leave accrued in excess of 1,920 hours are converted into a cash payment annually. The sick leave is converted on the basis of one hour of pay for each hour of unused sick leave. The payment to the employee is made as soon as practicable after the close of each calendar year. Sick leave accrues and is recorded at the employee's base rate of pay in effect during the pay period when the sick leave is earned. Each time an employee is approved to use or convert sick leave, the available sick leave that accrued at the lowest base rate of pay is used first.

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, 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*.

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. 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.

The City may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician or practitioner may be required to justify the use of sick leave. 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 1,920 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 surviving spouse, or if there is no spouse, to his or her estate.

Exhausted Sick Leave

Pursuant to Ordinance No.49-90, the Mayor has the discretion in unusual and specific circumstances to advance paid sick leave to an employee who has exhausted his or her accumulated sick leave. Before granting such leave, the Mayor must investigate the situation thoroughly and consult with the employee's department head regarding the employee's service and work record and the nature and seriousness of the employee's sickness or injury. The Mayor or

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designee will prepare a report identifying the factors relied upon in making the decision to grant the leave and will file the report with the Auditor.

The extension of days absent, with pay, may be made on any basis that the particular case warrants, in the opinion of the Mayor, but the additional sick leave with pay shall not exceed twenty (20) work days in any given calendar year. Further extensions of sick leave for employees may be granted as Council directs. An employee does not accrue additional sick leave during the period of absence from work on advanced sick leave.

Minimum Usage

Seasonal personnel must utilize sick leave in minimum increments of a "full shift" because of substitute coverage issues. Regular full- and part-time employees may utilize sick leave in minimum increments of one (1) hour.

Wellness Benefit

All full-time hourly and salaried employees who do not request and are not granted sick leave, except bereavement leave pursuant to Section 404, 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, or 2) be paid a bonus equivalent to one (1) day's pay, based upon the average daily pay for the employee as of the last day of each three (3) month 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.



Sick Leave Abuse, Tardiness and 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.

Bereavement Leave

In the event of the death of an employee's mother, father, sister, brother, current spouse, 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.



Personal Days

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.



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
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day

Holiday compensation is addressed in Section 507 of this Policy Manual.



Family Medical Leave Act

Benefits under the Family and Medical Leave Act.

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; or
- a serious health condition that renders the employee incapable of performing the functions of his or her job.



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 or 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 the employee's department head or, if the applicant is a department head, the Mayor. 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 the employee's department head or, if the applicant is a department head, to the Mayor.

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 is "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.



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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 complete a "*Notice of Intention to Return from Family and Medical Leave*" form before he or she can be returned to active status. 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.

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

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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.



Job-Related Injury Leave

All full-time employees may be allowed injury leave for each service-connected injury with pay not to exceed 120 total workdays in a calendar year. 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 the 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.



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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 in Section 402 of this Manual.

The provisions of this subsection dealing with injury leave are separate and distinct from the provisions relating to the accumulation and usage of sick leave in Section 402 of this Manual.

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.



Jury Duty

The City will grant full pay to all full-time employees who are summoned for jury duty or subpoenaed as a witness by any court or other adjudicatory body. All compensation received by the employee from the court or other non-City source for such duty must be reimbursed to the City unless the duty is performed totally outside of normal working hours.

Notwithstanding the general rule set forth above, the City does not pay employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce court proceedings, custody, appearing as directed with juveniles, etc. Absences for these reasons must be covered by paid leave or leave without pay in accordance with the relevant City policies addressing such leave.

An employee must request prior approval for court leave, in order for such leave to be granted.



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.



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. Hospitalization 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.



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Hours of Work and Compensation

Hours of Work and 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.

Hourly Personnel

The normal workweek for all full-time hourly employees will consist of forty (40) hours. The regular work period for hourly employees shall be from 12:01am Thursday to 12:00 Midnight Wednesday and shall include five workdays and two consecutive days off. The regular hours of work for hourly employees shall be eight (8) hours per day. The Mayor may, when he/she determines such change to be necessary, amend the regular work period and work hours for any employee.

Hourly personnel will be paid on Thursday of each week for the hours worked between 12:01am Thursday through 12:00 Midnight Wednesday of the preceding pay period. If a holiday falls on Thursday, hourly personnel will be paid on Wednesday. No paychecks will be issued in advance unless authorized by the Mayor or his/her designee.

The City will pay hourly employees, including part-time, temporary and seasonal employees, one and one-half (1-1/2) times the employee's straight-time hourly rate for any work performed in excess of forty (40) hours per regular work period, as set forth above. This is in accordance with the Fair Labor Standards Act (FLSA) and U.S. Department of Labor, Wage and Hour Division, Rules. 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 and non payment for the hours worked.

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 such as Halloween Patrol will 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.

Non-Exempt Administrative Personnel

A normal work week for non-exempt, administrative office personnel will be thirty-seven and one-half (37 ½) hours. A normal work week for other non-exempt, personnel is forty (40) hours. The regular work period for non-exempt employees is from 12:01am Thursday to 12:00 Midnight Wednesday. Hours of work will be assigned and scheduled by the department for which they work. These hours may be changed at the direction of Bexley City Council or the Mayor.

All non-exempt, administrative personnel will be compensated at the rate of one and one-half (1-1/2) times the equivalent hourly rate for any work performed over forty (40) hours in a work week. This is in accordance with the Fair Labor Standards Act (FLSA) and U.S. Department of Labor, Wage and Hour Division, Rules. NON-EXEMPT PERSONNEL ARE PROHIBITED FROM WORKING OVERTIME HOURS WITHOUT THE PRIOR APPROVAL OF THEIR SUPERVISOR. This prohibition applies to starting work early, working through lunch periods, staying late or taking work home. Persons failing to comply with this provision will be subject to appropriate disciplinary action and non payment for any such work time.

In order to document hours for non-exempt administrative employees, employees must submit a time report form and it must be approved by the immediate supervisor at the end of each pay period in which the hours were worked.

Exempt Salaried Personnel

Exempt salaried positions are determined by application of relevant provisions of the federal Fair Labor Standards Act of 1938 and the U.S. Department of Labor, Wage and Hour Division's rules.



A normal work week for exempt salaried personnel is a minimum of thirty-seven and one-half (37 ½) hours. The regular work period for exempt employees is from 12:01 a.m. Thursday to 12:00 Midnight Wednesday. Hours of work are assigned and scheduled by the Mayor or the department head.

Exempt employees are not entitled to receive additional compensation of any kind for hours worked in excess of the regular work period set forth above.

In order to document hours for exempt salaried 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.



