
Regular Council Meeting



Agenda

6:00 PM January 22, 2026

Teri Murphy, Mayor

Council Members:

Ora Allen..... At-Large
Branden Delph..... At-Large
Mike Daugherty..... Ward 1
Dave Miller..... Ward 2
Shirley Whitt..... Ward 3
Jeanette Marcus..... Ward 4

Michael Davis, City Manager
Martina Dillon, Law Director

Moraine Municipal Building • 4200 Dryden Rd, Moraine, OH 45439

I. Regular Meeting Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Approval of Minutes
 - 1. Regular City Council Meeting Minutes - January 8, 2026
- D. Special Presentations

II. Reports from the Following

- A. Finance Committee
- B. Finance Director
 - 1. December 2025 Monthly Financial Report
- C. Committee of the Whole
- D. City Manager
 - 1. City Manager's Report - January 22, 2026
- E. Law Director
- F. Mayor

III. Guest Speakers - None

IV. Business

(Anyone wishing to raise a question about any piece of legislation listed on this agenda will have three (3) minutes at this time. All other topics to be addressed to Council will be heard later in this meeting.)

Ordinances

- | | |
|---------|--|
| 2215-25 | An Ordinance approving the amended City of Moraine Personnel Policy Manual. |
| 2217-26 | An Ordinance to amend Moraine Codified Ordinance Chapter 901 ("Use of Public Rights-Of-Way, Public Land and Public Easements") to add a new Section 901.22 entitled "Right-Of-Way Minor Maintenance Permit Requirement". |

Resolutions

- | | |
|---------|---|
| 8211-26 | A Resolution authorizing the City Manager to enter into an agreement with the Montgomery County Microfilming Board for services and supplies for 2026. |
| 8212-26 | A Resolution approving continued membership in the Ohio Municipal League and authorizing payment of dues for 2026 in the amount of \$1,257.00. |
| 8213-26 | A Resolution approving participation in the Business First! Intergovernmental Program for the years 2026-2030 and authorizing payment of fees in an amount not to exceed \$1,500.00 per year. |
| 8214-26 | A Resolution authorizing the Ohio Department of Transportation to undertake Elbee Road Bridge Replacement within the City of Moraine and known as the MOT Elbee |

Road Bridge Project (Pid No. 120483).

8215-26 A Resolution authorizing the Ohio Department of Transportation to undertake Springboro Pike Repaving Project within the City of Moraine and known as the MOT-741-6.20 Project (Pid No. 111540).

8216-26 A Resolution declaring the items listed on the attached 2026 list to be surplus and no longer needed for municipal purposes and authorizing the City Manager to dispose of such items through GovDeals Auction or donation to a non-profit organization or through a trade-in program.

Voice Vote

V. Persons Appearing Before Council

VI. Any Other Business

VII. Executive Session

VIII. Adjournment

RECORD OF PROCEEDINGS

Minutes of City Council

Held January 8, 2026

Regular Meeting Call to Order

The meeting called to order at 6:00 PM.

Roll Call

Teri Murphy	Mayor	Present
Branden Delph	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

City Manager Michael Davis	Law Director Kent Depoorter
Deputy Police Chief Jason Neubauer	Fire Chief Traci Kuzminski
Finance Director Annetta Williams	Street Superintendent Chris Dunn
Build. Maint. Superintendent Rocky Bangert	City Engineer Lauren Alvarado
Parks and Recreation Director Brent Shane	Public Information Officer Aaron Vietor
Build. & Zoning Admin. Brent Carpenter	Clerk of Council Karen Powell

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Approval of Minutes

Regular City Council Meeting Minutes - December 11, 2025

Mayor Murphy asked if there were any changes or corrections to the December 11, 2025, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Regular City Council Meeting Minutes - January 2, 2026

Mayor Murphy asked if there were any changes or corrections to the January 2, 2026, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations - None

Reports from the Following

Finance Committee

No report.

Finance Director

Finance Director Annetta Williams stated she will submit the complete December report in the agenda packets at the next meeting. She reported that the City's revenues exceeded the estimates in almost every category, including income tax revenues, and expenses came in at 84 percent of the budget overall. She noted that will have a positive impact on the five-year projection.

RECORD OF PROCEEDINGS

Minutes of City Council

Held January 8, 2026

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on December 11, 2025. She reported there would be a meeting this evening.

City Manager

City Manager's Report — January 8, 2026

City Manager Michael Davis stated he has nothing further unless there are questions regarding the City Manager's Report.

Law Director

Mr. Kent Depoorter asked Council for approval to amend the agenda to add Ordinance 2218-26, an emergency amendment to the Moraine Codified Ordinances to place and enforce no parking signs on Fuyao Avenue due to congestion and safety hazard issues caused by on-street parking.

Mr. Depoorter also requested approval to add Resolution 8210-26 to the agenda which deals with an access agreement with Miami Township so that the township can access a portion of Owendale Ditch owned by the township via the portion of Owendale Ditch owned by the City of Moraine so that the township can perform exploratory excavation on the portion owned by the township. He said no work or excavations will be performed on the portion owned by the City.

Mayor Murphy asked for a motion to amend the agenda for each piece of legislation.

Ms. Marcus moved to approve the addition of Ordinance 2218-26 to the agenda which involving Fuyao Avenue parking as requested by the Law Director.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Jeanette Marcus
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Mr. Daugherty moved to approve the addition of Resolution 8210-26 to the agenda for the Owendale Ditch access agreement, per the Law Director.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Mike Daugherty
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Mayor

Mayor's Court Monthly Report - October 2025

Mayor Murphy reported for the month of October 2025, Mayor’s Court received \$21,169.88. She noted after various expenses and disbursements, a total of \$15,236.33 was deposited into the General Fund.

RECORD OF PROCEEDINGS

Minutes of City Council

Held January 8, 2026

Mayor's Court Monthly Report - November 2025

Mayor Murphy reported for the month of November 2025, Mayor’s Court received \$13,535.82. She noted after various expenses and disbursements, a total of \$10,262.14 was deposited into the General Fund.

Guest Speakers - None

Business

Ordinances

2215-25 An Ordinance approving the amended City of Moraine Personnel Policy Manual.

Mrs. Allen said the Personnel Policy Manual has been revised since the initial reading of the legislation in December. She noted this is the first reading of the legislation since those changes were made, and the second reading and adoption will be passed to the January 22, 2026, Regular Council Meeting.

2217-26 An Ordinance to amend Moraine Codified Ordinance Chapter 901 (“Use of Public Rights-Of-Way, Public Land and Public Easements”) to add a new Section 901.22 entitled “Right-Of-Way Minor Maintenance Permit Requirement”.

Mr. Daugherty reported that this legislation approves a new Section 901.22 in Chapter 901 of the Codified Ordinances that will address situations in which an applicant requires right of way access which does not involve road excavation. He noted the amendment will simplify the permitting process. Mr. Daugherty stated this item will be passed to the January 22, 2026, Regular Council meeting for a second reading and adoption.

2218-26 An Ordinance amending Moraine Codified Ordinances – Part Three – Traffic Code – Appendix III to prohibit vehicle parking or standing anytime on both sides of Fuyao Avenue and declaring an emergency.

Mr. Miller stated that parking by employees on Fuyao Avenue has become a safety hazard. He said that this legislation approves an amendment to the Moraine Codified Ordinances Traffic Code allowing the enforcement of "No Parking" along Fuyao Avenue and is emergency legislation. Mr. Miller moved to suspend the rules to allow for the first and second readings at this meeting.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Mr. Miller moved to approve.

RESULT: (*Yes 7, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

RECORD OF PROCEEDINGS

Minutes of City Council

Held January 8, 2026

Resolutions

8205-26 A Resolution accepting the proposal of and authorizing the City to purchase at state bid from Deere & Company a tractor, loader, and tiller at a price of \$73,979.11 for use by the Street Division.

Ms. Marcus reported that this Resolution authorizes the purchase of a utility tractor, loader, and tiller from Deere and Company which is a budgeted item. She moved to approve.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Jeanette Marcus
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8206-26 A Resolution authorizing the City of Moraine to accept the proposal of Palmer Trucks for purchase of a 2027 Kenworth dump truck for use by the Street Division at a state bid price of \$131,000.00 and further authorizing upfitting of said truck by Kalida Truck Equipment, Inc. at a cost of \$136,600.00 - for a total price of \$267,600.00.

Mr. Delph reported that this legislation authorizes the purchase of a 2027 Kenworth dump truck from Palmer Trucks and authorizes the upfitting of said truck by Kalida Truck Equipment, Inc. He noted this is a budgeted item. Mr. Delph moved to approve.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Branden Delph
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8207-26 A Resolution to reappoint Erica Grooms to the Parks and Recreation Board and Tree Board for a term ending December 31, 2027.

