



CITY OF POWELL

PERSONNEL MANUAL

SUMMARY OF POLICIES

NEW DATE

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ACKNOWLEDGEMENT OF RECEIPT

Section 1: INTRODUCTION

Welcome to the City of Powell, Ohio. The Municipality of the City of Powell ("City") shall have all the powers of local self-government and the benefits of municipal home rule that may now or hereafter be lawfully possessed or exercised by municipal corporations under the Constitution and the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in the City Charter or, to the extent that the manner is not prescribed therein, then in such manner as shall be provided in this Ordinance (or other resolutions by the City Council) which shall be known and referred to as the City of Powell "Summary of Policies." This Ordinance hereby repeals and/or amends any previous ordinances or any written or unwritten personnel policies or practices affected by it. It also is intended to apply to all City employees in lieu of any section(s) of the Ohio Revised Code. The Summary of Policies has been formulated to assist City employees in answering questions they may have regarding City operations. Please carefully read this Summary for it defines your employment relationship with the City. You are responsible for knowing and understanding its contents.

This Summary of Policies, including other matters addressed in it, is presented only as a matter of general information. It is not intended to create, and does not create, a contract of employment, either express or implied, between the City and any of its employees for employment, hours of work, or the providing of benefits.

Formal documents, such as plans, procedures, policy statements, insurance policies, union negotiated agreements and trust agreements, set forth the eligibility, participation, coverage, benefits, limitations, exclusions, and other requirements and provisions which govern these plans, procedures, and policies. You must refer to these formal documents to locate the actual provisions that govern each plan, procedure, and policy. You may not rely on this Summary of Policies or any other oral or written representations.

Of course, the City may implement new or different plans, procedures, and policies should it choose to do so at any time. Additionally, the City may modify, revoke, suspend, terminate, or change any or all of its plans, procedures, and policies, including without limitation, those in this Summary of Policies and in the formal documents, in whole or in part, at any time and with or without prior notice to employees. The City, however, will endeavor to notify you of any such revisions. The City Manager shall administer and enforce these policies. The City's interpretation of any of its plans, procedures, and policies (including any terms therein), both in this Summary of Policies and in the formal documents, is final and binding. Furthermore, if any part of this Summary of Policies is declared invalid or **unconstitutional**; such decision shall not affect the validity of the remaining portions of this **Summary**; because the City Council has declared that it would have passed the remaining portions notwithstanding the invalid or unconstitutional provisions.

Information concerning our plans, procedures, and policies can be obtained from the Administration Office.

Section 2: EMPLOYMENT

A. Employment Relationship.

Your acceptance and/or continuation of employment with the City, including the receipt of compensation and/or applicable fringe benefits, **confirm** your employment relationship as defined in this section. Your employment with the City is voluntarily entered into and you are free to resign at any time and for any or no reason.

This manual in no way should be considered a contract or contract of employment. Employment with the City is governed by its Personnel Board of Review and their rules and regulations.

The only City person or entity who has authority to create an agreement binding on the City which differs from the above is the City Council. Any such agreement must be in writing and signed by both the employee and the City Council. Therefore, you shall not, and the City does not expect you to, take any action or refrain from taking any action based on any other City representative's (e.g., supervisors, managers) promise, statement (oral or written), custom, or act.

By accepting employment, or by continuing in the City's employment, including the receipt of compensation and applicable fringe benefits provided by the City, after receipt of a copy of this Summary of Policies, you recognize that you are employed by the City as defined in the "Employment Relationship" section of these Policies.

B. Coverage. These Personnel Policies cover all City employees, including both salary and hourly paid, unless otherwise expressly specified.

C. Employment Classification.

The City maintains a position classification plan maintained by the City Manager. All positions within the City and appointments to these positions are governed by the City's Civil Service Laws that are regulated by the City's Personnel Board of Review.

City employees are either in the classified or unclassified civil service.

Unclassified Service

Positions in the "Unclassified Service" include: all temporary, seasonal, part-time and probationary employees employed by the City; other positions for which it is not practicable to examine as determined by Council; and such other positions in the City that are determined by the Personnel Board of Review to be exempt under the provisions of these Rules and the City Charter, including those positions which have fiduciary and administrative duties.

Classified Service

The "Classified Service" shall comprise all positions existing on the effective date of the Charter not specifically included in the Charter in the Unclassified Service. The Classified Service shall include regular full-time members of the Police Department other than the Chief of Police.

Appeals

All employee appeals relative to final decisions regarding a reduction in pay or position, job abolishment, layoff, suspension, discharge, assignment, reassignment to a new or different position classification, or reclassification shall be done pursuant to the Rules and Regulations of the Personnel Board of Review of the City of Powell.

1. Full-Time

Full-time employees are those regularly scheduled by the City to provide full-time services (as defined by the City Manager) during a workweek.

2. Part-Time

Part-time employees are those regularly scheduled by the City to provide less than full-time services (as defined by the City Manager) during a workweek.

3. Temporary

Temporary employees, including seasonal and summer help, are employed on the understood basis that their employment is on a limited and "as needed" basis. Temporary employees are not eligible to participate in the City's employee benefit program.

D. Probationary Period

Required to Serve Probationary Period Every newly hired employee shall successfully complete a probationary period.

Length of Probationary Period The probationary shall begin on the first day as a full-time employee for which the employee receives compensation from the City and shall continue for a period of one hundred and eighty (180) days. A new hire probationary employee may be terminated any time for unsatisfactory work performance during their probationary period and shall have no right to appeal.

Employees transferred or receiving a position in a new classification shall serve a probationary period of one hundred and eighty (180) days from the day the employee is designated as receiving the new classification. Any other time worked in the classification shall not count toward the probationary period. A newly promoted employee serving a promotional probationary period who evidences unsatisfactory performance shall be returned to his former position at any time during his promotional probationary period with no right of appeal.

The probationary may be extended by the City by a period of up to 120 days provided the Employer indicates to the employee the reasons for the extension and notifies the Personnel Board of Review of the extension.

A probationary employee who has lost work time due to illness or injury for more than five (5) work days (cumulative) shall have his probation period extended by the length of the illness or injury.

E. Nondiscrimination.

It is the City's policy to provide equal employment opportunities to all qualified persons, consistent with applicable federal, state and municipal equal employment opportunity laws prohibiting discrimination based on race, sex, age (as defined in the Age Discrimination in Employment Act of 1967, as amended, and Chapter 4112 of the Ohio Revised Code), handicap/disability, religion, ancestry, color, veteran status or national origin. This policy shall apply to all phases of the employment relationship including the hiring, upgrading, promoting, transferring, laying off, terminating, compensating, and recruiting of personnel.

F. Workplace Harassment/Discrimination Policy.

It is the policy of the City of Powell to promote a productive work environment. The City will not tolerate, condone, or allow verbal or physical conduct by any employee or, to the extent possible, non-employee, that harasses, disrupts, or interferes with work performance or that creates an intimidating, offensive, or hostile environment.

Employees are individually responsible for refraining from engaging in harassing or offensive conduct and are encouraged to report harassing or offensive incidents. Each supervisor has a responsibility to keep the workplace free of any form of harassment. In particular, no supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect an employee's terms or conditions of employment in any way.

It is the primary goal of this policy to provide the employees of the City of Powell with an environment free of discrimination including sexual harassment. This policy intends to state clearly the City's policy regarding discrimination, with attention to gender discrimination and sexual harassment and to provide for disciplinary action in the event the policy is not followed.

This policy covers all employees of the City of Powell regardless of their position. This policy also applies to other work-related settings such as business trips, seminars, conferences, and other business-related social events.

1. Behavior that can constitute Harassment

Harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct which is appropriate in a social setting may be inappropriate in the workplace. Harassment occurs when behavior based on a protected characteristic is directed toward an employee who finds that behavior unwelcome and offensive. Harassment also occurs when the behavior fails to respect the rights of others, is demeaning or lowers morale. The victim's acquiescence in the behavior will not negate the existence of sexual harassment.

Harassment may also extend beyond the confines of this organization. Conduct that occurs off duty and off premises against an employee of the City of Powell will be subject to this policy.

Prohibited conduct includes but is not limited to comments, suggestions, jokes, leering, pats, squeezes or similar contact, and posting of pictures, cartoons, photos or other graphics based on a protected characteristic. This conduct constitutes harassment when:

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

2. Complaints

The City of Powell has appointed the City Manager or their designee as an Equal Employment Compliance Officer, ("EECO") to handle allegations of discrimination or harassment. The EECO is vested with the authority to receive employee reports of discrimination and/or harassment and is charged with the duty of investigating any employee complaints of discrimination and/or harassment.

Employees who feel that they have been subjected to discrimination or harassment by a fellow employee, a supervisor, or an individual otherwise affiliated with the City of Powell, shall immediately contact the EECO. Similarly, employees who feel that they have witnessed discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact the EECO. Late reporting of complaints will not in and of itself preclude the employer from taking remedial action. However, employees are encouraged to report complaints as soon as possible after a harassing or offensive incident occurs so that a thorough and accurate investigation may be conducted.

Further, the City encourages employees who believe they are or have been harassed or who witness harassing or offensive incidents to promptly notify the offender that his or her behavior is unwelcome.

However, it is recognized that power and status disparities between an alleged harasser and an individual receiving the alleged harassment may make such a confrontation ineffective or impossible. In the event that such informal, direct communication between the individuals is either ineffective or impossible, the individual receiving the alleged harassment should report the incident directly to a supervisor as outlined above.

Information obtained by the EECO will be kept as confidential as practicable, although confidentiality cannot be guaranteed. If the EECO's investigation reveals the complaint is valid, prompt attention and action, including disciplinary action, designed to stop the harassment and prevent its recurrence will be taken.

All employees are required to cooperate in any investigation of a harassment complaint.

3. False Complaint

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

4. Retaliation

The City of Powell, its supervisors and/or employees, shall not in any way retaliate against an individual for filing a complaint, reporting discrimination or harassment, or participating in an investigation. Retaliation is a serious violation of the harassment/discrimination policy. Any employee who feels that he or she is subjected retaliatory conduct as a result of actions taken under this policy shall report such conduct to the EECO immediately. Any person found to have retaliated against an individual for reporting discrimination or sexual harassment will be subject to the same disciplinary action provided for offenders of the sexual harassment/discrimination policy.

5. Corrective Action

Discrimination and harassment will not be tolerated. Disciplinary action will follow a violation and will be reflective of the seriousness of the violation. If the investigation establishes that the accused employee engaged in discrimination or harassment, discipline, up to and including removal, will be administered. Offenders will be disciplined without regard to their position or job performance.

All employees of the City of Powell have a responsibility to become familiar with this policy, to assist in its enforcement and to abide by its terms. Any employee who has knowledge of discriminatory or harassing conduct, and who allows that conduct to go unaddressed, may be subject to discipline.

6. Condition of Employment

All employees of the City of Powell will be expected to comply with this policy as a condition of continued employment.