Explanation

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 ten 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 six-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 six minutes late when beginning work for the day, or when returning from lunch, or clocks-out more than six 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 six 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



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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.



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Compensation and Pay Dates

City Council annually sets the compensation for all non-bargaining unit positions

Other than employees who are subject to collective bargaining agreements providing for a different pay schedule, City employees are paid on a bi-weekly basis.



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 spouse or secondarily to his or her estate.



Clothing Allowance

Full-time Employees

The Service Superintendent, Assistant Service Superintendent, Grounds Maintenance Supervisors, and Superintendent of Maintenance will receive a clothing allowance each calendar year. The yearly clothing allowance provided in this subsection is intended to be used for the purchase of boots, gloves, parkas, hats and other clothing required in connection with the employee's job and which must be provided by him or her.

Invoices

Payment of or reimbursement for the purchase of clothing shall be made only upon the submission of invoices for all such purchases to the City.



Tuition Reimbursement Program

Participation

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 \$3,000 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.



Travel Expenses

General Requirements

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.

Specifications and Guidelines

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 \$10.00
- Reimbursement for lunch will be made for actual costs, up to a maximum of \$15.00
- Reimbursement for dinner will be made for actual costs, up to a maximum of \$25.00

Living Expenses: Lodging

- Reimbursement for lodging will be made only if such expenses are properly receipted. Receipts for lodging must accompany the travel expense report.
- The department head must authorize overnight lodging prior to the day of the event.

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.
- Safe Arrival Phone call. Reimbursement will be made for a long distance phone call, not to exceed \$2.50, when necessary due to travel conditions.

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.

Travel

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 Directors, as they receive a vehicle allowance intended to compensate them for all vehicle-related travel expenses.

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

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.



Holiday Pay

Non-exempt, 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 406. 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, however, 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 entitled to holiday pay for holidays listed in Section 406 if they work the last working day before and the first working day after the holiday. Compensation for the holiday will be based on the number of hours the employee works on a non holiday and will be included in the regular payroll in which the holiday occurs,



Compensatory Time Off

A non-exempt hourly employee may accumulate and maintain up to twenty-four (24) hours 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.

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 31st of the succeeding year adjusted to the rate of pay in effect in the preceding year. In the pay period following January 31st of each year, all unused compensatory time will be "cashed out."



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.



600 Conduct



Code of Ethics and 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, Ohio Revised Code Section 124.57 or Article XV, Section 60 of the Bexley City Charter.
- 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. (See Section 103 of this Manual addressing Public Records).
- 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



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Engaging in any matter presenting a conflict of interest with the City of Bexley, or undermining the integrity of the City of Bexley. Conduct undermining the integrity of the City of Bexley includes, among other things: participation in intentional criminal activity in the course of City employment, or while wearing City uniform or displaying other symbol of official City status; exploitation of City office or employment to take undue advantage of members of the public; refusal to perform official City duties without receipt of unauthorized compensation, favor or advantage; unauthorized destruction or alteration of City records in order to conceal unauthorized conduct; intentional misrepresentation to members of the public regarding the scope of one's official authority; utterance of public comments denigrating race, gender, religion or national origin.



Drug-Free Workplace and Substance Abuse

DRUG-FREE WORKPLACE

It is a policy of the City to maintain a safe and productive "drug-free workplace" for its employees. Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. This drug-free workplace policy shall apply to all employees and also to all applicants for employment.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by any employee which takes place in whole or in part in the workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.

Any employee convicted of any federal or state criminal drug statute must notify the City of that fact within five (5) calendar days, of the conviction. The mere fact that an employee has provided this notice to the City does not excuse the employee from possible disciplinary sanctions, including termination of employment, in accordance with the sections of this Manual addressing discipline. Any employee who fails to notify the City within five (5) calendar days of the conviction will be terminated from employment, forever barred from future employment with the City, and liable to the City for the full extent of federal funds lost by the City as a result of the employee's failure to notify the City of the conviction.

Any employee, who reports for duty in an altered or impaired condition, entirely or partially due to the employee's illegal use of a controlled substance or intoxicating consumption of alcohol, will be subject to disciplinary action. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program approved by the City. If the City decides to hold disciplinary action in abeyance while an employee participates in a drug rehabilitation program, the employee assistance will remain confidential to the extent permitted by law and will not be noted in the employee's personnel file. Employees who are determined to be eligible for participation in a rehabilitation program as an alternative to disciplinary sanction will be eligible only if they sign a release authorizing the employer to verify the employees' treatment and progress in the rehabilitation program. These releases must satisfy all pertinent federal and state confidentiality laws.



Notice Upon Hiring

The City gives all prospective employees a copy of the City's Drug-Free Workplace Policy prior to their employment by the City.

As a condition of employment, prospective employees must sign both a receipt for this Policy and a written statement regarding the Policy. These documents will become a permanent part of the employee's personnel file. The written statement regarding the Policy will contain the following components:

- The employee understands and supports the City's Drug-Free Workplace Policy;
- The employee agrees to refrain from violating the Drug-Free Workplace Policy while employed by the City;
- The employee acknowledges, in advance, that he/she understands that the penalty for violating the Policy can be discharge and agrees that this penalty is appropriate when supported by evidence; and
- The employee acknowledges that he/she has been advised that drug testing of employees will be conducted in accordance with the City's Substance Abuse Testing Policy.

Distribution of Drug-Free Workplace Article

All current employees will receive a copy of the City's Drug-Free Workplace Statement, Drug-Free Workplace Policy and Substance Abuse Testing Policy and will be required to sign a receipt for those materials which will become a permanent part of their personnel file.

All current employees will be asked to voluntarily sign a statement supporting the strict enforcement of the Drug-Free Workplace Policy.

All current employees will be given notice that the City reserves the right to order employees to submit to reasonable suspicion substance abuse testing in accordance with the City's Substance Abuse Testing Policy.



SUBSTANCE ABUSE TESTING

Employment Medical Examination. The City reserves the right to require newly-hired employees to submit to a medical examination shortly after being employed by the City. The examination will be performed by a physician chosen by the City. As part of this medical examination, the employee may be required to submit blood or urine samples which may be subjected to tests for illegal drug use, alcohol abuse, or substance abuse. The City shall discharge any newly-hired employee who fails one of these tests.

Reasonable Suspicion Substance Abuse Testing. The City reserves the right to require an incumbent employee to submit to a urinalysis, blood, or breath substance abuse test in the event that a supervisor or other management level official has reasonable suspicion that the employee is under the influence of a controlled substance at a time when the employee is working for the City, or is present at his or her City workplace (regardless of whether the employee is on duty or off-duty).