Mrs. Whitt stated that this Resolution approves the reappointment of Erica Grooms to the Parks and Recreation Board and Tree Board. She explained that a background check is pending, and reappointment will be finalized once the background paperwork is received.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8208-26 A Resolution to reappoint Kevin Howard to the Planning Commission for a term ending December 31, 2027.

Mrs. Allen reported that this Resolution approves the reappointment of Kevin Howard to the Planning Commission pending background check results. Mrs. Allen moved to approve.

RECORD OF PROCEEDINGS

Minutes of City Council

Held January 8, 2026

RESULT: *(Yes 7, No 0, Abstained 0)*
MOVER: Ora Allen
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8209-26 A Resolution to reappoint Mary Woeste to the Merit System Commission for a term ending December 31, 2027.

Mr. Daugherty reported that this legislation approves the reappointment of Mary Woeste to the Merit System Commission. He noted the background check has been completed and there are no issues. Mr. Daugherty moved to approve.

RESULT: *Passed (Yes 7, No 0, Abstained 0)*
MOVER: Mike Daugherty
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8210-26 A Resolution approving an access agreement with Miami Township, Ohio, with respect to Owendale Ditch.

Ms. Marcus explained that Miami Township, Ohio, is requesting access via the portion of Owendale Ditch owned by the City of Moraine, Ohio, in order to cross through the culvert under Lamme Road to attempt exploratory excavations on its portion of Owendale Ditch. She said this legislation approves that access agreement. Ms. Marcus moved to approve.

RESULT: *Passed (Yes 7, No 0, Abstained 0)*
MOVER: Jeanette Marcus
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Voice Vote - None

Persons Appearing Before Council - None

Any Other Business

Building Maintenance Supervisor Rocky Bangert welcomed everyone back for the New Year.

Street Supervisor Chris Dunn thanked Council for approving the purchase of the dump truck and tractor. He stated the equipment will be a big help to the department.

No other staff in attendance had anything to report.

Mrs. Allen sent condolences to the family of Bob Wilkerson. She said Mr. Wilkerson's wife grew up in Moraine, he has ties to Moraine, and the Wilkersons are long-time friends of hers. She wished a happy 101st birthday to Beechie Broadus, a long-time resident of Moraine.

Mrs. Whitt thanked the Street Division for clearing the streets during the last snow. She said she

RECORD OF PROCEEDINGS

Minutes of City Council

Held January 8, 2026

appreciates all the City departments and staff.

Mr. Miller wished a happy belated birthday to Mrs. Whitt. He congratulated Officer Jerome Klemmensen on his recent retirement from the Police Division. He thanked the Street Division for making the extra pass for leaf pickup after the snow and noted that the residents really appreciated the effort.

Mr. Daugherty wished all a Happy New Year. He stated he is excited to be back in the municipal building and to have some normalcy.

Due to audio difficulties, some of Mayor Murphy's comments could not be heard.

Executive Session - None

Adjournment

Mayor Murphy thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Meeting adjourned at 6:19 PM.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: January 12, 2026

Subject: December 2025 Finance Director Report

Summary

As we close the end of the year, the City has ended the year in a good financial position. We have been fortunate to have strong revenues over the last number of years, and our expenses have been controlled as much as possible. We completed various capital projects this year to address community, and service needs as well as much needed upgrades to City facilities. In 2026, we look forward to parks improvements to offer more recreation and community events and to update recreation areas for safety and general maintenance.

For December, our fund balances increased \$299,627. For the year we have increased our fund balances by \$1,892,077. The Capital Improvement fund saw a decrease of \$2,329,782 reflective of the capital project expenditures this year. The Local Fiscal Recovery funds were fully expended in 2025 reflecting a decrease of \$435,657 in that fund. And finally, the General fund realized an increase of \$4.5 million due to strong income tax revenues and controlled expenses.

Finance Department Notes

December was a busy month for the Finance Department as we closed the year and processed as many items as possible and worked to minimize the number of carry-over items. Additionally, all super blankets were closed as they are not allowed to carry over to the next year.

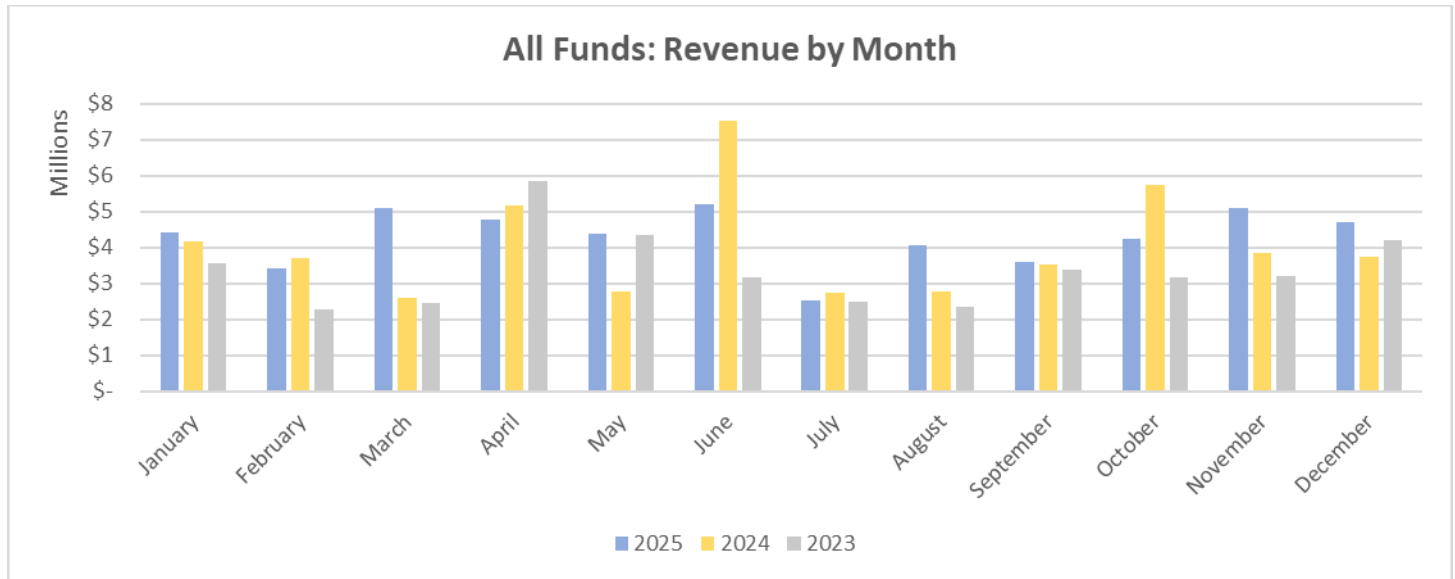
In December 2025, I attended the Greater Cincinnati Finance Officers' Association lunch meeting where the Auditor of State was the guest speaker. They updated us on fraud, waste and abuse and cybersecurity.

Budget books were updated with all of the 2026 budget sheets containing the final budget numbers as adopted by Council and will be re-distributed to Council at the first meeting of the year.

ALL FUNDS

DECEMBER 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY CATEGORY (GROSS)	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	COLLECTED UNDER / (OVER)	COLLECTED
Local Taxes	\$ 1,164	\$ 1,373,617	\$ 1,289,503	\$ (84,114)	107%
Income Taxes	3,106,719	29,037,939	26,906,250	(2,131,689)	108%
State Shared Taxes & Fees	84,364	949,243	906,000	(43,243)	105%
Special Assessments	-	592,578	583,807	(8,771)	102%
Intergovernmental Aid	604	528,833	330,100	(198,733)	160%
Charges for Services	47,613	585,851	505,000	(80,851)	116%
Civic Center	180	17,560	17,500	(60)	100%
Payne Recreation Center	8,845	92,842	58,250	(34,592)	159%
Fines & Forfeitures	21,685	338,022	319,400	(18,622)	106%
Miscellaneous Receipts	685,963	6,449,811	5,951,940	(497,871)	108%
Interfund Transfers	762,000	11,650,100	12,931,168	1,281,068	90%
Total	\$ 4,719,136	\$ 51,616,396	\$ 49,798,918	\$ (1,817,478)	104%

REVENUE COLLECTIONS – ALL CITY FUNDS

Gross Revenues: Through December, our gross revenue collections for the year are above target at 104% of estimated revenues, most notably, the income tax revenues at \$2.1 million over budget.