G. Political Activities.

1. Purpose: Employees in the classified civil service are prohibited by Ohio law from engaging in "political activity". The purpose of this Article is to provide lists of examples, though not exhaustive lists, of activities, which are permissible and prohibited under the laws.
2. Permissible Activities: The following is non-exhaustive list of examples of permissible activities for employees in the classified civil service:

- a. Registration and voting;
- b. Expression of opinions, either oral or written;
- c. Voluntary financial contributions to political candidates or organizations;
- d. Circulation of non-partisan petitions or petition stating views on legislation;
- e. Attendance at political rallies;
- f. Signing nominating petitions in support individuals;
- g. Display of political materials in the employee's home or on the employee's property;
- h. Wearing political badges or buttons, or the display of political stickers on private vehicles;

Prohibited Activities: The following is a non-exhaustive list of examples of prohibited activities for employees in the classified civil service:

- a. Candidacy for public office in a partisan election;
- b. Candidacy for public office in a non-partisan election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- c. Filing of petitions meeting statutory requirements for partisan candidacy for elected office;
- d. Circulation of official nominating petitions for any candidate participating in a partisan election;
- e. Service in an elected or appointed office in any partisan political organization;
- f. Acceptance of a party-sponsored appointment normally filled by partisan election;
- g. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- h. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- i. Solicitation for the sale, or actual sale, of political party tickets;
- j. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- k. Service as a witness or challenger for any party or partisan committee;
- l. Participation in political caucuses of a partisan nature; and
- m. Participation in a political action committee which supports partisan activity.

3. Discipline: Any classified employee who engages in any of the activities listed as prohibited in the preceding Paragraph is subject to discipline, up to and including removal, from his/her position.

H. Orientation. Each new City employee will receive an orientation through the cooperative efforts of an Administration Office representative and the employee's immediate supervisor. Participation is mandatory.

I. Open Communications. It is the City's policy to promote open communication between employees and their supervisors. Feel free to ask questions and make comments to management personnel individually or in meetings.

An employee who has a work-related and non-disciplinary complaint, question, or concern initially should discuss it with his or her immediate supervisor. If the employee does not believe that the matter was satisfactorily resolved, he or she should continue to pursue it through the appropriate supervisory chain of command ending with the City Manager. The City Manager will consider the complaints and concerns of employees and determine what action, if any, is appropriate. The City Manager's decision can be appealed pursuant to the procedures outlined in the Rules and Regulations of the Personnel Board of Review of the City of Powell.

Additionally, employees are encouraged to inform the City of any suggestions on how to improve safety, cost reduction, and/or product quality.

J. Conflict of Interest. City employees must be aware of all potential conflicts of interest situations.

Because of the type of services the City provides, it is imperative that all employees adhere to a strict code of ethical conduct and avoid any impropriety or the appearance of any impropriety. The provisions of O.R.C. §§ 102.03 and 2921.42 make it unlawful for a public official to use their influence to obtain a benefit, including a job for their relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action including termination.

City employees shall not have any direct or indirect interest in any outside business or financial activity which conflicts or potentially could conflict with their City employment or which interferes with the employee's ability to fully discharge his or her City employment duties.

Furthermore, City employees shall not accept or demand gifts, money, or gratuities (other than non-solicited advertising items of nominal value, such as calendars or pens) from persons or organizations: receiving benefits or services from the City; performing or attempting to perform contractual services; or otherwise in a position to benefit from an employee's action. City employees also should refrain from recommending any one particular service provider to City citizens. Rather, direct them to the telephone directory and allow them to select their own service provider(s). It is the policy of the City to not make recommendations about any particular service providers.

Any questions regarding a potential conflict of interest should be directed to the City Manager.

K. Outside Employment. Your full-time position is considered your primary responsibility. If, however, you do seek additional employment, you shall determine that no conflict of interest exists and that you can effectively perform your position. Please consult your immediate supervisor before pursuing additional outside employment.

L. Emergency Closings/Delays.

1. Workday Not Canceled, Delayed or Shortened
(Non-Public Safety/Non-Road Department)

In most circumstances, the City will not cancel, delay or shorten the workday in response to inclement weather. Employees who may have difficulty reporting to work should promptly notify their immediate supervisor. Arrangements may be made to pick up essential employees at his or her residence if they are required for public health and/or safety reasons. Any employee who does not report for his/her scheduled shift because of treacherous road conditions or weather-related transportation problems may use any available paid vacation time. If the employee has no vacation time against which the absence can be charged, the day will be considered an excused day off without pay. In either event, the notification procedures outlined in the "Attendance and Call-In Rules" section apply. Employees who report to work on such inclement days shall be paid their regular wage for actual time worked.

2. Workday Cancelled, Delayed or Shortened
(Non-Public Safety/Non-Road Department)

During a declared state of emergency, the scheduled work times for non-public safety/non-road department employees may be cancelled, delayed or shortened in response to inclement weather or a natural disaster. Such a declaration shall only be made from one of the following authorities: the President of the United States; the Governor of the State of Ohio; the Delaware County Sheriff; or the City official designated in the Charter. (Supervisors will attempt to telephone employees at home to announce cancellation of the workday.) In the event of a declared state of emergency, employees regularly scheduled to work will be compensated, and their attendance will be recorded, as if they had worked their entire scheduled shift. Such action on the City's part is intended to accommodate employees who otherwise would be traveling to or from work under treacherous road conditions and NOT as an additional general holiday for the entire staff. Therefore, if an employee is on vacation, or

scheduled for vacation, on the day that the workday is cancelled, shortened or delayed, that employee will be charged with a vacation day. Likewise, if an employee calls in sick, or elects to take a "personal day," on a day that the workday subsequently is cancelled, delayed or shortened, that employee will be charged with a day's sick pay or a "personal day."

3. Public Safety and Road Department Employees

Public safety and road department personnel are required to report to work regardless of weather conditions. When weather conditions are extremely severe and all other transportation options have been exhausted, such employees shall notify the Police Chief or the City Manager. Arrangements may be made to pick up the employee at his or her residence.

M. Personnel Records and Change in Status. Each employee must provide accurate information to the City Manager for personnel and applicable fringe benefit purposes. This information includes his or her name, address, telephone number, names and addresses of spouse and dependents, beneficiaries under fringe benefit plans, number of tax exemptions, and citizenship or immigration status. The City may require other information. Employees must promptly notify the Administration Office of any changes in this information. Employees may view their personnel records during normal office hours.

N. Safety. Each employee must pay constant attention to safety and is expected to:

1. Report any unsafe conditions or fire hazards to supervision, immediately.
2. Report any injury or property damage (no matter how slight) to supervision, immediately.
3. Emergency Situations: In the event of an emergency situation, such as fire, or severe injury or illness: CALL 911.
This number is intended to reach the Fire Department, the Police Department, and the Life Squad, immediately.
4. Keep work areas clean and free from debris.
5. Avoid cluttering restrooms and eating areas; clean up when finished.
6. Keep all tools and equipment clean and in good repair.
7. Wear and utilize all approved and required safety equipment/clothing.
8. Follow the safety policies and procedures.

O. Reimbursement for Business Expenses Incurred. City employees may receive reimbursement for ordinary, necessary, and reasonable expenses and gratuities incurred while traveling on official City business. Such travel, however, must have been previously authorized and approved by the City Manager. Such expenses may include: mileage reimbursement at a certain amount per mile when required to use your personal vehicle for non-commuting travel, parking costs and highway tolls, meals and overnight lodging. Additionally, when business travel outside the Greater Columbus area necessitates the use of public transportation, ordinary and necessary business expenses will be reimbursed as to the cost of an economy class fare on such public transportation. Itemized receipts for reimbursable expenses must be submitted to the City.

- | | |
|-------------------------|--|
| 1. Program Registration | 100 percent |
| 2. Lodging | 100 percent City paid for actual cost of government rate, single occupancy room, plus reasonable gratuities. |
| 3. Transportation | 100 percent City paid for airfare, but in no case greater than coach class. |

The City prohibits an employee to utilize a specific airline frequent flyer accumulation card (and/or using the flight to obtain any other personal benefits) while on City business.

If vehicle rental is authorized, 100 percent City paid, but in no case greater than economical size vehicle when available. If personal vehicle is

authorized for out-of-state travel, the City pays at a rate to be determined by City Manager. If personal vehicle is authorized for in-state travel, the City pays at the current IRS prevailing rate.

4. Meals

For training outside the City requiring overnight stays, City pays: up to \$48.00 per day for meals and gratuities. Meals included as part of the program fee shall be paid at 100 percent by the City but the following amount will be deducted from the \$48.00 per day availability: \$8.00 per breakfast; \$12.00 per lunch; and \$22.00 per dinner.

For training or conferences not requiring an overnight stay but outside the Greater Columbus area, the City will pay up to \$25.00 per day for meals and gratuities. Meals included as part of the program fee will be paid at 100 percent by the City but the following amount will be deducted from the \$25.00 per day availability: \$8.00 per breakfast; \$12.00 per lunch; and \$22.00 per dinner.

For training or conferences inside the Greater Columbus area, the City will pay up to \$12.00 for a lunch and gratuities. Any meals included as part of the program fee will be paid at 100 percent by the City. Breakfast or dinner (including gratuities) reimbursements may be considered at functions only when previously authorized by the City Manager and will be reimbursed at the rate of \$8.00 per breakfast and \$22.00 per dinner.

The cost of meals and/or refreshments for work sessions shall be paid for by the City. Such work session meals and/or refreshments shall be previously authorized by the City Manager.

5. Other travel expenses

Ordinary and necessary business expenses will be reimbursed. Examples are: parking at airport, taxis, and shuttle buses.

6. Receipts

Itemized receipts are required for all business expenses incurred. The City will reimburse up to \$5.00 for a missing business expense receipt with explanation as to why the receipt is missing. Improper or continued use of the missing business receipt exception may result in disciplinary action being brought against the employee.

7. Gratuities

When the cost of the service includes a built-in gratuity the City will pay 100 percent (e.g. restaurants where the number of participants at the table is over eight). The City will not reimburse for any additional gratuity over the built-in gratuity.

The City recommends utilizing 15% of the cost as the rule-of-thumb for giving gratuities.

The City will not reimburse employees for transportation between an employee's home and work, personal expenses incurred while traveling, payment of traffic fines or penalties incurred. Please consult the City Manager for further details.

P. Performance Review. An employee's performance will be reviewed annually by the appropriate City representative.

Q. Job References. All requests from sources outside the City for personnel information concerning applicants for employment, current employees, and former employees shall be directed to the Administration Office. Additionally, all requests for letters of recommendation must be channeled through the City Manager for approval prior to their release.

R. Use of City Vehicles. Except for certain designated management employees, City vehicles shall solely be used for official City business. All traffic laws, including the wearing of seatbelts, shall be obeyed. Any traffic citation issued, parking or moving, shall be the responsibility of the driver.

S. Vehicle Accidents. Employees involved in an accident while operating a City vehicle, shall:

- leave the vehicle in the exact position which it came to rest after the accident unless instructed to move it by a law enforcement official or for public/personal safety reasons;
- request that all involved parties and/or witnesses remain at the accident scene until a law enforcement representative arrives;
- remain polite and helpful at all times and do not speculate about who caused the accident or why it happened;
- refrain from making any statements about the accident to anyone other than the police department involved and the appropriate City representatives;
- notify your supervisor immediately (who shall notify the City Manager); and
- complete an incident report within 24 hours of the accident.

T. American with Disabilities Act Policy.

The American with Disabilities Act (ADA), prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability. To be considered a qualified individual, the employee must satisfy the requisite job qualification standards, skills, experience, education, license, and other job-related requirements of the position they hold or desire and must be able to perform the essential functions of the position, with or without reasonable accommodation. The "Complaints", "Retaliation", "False Complaints", and "Corrective Action" sections of the City's sexual and other unlawful harassment policy shall apply with equal force and effect to the City's ADA policy.

The City shall reasonably accommodate a qualified employee with a disability unless the accommodation would pose an undue hardship or direct threat to the health and safety of the employee or others. Decisions as to whether an accommodation is reasonable shall be made on an individual case-by-case basis. An employee who believes they are in need of a reasonable accommodation is responsible for making their department head, or City Manager, aware of this need. Employees requesting an accommodation shall submit all requests in writing.