- "Reasonable Suspicion" Defined. For the purposes of this Manual, "reasonable suspicion" means suspicion based upon specific and articulable facts which, taken together with rationale inferences from those facts, reasonably warrant the substance abuse testing under the circumstances.
- Examples of facts that give rise to a reasonable suspicion of substance abuse include, but are not limited to, the following: an employee's possession, or close proximity to, alcohol, a controlled substance, or related paraphernalia; the presence of a detectable odor of alcohol or a controlled substance about an employee; observations by supervisory employees who have received training regarding indicators of substance abuse that the employee appeared to be drug- or alcohol-impaired at work (based upon factors such as increased absences, decreased ability to perform tasks, changes in relationships with supervisors and coworkers, etc.); information provided by reliable informants, including (but not limited to) other employees; involvement in an accident under circumstances suggesting unusual impairment of the employee.

Post Accident Substance Abuse Testing. The City may require employees who experience a vehicular accident or other accident resulting in property damage or personal injury to submit to post-accident substance abuse testing.



DRUG AND ALCOHOL POLICY FOR EMPLOYEES WITH CDLS

1. Purpose

This policy helps to protect the health and safety of City employees who are required to possess Commercial Driver's Licenses, and the co-workers and members of the public who come into contact with those employees during working hours. The policy is required by federal law. Its terms are intended to comply with minimum federal safety standards for safety-sensitive functions regulated by the federal Department of Transportation (DOT). These standards were designed to reduce accidents that result from employee use of controlled substances and alcohol. The use of controlled substances and the misuse of alcohol increases the risk of accidents, jeopardizes workplace safety, presents a threat to the general public and causes harm to the health and personal life of individual employees.

The City reserves the right to interpret, change or rescind this policy in whole or in part with or without notice, subject to all state and federal laws and relevant collective bargaining agreements. In addition, changes to applicable federal or state laws or regulations may require the City to modify or supplement this policy. The policy does not create a binding employment contract or modify any existing contract.

2. Scope

This policy applies to all City employees who are required to hold a commercial driver's license (CDL) and who perform a "safety sensitive function." The DOT/Federal Highway Administration defines a "safety sensitive function" as driving a commercial vehicle that: 1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVW of more than 10,000 pounds; or 2) Has a gross vehicle weight rating of 26,001 or more pounds; or 3) Is designed to transport 16 or more passengers, including the driver; or 4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations. **THIS POLICY APPLIES TO EMPLOYEES OCCUPYING THE CITY'S EQUIPMENT OPERATOR I, EQUIPMENT OPERATOR II, AND TREE MAINTENANCE WORKER POSITIONS, IN ADDITION TO ANY OTHER POSITIONS FOR WHICH EMPLOYEES ARE REQUIRED TO POSSESS A CDL.** For purposes of this policy, the term "driver" and "employee" are used interchangeably to refer to City employees who are subject to testing under this policy.



A driver is covered by DOT regulations as those regulations relate to the driver's fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this policy requires that drivers abstain from the use of controlled substances at any time or risk violating DOT regulations prohibiting the presence of controlled substances in their body.

Safety-sensitive functions include: (1) All time spent at a City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City; (2) All time inspecting equipment as required by the law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The Employee shall, when drugs are prescribed by a medical professional, inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the Employee's ability to safely perform the Employee's job duties. If the answer from the medical professional is yes, the Employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The Employee shall present that statement to his or her supervisor prior to going on duty.

3. Statement of Policy

- No driver shall unlawfully manufacture, use, possess, or distribute controlled substances.
- No driver shall report for work, perform any safety-sensitive functions or, while employed by the City, have at any time, any controlled substance present in their body. Presence of controlled substances will be determined by testing performed as described in this policy.
- No driver shall perform safety-sensitive functions within 4 hours after consuming alcohol.
- No driver shall consume alcohol while performing safety-sensitive functions.
- No driver shall possess alcohol while on duty.
- No driver shall report to work or perform safety-sensitive functions while having an alcohol concentration of .02 or greater. A driver's



- alcohol concentration will be determined by testing performed as described in this policy.
- No driver shall leave the scene of a work-related accident, without a valid reason, before contacting a supervisor.
- No driver shall consume alcohol after an accident unless 8 hours have expired, the Employee has been tested, or the City has determined that the driver's performance could not have contributed to the accident, whichever occurs first.
- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- No driver shall refuse to take a required test.

In addition to the forgoing prohibitions applicable to City employees with CDLs pursuant to federal law, those employees are also covered by the City's general policies addressing discipline, the City's maintenance of a Drug-Free Workplace, the use of controlled substances and alcohol and other policies.

Except as authorized by the Service Director or Mayor, or necessary to facilitate supervisory functions within the relevant chain of command, employees are prohibited from disclosing information about a City employee's alcohol or controlled substance testing, testing results, or referral to or participation in treatment/counseling for alcohol or controlled substance use.

4. Consequences of Violation

Any violation of this policy will result in the employee being subject to disciplinary action up to and including termination.

Employees who adulterate or otherwise interfere with accurate testing required pursuant to this policy are in violation of this policy.

Any driver, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on City premises is in violation of this policy.

The City will not hire applicants who test positive for controlled substances.

The City will provide to any Employee who violates a DOT drug and alcohol regulation a referral to the City's Employee Assistance Program for substance abuse counseling.



5. Minimum Consequences of Violation as Mandated by DOT

If a driver tests positive for a controlled substance or has an alcohol concentration of .02 or greater, the driver will be removed from safety-sensitive functions.

To be eligible to return to work after testing at an alcohol concentration of .02 to .039, the driver must be off-duty until the driver can provide a test result with an alcohol concentration of .02 or less, or be off from work for at least 24 hours.

To be eligible to return to work after a positive controlled substance test or test indicating an alcohol concentration of .04 or greater, the driver must be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that additional treatment is necessary, the driver must complete such treatment. In addition, the driver will be subject to follow-up testing.

An employee is not guaranteed that he or she will be returned to work following a violation of this policy merely because the employee complies with the foregoing legal prerequisites for returning to work. Drivers are subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the DOT regulations.

Before a driver returns to duty requiring the performance of a safety-sensitive function after violating the alcohol or controlled substance provisions outlined by DOT, the driver shall undergo a return-to-duty test with a result indicating a verified negative result.

6. Substance Screening

For the purpose of assuring compliance with the federal regulations and this policy, applicants for safety sensitive positions and employees who perform safety sensitive functions will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and drivers are required to submit to testing in the circumstances described below as a condition of their employment.

The City may administer the testing called for by this policy itself, or it may utilize the services of a testing contractor to do so. In either case, the testing procedures will comply with the requirements of 49 C.F.R. Part 40.