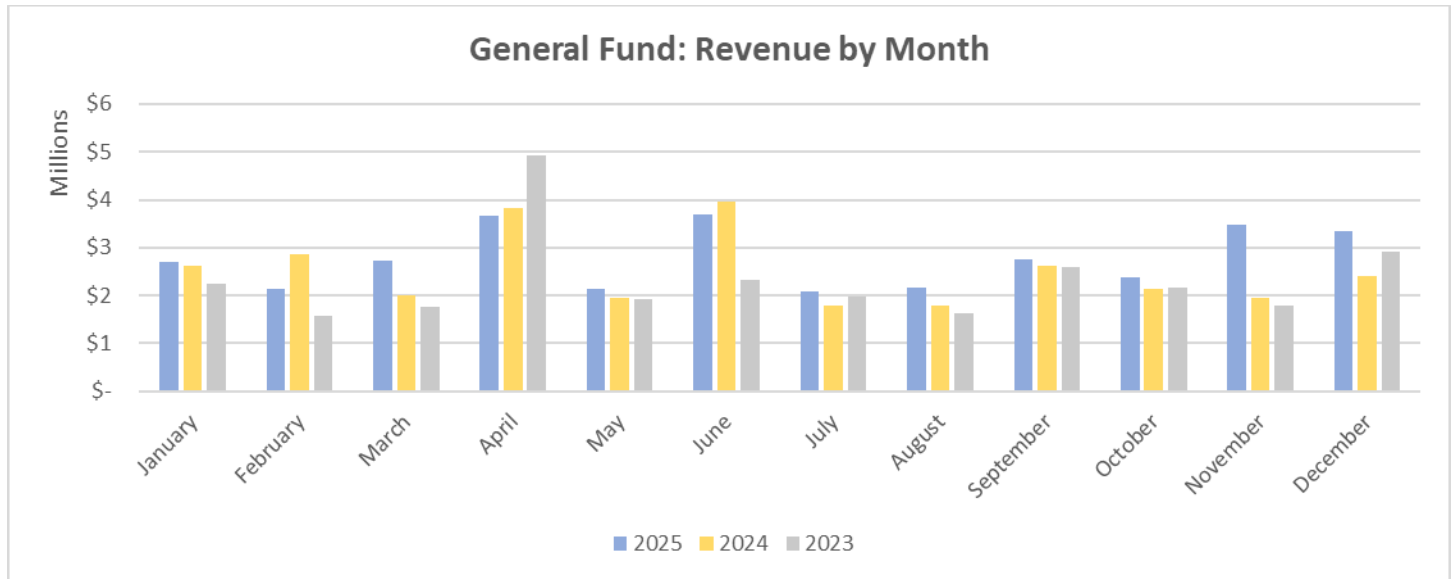
Net Revenue: After removing interfund transfers, net revenue for the month of December was \$3,458,607 and 110% of the year-to-date budget. For the year, we have experienced an 11% increase in revenues compared to 2024.

Interfund Transfers: Transfers for this month are in the normal range to ensure proper fund cash balances. Year to date transfers for the year are at 90% as we only transfer what is needed to maintain a sufficient balance in the receiving funds.

GENERAL FUND

DECEMBER 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY CATEGORY (GROSS)	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	COLLECTED UNDER / (OVER)	COLLECTED
Local Taxes	\$ 1,164	\$ 723,117	\$ 667,813	\$ (55,304)	108%
Income Taxes	3,106,719	29,037,939	26,906,250	(2,131,689)	108%
State Shared Taxes & Fees	21,740	198,895	143,500	(55,395)	139%
Special Assessments	-	22,986	5,365	(17,621)	428%
Intergovernmental Aid	604	7,717	3,000	(4,717)	257%
Charges for Services	46,763	584,901	504,000	(80,901)	116%
Fines & Forfeitures	21,685	338,022	319,400	(18,622)	106%
Miscellaneous Receipts	137,329	2,389,523	1,864,500	(525,023)	128%
Total	\$ 3,336,003	\$ 33,303,099	\$ 30,413,828	\$ (2,889,271)	109%

REVENUE COLLECTIONS – GENERAL FUND

Charges for Services: This category is primarily EMS billing receipts from Fire Department runs that can be billed to insurance. This revenue is at 115% of the budget due to a high volume of EMS runs.

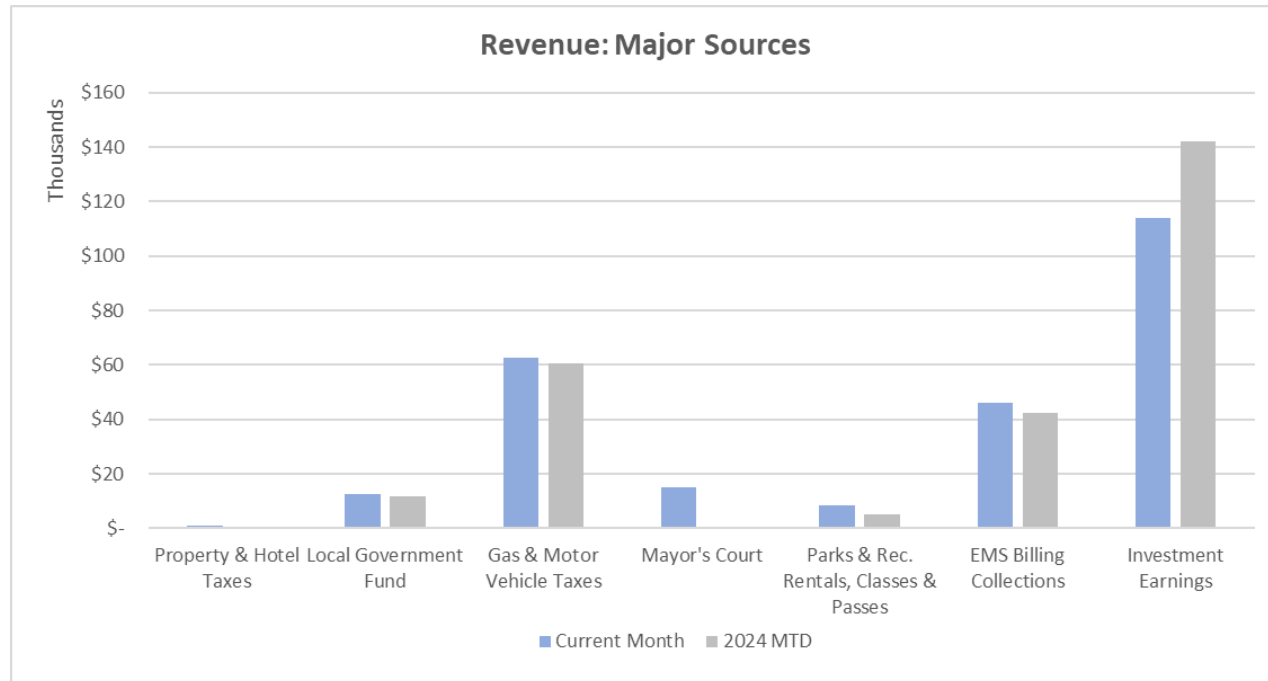
Fines & Forfeitures: This category includes the Residential and Commercial Building Permits revenues which are above target at 126.5% of budget and Mayor’s Court revenues which are at 91% of revenues.

Miscellaneous Receipts: This category is mostly comprised of interest from investments, sale of assets, and reimbursements. We received \$104,879 in interest into the General Fund in December and \$1,701,000 YTD, exceeding the budget by 37.2% year to date.

MAJOR SOURCES

DECEMBER 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY TYPE	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	COLLECTED UNDER / (OVER)	COLLECTED
Property & Hotel Taxes	\$ 1,164	\$ 990,464	\$ 918,253	\$ (72,211)	108%
Local Government Fund	12,580	134,818	113,000	(21,818)	119%
Gas & Motor Vehicle Taxes	62,624	750,349	727,500	(22,849)	103%
Mayor's Court	15,236	163,878	180,000	16,122	91%
Parks Rentals, Classes & Passe	8,305	94,994	69,000	(25,994)	138%
EMS Billing Collections	46,228	577,116	500,000	(77,116)	115%
Investment Earnings	114,181	1,846,636	1,359,650	(486,986)	136%
Total	\$ 260,318	\$ 4,558,255	\$ 3,867,403	\$ (690,852)	118%

REVENUE COLLECTIONS – MAJOR SOURCES

Gas & Motor Vehicle Taxes: For the last several years, these taxes have been consistent. For the year, we expected to receive about \$60,625 per month. Year to date collections are on target.