U. Other Policies.

1. Personal telephone calls (except emergencies) should be made during breaks or lunch so as not to interfere with the efficient operation of the City. Please inform your family and friends that you may only receive emergency calls while at work. Generally, long distance calls must be charged to the employee's credit card or home telephone number. In certain emergency situations, however, an emergency long distance call may be made without charging it to your home telephone. The employee shall immediately notify the City Manager in writing of the time/date of the personal call so prompt reimbursement to the City will be made.
2. The personal use of any City tools, supplies, vehicles, or equipment, without prior written authorization, is forbidden.
3. Every employee is expected to dress in appropriate work attire. In many cases, this means that you are to dress in a manner that will allow for a safe and efficient performance. In the office, you are to dress in appropriate business attire.
4. The City is not responsible, and does not provide insurance coverage, for the personal property of employees that is on City premises.
5. Employees are responsible for reviewing information, including job postings, periodically posted on the City bulletin boards. Personal notices may not be posted on them. Employment notices may

only be posted after approval by the City Manager or designee. A separate bulletin board is provided for City citizens.

6. An employee generally should not be on non-public City property or in the City facilities outside of his or her regular working schedule unless his or her presence is work-related.
7. Written permission from an employee's immediate supervisor must be obtained before removing any City property from the City's premises.
8. Non-employees are not permitted in the non-public areas of the City facilities at any time without the authorization of the targeted employee's immediate supervisor.
9. All authorized visitors to the City facilities should be treated with professional courtesy. Please report immediately any unauthorized visitors to the Administration Office.
10. Smoking currently is prohibited in the City buildings and vehicles.
11. Eating and drinking may be restricted to certain designated areas. Please consult your immediate supervisor for further details.
12. Any employee contacted by the news media (e.g., TV, radio, newspaper, magazine) or another citizen about City operations or a City employee(s), should direct the individual to contact the City Manager. This avoids duplication, ensures accuracy, and avoids unnecessary confusion concerning who is officially speaking on behalf of the City.
13. Solicitation and distribution of literature are prohibited during the working time of either the employee making the solicitation or distribution or the targeted employee.
14. Distribution of literature is prohibited in work areas at all times. Distribution of literature in a manner that creates litter is prohibited.
15. An employee shall not email or text while driving on City business.

V. Electronic Communication and Information Systems.

1. Communication Information Systems:

Supervisors are responsible for instructing employees on the proper use of communications services and equipment used by the City for both internal and external business-related communications.

The unauthorized personal use of the City's communications information systems, including, but not limited to computers, facsimile machines, and copies, is expressly prohibited. All software and electronic communications, including all communications and information stored, transmitted, received, or contained in such communication and information systems, are the City's property. Therefore, employees should have no expectation of privacy in connection with their use of the City's communication and information systems, or the transmission, receipt, or storage of information by mail, facsimile, e-mail, Internet transmission, or any other means. Employees may not use the City's address for receiving personal mail or use City stationery or postage for personal mail.

To ensure the proper use of its communications information, such as e-mail, facsimile machines, a supervisor may monitor the use of these systems and equipment from time to time. However, no employee, except those expressly authorized, shall monitor other employee's communication. Thus, employees should not access, view, read, listen to, tamper with, copy, retrieve, change, print, or delete another employee's information or communications without that person's permission. Employees should avoid sending information anonymously or that otherwise disguised or does not correctly identify the sender.

All software owned by the City will be used in accordance with the licensing agreements. Employees shall not make unauthorized copies of any software. Software will be provided to employees as a result of a needs assessment and appropriate authorization. Unauthorized copying of City provided software or the use of undocumented software (non-licensed) on computers could subject the employee and/or the City to civil and criminal penalties. Therefore employees should not install or use software from any other source other than the City, except with the written consent of the appointing authority. Any employee who violates this policy shall be subject to disciplinary action. Because the downloading of programs on the internet may introduce viruses and/or computer difficulties, the network administrator (City's designated IT representative) should be contacted before downloading any program from the internet. There are exceptions to this rule.

Employees may download programs from the following sources without said prior approval: www.microsoft.com, www.adobe.com, and www.Symantec.com. Although www.google.com and www.yahoo.com are considered safe sites, their downloadable toolbars can interfere with the normal operations of employee workstations. The City's designated IT representative needs to be contacted before downloading any software or updates from these sites.

Improper use of any City communication system and equipment will result in discipline, up to and including termination. Improper use includes any misuse described in this policy as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive uses of written, recorded, or electronically transmitted messages.

The City computers are to be used for business purposes. The computer keeps a log of all internet sites visited, as well as the content of all e-mails being sent and received. When using your computer, always assume that your usage is being reviewed. Notwithstanding this, The City recognizes that employees may occasionally need to use such resources for personal purposes. Therefore, employees may engage in "incidental personal usage" of the City's electronic communication and information systems. "Incidental personal usage" is defined as use for acceptable personal reasons (subject to the restrictions set forth below) that is limited in time, does not present any threat of harm to the City's resources or reputation, does not interfere with business communications or operations, and does not interfere with the performance of employee responsibilities. For example, using the city's email systems to communicate with family members or others is acceptable. When employees are unsure about what is considered incidental personal use, they should contact their supervisor for additional information. Incidental personal usage will be treated in the same manner as business usage. Therefore, employees should have no expectations of privacy with regard to such incidental personal usage.

Using the City's electronic communication and information system for abusive, unethical, or inappropriate purposes will not be tolerated and may be considered grounds for disciplinary action, including termination of employment.

Examples of inappropriate employee usage include, but are not limited to, the following:

- a) Uses that interfere with normal business activities;
- b) Any use involving solicitations;
- c) Uses that are connected with a business activity that operates for profit;
- d) Employee use for the purpose of operating a business for personal gain;
- e) Sending chain letters;
- f) Soliciting money for religious or political organizations or causes;
- g) Uses that involve the transmittal, downloading, or printing of obscene, pornographic, threatening, racially, sexually or religiously harassing materials;
- h) Distribution or printing of copyrighted materials, including articles and software, in violation of copyright laws;
- i) Uses that would violate any federal, state, or local laws;
- j) Any use that could possibly bring embarrassment or harm to the City;

- k) Gambling;
- l) Using the City's electronic communication and information system for personal business other than "incidental personal use" as defined above.
- m) Mounting personal web pages or establishing links to the City of Powell's web site outside of a factual representation (e.g. – an online resume posted by an employee may have a link back to their employer's website);
- n) Establishing external network connections that could allow non-City employees access to the City's network unless approved by the City's designated IT representative.

Employees shall take all steps necessary to avoid contamination by computer viruses. Many viruses are automatically sent to persons appearing on address lists contained in infected computers. Whenever there is a questionable attachment, even from a known source, the employee should refrain from opening the attachment and notify the City's IT representative. Employees shall not open attachments from email addresses they do not recognize. These e-mails and attachments shall be deleted. The City's IT representative should be notified whenever a virus is suspected.

Privacy and confidentiality: No City employee shall provide access to confidential information through the Internet, e-mail, or on-line services. No employee shall use the Internet, e-mail, or online services of any other employee without authorization. All City employees shall use reasonable safeguards when using the Internet, e-mail, or on-line services to avoid mistaken distribution on another's information.

City employees are hereby put upon notice that all Internet browsers furnish a trail that traces all sites visited by the user of that computer terminal. The City may access this trail and monitor employee Internet use as it considers appropriate. The City may access and monitor employee Internet, e-mail, and other online uses by employees as it considers appropriate.

Discipline for misuse: Employees who improperly use the Internet, e-mail, and other online services in violation of the policy will be subject to discipline, up to and including termination.

Receiving Inappropriate Materials through the City's electronic communication and information system:

Employees who receive inappropriate materials via the City's electronic communication and information system should never forward such materials to other employees or third parties and are expected to delete or destroy such materials immediately and notify the sender not to send any other materials of the same or a similar nature. In addition, employees should contact their immediate supervisor if they receive inappropriate materials from other City employees, contractors, vendors, or other outside parties.

2. Cellular Phones:

City owned cellular phones and services may be provided to certain City employees to conduct business activities related to their particular employment that either cannot be conducted on a land-line telephone or for which it would be inefficient to use a land-line telephone or the need to contact the employee. Requests for cellular phones must be approved by the Department Head and City Manager. Upon resignation or termination of employment, or at any time upon request, the employee shall produce the cellular and its accessories for return or inspection.

City owned cellular phone and airtime service is intended only for official business. All equipment, software, cellular phone accessories, and information stored, transmitted, received, or contained in such cellular equipment, are the City's property. Therefore, employees should have no expectation of privacy in connection with their use of the City's cellular phones. Notwithstanding this, the City recognizes that employees may occasionally need to use such resources for personal purposes. Therefore, employees may engage in "incidental personal usage or de minimis usage" of the City's cellular phones. "Incidental personal usage" is defined as use for acceptable personal reasons that is

limited in time, does not present any threat of harm to the City's resources or reputation, does not interfere with business communications or operations, and does not interfere with the performance of employee responsibilities. "De minimis usage" is defined as infrequent or unusual in frequency and is so small as to make accounting for it unreasonable or impractical.

The employee will reimburse the City for any personal usage on a timely basis when personal usage that exceeds "incidental" or de minimis" usage.

Routine audits of the cell phone usage bills will be done by the City to verify that the employee is reimbursing the City and to provide documentation for the Internal Revenue Service working fringe benefits requirements.

Lost or stolen equipment should be immediately reported to the employee's supervisor, so that the service can be cancelled. Repair or replacement of cellular equipment will be the responsibility of the City (employee's department).

W. Use of City Credit Card or Prepaid Cards.

City creditor prepaid cards shall solely be used for official City business therefore personal use is forbidden. City credit or prepaid cards shall not be used to obtain cash advances or cash equivalents such as bank checks, traveler's checks and electronic transfers. Use of a city credit or prepaid cards to purchase does not waive City purchasing procedures.

- A) Bank, gasoline or other type credit cards are kept in the Finance Department and may be checked out only after completion of a credit card usage form that documents the anticipated purchases. The Finance Department will keep a log of the employees who have checked out a credit card and when it was returned. The credit card will be returned to the Finance Department within a reasonable limit. A bank credit card can be issued in the City's name and the City Manager, Finance Director or Department Head's name.
- B) Prepaid cards are purchased for (a) restricted purposes and (b) limited uses. The City has authorized prepaid cards to be purchased for travel or park program activities which meet one of the following limited use requirements:
 - a. When use of the City credit card is not advisable such as by a seasonal or part-time employee.
 - b. When the City credit card is not available due to multiple department employees needing the same card at the same time while going to different locales.

Employee responsibilities for credit or prepaid cards:

1. Employees MUST retain transactional evidence (such as receipts) to support ALL charges. The transactional evidence must be turned into the Finance Department.
2. Reimbursement for return of goods and/or services MUST be credited directly to the card account. Exceptions may be granted by written authorization from the Finance Department.
3. An employee is responsible to protect and retain custody of card while it is checked out to them. Lost or stolen cards must be reported immediately to the Finance Department
4. Employees who use a City card are in a position of trust in regard to use of public funds. Improper or unauthorized use of the card may result in the employee being held liable for expenditures and/or legal/disciplinary action being brought against the employee.
5. Failure to adhere to these policies and procedures for the use of a City credit or prepaid card may result in discipline up to and including termination.
6. Disputed transactions MUST be resolved with the supplier by the employee and their supervisor. The Finance Department must be informed of all disputed transactions.