7. Types of Testing

A. Pre-employment testing Applicants for driving-related positions shall undergo a test for the presence of controlled substances prior to being hired or retained by the City. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result is received. Applicants who refuse to submit to testing will not be hired.

B. Testing for Current Employees

- **Post-Accident Testing**

If, in the course of a driver's employment, he or she is involved in an accident resulting in a fatality, the driver must immediately contact his or her supervisor and submit to a controlled substance and an alcohol test. Likewise, any driver who receives a citation for a moving traffic violation in connection with an accident must immediately submit to a controlled substance test and an alcohol test if, (a) the accident results in a fatality, or bodily injury to a person who must immediately receive medical treatment away from the scene, or (b) one or more of the vehicles involved is towed from the scene.

A driver who is subject to a post-accident test must remain readily available for testing. Although post-accident testing should not delay necessary and immediate medical treatment, testing should be performed as soon as possible following the accident. A driver must submit to an alcohol test within eight (8) hours following the accident, and shall not consume any alcohol for eight (8) hours following the accident or until the driver submits to an alcohol test and is no longer on duty. Likewise, a driver must submit to a drug test within thirty-two (32) hours following the accident.

In lieu of administering a post-accident test, the City may rely on breath or blood test results (for alcohol) or urine test results (for controlled substances) obtained by on-site police or public safety officials under separate authority, using procedures required by their jurisdictions, if the City obtains those test results from the local jurisdiction or the driver.



- **Reasonable Suspicion Testing**

A driver will be required to submit to controlled substance and/or alcohol testing upon reasonable suspicion. Reasonable suspicion means that the actions, appearance or conduct of the driver on duty are indicative of the use and/or presence in the driver's body of a controlled substance or alcohol. Reasonable suspicion is based on specific, contemporaneous, articulable observations concerning the appearance behavior, speech or body odors of the driver. These observations must be made during, just preceding or just after the period of the work day that the employee is performing a safety-sensitive function. Longer-term factors, such as absences or abuse of sick leave, do not support reasonable suspicion testing (although long-term performance factors may exist at the same time an employee engages in contemporaneous conduct giving rise to reasonable suspicion).

A driver will not be allowed to return to driving a City vehicle until a confirmed negative test result is received. The driver will remain on paid status during scheduled work hours pending the receipt of drug testing results by the City.

- **Random Testing**

Drivers will be subject to controlled substance testing and alcohol testing at any time on a random basis as a term and condition of holding a driver position with the City. Upon being notified of selection for random testing, the driver must immediately proceed to the testing site.

Random testing will be spread reasonably throughout the year and will be unannounced to ensure that no driver receives advanced knowledge of the time of testing. All drivers will have an equal chance of being selected each time a random selection is made.

The number of controlled substances tests conducted annually shall equal or exceed 50 percent of the number of driver positions subject to testing.

The number of alcohol tests conducted annually shall equal or exceed 10 percent of the number of driver positions subject to testing.



A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

- **Follow-Up and Return to Duty**

Any driver who has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to a drug test and receive a confirmed negative test result and an alcohol test (with a result of less than .02) before returning to work. In addition, the driver will be subject to follow-up testing not to exceed 60 months following the driver's return to work.

8. Testing Procedures

A. Controlled Substances.

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

As required by law the controlled substance screen will test for the following drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

Any positive initial test will be confirmed by a gas chromatography/mass spectrometry (GC/MS) test.

The City or testing contractor shall employ a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally-prescribed medication.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated or substituted specimen, the MRO may provide the

driver an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to the City. The City will consider the verified adulterated or substituted specimen as a refusal to test and immediately remove the driver from performing safety sensitive functions. The driver may then be subjected to the disciplinary action under the City's independent authority.

The MRO will be the sole custodian of the individual test results. The Medical Review Officer will advise the City only of whether the test results were negative or positive.

After receiving notification of a verified positive test, an adulterated or substituted specimen, a driver may request that the split sample be analyzed. Such a request must be made within 72 hours of notification of the verified positive test. If such a request is made, the sample will be tested at another DHHS certified laboratory, at the driver's expense. Upon written request within 7 days of a verified positive test, the driver may obtain copies of any records pertaining to his or her controlled substance tests.

Precautions shall be taken to ensure that the specimen is not adulterated or diluted during the collection procedure and that the information on the bottle matches the information on the custody and control form.

B. Alcohol Testing

Alcohol testing is conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT), or other testing device approved under federal law. If the testing is performed with an EBT, the driver will provide a breath sample. If an Employee's alcohol concentration is greater than .02, a second, confirmation test will be performed.

9. Refusal to Submit to Testing

Refusal to submit to testing is a violation of this policy. Any employee refusing to submit to testing will be referred to the City's Employee Assistance Program and will face disciplinary action, up to and including termination. The following behaviors constitute a refusal to submit to testing:

- refusal to appear for testing,



- failure to remain at the testing site until the testing process is complete,
- failure to provide a urine specimen,
- in instances of observed or monitored collection failure to allow observation or monitoring;
- refusal to sign the testing form,
- failure to provide adequate breath,
- failure to take a second test as directed,
- otherwise failing to cooperate in the testing process,
- perform any actions which prevent the completion of the test,
- a test result reported by the MRO as a verified adulterated or substituted test.
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.
- Failure to undergo a medical examination or evaluation when directed.
- Tampering with, attempting to adulterate, adulteration or substitution of the specimen, or interference with the collection procedure.
- Not reporting to the collection site in the time allotted.
- Leaving the scene of an accident without a valid reason before the tests have been conducted.

10. Testing and Pay Status.

The City will pay employees for all time they are involved in the administration of alcohol and controlled substance testing when that testing is performed by the City, or its contractor, in connection with administration of this policy. The City will not pay employees for time during which they are tested by the City of Bexley Police Department, or other law enforcement or public safety entity, when such entity carries out its testing activity based on independent authority, even if the City ultimately utilizes the results of such tests as authorized by the DOT regulations and this policy. All time compensable under this provision is regarded by the City as time worked for the purpose of determining an employee's right to wages, overtime compensation, seniority, and other benefits.

11. Employee Counseling, Treatment and Related Matters

The City encourages its employees to pursue counseling and treatment to address problems involving the use of alcohol and controlled substances.



A. Employee Assistance Program (EAP)

The City encourages employees to seek assistance in dealing with substance use and abuse issues. Employees may pursue professional assistance from the EAP programs identified at the end of Section 602 of this Policy Manual. Employees may contact these programs directly, or inquire at the office of the Mayor, the Chief of Police or the Service Director for additional information regarding EAP programs available to City employees.