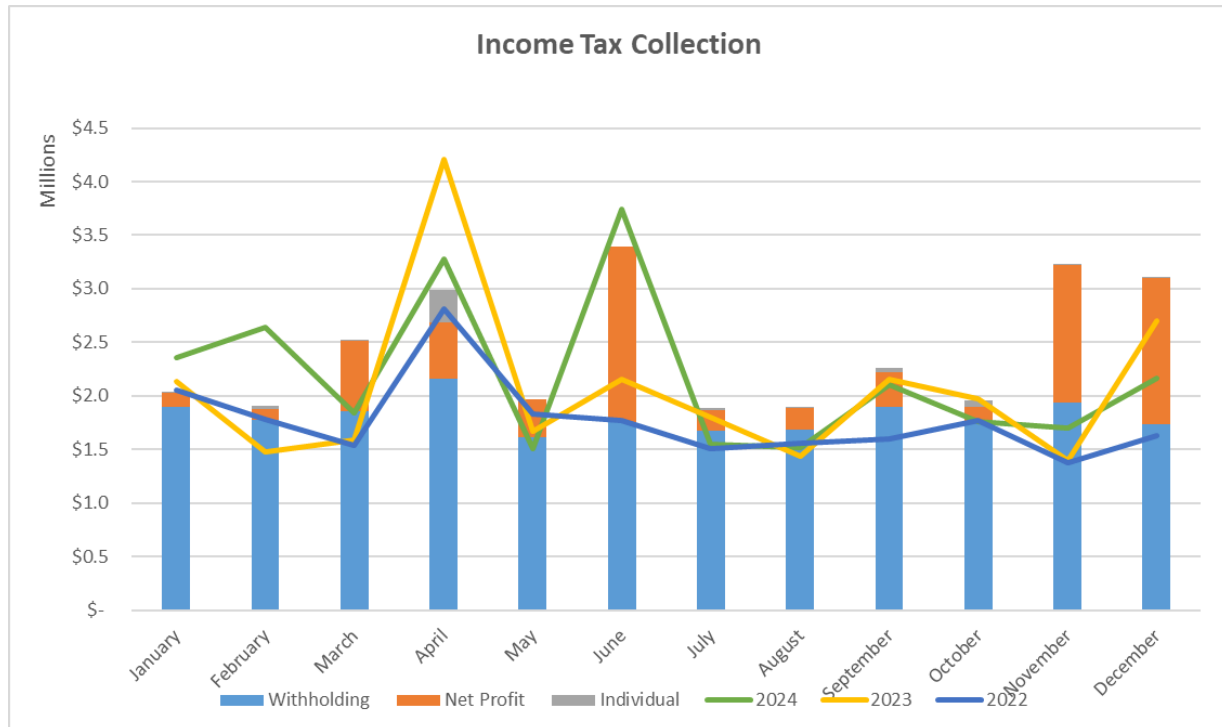
Parks Rentals & Season passes: These revenues are higher than expected at 113% of the budget. These line-item budgets were reduced in 2025 to account for the City's use of the recreation building. Overall, revenues are about the same as year-to-date 2024.

Investment Earnings: The interest earnings revenue received is higher than budgeted. The City received interest revenue of \$271,642 in December and year-to-date Interest revenue is \$1,555,679 and 115% of the budget.

INCOME TAX

DECEMBER 2025

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY TYPE	CURRENT MONTH	YEAR TO DATE	COLLECTED UNDER / (OVER)		
			2025 BUDGET	COLLECTED	
Electric Co. Income Tax	\$ 14	\$ 2,000	\$ 1,000	\$ (1,000)	200%
Income Tax Refunds	(48,593)	(579,493)	(700,000)	(120,507)	83%
Income Taxes	3,155,298	29,615,431	27,605,250	(2,010,181)	107%
Total	\$ 3,106,719	\$ 29,037,939	\$ 26,906,250	\$ (2,131,689)	108%

REVENUE COLLECTIONS – INCOME TAX

2025 Collections: Through December, we expect to collect 100% of our total estimated gross income tax revenue. We have collected \$ 29,617,432 (107%) of the budget. For the year we are also at 108% of our target net budget amount. We are up 11% over December YTD 2024.

Net Profit: Through December, we anticipate collecting 100% of our estimated Net Profit taxes. So far, we have collected 113% of the total gross expected taxes. We are above our target year to date revenue by 13%. Net profit accounts for approximately 23.6% of total gross collections

Withholding: Withholding payments continue to come in strong. Through December, we have collected 106% of the gross expected taxes. Withholdings account for approximately 73.7% of total gross collections.

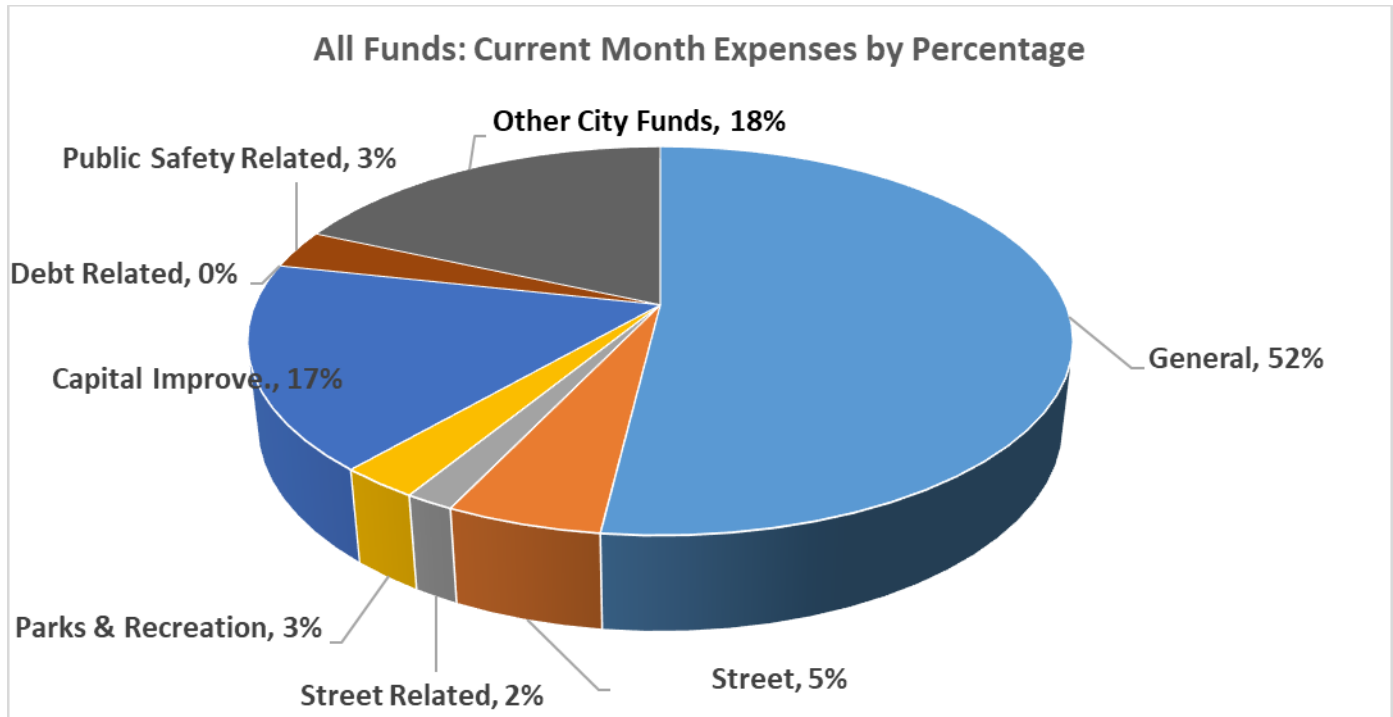
Individual: Through December, we have collected 89% of the gross expected taxes, below our budget by 11%. Individuals account for approximately 2.7% of collections.

Refunds: We have processed \$579,493 in Refunds. For the year, we have refunded 83% of the amount budgeted.

ALL FUNDS

DECEMBER 2025

MONTHLY EXPENSES VS. BUDGET



EXPENSES BY FUND/TYPE	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	AVAILABLE BALANCE	% EXPENSES TO BUDGET
General Fund	\$ 2,294,724	\$ 28,788,552	\$ 32,570,972	\$ 2,982,946	88%
Street Fund	228,063	2,321,386	2,576,552	154,005	90%
Street Related Funds	72,089	679,042	937,667	128,875	72%
Parks & Recreation Fund	117,770	1,309,436	1,520,128	160,666	86%
Capital Improvement Fund	755,351	9,629,813	13,266,885	776,853	73%
Debt Related Funds	-	973,209	1,011,700	8,491	96%
Public Safety Related Funds	141,635	1,404,598	1,509,485	80,775	93%
Other City Funds	809,876	4,618,283	5,487,866	449,184	84%
Total	\$ 4,419,508	\$ 49,724,319	\$ 58,881,256	\$ 4,741,794	84%