~~City credit cards shall solely be used for official City business therefore personal use is forbidden. City credit cards shall not be used to obtain cash advances or cash equivalents such as bank checks,~~

~~traveler's checks and electronic transfers. Use of a city credit card to purchase does not waive City purchasing procedures.~~

~~Bank credit cards are kept in the Finance Department and may be checked out only after completion of a bank credit card usage form that documents the anticipated purchases. The Finance Department will keep a log of the employees who have checked out a bank credit card and when it was returned. The bank credit card will be returned to the Finance Department within a reasonable limit. A bank credit card can be issued in the City's name and the City Manager, Finance Director or Department Head's name.~~

~~Employee responsibilities:~~

- ~~1. Employees must retain transactional evidence to support all charges. The transactional evidence must be turned into the Finance Department.~~
- ~~2. Reimbursement for return of goods and/or services must be credited directly to the card account.~~
- ~~3. An employee is responsible to protect and retain custody of card while it is checked out to them. Lost or stolen cards must be reported immediately to the Finance Department.~~
- ~~4. Employees who use a City credit card are in a position of trust in regard to use of public funds. Improper or unauthorized use of the card may result in the employee being held liable for expenditures and/or legal/disciplinary action being brought against the employee.~~
- ~~5. Failure to adhere to these policies and procedures for the use of a city credit card may result in discipline up to and including termination.~~
- ~~6. Disputed transactions must be resolved with the supplier by the employee and their supervisor. The Finance Department must be informed of all disputed transactions.~~

X. Record Retention.

Employees are responsible for the retention of records within the area of their job description. Records may be of different media type including but not limited to paper, electronic, video or email.

Employee responsibilities:

1. Understanding and use of current record retention schedule.
2. Regular review of records to determine retention.
3. Submission of records for destruction to City Clerk or authorized records clerk.
 - a. Use of proper storage procedures for retained records.

Y. Nepotism.

The City will receive employment applications from relatives of current City employees and current Council members. However, circumstances do exist which may prevent the City from hiring a relative of a current City employee or current Council member. For example, the following are three (3) circumstances which may prevent the City from hiring a relative of a current City employee or current Council member:

1. If one relative would supervise or have disciplinary authority over another;
2. If one relative would audit the work of another; and/or
3. If a conflict of interest exists between the relative and the employee or the relative and the City.

An employee is not permitted to work in a position where their supervisor, or any person above the employee in the established chain of organizational command, is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred to another available position in the City for which they are qualified, or separate from employment with the City. Additionally, the City and employee(s) can meet to discuss potential, acceptable options to the City. Termination is a last resort. No employee who meets current standards of performance and behavior shall be terminated if a transfer, or other acceptable accommodation to the City, is reasonable and available.

If two employees marry, the employees will be subject to the same rules listed above as other relatives, unless state law or judicial decisions dictate otherwise. No person in the City prior to the adoption of this policy will be retroactively affected by this policy (except in cases or marriages which occur after this policy is adopted).

The provisions of O.R.C. §102.3 and 2921.42 render it unlawful for a public official to use their influence to obtain a benefit, including a job for their relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action, including termination. Copies of §102.3 and 2921.42 can be obtained from the City Manager's office.

For purposes of this Article, the term "relative" shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

Section 3: HOURS OF WORK AND COMPENSATION

A. Hours of Work.

1. The regular workweek, except for public safety and road department personnel, currently is Monday through Friday (with Saturday and Sunday off) from 8:00 A.M. to 5:00 P.M. Certain public safety and road department employees will have a work schedule and work days that vary in time, length, and days from the above. The regularly scheduled workweek or hours also may vary depending on the employee's position or whether an employee is classified as full-time, part-time, or temporary. Attempts will be made to notify you in advance if your hours/shift should be changed.
2. Each employee is required to be at his or her workstation, ready to begin work at his or her scheduled starting time, and at the end of his or her break or lunch period. Each employee is to continue working until the end of his or her scheduled working time. AN EMPLOYEE IS NOT TO WORK OVERTIME, EITHER BEFORE OR AFTER HIS OR HER REGULARLY SCHEDULED WORK HOURS, UNLESS AUTHORIZED TO DO SO BY HIS OR HER IMMEDIATE SUPERVISOR.
3. The City, in its sole discretion, may permit a work week or work hours for an employee or employees that are different from the regular workweek or regularly scheduled work hours set forth above. All such requests, however, must be submitted to the applicable Department Head or designee for approval.
4. The City, in its sole discretion, also may allow employees to make-up employment hours lost due to absences for personal appointments during the workweek in which the absence occurred.

B. Time Keeping Procedures. Each employee shall accurately record his or her hours of work on the bi-weekly time sheets. These sheets, in turn, must be approved and signed by the employee's immediate supervisor before payment is made. Generally, you will be required to log times when you commence your work and when you complete your workday. You also shall sign out if you leave the premises for non-work-related reasons. All time worked beyond your regularly scheduled hours must be authorized by the City or approved in advance by you by your immediate supervisor. If you make an error in logging your time sheet, promptly inform your immediate supervisor and have the time adjusted and the correction initialed. An employee, moreover, is not permitted to "sign" the time card of another employee for any reason. Salaried employees, who are not required to utilize a time card, still must be accountable for their respective work hours. Falsification is subject to disciplinary action.

C. Overtime Work.

1. Every employee is required to work overtime that is assigned to him or her.

2. Hourly non-exempt employees will be paid at the rate of one and one-half (1-1/2) their regular hourly rate for all actual hours worked in excess of forty (40) during a workweek. Paid sick leave, vacation, holiday or any other approved paid leave time shall not be considered "actual hours worked" for purposes of computing overtime. The workweek for an employee begins at his or her scheduled starting time on Sunday of each week. All work outside of a non-exempt employee's regular schedule must be scheduled by the City and/or approved in advance, and in writing, by his or her Department Head or designee. Scheduled overtime, which subsequently is canceled for any reason, shall not entitle an employee to overtime compensation.
3. A full-time employee who is directed to work on a holiday shall receive compensation for all hours actually worked at his or her regular rate of pay in addition to receiving his or her regular holiday pay. There is no additional holiday compensation.
4. Compensatory time off is paid time off the job which is earned and accrued by an employee in lieu of an immediate cash payment for all actual hours worked in excess of forty (40) hours during a work week. If requested, compensatory time will be earned at a rate not less than one and one-half hours for each actual hour of employment in excess of forty (40) hours during a workweek. Such employees shall not accrue and use more than twenty-four (24) hours of compensatory time. Any such employee who has accrued more than twenty-four (24) hours of compensatory time shall, for additional overtime hours of work, be paid overtime compensation. The City will grant an employee's request within a reasonable period of time if the use does not unduly disrupt the City's operations.

D. Call-In Pay. Hourly-paid, non-exempt employees, who are called in to work, after leaving the City at the end of their shift or on a scheduled day off, will be compensated at their regular hourly rate for no less than two (2) hours.

E. Salary and Wage Payment. The amount of salary or wages paid to an individual employee who is actively working and performing services for the City will be established periodically by the City Council.

Pay periods currently run during a fourteen (14) day period beginning on a Sunday and ending on a Saturday. Time sheets must be turned in to the Finance Director on the Monday following the end of the pay period. Paychecks will be distributed on the first Thursday following the end of the pay period. If the payday falls on a holiday, employees may be paid on the prior Wednesday, if possible, or the following Monday. The City will attempt to notify employees if there is any change in the payday schedule. An employee shall not draw money in advance of his or her regular paycheck.

F. Payroll Deductions.

1. Deductions from each employee's pay automatically will be made for all amounts required by federal, state, or local law, such as the withholding of income tax and FICA, PFPF, PERS or Social Security tax, or court order, such as garnishments or child support/alimony payments.
2. Deductions from each employee's pay may be made pursuant to any City fringe benefit plans that require an employee contribution for participation.
3. Deductions from an employee's pay may be made for other reasons where the employee has requested the specific deduction in writing and the City has, in its discretion, approved it.

Section 4: FRINGE BENEFITS

A. Insurance Benefits.

1. Health Insurance Plan. The City currently offers health insurance benefits to its eligible full-time employees. Eligible full-time employees may either accept or waive health insurance plan coverage. No adjustment in compensation will be made to those employees who waive coverage.

As required by Federal law, upon an eligible employee's loss of health coverage under the plan due to a COBRA "qualifying event", he or she (or their covered spouse or dependents) nevertheless may elect to continue health coverage after it would otherwise end for a certain period of time. The City will provide details at the time of an eligible employee's "qualifying event" informing him or her of their available options to continue coverage at the eligible employee's own expense normally at the full group rate. Please refer to the summary plan description or COBRA notice for further information.

2. Dental Insurance. The City currently offers dental insurance to its eligible full-time employees.
3. Life Insurance. The City currently offers life insurance to its eligible full-time employees at one times (1x) their salary to a maximum of \$75,000.
4. Short Term Disability Insurance. The City currently offers short-term disability insurance to its eligible full-time employees.
5. Flexible Benefit Plan. The City currently offers a flexible benefit plan to its eligible full-time employees.

B. Holidays.

1. The City currently recognizes the following "general" paid holidays for eligible full-time employees, namely:

New Year's Day	Columbus Day
President's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	½ day Christmas Eve
Labor Day	Christmas Day
	½ day New Year's Eve

In observance of each "general" holiday, non-public safety full-time employees normally will be granted the day off with pay. A full-time employee directed to work a "general" holiday shall receive compensation for all hours actually worked at his or her regular rate of pay in addition to receiving his or her regular holiday pay. There is no additional holiday compensation. Other non-eligible part-time or temporary employees will receive the "general" holiday off without pay.

Eligible full-time employees are also permitted to receive two 8-hour paid floating holidays each calendar year. Floating holidays shall be the day of employee's choice with department head approval. Unused floating holidays will not be permitted to be carried over and will be forfeited at the end of each year. Employees hired during the course of a calendar year shall receive floating holidays on a pro-rated basis. Employees hired prior to November 1, but after July 1, shall receive one (1) floating holiday. Employees hired after November 1 shall not receive any floating holidays until the following calendar year on January 1.

2. The City has the sole discretion to determine what particular day a holiday will be observed on, if any.
3. When a holiday falls on a Saturday, it generally will be observed on the preceding Friday. When it falls on a Sunday, the holiday will be observed on the following Monday. This provision only applies to employees whose regularly scheduled off days are Saturday and Sunday.
4. Holiday pay for an hourly non-exempt employee will be paid at the employee's regular rate of compensation for eight (8) hours per holiday. Holiday pay for a salary exempt employee is included in his or her salary for the week. Holiday hours are not considered as "hours worked" for purposes of computing overtime.

5. In order to be eligible for a recognized paid holiday, a full-time employee must have worked a full schedule on his or her last scheduled day of work prior to the holiday and on his or her first scheduled day of work after the holiday, unless he or she is on vacation or whose absence has been excused by the employee's Department Head.
6. If a holiday recognized in these policies falls during a period in which an employee is on an approved vacation, he or she shall receive holiday pay for that recognized holiday and an accumulated vacation day will not be charged against him or her for that holiday.

C. Employee Notice and Application for Time Off From Work.

Each employee who seeks time off from work (vacation/ leave) or a leave of absence shall advise either his or her immediate supervisor or Department Head of the reason for such time off or leave on a form provided by the City. Employees who cannot use this form initially may communicate the reason for the absence to either his or her immediate supervisor or Department Head by telephone or otherwise.

D. Paid Sick Leave.

1. Sick Leave Days Full-time employees are eligible for paid sick leave days. There are no paid sick leave days for temporary employees. Sick leave days will accrue at the following rate:

<u>Full-Time Employee Designation</u>	<u>Sick Leave Accrual Rate</u>	<u>Maximum Annual Sick Leave Accrual</u>
Hourly/Salary Paid hour pay period in "active pay status"*	4.60 hrs/per 80	119 hours = 15 days

*Solely for purposes of accumulating paid sick leave hours, "active pay status" is defined as hours worked and any paid time off hours (vacation, sick leave, bereavement leave, holidays). It shall not include non-paid time off.