B. City-Initiated Assistance

The City may require an employee to participate in a treatment and/or counseling program if the City finds that the employee has violated one of the City's policies regulating the use of alcohol or controlled substance use. The City may require participation in such a program in lieu of, *or in addition to*, discipline for violation of City policy. The City may hold discipline in abeyance pending an employee's participation in and successful completion of a treatment and/or counseling program.

If the Employee elects to enter an appropriate treatment program, the Employee may use accrued vacation time, sick leave or other applicable paid leave while participating in the evaluation and treatment program, so long as the Employee is complying with the conditions of treatment. The City may place an employee on unpaid leave status to complete a treatment program if the employee has exhausted his or her paid leave.

The employee must grant the City the right to obtain verification of compliance with conditions of treatment and confirmation of successful completion of the treatment from the health care provider, and must agree to execute a release authorizing such disclosure and verification from the treating health care provider.

Depending on the nature of the violation prompting the employee's participation in treatment and/or counseling, the employee may be subject to return to work and follow-up testing as required by this policy and federal law. In addition, under certain circumstances, employees who return to work following certain violations are prohibited from performing safety sensitive functions for periods of time fixed by federal law.

An employee who violates a City controlled substance and alcohol policy and refuses to participate in treatment and/or counseling required by the City is subject to discipline, up to and including termination.

12. Consequences of Unsafe Practices and Poor Work Performance

City employees who engage in unsafe practices at work, or who fail to perform their job duties in a satisfactory manner, may be subject to disciplinary sanctions and/or poor job performance reviews. Nothing in this policy is to be construed to prohibit the City from maintaining a safe work environment or imposing disciplinary action for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises from drug or alcohol use. Such disciplinary actions may include termination of employment. The City strongly encourages employees who have concerns about their own substance abuse to seek assistance in an EAP program in order to improve their own wellbeing and to minimize the possibility of suffering a degraded work performance and the consequences that might flow from it.



EMPLOYEE ASSISTANCE PROGRAM

The organizations listed below have employee assistance programs, including substance abuse assessments, and may be contacted directly by an employee of the City of Bexley. Other qualified employee assistance programs are available and may be contacted directly by an employee. Employees may obtain additional information concerning employee assistance programs from the office of the Mayor, from the Chief of Police or the Service Director.

Interact Behavioral Health Care Services, Inc.
1808 E. Broad Street
Columbus, Ohio 43203 (614) 251-8242
Contact: Drew Martinson

Talbot Recovery Service at Park Medical Center
1492 E. Broad Street
Columbus, Ohio 43205 (614) 257-3760
Contact: Lissie Fries



Smoking

Smoking is prohibited 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 to as to ensure that tobacco smoke does not enter the enclosed area through entrances, windows, systems or other means. Smoking is also prohibited in any other area posted as a non-smoking area.

Employees who violate these smoking prohibitions are subject to discipline.



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, Service Director, Chief of Police or Mayor.

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 in the 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 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 the Service Director, Chief of Police or the Mayor.

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).



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.



STANDARDS OF DRESS AND GROOMING

Introduction

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

A. 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. These uniforms may consist of polo-shirts with City logos and khaki slacks, or similar outfits.

Employees who are required to wear uniforms must make sure that those uniforms are clean and, in the case of police-style uniforms, pressed. Additional uniform standards are established and communicated at the departmental level.

B. Non-Uniformed Positions. Employees who are not required to wear uniforms are expected to wear clothing appropriate to the position held. Attire is expected to be clean and pressed. Employees occupying certain positions may be required to wear business suits. Acceptable attire includes business suits, dresses, skirts, slacks/trousers worn with collared shirts or blouses, dress shirts, polo shirts, sweaters and/or jackets. The length of dresses or skirts should be no shorter than two (2) inches above the knee when seated.

C. Prohibited Apparel. Except as noted, employees may not wear the following:

- (1) Overalls or coveralls.
- (2) Shorts of any type.
- (3) Tee shirts or jerseys with graphics including logos related to team sports.
- (4) Gym or sweat pants, workout wear, uncovered spandex pants/leggings.



- (5) Shirts or dresses with spaghetti straps unless covered by a jacket, blouse or other outer garment; shirts that expose stomach or midriff area, halter or tube type shirts, see-through or fishnet tops.
- (6) Low front or low back attire or tops.
- (7) Excessively tight fitting or oversized (baggy) garments.

Individual departments may expand the list of prohibited apparel based on the operational needs of the department.

F. 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. Footwear of the type commonly referred to as flip-flops or thongs are prohibited for all employees.

Jewelry and Body Designs

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

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 severe 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.



Computer Usage

City employees shall not use the City's computer hardware or software for personal reasons without prior authorization by their supervisor. All computer hardware and software are owned by the City and intended to be a resource utilized by an employee in performing his or her job. The employee-user will abide by all applicable laws and regulations regarding copyright and software licensing as well as policies and procedures established by the city and/or individual departments.

The employee-user will exercise reasonable care to protect the computer equipment against loss and/or damage. An employee must notify the network administrator immediately should City computer equipment suffer damage or loss.

The use of software that has been improperly duplicated and distributed is a violation of federal copyright laws. Employees shall not violate or permit the violation of federal copyright laws in the use of any computer hardware or software owned by the City of Bexley.

As the employee-user of computer software owned by the City of Bexley, the employee will be held accountable for any misuse of a product. The City is responsible for the proper licensing of the software being utilized by the employee-user. However, the employee-user must be aware that he/she will be held accountable for any unauthorized use, distribution and/or duplication of any software owned by the City.

The City is not responsible for any unauthorized reconfiguration, additions, removals or changes made to computer hardware or software after initial issuance to the employee-user. The employee-user may not install any hardware or software that is not authorized by the network administrator. Authorized hardware and software is defined as hardware and software developed, purchased, or otherwise obtained by the City. The City is not responsible for any unauthorized hardware or software placed on the operating system. Furthermore, the City is not responsible for any licensing agreements pertaining to unauthorized hardware or software residing on any computer system.

Absent a special written arrangement with a publisher/manufacturer, the City follows the "one software license/one computer" rule when purchasing software. This means that an equivalent number of software licenses should be purchased for every PC upon which it is run. With regard to use on a network or multiple machines, the City acquires and uses the software in accordance with the license



agreement. The City is permitted to have a backup copy of the software in case the original or the information thereon is destroyed or lost. Such backup is to be used for replacement purposes only.

Sharing and Storing Data

Space on the public drive will be available to each employee-user on the computer network. This public space on the network may be used as a storage area for employee's work-related data and as a medium to exchange data files with other employee-users on the network. The data residing on the public drive should not be used to store confidential information.