EXPENSES – ALL FUNDS

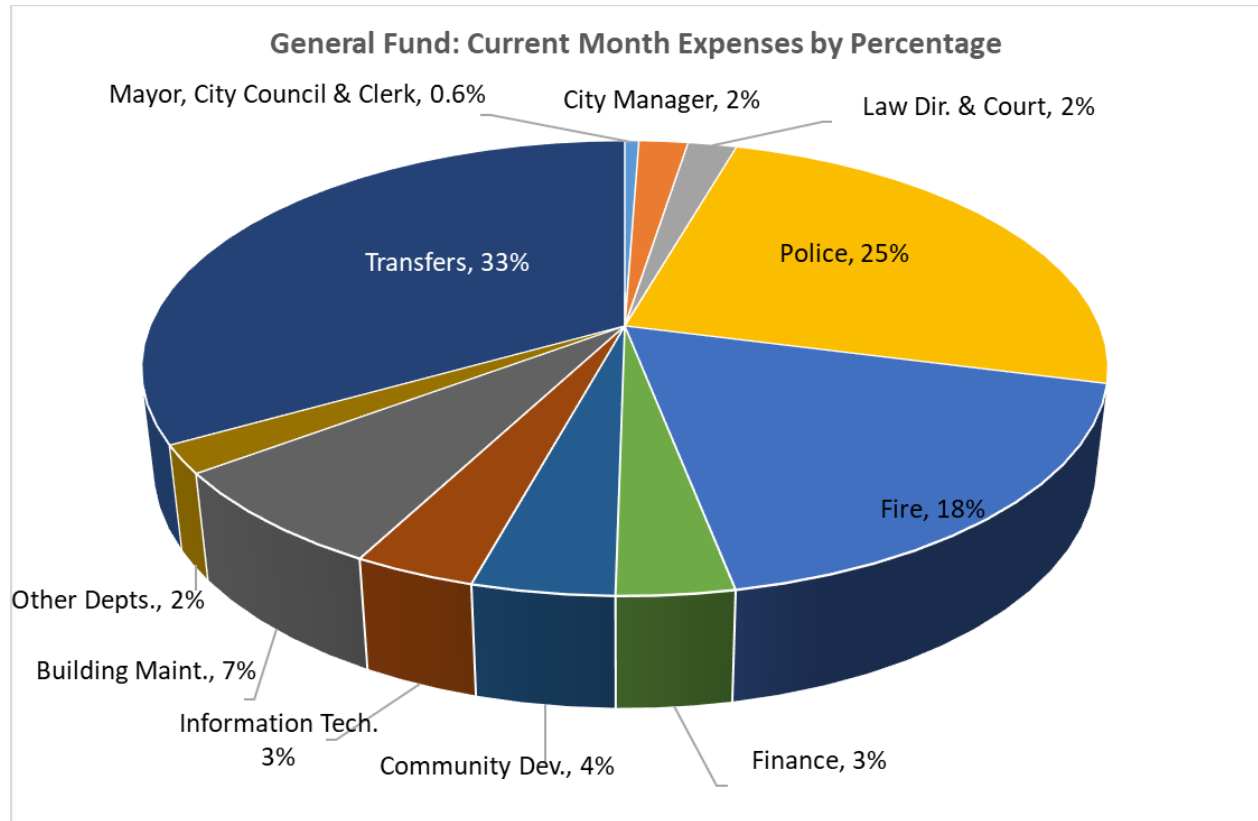
Net Expenses: After interfund transfers, our Net Expenses for December were \$3,158,980 and year-to-date are at 82% of the budget.

Large Expenses: In December, we made \$755,350 in Capital project payments for the Civic Center ADA Ramps and railing, City building, annual street program, pavement sealing, traffic signal and bridge maintenance.

GENERAL FUND

DECEMBER 2025

MONTHLY EXPENSES VS. BUDGET



EXPENSES BY DEPARTMENT	CURRENT MONTH	YEAR TO DATE	2025 BUDGET	AVAILABLE BALANCE	% EXPENSES TO BUDGET
Mayor, City Council & Clerk	\$ 12,890	\$ 157,745	\$ 221,479	\$ 57,694	71%
City Manager & Info. Center	45,044	541,926	637,041	69,114	85%
Law Director & Clerk of Courts	44,701	345,170	447,232	21,030	77%
Police	563,440	5,843,790	6,426,968	413,546	91%
Fire	411,187	4,878,769	5,244,905	285,939	93%
Finance	75,946	816,210	890,250	62,110	92%
Community & Economic Dev.	92,118	800,394	949,003	70,877	84%
Information Technology	79,148	874,124	1,113,866	105,775	78%
Building Maintenance	162,597	1,391,943	1,758,665	251,653	79%
Other Departments	45,652	1,488,381	1,950,396	364,140	76%
Transfers	762,000	11,650,100	12,931,168	1,281,068	90%
Total	\$ 2,294,724	\$ 28,788,552	\$ 32,570,972	\$ 2,982,946	88%

EXPENSES – GENERAL FUND

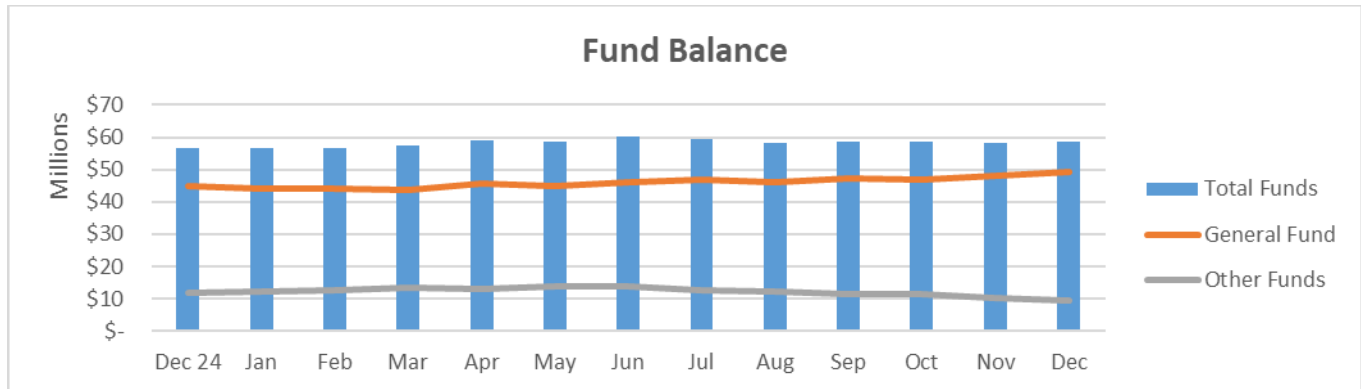
Budget Status: The General Fund is at 88% of expense budget.

Transfers: Transfers are slightly below budget. We have lower than expected expenses in the Parks fund, Street fund and Capital Improvement funds. Money is only transferred if needed to maintain sufficient reserve balances.

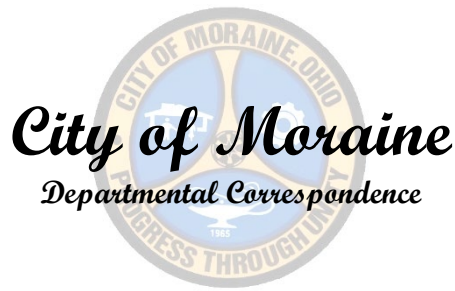
FUND BALANCES & CASH FLOW

DECEMBER 2025

MONTH END BALANCES BY FUND



FUND	YEAR BEGIN BALANCE	MONTH BEGIN BALANCE	MONTH CHANGE BALANCE	MONTH END BALANCE	YEAR TO DATE CHANGE
General	\$ 44,743,031	\$ 48,216,299	\$ 1,041,279	\$ 49,257,578	\$ 4,514,548
Street	287,303	447,707	(45,666)	402,040	114,738
State Highway	459,370	396,182	(13,453)	382,729	(76,641)
Parks & Recreation	227,480	286,589	(8,182)	278,407	50,927
Cemetery	96,875	89,271	1,276	90,547	(6,328)
Motor Vehicle License Tax	45,792	39,402	(3,102)	36,299	(9,493)
Enforcement & Education	72,551	75,544	576	76,120	3,569
Mayor's Court Computer	90,557	73,274	223	73,497	(17,060)
Clerk of Court Computer	60,372	48,847	150	48,997	(11,375)
Economic Development	484,336	878,766	(512,500)	366,266	(118,069)
Capital Improvement	5,969,408	3,919,977	(280,351)	3,639,626	(2,329,782)
Vance Darroch Project	57,381	57,381	-	57,381	-
Debt Service	187,127	189,422	372	189,794	2,667
Tax Increment Financing	48,682	58,950	116	59,066	10,383
Home Improvement Loan	700,563	721,869	1,417	723,286	22,723
City Garage	360,161	366,130	(48,572)	317,557	(42,604)
Miscellaneous Trust	45,654	45,021	(95)	44,926	(728)
Police Pension	52,200	106,015	(4,961)	101,054	48,854
Fire Pension	61,067	148,014	(73,939)	74,075	13,008
Insurance Reserve	1,464,773	1,445,328	32,807	1,478,135	13,362
Health Insurance	521,563	403,847	211,842	615,689	94,127
Federal Law Enforcement	42,290	43,465	196	43,661	1,371
State Law Enforcement Training	46,112	54,203	106	54,309	8,197
Drug Law Enforcement Trust	43,933	45,269	89	45,358	1,425
Local Fiscal Recovery	435,657	-	-	-	(435,657)
OneOhio Opioid Settlement	113,560	153,477	-	153,477	39,917
Total	\$ 56,717,797	\$ 58,310,247	\$ 299,627	\$ 58,609,874	\$ 1,892,077



TO: Mayor
City Council

FROM: Michael Davis, City Manager

DATE: January 20, 2026

SUBJECT: City Manager's Report

1) City Manager

- a) Virtually participated in a legal mitigation meeting on January 6, 2026.
- b) Attended the MCLEPC meeting on January 9, 2026, as the Mayors & Managers appointee.
- c) Attended the monthly Greater Mayors & Managers evening meeting with Mayor Murphy on January 14, 2026, at WPAFB. Presentations were provided by several Airmen.
- d) Met with a commercial broker to discuss current interest and challenges with a couple of listed buildings in our City.