Approved paid sick leave for an hourly/paid bi-weekly employee will be paid at the employee's regular rate of compensation for eight (8) hours per sick leave day. Sick leave for a salaried/paid monthly employee will be included in his or her salary for the week. Paid sick leave hours are not considered as "hours worked" for purposes of computing overtime.

2. Accumulation. Eligible full-time employees may accumulate unused sick leave days up to a maximum of 1040 hours (130 days). Employees who have reached the maximum "cap" amount will receive a cash benefit, at the end of the year, for any accrued paid sick leave hours over the maximum amount as follows: the cash benefit shall equal one hour of the employee's regular rate of pay for every two hours of unused sick leave credit.

Unused, accumulated sick leave cannot be converted to personal holidays or vacation. Unused, accumulated sick leave cannot be transferred to other staff except in those circumstances in which the City Manager has authorized such transfer due to an employee's medical condition. Unused, accumulated sick leave days shall be forfeited upon separation of employment with two narrow exceptions: (1) upon the voluntary retirement of any full-time employee with five years of service with the City and ten (10) years of public service under the State Retirement System, he or she will be entitled to a pay out for twenty-five percent (25%) of the value of the full-time employee's unused and accumulated sick leave credit up to the maximum 130 day limit; or (b) the same pay out arrangement shall be made to the full-time employee's spouse or estate upon the death of an employee who was actively employed by the City. An employee may use sick leave only up to the amount that has been accumulated at the time of need. If sick leave is exhausted, an employee may opt to use any accrued vacation that may be necessary, upon approval from the City Manager, or may apply for any

applicable leave of absence. Otherwise, any medically-related absence in excess of the number of paid sick leave days accumulated to his or her credit will be without pay.

3. Use of Sick Leave Days. Sick leave may be utilized for a maximum of up to three (3) consecutive working days off with approval from the eligible full-time employee's immediate supervisor. After the third day, sick leave may be utilized only upon approval of the City Manager or designee. In any event, sick leave may be utilized for the following reasons:
 - a. employee unable to work due to a medically diagnosable condition or disability;
 - b. unexpected immediate family (employee's spouse, children, parent, or resident dependents) medical emergency where the employee's presence is unavoidably necessary;
 - c. medical, dental, or optical examinations or treatments for the employee or a member of his immediate family (employee's spouse, children, parent, or resident dependents) upon prior approval of his or her immediate supervisor; or
 - d. bereavement leaves.
 - e. birth or placement of a child.
4. Notification. When a non-public safety employee is unable to report to work because of the above-referenced medical reasons, and therefore intends to use his or her sick leave days, he or she must notify his or her immediate supervisor directly within one (1) hour of his or her scheduled starting time on the first day of the absence. Public safety employees must notify the Department within two (2) hours prior to his or her scheduled starting time. He or she also then must notify the immediate supervisor on each succeeding day of the absence unless it previously has been reported to his or her immediate supervisor and the employee has already been authorized to report less frequently than daily. The mere fact that an employee has reported an absence does not excuse an absence.

When requesting and/or taking less than one full sick leave day (in minimal increments of two (2) hours), the employee must notify his or her immediate supervisor of his arrival and/or departure times so that this time off accurately can be deducted from the employee's remaining sick leave time.

5. Documentation Required. Medical documentation, including a medical examination required by the City, may be required for any amount of "sick leave" time off taken.
6. Sickness While on Vacation. If an employee becomes injured or ill while on scheduled vacation, and that injury or illness confines him or her to a hospital or a residence, the employee may opt to charge his or her time away to any unused, accumulated sick leave days. Proper documentation confirming the injury or illness must be submitted to his or her immediate supervisor before such a change can be made.

E. Paid Vacations.

1. The vacation benefit provides eligible full-time employees with paid vacation time off, which should be taken annually, to have personal time away from work. Employees may use accumulated vacation (calculated on a weekly basis) after completion of six months of continuous service as calculated below:

CONTINUOUS LENGTH OF SERVICE*	AMOUNT PER YEAR OF VACATION	ACCRUAL LEVEL PER PAY PERIOD
0-4 years of service	80 hours (10 days)	3.10 hours
5-9 years of service	120 hours (15 days)	4.60 hours
10-15 years of service	140 hours (17.5 days)	5.40 hours
16-25 years of service	160 hours (20 days)	6.20 hours
26+ years of service	200 hours (25 days)	7.70 hours

Any person employed by the City shall have his or her prior service with the City, if any, counted as service with the City for purposes of computing vacation leave.

2. Eligible full-time employees may accumulate unused vacation leave days as calculated below:

CONTINUOUS LENGTH OF SERVICE*	MAXIMUM ACCUMULATION
0-4 years of service	120 hours (15 days)
5-9 years of service	180 hours (22.5 days)
10-15 years of service	210 hours (26.25 days)
16-25 years of service	240 hours (30 days)
26+ years of service	300 hours (37.5 days)

Hours in excess of the maximum amount at the end of the year (Dec. 31) will not be permitted to be carried over and will be forfeited. Employees hired before January 1, 2009 shall be eligible to keep a maximum of 160 hours (20 days) if they fall into the 0-4 years of service category.

Sick days cannot be exchanged for vacation time. Thus, employees cannot extend their paid vacations by using any available sick time.

3. An employee may be required to split his or her vacations and/or to schedule them at a time other than peak business periods. The determination of whether an employee's request for vacation occurs during a "peak business period" shall be made by the City Manager, or his or her designee.
4. Vacation pay for an hourly non-exempt employee will be paid at the employee's regular rate of compensation for eight (8) hours per vacation day. Vacation pay for a salaried exempt management

employee is included in his or her salary for the week at the employee's salary level at the time the vacation is taken. Pay for vacations of less than one week shall be proportional to these amounts. Vacation leave is granted in minimum units of one (1) hour. Vacation hours are not considered as "hours worked" for purposes of computing overtime.

5. Consideration will be given to the employee's scheduling preference whenever practicable. In so doing, please note that the City's primary responsibility is to retain a sufficient number of staff to maintain its services. Accordingly, vacations one week or more in duration generally must be requested, in writing, at least thirty (30) days in advance and will be scheduled in the City's sole discretion in order to maintain its orderly and efficient operation. The applicable Department Head's decision, in this regard, shall be final and binding. Vacations will be scheduled on a first-come, first-served basis.
6. An employee who resigns or is terminated generally will receive vacation pay for all vacation accumulated but unused as of that separation date.
7. Employees with three or more weeks of vacation are encouraged to take at least one week prior to June.

F. Community Activities. Employees may participate in City related community activities during work hours with the approval of their supervisor. The employee, however, always must maintain a practical balance between his or her job requirements and his or her City related community activities.

G. Training Reimbursement. Full-time employees, taking courses or training sessions directly related to their City position, may be eligible for training reimbursement (including course/training fees, reasonable costs and expenses actually incurred). Written requests shall identify: the institution offering the course/training; the title of the course/training; a brief description of the course/training; and a recommendation from the employee's Department Head, along with supporting reasons. These requests also shall include any other pre-printed information about the particular course/training. All such requests, which must receive advance written approval from the City Manager, will be considered pursuant to the administrative policy in effect and will be conditioned, in part, upon: the expenses involved, the necessity of maintaining the City's services to the community, and available funds.

H. Education Reimbursement. The amount of education reimbursement, moreover, may vary depending upon the amount of reasonable expenses incurred by the Employee. Employees must apply for approval for a specific course/training session at least thirty (30) days before it begins. Payment of any education reimbursement will be made after submission of written verification that the course was completed with a "C" grade or better (or a "pass"/"satisfactory" grade if no letter grade is issued), or if no grade is issued then a certificate of attendance.

I. Government Fringe Benefits. The City shall provide all benefits required by law. All questions concerning a benefit should be directed to the City Manager.

J. Part-Time Employee Benefits.

1. Part-time employees must work a minimum of 1040 hours per year to be eligible for vacation, sick and holiday leave. The City shall make the assumption the year of hire that the employee will be working a minimum of 1040 hours per year to begin the accrual of vacation, sick and eligible for holiday leave. The City shall confirm on February 1st each year that the previous year, the employee worked a minimum of 1040 hours. When the employee falls below the minimum 1040 hours per year, the employee will lose their right to accrue vacation and sick leave and lose their eligibility for holiday leave that calendar year. However, the employee will continue to be eligible to use any previously accrued vacation and sick leave until exhausted. Eligible part-time employees may use accumulated vacation after completion of one year of continuous service as calculated below:

CONTINUOUS	AMOUNT RECEIVED
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LENGTH OF SERVICE	ON FEBRUARY 1
After 1 year of part-time service	40 hours (5 days)
After 8 years of part-time service	60 hours (7.5 days)

2. The City recognizes the following "general" paid holidays for eligible part-time employees, namely:

New Year's Day	Columbus Day
President's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	½ day Christmas Eve
Labor Day	Christmas Day
	½ day New Year's Eve

In observance of each "general" holiday, eligible part-time employees will be paid at their regular rate of compensation for 4 hours per holiday (2 hours per Christmas Eve and New Year's Eve holiday).

3. Eligible part-time employees may accumulate and use sick leave hours:

CONTINUOUS LENGTH OF SERVICE	AMOUNT RECEIVED ON FEBRUARY 1
After 1 year of part-time service	60 hours (7.5 days)

4. Accumulation of Sick and Vacation Leave. Part-time employees may accumulate unused sick leave days up to a maximum of 520 hours (65 days). Employees who have reached the maximum "cap" amount will receive a cash benefit, at the end of the year, for any accrued paid sick leave hours over the maximum amount as follows: the cash benefit shall equal one hour of the employee's regular rate of pay for every three hours of unused sick leave credit. Unused sick leave days shall be forfeited upon separation of employment with one exception: upon the voluntary retirement of any part-time employee with five (5) years of years of service with the City and at least ten (10) years of public service under the State Retirement System, he or she will be entitled to a payout for twenty-five percent (25%) of the value of the part-time employee's unused and accumulated sick leave credit up to the maximum 65 day limit. An employee may use sick leave only up to the amount that has been accumulated at the time of need.

Part-time employees may accumulate unused vacation based on:

CONTINUOUS LENGTH OF SERVICE*	MAXIMUM ACCUMULATION
0-7 years of service	60 hours (7.5 days)
8 + years of service	80 hours (12.5 days)

- K. Working Fringe Benefits. Working fringe benefits are provided by an employer to an employee, which are presumed to be non-taxable to the employee, as long as the employee follows the City policies and the Internal Revenue Service continues to provide the exclusion.

1. Uniforms. The City may provide specialized uniform/clothing that is a condition of employment. When the City has paid for the specialized uniform/clothing then the clothing or accessories are not permitted to be worn except during work hours for the City.

- L. Clothing. The City may provide non-specialized uniform/clothing that may or may not be a condition of employment. The Internal Revenue Service considers this to be taxable to the employee. The value of the clothing is \$50 or less per year, the City shall pay for eligible employees, both the employee's and employer's share of taxes.