Private space on the network server will be provided for each employee-user. Only the employee-user and the network administrator will have access to information saved in this space. Discretion should be used regarding the amount of space used to store information in this network space. Employee-users may create folders and subdirectories in this private space.

Data Backup Method

All public and private files on the network will be backed up daily (Monday through Friday) through processes established by the Information Technology Department (IT). Information stored on the employee-user's local hard drive will not be backed up during the network back up process. Employee-users are responsible for backing up files stored on their local hard drive (C-drive). All files stored on the local hard drive should be backed up daily to prevent loss of information.

E-mail and Voice mail – Internal or External

All messages composed, sent, or received on these systems remain the property of the City and are not the private property of any employee. The City reserves the right to review, audit, or access messages as necessary to ensure the e-mail, Internet, and voice mail systems are being used for City purposes only.

As these messages are the property of the City, City employees should have no expectation of privacy with respect to any messages they send or receive on City e-mail and voice mail systems. Messages that have been deleted by the sender, the recipient, or both may be retrieved and read. All e-mail and voice mail messages may be subject to the public records laws of the State of Ohio and Section 103 of this Manual.



Accessing Websites on the Internet

Employees are permitted to use the Internet, with the exception of E-mail, only as follows:

- The Internet is intended to be used for official City of Bexley business purposes only. Uses that interfere with standard business activities, involve solicitation, are associated with any for-profit business activities, or could potentially embarrass the City are strictly forbidden. Use of the Internet for personal purposes during an employee's paid work time is prohibited. The City expressly reserves the right to monitor Internet usage by employee-users.
- Employees shall not use the Internet for operating a business for personal gain, sending chain letters or soliciting money for religious and/or political causes.
- Employees shall not use the Internet in a manner which promotes or professes offensive or harassing statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Employee shall not use the Internet in a manner which promotes or professes incendiary statements which might incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
- The Internet shall not be used by employees to send or solicit sexually explicit messages, images or materials.
- The Internet shall not be used by employees to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws.
- Employees of the City shall not provide access to confidential information by use of the Internet. All use of the Internet must be done in compliance with the rules and regulations that apply to such information.

- Employees shall take all reasonable means to prevent the inadvertent dissemination of any personal information (their own or others) information via the Internet.

Security and Confidentiality of Data

To ensure security and confidentiality of data, City employees may not:

- Make or permit unauthorized use of any information in files maintained by the City. Requests for records which may be subject to disclosure pursuant to the Public Records Act must be directed to the designated official responsible for responding to such requests.
- Seek to benefit personally by any information which has come to the employee by virtue of a work assignment.
- Knowingly include or cause to be included in any record or report a false, inaccurate or misleading entry.
- Remove or cause to be removed any official record or report (or copies thereof) from any file from the office where it is kept except in the performance of an employee's duties.
- Abuse or permit abuse of the City's computer system communication capabilities.
- Divert the City's resources and/or property for personal gain.

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.

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Anyone who becomes aware of a violation of this policy shall report it to the Chief of Police, Service Director or Mayor immediately. Any violation of this policy may result in the immediate disconnection from the Internet of an employee-user. Depending upon the severity of the infraction, the Mayor will determine whether further action against the individual is necessary. Violations may result in employee discipline up to and including termination of employment and/or criminal prosecution, when appropriate.

Access to Equipment

Employees are not permitted to use a code, a password, access a file, or retrieve any stored communication unless authorized to do so, or unless they have received prior clearance from an authorized supervisor. All pass codes are the property of the City of Bexley. No employee may use any pass code that has not been issued to that employee or that is unknown to their department's management.

Computer information and email are public record and subject to inspection and copying according to public record laws.

Laptop Computers

Each employee who is given a laptop computer or other electronic equipment for use in their daily work has additional responsibilities. Laptops can be taken home for business purposes or taken to conferences. If the equipment is lost or stolen it is the responsibility of the employee to immediately report the loss to the nearest law enforcement agency and attach a copy of that report to a written report of the loss given to the Mayor. Documented abuse or neglect of laptops may result in disciplinary action per City Policy.



Cell Phone Policy

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. However, employees may use their cellular phones for minimal personal use as long as they do not exceed the monthly allotment of minutes. If an individual does exceed the monthly allotment of minutes, he/she must reimburse the City for all personal calls, including associated roaming/long distance fees. It is the responsibility of each cell phone operator to be aware of the phone time allotted to his/her phone and maintain calls within that time.
- 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 individuals with City assigned cell phones.
- Employees are representatives of the City, and, as such, are reminded that regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.
- 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.



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- 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, including suspension or termination.



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.

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.



Employee Parking Lot

The following rules govern use of the municipal employees' parking lot:

- Only Bexley City employees, officials, and official visitors may park in the parking lot. Other persons must park in a legally designated parking space on nearby streets. Vehicles found parked illegally, either on the lot or on the street, will be ticketed and towed if necessary. No exceptions to this rule will be made.
- No parking is permitted outside of the employee's designated parking space. Vehicles parked in the aisle will be ticketed and towed if necessary. In the event that all designated parking spaces are taken, employees must find other legal places to park. Unmarked parking spaces are provided on a first-come, first-served basis only.
- Employees must not park or obstruct parking spaces identified for use by visitors. These spaces shall be kept free for the use of visitors to City Hall or the Police Department.
- Employees may not leave their vehicles in the employees' parking lot for extended periods of time without prior approval from their supervisor.
- Employees should report violations of these rules to their supervisor. Supervisors should report violations of these rules to the Parking Control Officer.



Posting

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.



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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.



Solicitation and Distribution

In order to maintain a productive, appropriate and safe working environment, the City of Bexley 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 his/her working time, is prohibited. "Working time" means all the time when an employee's duties require that he/she 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.



Disciplinary Principles

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. Furthermore, the City believes that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior.

- Employees shall be advised of expected job behavior, the types of conduct that the City has determined to be unacceptable, and the penalties for such unacceptable behavior.
- Immediate attention shall be given to policy infractions.
- Discipline shall be applied uniformly and consistently throughout the City and any deviations from standard procedures must be documented.
- Each offense shall be dealt with objectively.
- Discipline shall be progressive. Nevertheless, major policy violations may result in severe discipline, including dismissal, notwithstanding a lack of any prior discipline.
- An employee's immediate supervisor and/or their Appointing Authority shall be responsible for administering discipline.

Progressive Discipline

City Supervisors and Appointing Authorities follow an established system of progressive discipline when correcting job behavior.

The City has adopted this progressive discipline policy as a guide for the uniform administration of discipline.