2) Parks and Recreation

- a) The Parks and Recreation staff meeting was a success, with about 25 employees attending. We reviewed the past year and discussed plans for 2026.
- b) Staff will attend the OPRA Conference from February 1 to February 4, 2026, in Sandusky, OH.
- c) Director Brent Shane reported discussions have taken place with Kleingers regarding the splash pad design.
- d) Easter Egg Hunt and Adult Flashlight Hunt preparation is underway.
- e) Organizing a multi-sport clinic series for the summer, spanning a total of six weeks.
- f) Annual recurring rentals have been fully booked, including but not limited to Country Jam, Senior Club, and Clock Club.
- g) Staff have been navigating the recent Silver Sneakers changes. The PRC has been able to retain most of our regular patrons, either through new PRC memberships or through a program similar to Silver Sneakers called Silver & Fit.
- h) Garden Plots will go on sale on Monday, March 2, 2026.

3) Police

- a) January 2: A subject was arrested at Cash America for making threats and aggravated menacing. The subject was taken to jail.
- b) January 5: Investigation of a threat made at the Payne Recreation Center is ongoing.

- c) January 6: An unoccupied stolen vehicle was recovered on Collins Court. The investigation is ongoing.
- d) January 10: Attempted traffic stop; the car fled, and GPS tracking was deployed. The suspect was located and arrested on numerous charges and unrelated warrants.
- e) Officer Klemmensen retired after 30 years of loyal service to our community.
- f) Two new officers have been hired: one is currently at the police academy, and the other will be attending soon.
- g) There were 8 calls for service at Walmart, 9 calls at Kroger, 5 calls at Waffle House, and 30 calls for service on I-75.

4) Street Division

- a) Staff has been busy after Holidays removing the Christmas lights and decorations.
- b) Tree debris was removed from several parks.
- c) New LED stop signs were installed at the intersections of Route 4 and Union Road, Infirmary Road and Hemple Road, and Pinnacle Road and Main Street
- d) Potholes were patched and catch basins were cleaned Citywide.

Bi-Monthly Report

To: Michael Davis, City Manager
From: Traci Kuzminski, Fire Chief 
Date: January 14th, 2026
Subject: Activity Report

The Fire Division responded to a total of 108 Incidents from December 28th 2025- January 10th 2026.

EMS/ Fire & Rescue –

- Division Responded to 4 Motor Vehicle Incidents
- Division responded to 74 EMS Incidents
- Division responded to 18 Fire Alarm/Detector Activations
- Division Responded to 12 other calls

Long-term projects/issues:

- New Medic ordered. Still Waiting
- Tornado Siren replacement complete.
- In-house monitoring system is complete.
- Received new Staff truck.
- Order of new ladder E-One Metro Quint Fire Truck through Vogelpohl Fire Equipment.

Full time hiring/promotions:

- Full Time Hiring, Interviews in progress
- Full Time Allison Clark resigned

Part time hiring:

- We have 5 part time personnel currently on the roster

Short term projects/issues:

- 30 Bathroom remodel; complete

Number of Inspections/Re-Inspections:

- 0 Inspections -Due to Holidays

Meetings:

- Council Meeting

Other:

- 1 car seat check for safety
- 1 CPR Class ---South Community
- Firefighter Rescue Survey/Search and Rescue - @ 29s - 1/7, 1/8, 1/9
- Lt. Segraves attended Strategy & Tactics for Single and Multiple Company Operations training at the Ohio Fire Academy 1/5-1/9

An Ordinance approving the amended City of Moraine Personnel Policy Manual.

Department: Administration

Request: Action Item

Item Background and Purpose:

City of Moraine Personnel Policy Manual - Exhibit A - Amended PPM is a revised version of the original PPM distributed to Council in November at the Committee of the Whole meeting. Revisions were made, but the revised copy was not included in the packet for the December 11, 2025 Regular City Council meeting. This is the first reading of the legislation for this version of the manual. This item will be passed to the January 22, 2026, Regular Council meeting for a second reading and vote.

Financial Impact:

Is Item Budgeted?: No

Funding Source: No funds needed

Attachments:

1. Memo
2. PPM Summary
3. Exhibit A - Amended PPM Final - 2025 (1.5.26)
4. Exhibit A - PPM Final - 2025

RECORD OF ORDINANCES

Ordinance No. 2215-25

AN ORDINANCE APPROVING THE AMENDED CITY OF MORaine PERSONNEL POLICY MANUAL.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That the amended City of Moraine Personnel Policy Manual appended hereto as Exhibit A is adopted.

SECTION 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Ordinance to the City Manager, Human Resources Administrator, and Finance Director. The Human Resources Administrator will oversee notification to all City employees and officials to ensure they are notified of the adoption of the amended Personnel Policy Manual.

SECTION 3: That any Ordinance or enactments in conflict with this Ordinance are hereby repealed.



TO: Michael Davis, City Manager
Mayor and Council Members

FROM: Brittany Runnels, Human Resources Administrator

DATE: January 5, 2025

SUBJECT: Amendment to Personnel Policy Manual

The amended language of the Personnel Policy Manual as requested by the Law Director and City Manager and is attached for Council consideration. The proposed revisions are intended to clarify existing provisions.

At this time, it is requested that the amended language be introduced for a first reading at the regular meeting on January 8, 2026, with the second reading at the January 22, 2026, meeting.

Supporting documentation outlining the amended language is included for your review.



Brittany Runnels, Human Resources Administrator

Attachments: Summary of Amended Language
Amended Personnel Policy Manual

Summary of Amended Language to Personnel Policy Manual

Amended Language-

5.3 Scheduled Hours & Overtime

(e) The following employees are designated exempt employees:

Public Information Officer

- (s) Break periods for purposes such as rest, purchasing refreshments, and other personal needs are at the sole discretion of the supervisor and may be granted only to the extent practicable without interference with normal work operations, and provided that break periods shall be limited to two (2) 15-minute breaks per day. No employee may abuse such personal breaks for excessive time away from work, including for smoking. Bathroom breaks are not considered as “break periods” hereunder.

6.2 Holidays

(g) When a non-exempt full-time employee is required to work on the day observed as a holiday, he/she shall be entitled to pay for such time actually worked at 1 ½ times their regular base rate of pay. Part-time and seasonal employees shall also be paid at 1 ½ times their regular rate of pay for time actually worked on a holiday.

6.10 Wellness Incentive

- (a) Wellness Incentive. Full-time, non-union employees shall receive a pro-rated cash bonus for the non-use of sick leave of any kind in a full calendar year. An absence which is designated as covered under the Family and Medical Leave Act or the Americans with Disabilities Act does not disqualify an employee from this Wellness Incentive.

6.13 Family and Medical Leave

(m) Medical Leave Time Available to Employee

1. The employee will be required to utilize accrued paid time including, but not limited to: sick leave, vacation, personal leave, and compensatory time, which shall run concurrently with the FMLA leave and which shall count toward all FMLA leave entitlements. Medical leave runs concurrently with these paid leaves. If the combined paid leaves do not equal 480 hours, the employee may use the remaining balance as unpaid FMLA leave. When both spouses are employed by the City, their 480 hours will be combined for leave purposes.

7.5 OPERS Retirement Plan

Add:

- An employee participating in the conversion program must maintain a minimum balance of two weeks of vacation leave (80 hours) and six weeks of sick leave (240 hours). After beginning this program, an employee shall not receive sick leave donations, and cannot convert sick leave hours to vacation hours. Participating employees will sign an agreement that they have received and understand the terms of this voluntary OPERS Conversion Plan, and that their participation is not grievable.
- Deductions from the Early Payoff. The early payout is earnable income, and deductions will be made for income tax, school tax, and Medicare (if necessary).
- Other Considerations. The cash out of sick leave for the purpose of this program shall not affect eligibility for the annual Wellness Incentive. Employees need to verify their total years of public service with Finance to make sure they are eligible for participation.