Section 5: LEAVES OF ABSENCE

- A. Extended Medical Leave of Absence. Upon written application to the City, leaves of absence or renewals thereof without pay including those of thirty (30) days or more, may be granted to each full-time or part-time employee who is absent from work and unable to work because of a medically diagnosable sickness, injury, or disability, provided, however, that the employee submits to the City such medical evidence of the cause and duration of the absence, the employee's inability to work, and the employee's ability to resume employment as the City may request. The City reserves the right to refer an employee to a doctor of its choice to obtain a medical certification of the employee's need for a leave of absence. The initial leave of absence, which, under certain extenuating circumstances, may be requested orally but then must be reduced to writing, shall be for an initial period of five (5) days and shall not exceed thirty (30) calendar days and any renewal must be requested in writing prior to the expiration of the leave then in effect. The duration of each leave of absence and any renewals thereof shall be specifically stated in the request and in the granting of the leave. No leaves will be granted for a total or continuous period or periods which twenty-six (26) weeks, in any one continuous twelve-month period. Prior to returning to work, an employee may be requested to provide certification from the employee's health care provider that the employee is able to perform the essential functions of their job. Failure of an employee to report for work at the time at which he or she is regularly scheduled to report at the conclusion of the approved leave period will result in termination of employment.

The employee may elect to apply any earned but unused vacation or paid sick leave time toward a leave of absence for medical purposes. Moreover, a leave of absence without pay for medical purposes means that time previously worked for the City is not lost in computation of length of service and the benefits dependent thereon. However, time spent while on such a leave will not be credited toward any calculation of any applicable paid vacation or sick leave time. An employee on said medical leave also will not be eligible for any holiday falling within this medical leave without pay period.

- B. Medical Examinations and Disability Separations. The City may require an employee to take an examination, conducted by an Employer-selected licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of the employee's classification, with or without reasonable accommodation. If the employee disagrees with a determination that they are unable to perform the essential functions of that classification with or without reasonable accommodation, they may request to be examined by a second licensed medical practitioner of their own choice at their own expense. If the reports of the two licensed medical practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the City and paid for by the City. The neutral licensed medical practitioner shall limit their report to the issue of whether the employee is capable of performing the essential functions of their position, as defined by the employer, with or without reasonable accommodation.

If an employee, after examination, is found to be unable to perform the essential functions of their position, the employee may request use of accumulated sick leave, vacation leave and other benefits. If a classified employee remains unable to perform the essential functions of their position after exhausting available paid leave, they may request a voluntary disability separation.

If the classified employee is found to be unable to perform the essential functions of their position, refuses to utilize their leave benefits, or to agree to a voluntary disability separation, the City may place the employee on an involuntary disability separation. Prior to placing an employee on involuntary disability separation, the employee is entitled to a pre-separation hearing. If, after the hearing, the City

determines that the employee is unable to perform the essential functions of their position with or without reasonable accommodation, the City shall issue an involuntary disability separation order to be given to the employee and filed with the Personnel Board of Review. The employee may appeal the City's order concerning their involuntary disability separation to the Personnel Board of Review.

A classified employee on a voluntary or involuntary separation shall retain the right to be reinstated to their former position, or to a similar position, for three (3) years from the date that the employee is no longer in active work status due to the illness, injury, or condition necessitating the placement into inactive status. The employee must make a written request for reinstatement from a disability separation. The request shall be accompanied by substantial credible evidence that the employee is once again capable of performing the material and substantial functions of their classification with or without reasonable accommodation. The City shall have the right to have the employee examined prior to their return. The City shall pay for the examination.

An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordinate and will be grounds for discipline, up to and including termination.

C. Family and Medical Leave Act Policy. Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act (FMLA).

1. As used in this policy, the following terms and phrases shall be defined as follows:

- a. "Family and/or medical leave of absence" – an approved absence available to eligible employees for up to 12 weeks of unpaid leave per year under particular circumstances. Such leave may be taken for only the following qualifying events:
 - (1.) Upon the birth of an employee's child and in order to care for the child.
 - (2.) Upon the placement of a child with an employee for adoption or foster care.
 - (3.) When an employee is needed to care for a family member who a serious health condition.
 - (4.) When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
- b. "Per year" – a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four weeks of FMLA leave beginning February 4, 2006, four weeks beginning June 1, 2006, and four weeks beginning December 1, 2006, the employee would not be entitled to any additional leave until February 4, 2007.
- c. "Serious health condition" – any illness, injury, impairment, or physical or mental condition that involves:
 - (1.) Inpatient care.
 - (2.) Any period of incapacity of more than three consecutive calendar days that also involves:
 - (a.) Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity with both visits completed within thirty (30) days; or
 - (b.) Treatments by a health care provider on one occasion that result in a regimen of continuing treatment under the supervision of a health care provider.
 - (3.) Any period of incapacity due to pregnancy or for prenatal care.
 - (4.) A chronic serious health condition which:
 - (a.) Requires periodic visits for treatment to a health care provider (at least two per year);
 - (b.) Continues over an extended period of time; and
 - (c.) May be periodic rather than a continuing incapacity.

- (5.) Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.)
 - (6.) Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days at a later date without medical intervention at the present time (i.e. chemotherapy for cancer, dialysis for kidney disease, etc.)
- d. "Licensed health care provider" – a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
 - e. "Key employee" – the highest paid 10% of all employees in the agency. An employee will be notified in writing of his status as a key employee, if applicable, at the time leave is requested.
 - f. "Family member" – spouse, child, parent or a person who stood in " *loco parentis*" to the employee.
 - g. "Covered Service Member" – a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
 - h. "Outpatient Status" – the status of a member of the Armed Forces assigned to:
 - (1.) a military medical treatment facility as an outpatient; or
 - (2.) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
 - i. "Next of Kin" – the term 'next of kin', used with respect to a service member means the nearest blood relative of that individual.
 - j. "Serious Injury or Illness" – in the case of member of the Armed Forces means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. Leave Entitlement: To be eligible for leave under this policy, an employee must meet all of the following conditions:
- a. The employee must have worked for the City for at least 12 months, or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive.
 - b. The employee must have **actually** worked at least 1,250 hours during the 12 month period immediately prior to the date when the FMLA leave is scheduled to begin.

The entitlement to FMLA leave for the birth or placement for adoption or foster care shall expire at the end of the 12 month period beginning on the date of such birth or placement.

Spouses who are both employed by the City are jointly entitled to a combined leave total of 12 weeks (rather than 12 weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, or for the care of certain family members with serious health conditions.

An employee may only take FMLA leave because of his own serious health condition if such condition renders the employee unable to perform the functions of his position.

3. Use of Leave: The provisions of this policy shall apply to all family and medical leaves of absence as follows:
- a. Generally: Whether the leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of 12 weeks of leave per year under the FMLA.

Employees will be required to exhaust all accumulated paid leave as allowed by the City prior to being granted leave without pay for FMLA leave requests. Employees will be required to use the type of leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. In addition, any time off that may, by law, be counted against an employee's 12 week FMLA entitlement will be counted against such time.

- b. FMLA Leave Use for Birth of an Employee's Child: An employee who is taking leave for the birth of the employee's child must first use all allowable sick leave and all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the 12 week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will also be required to exhaust all of the employee's sick leave prior to using unpaid leave for the remainder of the 12 week period.[note: see section e. below for information on disability leaves.]
 - c. FMLA Leave Use for Placement of a Child for Adoption or Foster Care: An employee who is taking leave for the placement of a child with them by adoption or foster care must first use all allowable sick leave and all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the 12 week period.
 - d. FMLA Leave Use because of the Employee's Own Serious Health Condition or the Serious Health Condition of a Family Member: An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available accrued paid sick, vacation and personal leave prior to using unpaid leave for the remainder of the 12 week period.
 - e. FMLA Leave and Disability/Workers' Compensation Plans or Programs: An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the employer may designate the absence as FMLA leave, and count it against the employee's 12 week entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation leave program, the employee is not eligible to use paid leave of any type, nor can the employer require the employee to do so, while the employee is receiving compensation from such a program.
 - f. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to the exigencies of the service member being called to active service. Examples include rapid deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation and post deployment activities. In addition, a spouse, child or parent of a service member is entitled to up to 26 weeks of leave to care for a service member injured in the line of duty. In the event the injured service member does not have a spouse, child or parent, an employee who is the next of kin (closest blood relative) may take leave under the FMLA to care for the injured service member.
4. Procedures for Requesting FMLA Leave: Requests for FMLA leave must be submitted in writing at least 30 days prior to taking leave or, if this is not possible, as soon as practicable prior to the commencement of the leave. If the employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the City receives notice. **The employee must follow the regular reporting procedures for each absence.**

Requests for FMLA leave must be submitted on a standard leave form prescribed by the employer. The employer will determine whether the leave qualifies as FMLA leave, designate it as leave that counts against the employee's 12 week entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave.

When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's immediate family as defined in **this policy**, which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of the employer, subject to the approval of the health care provider of the employee or the employee's family member.

5. Certification of Need for FMLA Leave: An employee requesting FMLA leave due to a serious health condition of the employee or their family member must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or when the need for leave is not foreseen, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation as required by the employer at the time FMLA leave is requested.

The employer, in its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid by the employer. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to a serious health condition of the employee or their family member may be required to submit periodic written reports to the employer in order to access the continued qualification for FMLA leave.

The employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence.

The employee must provide the requested additional reports to the employer within 15 days. Any costs associated with the additional reports requested by the employer shall be at the employee's expense.

6. Intermittent/Reduced Schedule Leave: When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition of the employee or a serious health condition of an employee's family member. Upon approval of the appointing authority, an employee may take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee. In all cases, the FMLA leave granted to any employee shall not exceed a total of 12 weeks per year.

Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least 30 days prior to taking leave, or, if this is not possible, as soon as practicable.

To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification as prescribed by the employer which establishes the medical necessity for such intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking

FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave must meet with their supervisor and their department head to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the employer.

7. Employee Benefits: Except as provided below, while an employee is on FMLA leave, the employer will continue to pay the employer portion of premiums for any life, medical, and dental insurance benefits which the employee receives through the employer under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he/she would have been required to pay had he/she not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The employer will not continue to pay the employer portion of premiums for any life, medical, and dental insurance benefits, if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums, if any, if the employee's payment for their portion of the premium is late by more than 30 days.

If cash-in-lieu of health insurance is an option at the time of the FMLA leave, the employer will continue to make cash-in-lieu of insurance payments to those employees who have chosen this option during open enrollment.

If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the employer may seek reimbursement from the employee received through the Employer during any period of unpaid FMLA leave.

Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leave times (i.e. sick, vacation, personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

8. Reinstatement: An employee on FMLA leave must give the employer at least two business days notice of their intent to return to work, regardless of the employee's anticipated date of return.

Most employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave.

Upon request for reinstatement, if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits,

and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the employer.

An employee will not be laid off as a result of exercising her right to FMLA leave. However, the employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the City, the employee would not otherwise be employed at the time reinstatement is requested.

An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during their FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work. The return to work certification must specifically address the employee's ability to perform the essential functions of the position.

Key employees may be denied reinstatement if:

- a. In the sole opinion of the employer, denial of reinstatement is necessary to prevent substantial and grievous economic injury to the employer; and
- b. The employer notifies the employee of its intention not to restore the employee to duty before the leave begins; or
- c. The employer notifies the employee of its intention not to restore the employee to duty after the leave begins, and the employee does not elect to return immediately to work and be restored to the same or a similar position.

In order to determine whether the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the Employer, the Employer may consider its ability to replace the employee on a temporary basis, whether a permanent replacement of the employee is unavoidable, and the cost of reinstating the employee.

9. Records: All records relative to FMLA leave will be maintained by the employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file.