This policy provides standard penalties for specific, enumerated offenses. Nevertheless, it is important to be aware of the fact that the policy does not list every offense justifying the disciplinary sanctions discussed in this policy. The offenses listed are examples of offenses for which specific disciplinary sanctions



are warranted. The lists of offenses are not exhaustive, but are intended to serve as a guide.

The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances exist warranting such treatment.

Records of disciplinary actions, including verbal warnings, written reprimands, suspensions, and demotions shall be effective and remain in an employee's personnel file for twenty-four (24) months after their issuance, provided no intervening discipline occurs. If intervening discipline occurs, the disciplinary record shall remain in effect in the employee's file for another twenty-four (24) months following the intervening discipline.

Notwithstanding these policy provisions regarding the removal of disciplinary records from personnel files, it is important to note that state law accords the Bexley Municipal Records Commission authority to determine appropriate periods for records retention, including disciplinary records in personnel files.

Thus, the City's policy regarding periods for retaining records of disciplinary actions may change if and when such action is mandated by the Records Commission.



Grounds for Discipline

The examples of Group I, II and III Offenses, set forth below, are characteristic of those offenses which the City of Bexley Municipal Civil Service Commission will likely judge to be of such a nature as to warrant the penalties established for the group.

In general, Group I Offenses may be defined as those infractions having a relatively minor nature and causing a minimal disruption to the organization by creating a slight yet significant decrease in organizational productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, usually will cause only a temporary or minor impact upon the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions having a more serious nature than the Group I Offenses and causing a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting impact upon the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions having a very serious or possibly criminal nature, and causing a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long-lasting and serious impact upon the organization.

Group I Offenses

| | |
|----------------|---|
| First Offense | Instruction & Cautioning |
| Second Offense | Written Reprimand |
| Third Offense | Three (3) day suspension without pay or reduction in pay and/or position |
| Fourth Offense | Fifteen (15) day suspension without pay or reduction in pay and/or position |
| Fifth Offense | Termination |



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1. Discourteous treatment of the public.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
3. Leaving the job or work area during the regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, any official break time, or the specified quitting time.
5. Neglect or carelessness in signing in or out.
6. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
7. Discourteous treatment of coworkers, including, but not limited to: distracting the attention of others, unnecessary shouting, inappropriate demonstration, or otherwise disrupting the workplace.
8. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
9. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
10. Failure to cooperate with other employees as required by job duties.
11. Failure to use reasonable care when dealing with City property or equipment.
12. Use or possession of another employee's working equipment without authorization.
13. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
14. Failure to observe department rules.



- 15. Obligating the City for any expense, service, or performance without authorization.
- 16. Disregarding job duties by neglect of work or reading for pleasure during working hours.
- 17. Unsatisfactory work or failure to maintain required standard of performance.
- 18. Unauthorized use of telephone for other than business purposes.
- 19. Excessive garnishments.

Group II Offenses

| | |
|----------------|---|
| First Offense | Written reprimand or three (3) day suspension without pay |
| Second Offense | Fifteen (15) day suspension without pay or reduction in pay and/or position |
| Third Offense | Termination |

- 1. Failure to report accidents, injury or equipment damage.
- 2. Reporting for work or working while unfit for duty.
- 3. Unauthorized use of City property or equipment.
- 4. Willful failure to sign (clock) in or out when required.
- 5. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
- 6. Failure to timely "report off" work for any absence.
- 7. Leaving post of continuous operations position prior to being relieved by employee of incoming shift.
- 8. Unauthorized absence from work.

9. Willful failure to make required reports.
10. Solicitation on City premises without authorization.
11. Refusing to provide testimony in court or before the City of Bexley Municipal Civil Service Commission, during an accident or incident investigation, or any type of public hearing.
12. Giving false testimony during a complaint, grievance or other investigation or hearing.
13. Unauthorized posting or removal of notices or signs from bulletin boards.

Group III Offenses

| | |
|---------------|---|
| First Offense | A Minimum of Fifteen (15) Day Suspension and/or Reduction in Pay and/or Position to Termination |
|---------------|---|

1. Possessing or drinking alcoholic beverages on the job.
2. Conduct violating morality or common decency, (e.g., sexual harassment).
3. Sleeping during working hours.
4. Making or publishing false, vicious or malicious statements concerning employees, supervisors, the City or its operation.
5. Willful disregard of department rules.
6. Use of abusive or threatening language toward supervisors, fellow employees or the general public.



7. Wanton or willful neglect in the performance of assigned duties, or in the care, use or custody of any City property or equipment. Abuse or destruction of any City property, tools, equipment, or property of City employees.
8. Signing or altering other employees' time cards, or unauthorized altering of own time card.
9. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any City records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
10. Making a misrepresentation or false claim in an attempt to obtain any City benefit.
11. Stealing or similar conduct, including destroying, damaging or concealment of any property of the City, its residents, or of other employees.
12. The sale or use without a prescription of controlled substances, or violations of the Drug Free Workplace policy.
13. Fighting or attempting injury to other employees, supervisors or persons.
14. Carrying or possession of firearms or any other dangerous weapon on City property at any time without proper authorization.
15. Knowingly concealing a communicable disease such as tuberculosis (TB) which may endanger other employees. Since the AIDS virus, unlike TB and other infectious disease, is generally not spread by the type of interaction occurring between employees in the workplace, the City does not require employees who test positive for the AIDS virus or antibody to disclose that fact to City officials, except in extraordinary circumstances where the employee's job activities are such that the employee may pose a risk to other coworkers or members of the public if extra precautions are not taken.
16. Misuse or removal of City records or information without prior authorization.



17. Instigating, leading, or participating in any unlawful walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the City's work areas.
18. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, theft from or searching of lunch boxes, tool kits, or other property of the City or other employees without authorization; inserting slugs in vending machines or use of other means to avoid paying the proper charge for merchandise; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the scope of the terms "dishonesty" or "dishonest action."
19. Insubordination by refusing to perform assigned work or to comply with written or oral instructions of a supervisor.
20. Improper use of City owned computer, cell phone, or pager. Improper use includes but is not limited to usage for personal purposes during work time, visiting inappropriate web sites, receiving and/or sending inappropriate e-mail or text messages that are personal and/or "pornographic" in nature, or could be construed as harassment.



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.



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, s/he 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



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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.



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. 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.



Employee Fraternization

City employees are required to devote their working hours to the performance of work duties. City employees are not to carry out "office romances" 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 (Section 207 of this Manual).



700 FORMS



Application for Family and Medical Leave

This Form And The Information Contained In It Are Subject To Disclosure Restrictions Under The Americans With Disabilities Act.

Name: _____
Department: _____

Current address: _____

Starting date of anticipated leave: _____

Expected date of return from leave: _____

Reason for leave:

Note: a leave request based on your own serious health condition or the serious health condition of your spouse, child, or parent must be accompanied by a verifying medical certification from a physician.