8.5 HIPAA Privacy

9.6 Political Activity

Remove (g) and (h)

10.2 Harassment

(j) 3. If for any reason, a person being harassed does not wish to approach the offender directly, or if such action proves unproductive, then the employee should immediately report (not later than 30 days) the conduct to a supervisor, department/division head, the Human Resources Administrator, or the City Manager. If the accused offender is the City Manager, then the employee may contact the Law Director. If the report is made to a supervisor or department/division head outside the Human Resources department, the individual receiving the report shall promptly notify the Human Resources Administrator or the City Manager. No retaliation or other adverse action will be taken against any employee for making, in good faith, a complaint or report of harassment or discrimination or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above. Deliberate false accusations made in bad faith will result in disciplinary action, up to and including dismissal.

13.1 Disciplinary Principles & Applicable Law

(j) Potential GROUP I Disciplinary Actions:

First Offense: Verbal Reprimand

Second Offense: Written Reprimand

Third Offense: 3-day suspension without pay

Fourth Offense: 10-day suspension without pay

Fifth Offense: Termination

14.3 Injury Leave

(c) The employee will use sick leave until BWC certifies/allows the claim, then the injured employee may be paid for up to 90 calendar days of injury leave after that date. If the employee is absent from work more than 5 workdays as a result of BWC certified injury claim, the 5 days shall be returned to the employee's sick leave balance and counted as injury leave. While on injury leave, the employee will be placed concurrently on medical leave, according to the Family and Medical Leave Act (which provides up to 60 workdays of leave) provisions in Section 6.13. The City will pay an injured employee a maximum of 90 calendar days of injury leave in a 12-month period of time regardless of the number of compensable, work-related injuries.



Personnel Policy Manual

Passed Ordinance No. :

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SECTION 1. WELCOME

1.1 Overview

- (a) Welcome to the City of Moraine! This Manual has been prepared for the purpose of informing City employees on the philosophy, employment practice, policy, and conduct expected of each staff member. Administrative staff, department/division heads, and supervisors encourage all staff to ask questions and reference this manual and their department/division rules and regulations for additional policies.
- (b) The City is a place where staff can enjoy their work and their fellow employees. We are confident employees will find the City a great place to work. Please read this Manual carefully and refer to it whenever questions arise.

1.2 Background & Purpose

- (a) The purpose of this Manual is to explain the policies and procedures for City employees. Policies are defined as the basic rules that guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.
- (b) This Manual is written in accordance with Section 5.3 of the City Charter, Powers and Duties of the City Manager. Each section page is dated according to its original effective date and later revision date.
- (c) These policies and procedures are not intended to be and do not constitute a contract. This is a policy and procedures guide to inform employees and managers regarding applicable laws, regulations, and policies governing employment with the City.
- (d) Per City Ordinance Number here, the policies adopted within this Manual supersede all previous written and unwritten City human resources and personnel policies. In the event there is a conflict between the subjects expressed in this manual and any other applicable state laws, City Ordinances and Resolutions, or Collective Bargaining Agreements, the applicable law, Ordinance, Resolution, or Collective Bargaining Agreements shall prevail. Questions regarding the interpretation and application of these policies should be directed to the Human Resources Administrator.
- (e) All employees shall receive a copy of this Manual (see receipt), and a copy shall be distributed to each City department and division office. Each Council member shall also receive a copy of the manual (see receipt at Section 16). As conditions warrant, these policies may be amended, revised, or deleted by the City Manager and with approval of City Council via legislation. Such revisions, amendments, or deletions will be distributed as appropriate.
- (f) Upon hire, employees will receive a copy of this Manual. New hires will receive a copy of this Manual as part of the orientation process.

1.3 Objectives

- (a) The City recognizes that a human resources system which recruits and retains competent, dependable City personnel is indispensable to effective City government.
- (b) The policies and procedures set forth in this Manual are designed to:
 - 1. Promote safety, high morale, and foster good working relationships among employees of the various departments/divisions and offices of the City by providing consistent and well-understood personnel policies, equal opportunities for advancement, and appropriate consideration of employee needs.

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

1.4 Definitions

(a) Unless otherwise indicated in other policies, the following definitions shall apply:

1. The appointing authority is authorized by law to make personnel appointments to City positions. The City Council is the appointing authority for the City Manager, Clerk of Council, and Director of Department of Finance, and Director of Department of Law. The City Manager is the appointing authority for all other City positions (See Charter Section 5.3(B)).
2. Chain of Command shall mean the sequence of department/division supervisors up to the City Manager that an employee must follow in discussing issues or problems regarding City operations or their employment.
3. City shall mean the City of Moraine.
4. Classification means a group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position in some circumstances.
5. Employee is any person holding a position subject to City appointment, removal, promotion, or reduction by the appropriate appointing authority.
6. Employer is the appointing authority, authorized by law to make appointments to positions, or the designee of the appointing authority.
7. Position means a specific group of duties and responsibilities assigned or delegated by the appointing authority to be performed by a group of employees or one employee.
8. Position Description is an analytical statement of position qualifications, duties, and responsibilities, based on a needs analysis and including conditions of work and supervisor-employee relations. This description is the baseline document for hiring, training, and evaluating.
9. Qualifications All positions, descriptions, and corresponding statements of minimum qualifications shall relate directly to position duties and responsibilities. Such qualifications will be reviewed periodically to ensure their accuracy.
10. Supervisor shall mean an individual who has been authorized by the appointing authority to oversee and direct the work of lower-level employees on a daily basis.

1.5 Management Rights

- (a) The appointing authority maintains the ultimate right to administer the business operations and policies of the City. Management retains the sole and exclusive right and responsibility to:

1. Determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy such as the functions and programs of the City, standards of services, its overall budget to include wages, utilization of technology, subcontracting, and organizational structure.
 2. Direct, supervise, assign, reassign, schedule, evaluate, hire, suspend, discipline, demote, terminate, lay off, transfer, promote, or retain employees.
 3. Maintain and improve the efficiency and effectiveness of the City's operations.
 4. Determine the overall methods, process, means, or personnel by which the City's operations are to be conducted.
 5. Determine the adequacy of the work force, as well as to make, amend, and enforce work rules, regulations, standard operating policies and procedures.
 6. Determine the duties to be included in all position classifications.
 7. Determine the overall mission of the City as a unit of government.
 8. Effectively manage the workforce.
 9. Take actions to carry out the mission of the City.
- b) The above listing of management rights shall not be deemed to exclude all other proper functions not specifically listed herein, or granted in a labor contract, traditionally exercised by the employer.

1.6 Department/Division Rules & Regulations

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

1.7 Union Relations

- (a) If your position is affiliated with a union, your negotiated contract may supersede portions of this Manual. If the negotiated contract has governing provisions that are in conflict with this Manual, the contract will prevail. Please familiarize yourself with your individual contract language in addition to what is outlined in this Manual.

1.8 Savings Clause Disclosure

- (a) If any article or section of this Manual or any revisions/amendments thereto shall be held invalid by operation of law or by a court or agency of competent jurisdiction, or compliance with or enforcement of any article or section of this Manual is restrained by a court or agency, the remainder of this Manual and amendments thereto shall remain in full force and effect, except to whatever extent they rely upon or refer to the restrained provisions.

SECTION 2. EQUAL OPPORTUNITY & COMMITMENT TO DIVERSITY

2.1 Diversity and Equal Employment Opportunity

- (a) Diversity is the full utilization of all human resource potential. It is understanding and valuing differences, while mobilizing similarities to effectively achieve a common objective or goal.

- (b) From diverse backgrounds comes a diversity of ideas and experience that benefits the City every day and reflects the community served.
- 1) Each person is valued and challenged to reach their full potential. Employees are held accountable for their contribution to the vision, mission and values of the City.
 - 2) The City is an Equal Opportunity Employer (EEO), and all employees are protected from discrimination under the laws we enforce. EEOC employees and applicants for employment are covered by the federal laws and Presidential Executive Orders designed to safeguard federal employees and job applicants from discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit based factors. These protections extend to all management practices and decisions, including recruitment and hiring, appraisal systems, promotions, training, and career development programs. Consistent with these obligations, EEOC also provides reasonable accommodations to employees and applicants with disabilities; known limitations related to pregnancy, childbirth, or related to medical conditions; and for sincerely held religious beliefs, observances, and practices.
 - 3) Upon request, the City shall consider reasonable accommodation necessary to allow any qualified individual with a disability to perform the essential functions of the position.
 - 4) The City is required to file reports with the Equal Opportunity Employment Commission (EEOC) and collects voluntary EEO information from its applicants for the filing of these reports.
 - 5) All job-related training and educational programs shall be reviewed periodically to ensure all personnel are given equal opportunity to participate in these programs.
 - 6) Affirmative Action refers to the City actively works to achieve equal opportunity for all employees and job applicants and fosters a more inclusive employee environment that appreciates diversity in people while achieving common City objectives. The City also collects voluntary EEO information from applicants. This is because Moraine receives federal funding through grants and contracts, the City is required to file reports with the EEOC.