To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

- D. Personal Leave of Absence. After all permissible absence with pay is exhausted, and upon written application to the City, leaves of absence or renewals thereof without pay for personal reasons may be granted by the City Manager at his or her discretion to full-time employees who have completed twelve (12) consecutive months or more of employment. The initial personal leave request shall be for a period of no less than five (5) calendar days. Any renewal, in increments of five (5) calendar days, must be requested prior to the expiration of the leave then in effect. A leave of absence for personal reasons, if granted, shall be in writing. The duration of each leave of absence and any renewals thereof shall be specifically stated in the request and in the granting of the leave. No such leave will be granted for a total or continuous period or periods which exceed thirty (30) calendar days. Additionally, only one such personal leave of absence may be granted to an employee over a continuous twenty-four (24) month period.

Approved personal leave of absence without pay means that time previously worked for the City is not lost in computation of length of service and the benefits dependent thereon. However, time spent while on such a leave will not be credited toward any calculation of any applicable paid vacation or sick leave

time. Moreover, an employee on approved personal leave will not be eligible for any holiday falling within this leave period.

- E. Jury Leave of Absence. Each employee shall be granted leave of absence to serve on any duly constituted jury before a county, state or federal court that convenes during his or her working hours. Prior notice, of at least one week or as early as practicable, concerning the need for a jury leave of absence shall be given to his or her immediate supervisor. Further, while on a jury leave of absence, an employee will be required to work such hours of his/her usual work shift as occur when his/her presence in court is not required.

Employees on a jury leave or absence will be paid a regular paycheck, upon presentation of satisfactory evidence of such jury service to the City Finance Director as follows: (a) an hourly non-exempt employee will receive his or her regular straight time hourly rate for scheduled work time lost up to eight hours for each day on such jury duty not to exceed thirty (30) working days in any calendar year; (b) a salaried exempt employee will receive his or her regular salary for scheduled work time lost for each day on such jury duty not to exceed thirty (30) working days in any calendar year. In cases where such jury duty exceeds thirty (30) working days in any calendar year, the City Manager or designee may, in his or her sole discretion, grant additional paid time off in an amount and for a period of time that he or she deems appropriate. Employees shall turn over any jury fees, less documented expenses (e.g., mileage and meals), to the City Finance Director.

- F. Military Leave of Absence. The City shall provide military leave of absence pursuant to state and federal laws.

- G. Bereavement Leave of Absence. Upon approval of the City Manager or designee, each full-time employee may be granted use of any accumulated paid sick leave of up to three (3) work days for time lost from his or her regularly scheduled work because of his or her attendance at the funeral of the employee's spouse, children (step) mother (in law or step), father (in law or step), sister (in law), brother (in law), grandparent (in law), grandchild, or legal guardian. If no paid sick leave time is available, any remaining and approved time off shall be without pay.

An employee must notify his or her immediate supervisor as far in advance of his or her absence as possible. The immediate supervisor, in turn, shall notify the City Manager or designee. Pay for a day of bereavement leave for hourly, non-exempt employees shall be paid at the regular straight time rate for eight (8) hours, or continued salary for a salary exempt employee. An employee will be requested to furnish a "notice of death" acknowledgement in order to receive payment. In cases in which the funeral is to be held at a location in excess of 200 miles from the employee's work location, or under other pertinent extenuating circumstances, the City Manager or designee may, in his sole discretion, grant additional unpaid bereavement leave.

- H. Maternity or Paternity Leave. Upon approval of the City Manager or designee, each full-time employee may be granted use of any accumulated paid sick leave of up to five (5) work days for time lost from his or her regularly scheduled work because of the birth or placement of a child with the employee.

- I. General Leave of Absence Provisions.

1. Failure of an employee to report for work at the time at which he or she is regularly scheduled to report at the termination of a leave, or to secure an approved extension of the leave from the City in advance, will result in disciplinary action, up to and including termination of employment.
2. Misrepresentation of facts to obtain a leave of absence or to secure an extension of a leave of absence will result in termination of employment.
3. Unless specifically authorized in writing by the City or with respect to military duties performed pursuant to a military leave of absence, a leave of absence will not be granted to engage in

employment elsewhere and any employee who engages in employment elsewhere while on a leave of absence will be deemed to have voluntarily quit his or her employment with the City.

4. An employee who properly returns from a leave of absence is not entitled to return to a position other than that to which he or she would have been entitled had the employee not taken the leave. Generally, an employee who properly returns from a leave of absence will be assigned to the job classification or position held immediately prior to the commencement of his or her leave, if that job classification or position is vacant and the City decides to fill it. If it is not vacant or the City decides not to fill it, he or she will be placed in another position or job classification for which, in the judgment of the City, he or she has appropriate skills and ability. If no such vacancy exists, an employee returning from a leave of absence will be considered, without having filed an application, for other vacancies that become available for a period of six months. If the employee fails to accept placement into another position, he will be considered to have resigned voluntarily from the City.
5. In order to continue their health insurance coverage during an approved medical or personal leave, an employee must make a COBRA Continuation of Coverage Election. Please consult the Administration Office for further details.

Section 6: ATTENDANCE AND CALL-IN RULES

- A. Tardiness/Excessive Absenteeism. The City expects prompt and reliable attendance. Tardiness, leaving early, and/or excessive absenteeism shall not be tolerated. The City, in its sole discretion, will treat such attendance problems on an individual basis.
- B. Reporting Absences. All absences must be reported directly to the employee's immediate supervisor as soon as the employee becomes aware that he or she will be unable to report for work because of injury, illness or an emergency. Preferably, this notice shall occur at least within one (1) hour of commencement of the workday for non-public safety employees; two (2) hours for public safety employees. If an emergency should arise after the employee has left for work, as a result of which he or she finds it impossible to report for work as scheduled, the employee must notify his or her immediate supervisor as soon as possible. The mere fact that an employee has reported an absence does not excuse an absence.
- C. Employee Responsibility. Employees are responsible for notifying their immediate supervisor when they are going to be absent. The City cannot accept the excuse that the employee asked another person, including but not limited to employees, to advise his or her immediate supervisor of their absence. It is the employee's responsibility to insure that the City is properly notified and any failure to do so may result in disciplinary action being taken.
- D. Documentation Required. Documentation may be required for any amount of time absent away from work.
- E. Medical, Dental, and Optical Appointments. The City strongly urges employees to schedule medical, dental, and optical appointments, for themselves and/or their children, during off-duty hours. To the extent this is not **possible**; the City requests that its employees make every effort, with their immediate supervisor's prior approval, to schedule such appointments either very early or very late in the work day so as to minimize the disruption in the work flow.
- F. Absent Without Leave. Employees shall not be absent without being covered by a City leave. Absences without leave may result in disciplinary actions up to and including termination.

Section 7: DISCIPLINE

Acceptable employee conduct is necessary for the orderly operation of the City and for the benefit, protection, and safety of persons and property. Misconduct by employees will not be tolerated. Any employee who engages in any act the City views as inappropriate or detrimental to the interests of the City, its employees, or persons with whom we interact may result in disciplinary action, up to and including termination.

The following are some examples of behavior that are not appropriate in connection with an employee's work:

- Possession of unauthorized firearms or other weapons on City property or while performing services for the City.
- Abusive, malicious, or disrespectful conduct to others, inappropriate comments or intimidation.
- Insubordination or refusal to obey instructions.
- Releasing confidential information to unauthorized individuals.
- Dishonesty, including without limitation, unauthorized use or possession of City and/or another individual's property.
- Fighting, horseplay, or being involved in a situation that may have a detrimental effect on the City.
- Abuse, misuse, or destruction of the City and/or another individual's property.
- Falsification of any City record/document, including without limitation: time records; business records; employee information forms and records; and employment applications.
- Sleeping or loitering on the job during City work time, excessive socializing.
- Possession, consumption, use or abuse, or being under the influence of illegal drugs or controlled substances, or other prescribed controlled substances on City premises or while performing services for the City.
- Possession, consumption, use or abuse, or being under the influence of alcoholic beverages on City premises or while performing services for the City.
- Actions that create unsafe or unhealthy conditions.
- Leaving City premises without authorization.
- Acts detrimental to the morale of other employees or customers.
- Poor work performance.
- Violation of other City policies, procedures, or directives.
- Incompetence, inefficiency, immoral conduct, neglect of duty, failure of good behavior.
- Theft.
- Acts of misfeasance, malfeasance, or nonfeasance.
- Conviction of a felony.

These examples certainly are not all-inclusive. The City reserves the right to impose disciplinary action of its choosing on employees because of other behavior and situations.

Certain situations and events, however, may arise which require the administration of discipline. The following forms of discipline may be taken when, in the City's sole discretion, it is appropriate: oral reprimand, written reprimand, suspension without pay, and/or discharge. The above-listed disciplinary measures are not exhaustive and do not obligate the City to administer discipline on a progressive basis. The City Manager (or designee), in his or her sole discretion, may impose the level of disciplinary action he or she deems appropriate in any situation, up to and including termination, depending on the severity of the behavior. The City Manager, in his or her sole discretion, also is authorized to obtain such information as he/she determines is necessary, if any, in order to impose the level of disciplinary action he or she deems appropriate. Nothing set forth in this "Discipline" section alters, or should be construed to alter, your employment relationship as defined in these policies. Appeals of discipline shall be conducted pursuant to the procedure outlines in the Rules and Regulations of the Personnel Board of Review of the City of Powell.

Section 8: REDUCTION IN FORCE

A. Layoff. When the City determines that it has more employees than are needed due to abolishment of positions, lack of work or lack of funds, employees may be laid off. In deciding who to select for layoff, the City may consider any or all of a number of factors, including, without limitation, the job or position to which employees are assigned, the skills and abilities of employees, the job performance of employees, the attendance of employees, the disciplinary record of employees, or their respective continuous length of service dates. However, the City, in its sole discretion, retains the right to determine which employees to layoff.

- 1) Any layoff within a classification must proceed by laying off in the following order: part-time probationary, part-time permanent, full-time probationary and full-time permanent. In case of layoff, seasonal employees need not be removed until the beginning of the next season.
- 2) Retention points to reflect systematic consideration of seniority and relative efficiency for all employees will be assigned by the Personnel Board of Review. Credit for relative efficiency shall not exceed ten per cent of total retention points. Retention points will be determined as follows:
 - a) Seniority point for each completed 520 hours (excluding overtime hours) of continuous service (13 full weeks of service for a full-time employee. These seniority points shall be added to a base factor of one-hundred (100) points, thus yielding seniority points.
 - b) Using the chart below, employees shall also be assigned efficiency points by: averaging the latest two annual performance evaluations: or using the latest performance evaluation, if less than two years of service; or using the latest probationary performance evaluation, if less than one year of service. Employees who have not been currently evaluated shall be given the maximum number of efficiency points; but in no event shall a special performance evaluation be conducted for purposes of computing efficiency points.
 - c)

Total Score on Performance Evaluation	Efficiency Points
20 and below	0
21 - 30	2
31 - 45	4
46 - 60	6
61 - 80	8
81 and above	10

- d) The total seniority points plus the total efficiency points equals the total retention points. In cases of identical retention point rating, employees having the least seniority in terms of actual date of hire will be laid off first.
- e) A laid-off employee in the classified service has the right to displace the employee with the least retention points in a lower classification in the same classification series. A classification series is any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision. Any employee displaced by an employee shall have the right to displace another employee in a lower classification of the same classification series with less retention points. These procedures shall continue, if necessary, until the employee with the least retention points in the lowest classification series of the City has been reached, and if necessary, laid off. Employees shall notify the City of their intention to exercise their displacement rights within seven (7) calendar days of receiving their notice of layoff.

B. Effect of Layoff. An employee who has been laid off shall not receive wages, salary, or fringe benefits from the City, except to the extent specifically provided in this Summary of Policies. An employee, who is laid off, may remain on layoff status for no longer than six months. If an employee has been on layoff status for six months, his or her employment with the City shall be automatically terminated.