By this application, you expressly authorized the City to contact the certifying physician to verify the reason for your requested leave. If we need the authorization of another person, such as your spouse, adult child, or parent, where applicable, that authorization must appear below as well, before this application may be considered complete.

By signing this application, you also acknowledge that you understand that your failure to return to work at the end of any family and medical leave may be treated as your resignation from employment with the City, unless an extension has been agreed to and approved by you and the City, **in writing** and in advance.

Employee's signature: _____

Date: _____



Notice of Intention to Return from Leave

Name: _____

Supervisor: _____

Date leave commenced: _____

Date of planned return: _____

I understand that my restoration to employment is subject to the following conditions:

1. As a condition of restoration, I must provide a written certification from my health care provider that I am able to return to work.

2. Every attempt will be made to restore me to my original position, but I understand that if my original position is not available, I may be placed in an equivalent position, having equivalent pay and benefits.

3. I understand that as I return from family and medical leave I am not entitled to the accrual of any seniority or employment benefits during the time of my unpaid leave.

Employee's signature

Date: _____

I have examined this employee and can certify that he or she is fully able to return to work.

Health care provider's signature

Date: _____

APPLICATION FOR THE USE OF SICK LEAVE

EMPLOYEE MEDICAL INFORMATION CONTAINED IN A COMPLETED LEAVE APPLICATION FORM IS CONFIDENTIAL INFORMATION SUBJECT TO DISCLOSURE RESTRICTIONS UNDER THE AMERICANS WITH DISABILITIES ACT.

NAME: _____ DATE: _____
Last First Middle mo/da/yr

REASON FOR USE OF SICK LEAVE

- 1. ___ Medical, Dental or Optical Appointment (Please Circle)
- 2. ___ Personal Illness

State Exact Nature of Illness

- 3. ___ Personal Injury

State Exact Nature of Injury

- 4. ___ Illness or injury in immediate family:

a. Relationship to family member?

b. Briefly state why it was necessary for you to attend to this family member:

c. Did you take this family member to a medical practitioner or a hospital?

- 5. ___ On-the-Job Injury. Check this box if you desire to temporarily use sick leave benefits and plan to file for Workers' Compensation benefits at a later date. Your Supervisor will instruct you on how to file for Workers' Compensation.

6. ____ Death in the Family:

State Name and Relationship to Family Member

a. Date of Death:

b. Date of Funeral:

7. ____ Number of Hours of Sick Leave Requested

8. ____ Dates of Requested Sick Leave:

NOTE: Sick leave must be taken in units of .25 (1/4) hours.

I do hereby certify the statements made hereon to be true and factual. I understand that payment for sick leave requested may be withheld until all information I have stated on the application is verified, and until I have complied with all rules and regulations as stated on this application and in the City's Policy Manual. Further, I understand that falsification of this application may constitute fraud, may result in a refund by me to the City and may be the cause of disciplinary action up to and including dismissal.

Signature of Employee

Sworn to before me and subscribed in my presence this ____ day of _____, 20____.

Signature of Notary Public

The Application for Use of Sick Leave does not have to be notarized unless the absence is for more than ten (10) working days.

ADMINISTRATIVE ACTION

Number of Accrued Hours of Sick Leave

Number of Hours Requested

Balance of Sick Leave, If Approved

Recommended

Approved



_____ Not Recommended

_____ Not Approved

Signature of Supervisor/Date

Signature of Department Head/Date

Revised 10/06



Recommended
 Not Recommended

Approved
 Not Approved

Signature of Supervisor/Date

Signature of Department Head/Date

Revised 10/06



Harassment Complaint Form

The City of Bexley's Harassment Policy is set forth in Section 604 of the City's Personnel Policy Manual. Employee's who believe that they have been subjected to harassment related to their employment with the City should review that policy and its procedure for addressing complaints of harassment. An employee who wishes to file a harassment complaint may complete and file this form either with their immediate supervisor, or the City of Bexley's Service Director, Chief of Police or Mayor. Employees should not file the form with an individual who is involved in the harassment complained of. Employees are encouraged to request assistance in completing this form if they have any questions or problems in doing so themselves.

General Information

Date Form Submitted:

Time Form Submitted:

Name of Employee:

Department:

Current address:

Home Phone #:

Work Phone #

Employee's Supervisor's Name:

Employee's Supervisor's Phone Number:



Specific Information About your Complaint

1. *Who is harassing you? Please include name(s) and job title(s).*

2. *What happened to you to prompt this complaint? Please be as specific as possible in describing the harassment. Include names, dates and locations of the incident(s). Attach extra pages if necessary to fully describe the situation.*

3. *Identify the name(s) of anyone who witnessed the incident(s) described above:*

4. *With whom have you discussed the incident(s)?*

5. *Has the individual or individuals described in your response to question number 1 subjected you to harassment before the incident you have described? If so, please describe each prior incident in detail, providing names, dates and locations, if possible. Attach extra pages if necessary.*

6. *Do you have any written documentation or other record relevant to your complaint? If so, please describe it.*



7. Are you aware of other employees who have experienced harassment by the person who harassed you. If so, state the employee's name and the details of his/her experiences, if known to you.

8. How do you suggest or prefer that your complaint be resolved?



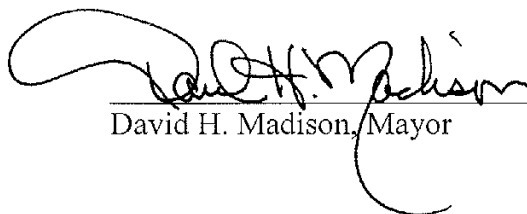
CITY OF BEXLEY, OHIO

Joint Executive Order No. 1 -07

Pursuant to Ordinance No. 116-07, the undersigned hereby adopted the Personnel Policy Manual attached to this order as the manual of uniform personnel policies and procedures to be used by the all officers of the City to administer City employment; provided, however, that if the terms of a collective bargaining agreement conflict with the terms of the Policy Manual, the collective bargaining agreement will control over the Policy Manual with regard to the point of conflict as to members of the bargaining unit covered by such collective bargaining agreement. Whenever the appointing authority of an employee subject to discipline under Part 600 is the Auditor, rather than the Mayor, the term "Mayor" shall mean the Auditor, unless the context otherwise requires.

This Joint Executive Order shall be in full force and effect from and after the filing of the order with the Clerk of Council.

IN WITNESS WHEREOF, this Joint Executive Order No. 1-07 is hereby executed as of the 21st day of December, 2007.



David H. Madison, Mayor



Larry Heiser, Auditor