- C. Notification of Layoff, Displacement and Recall. Each employee to be laid off shall be given advance written notice of the layoff by the City. Such written notice shall be either hand-delivered to the employee at work or sent certified mail to the employee's last address on file. If hand-delivered, such notice shall be given fourteen (14) calendar days before layoff and the day of actual delivery shall constitute the first day of the fourteen (14) day period. If mailed, such notice shall be given seventeen (17) calendar days before layoff and the day of posting shall constitute the first day of the seventeen (17) day period.
- Each notice of layoff or displacement shall contain the following information:
- 1) The reason for layoff or displacement.
 - 2) The date layoff or displacement becomes effective.
 - 3) The right of such employee to appeal to the Personnel Board of Review and the time within which to file an appeal.
 - 4) A statement advising the employee of the right to displace another employee (if applicable) and the length within which the employee may displace (bump) another employee.
 - 5) A statement advising the employee of the right to reinstatement or re-employment.
 - 6) A statement that, upon the request of the employee, the City will make available a copy of the rules regarding layoffs.
- D. Appeal of Layoff or Reduction. Any laid off or displaced employee may file a written appeal of the layoff or displacement to the Personnel Board of Review. Such appeal must be filed no later than ten (10) calendar days after the effective date of the layoff or displacement.
- E. Recall from Layoff. During the six-month period that an employee is on layoff status, if circumstances are such that the layoff may be temporary in nature, he or she may be recalled to work by the City. In deciding who to select for recall the City, may consider any or all of a number of factors, including, without limitation, any or all of those listed above and the availability of persons not on layoff for any job or position the City chooses to fill. However, the City, on its sole discretion, retains the right to determine which employees, if any, to select for recall from layoff. Each employee recalled from layoff shall be notified of the offer of reinstatement or re-employment by certified letter to their last address on file. Each recalled employee shall be allowed seventeen (17) calendar days from the date of posting of the letter to return to work and such time limit shall be explained to the employee in the notification of recall letter. It shall be the employee's responsibility to have a current address on file with the City. Employees who fail to report to work on the designated return-to-work date, regardless of the reason, will be removed from further recall consideration and will be considered to have voluntarily quit the City's employment.

Section 9: TERMINATION

Employment with the City may be terminated in one of two ways, voluntary or involuntary. Due to the differing nature and types of termination, the following guidelines shall apply:

- A. When voluntarily terminating their employment, for whatever reason, employees are expected to give at least two weeks advance written notice to their immediate supervisor. A full- or part-time employee who resigns in good standing and provides the requested notice may be considered for rehire. If rehired, no prior City service or seniority shall be used to calculate current benefits except as specifically provided by the City or as required by law.
- B. Although an employee may voluntarily terminate his or her employment, the City retains the right to direct the employee to leave earlier than planned.
- C. All items belonging to the City, such as keys, documents, and equipment must be returned to the Administration Office on or before the employee's last working day.
- D. An employee's last paycheck, whether he or she quit or was terminated, including payment for any applicable unused vacation time, generally will be mailed and will be issued in the next regular payroll period.

Section 10: DRUG-FREE WORKPLACE AND SUBSTANCE USE AND ABUSE POLICY

The City is committed to a safe, health, lawful and productive work environment and work force. Therefore, the City prohibits an employee's use, possession, distribution, sale or attempted similar conduct, of alcoholic beverages, illegal drugs or controlled substances or other unprescribed controlled substances on its properties and/or while performing City business, as well as employees reporting to work or working with alcohol, illegal drugs or controlled substances or unprescribed controlled substances in their system. The failure of an employee to follow this policy will result in discipline, up to and including termination.

The City of Powell, Ohio ("City") desires to, and will maintain a drug-free workplace. The City prohibits an employee's use, possession, manufacturing, distribution, sale, or attempted similar conduct, of a controlled substance in the workplace. For purposes of this policy, the "workplace" refers to an area in or around the City premises, any other building or vehicle owned, rented, or leased by the City, and any location to which an employee is sent on assignment. All employees also shall abide by the City's Substance Use and Abuse Policy

Any employee, who is determined to be in violation of the City's Substance Use and Abuse Policy, will immediately be relieved of his/her duties. At the City's discretion, he/she will be subject to discipline, up to and including discharge for the first offense.

An employee must notify the City in writing if he/she is convicted (including pleas of guilty or nolo contendere) of violating a criminal drug statute with regard to an offense occurring in the workplace no later than five (5) calendar days after such conviction. Within thirty calendar days of notification, the City will determine what action will be taken against the employee. At the discretion of the City, this action may include discipline, up to and including discharge, and/or requiring successful completion (and subsequent maintenance) of a drug abuse assistance/ rehabilitation program as approved by the City.

Employees should consult with their own physicians, the City's Administration Office, any health plan in which they are a participant, and/or community resources for information regarding drug use and abuse.

All employees are expected to abide by the City's policy on drug-free workplace. This policy is distributed in compliance with the Drug-Free Workplace Act of 1988, and should not be interpreted as a substitute for the City's disciplinary policy. In addition, this discussion does not affect in any way the employment relationship of all the City employees as set forth in the City's Summary of Policies.

Section 11: VIOLENCE OR THREATS OF VIOLENCE

Violence or threats of violence will not be tolerated. The City is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the City enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect City employees, or which occur on City property, will not be tolerated. City employees who are found to have committed acts of workplace violence will receive discipline, up to and including termination, and possible criminal prosecution, depending upon the nature of the offense. Prohibited acts of workplace violence include, but are not limited to, the following:

- (A) Hitting or shoving an individual.
- (B) Threatening to harm an individual or their family, friends, associates, or property.
- (C) The intentional destruction or threat of destruction of City property.
- (D) Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications, including e-mail.
- (E) Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule.
- (F) The willful, malicious and repeated following of another person, also known as "stalking" and making threats with the intent to place another person in reasonable fear for his own safety.

- (G) Suggesting or otherwise intimating that an act to injure persons or property is "appropriate", without regard to the location where the suggestion or intimation occurs.
- (H) Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

The following are examples of warning signs, symptoms and risk factors which may indicate an employee's potential for violence. Employees should be aware of these indicators. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify their supervisor or the City Manager if they witness any of the following behaviors:

- (A) Dropping hints about a knowledge of firearms.
- (B) Making intimidating statements such as: "I'll get even," or "you haven't heard the last from me."
- (C) Keeping records of other employees the individual believes to have violated departmental policy.
- (D) Physical signs of anger, such as, hard breathing, reddening of complexion, menacing stares, loudness and profane speech.
- (E) Acting out violently either verbally or physically.
- (F) Excessive bitterness by a disgruntled employee or an ex-employee.
- (G) Being a loner, avoiding all social contact with co-workers.
- (H) Having a romantic obsession with his or her co-worker who does not share that interest.
- (I) History of interpersonal conflict.
- (J) Domestic problem, unstable/dysfunctional family.
- (K) Brooding, depressed, strange behavior, a "time bomb ready to go off."

Section 12: PUBLIC RECORDS

I. Purpose.

The City of Powell acknowledges that it maintains many records that are used in the administration and operation of the City. In accordance with state law and the City of Powell Records Commission, the City has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the [City of Powell and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City(R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by the City of Powell and the ability to access them are a means to provide trust between the public and the City.

II. Scope.

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian has a copy of the City of Powell's public records policy. (R.C. 149:43(E)(2)).
- B. The City of Powell's public record policy, as well as, the Schedules of Records Retention and Disposition (RC-2) are located at every location in which the public may access the City of Powell's records.
- C. The City of Powell's public records policy is located in the City's policies and procedures manual.
- D. The City of Powell displays a poster which generally describes the City's public records policy at every location in which the public may access the City's records.

III. Fees.

- A. The City of Powell, in accordance with Section 149.43 of the Revised Code, has established the following fees for providing copies or reproductions of public records maintained by the City:
 - 1. For copies of documents, the fees shall be the actual cost as set forth within the current Fee Schedule for the City of Powell. Advance payment is required before any copies are prepared. Two sided copies shall be charged at a rate of one sided copies.
 - 2. For video tapes, cassette tapes or for any other type of media, the fee shall be the actual cost as set forth within the current Fee Schedule for the City of Powell. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
 - 3. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

IV. Availability.

Inspection

- A. All public records, as well as a copy of the current records retention schedule (R.C. 149.43(B)(1)) maintained by the City of Powell shall be promptly prepared and made available for inspection to any person during regular business hours. Promptness is to be determined by the facts and circumstances of each public records request. Regular business hours for the City of Powell are Monday through Friday (except holidays), from 8:00 am to 5:00 pm.
- B. For the purpose of enhancing the ability of the City of Powell to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the City shall provide to the requester a Public Records Request Form for the requester to complete.
 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 2. Although the City of Powell may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. The requests are not mandatory; and
 - b. The requestor's refusal to complete the Public Records Request form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
 3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the City of Powell whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the City for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the City of Powell.
- D. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by the City of Powell that may not be inspected or copied:
 1. Medical records;
 2. Trial preparation records;
 3. Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised code;
 4. Peace officer, firefighter, or EMT residential and familial information;
 5. Information pertaining to the recreational activities of a person under the age of eighteen;
 6. Records the release of which is prohibited by state or federal law;
 7. Confidential law enforcement investigatory records meaning any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
 - a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
 - b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;
 - c) Specific confidential investigatory techniques or procedures or specific investigatory work product;
 - d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

Public Records Requests

- A. Mailed Requests for Public Records:
 1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of

the Ohio Revised Code via the United States Postal Service, the City of Powell shall promptly respond to the request.

2. An authorized employee of the City of Powell shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
 3. When practical, the City of Powell may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the City of Powell shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the City maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the City, or the responsible City employee for the public record. (R.C. 149.43(B)(6)(7)).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)).
 4. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
 5. Authorized City of Powell employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - a. City of Powell employees shall promptly process requests.
 - b. Requestors shall be charged the postage fees required to properly send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner as mailed requests.

Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the City of Powell shall be processed in the following manner:
1. If the City of Powell receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing utilizing the Notice of Denial or Redaction form that one of the following applies:
 - a. Their request involves records that have never been maintained by the City of Powell;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable City of Powell Schedules of Record Retention and Disposition (RC-2);
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
 - d. If the record that is requested is not a record used or maintained by the City of Powell, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the City is under no obligation to create records to meet public record requests.
- B. Ambiguous or Overly Broad Request for Public Records.
- If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the City staff member responsible for the requested public record cannot reasonably identify what public records are being requested:
1. The City of Powell may deny the request.
 2. However, the City of Powell shall provide the requester with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the City in the ordinary course

of business. (R.C. 149.43(13)(2)).

C. Denial of a Record Maintained by the City of Powell.

The City of Powell may deny request for a record maintained by the City if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the City of Powell shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the Notice of Denial or Redaction form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the City of Powell shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude the City of Powell from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. Redacting Exempted Records/Procedure.

1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
 - b. If a request is ultimately denied, in part or in whole, the City of Powell shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43 (B)(3)).
2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the City of Powell shall make available of the information within the public record that is not exempt.
3. When making that public record available for public inspection or copying that public record, the City of Powell shall notify the requester of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
4. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
5. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

Remedy

A. Grievances.

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - a. Contact the City Manager of the City of Powell.
 - b. If the person is not satisfied after contacting the City Manager they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

V. Training and Education.

The City of Powell continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

ACKNOWLEDGEMENT OF RECEIPT

I have received a copy of the City of Powell Personnel Manual Summary of Policies which includes the City's Public Records Policy. I understand that I am responsible for reading and understanding the materials that are contained in it.

Signature of Employee

Name of Employee (Printed)

Date Signed

Received by City