2.2 Accommodations

- (a) The City values all of our employees' contributions. A reasonable accommodation's primary function is to enhance workplace productivity and provide equal employment opportunities to applicants, candidates, and employees with disabilities.
- (b) The goal of this process is to create a more inclusive environment where all employees can readily and efficiently ask for and receive reasonable accommodation necessary to reach their full potential at work. This guidance also complies with our Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and other applicable state and local disability-related regulations.

SECTION 3. PERSONNEL APPOINTMENTS

3.1 Position Classification Plan

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

- (b) The Human Resources Administrator shall be responsible for maintaining the classification plan, which is based on the Table of Organization.
- (c) The classification plan is based on an analysis of the qualifications, duties, and responsibilities of City positions. Positions are grouped by similar level of qualifications and level of difficulty as well as supervisory experience. Classification specifications include the position title; minimum and preferred qualifications; the knowledge, skills, and abilities necessary to accomplish the position's duties; and responsibilities. The classification plan also includes the appropriate salary range for positions based on internal position audits, external labor market conditions, and collective bargaining agreements.
- (d) The Human Resources Administrator shall review the duties and responsibilities of positions and propose adjustments or revisions to the classification plan as necessary. The classification plan is approved by the Merit System Commission (for classified positions), and appointing authority, as appropriate, with City Council approval.
- (e) An employee promoted to a higher classification shall advance to a pay step within the higher pay range which gives the promoted employee a pay increase over his or her current salary.
- (f) An employee may request that his or her position be audited for proper classification by requesting a review to the Human Resources Administrator.
- (g) Reclassification is reallocating a position to the appropriate position title and/or pay range as is necessary to provide an equitable, just, and proper classification. A reclassification may be up or down in pay ranges. A department/division head may request a review of the classification of a position, provided at least two (2) years have elapsed since the last review of the position. A reclassification to a higher pay range will reallocate a position to the appropriate step to give the employee an increased salary. Such a classification recognizes a position that has increased in value to the City based on the duties and responsibilities changing by more than 25 percent.
- (h) Unless duties are substantially altered (more than 25 percent) on a permanent basis, the employee may not request such a review for two years from the date of the results of the last review.
- (i) If the reclassification is to a lower pay range, the salary of the employee(s) shall remain at the current level until the annual range step in the lower range increases to the employee's current salary level. In certain cases when a reclassification to a lower salary range is recommended, this reclassification may be delayed until after the employee in the position leaves that position.
- (j) Requests for classification review should, where practical, be submitted prior to September in order to be considered and presented as part of the annual budget planning process and implemented on January 1st of the following year. However, the Human Resources Administrator may review requests for classification review (time permitting) at other periods of the year.
- (k) A request for a classification review should be accompanied by the following information:
 - 1. Department/division position description.
 - 2. Present position salary range and step of position employee.
 - 3. Department/division head's detailed justification for the reclassification request.
 - 4. Necessary budget money to allocate for reclassification (range increase plus benefits and cost-of-living increase for next fiscal year if necessary).

- (l) Upon receiving a reclassification request, the Human Resources Administrator and City Manager, in coordination with the department/division heads and Merit Service Commission (if a classified position), conduct an audit of the position to assess the position's duties and responsibilities, workload, and market value. The audit will attempt to use both external and internal position comparisons. The performance of the employee in the position will also be considered in the request. If the audit recommends approval to a higher or lower classification, the reclassification will go to the appropriate appointing authority for approval. In the case of a classified position, the reclassification must be approved by the appointing authority and Merit Service Commission. An unclassified position requires only appointing authority approval. Reclassifications require City Council approval and an amended table of organization.
- (m) To allocate new positions, the department/division head shall complete a proposed position description covering the duties and responsibilities of each proposed new position. He or she shall recommend that the position be allocated to one of the ranges in the classification plan. The Human Resources Administrator and City Manager shall verify the position allocation information and coordinate with the Merit Service Commission, if necessary, to amend the table of organization.
- (n) To maintain an accurate plan, each time a vacancy occurs, the position description shall be reviewed by the department/division head, the Human Resources Administrator, and City Manager.
- (o) Each time a department or division is reorganized, proposed position descriptions for all affected employees should be submitted to the Human Resources Administrator and City Manager for review.
- (p) The City Manager or Human Resources Administrator may also require departments/divisions to submit revised position descriptions if there is reason to believe that there has been a significant change in a position's duties and responsibilities.
- (q) Each time a new position is established, a position description shall be written and incorporated in the existing plan. The position title shall be added to the list of titles. Likewise, an abolished position may be deleted from the classification plan by removing the position description and eliminating the position title.
- (r) The Human Resources Administrator and Finance Director shall coordinate appointing authority approval with the City Council and/or City Manager in order to change the table of organization and all applicable payroll and personnel records.

3.2 Original Appointments: Identification, Announcement, & Applications

- (a) Classified positions shall be appointed in accordance with the Merit System Commission Rules and Regulations.
- (b) For unclassified positions, a request shall be submitted by the appropriate department/division and sent to the Human Resources Administrator in order to start the coordination process. The request is sent to the appropriate appointing authority for final approval. Once approved, the Human Resources Administrator will develop, with the hiring manager, an appropriate recruitment and application process for the position to be filled. The City posts the job opening for a minimum period of 14 calendar days. However, the posting may be for a shorter period in cases of urgent need to fill the position quickly, provided that the posting must specify the shorter application period. Qualified, current employees may apply for vacant positions. The appointing authority shall endeavor to select the most qualified candidate for each position in accordance with the procedures of this section.

- (c) To the extent practicable, the City shall announce available vacancies by appropriate means, including but not limited to newspaper advertisements, mailings to community and professional organizations, persons requesting copies of job announcements, and/or notices to placement offices of universities, colleges, or vocational training programs. In announcing the availability of job openings, the City should consider methods likely to increase awareness of employment opportunities for all racial and ethnic groups, both sexes, and persons with disabilities.
- (d) Each announcement should specify the title, salary, overview of the job, the required qualifications, position duties and responsibilities, the type of selection procedures to be used, and the deadline for and method of application.
- (e) An application must be properly completed and submitted before a person can be considered for a City position. An Employee Action Form and in-processing paperwork shall be completed upon the new employee's hire.

3.3 Evaluation of Applicants

- (a) The appointing authority, Human Resources Administrator, and/or department/division heads, and/or panel shall interview applicants following an initial screening of applicants or resume. In considering applicants, the City will not reject a person on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit-based factors. Applicants shall submit to any required interviews, reference checks, criminal history checks, credit history checks, driving record checks, medical examinations, drug tests, performance tests, or other job-related screening procedures.
- (b) An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualifications, provided the information or examination is job-related.
- (c) The appointing authority shall make the appointment conditional pending the passing of the necessary checks or tests as referenced in paragraph (a) above.
- (d) In the event any qualified person with a disability has applied for a position and requires reasonable accommodation in order to complete any test, examination, or other selection process, the City shall, upon request, evaluate the need for and consider such reasonable accommodation. The City is not required to provide any reasonable accommodation that is not requested within a reasonable time prior to the test, examination, or other selection procedure involved; that would represent an undue hardship to the City; or where the requested accommodation would impair or invalidate a test or other device that directly measures the ability to perform an essential function of the job.

3.4 Basis For Selection

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

3.5 Basis for Disqualification

- (a) An applicant may be eliminated from consideration based on inherent management rights, including but not limited to such factors as the applicant:
 1. Does not possess the knowledge, skills, or abilities necessary to effectively perform the essential duties of the vacant position, with or without reasonable accommodation.

2. Has made a false statement of material fact on the application form or other documents or materials submitted in connection with the application and selection process, or in the course of any interview or other portion of the selection process.
 3. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
 4. Is an individual not legally permitted to work in the United States.
- (b) An applicant may be eliminated from consideration upon other reasonable grounds relating to the position's required or preferred knowledge, skills, and abilities, or budget limits. Further, less qualified applicants may be eliminated from further consideration as the selection and review process proceeds and the pool of applicants under consideration is narrowed.
- (c) No City official or employee shall recommend, appoint, or vote for the appointment of a family member to a City position. Family members include parents, step-parents, grandparents, children of any age, step-children (whether dependent or not), grandchildren, spouse, domestic partner, or siblings (regardless of where these family members reside), anyone related by blood or marriage (aunts, uncles, nieces, nephews, cousins, and in-laws) and who is also residing in the same household as the Official or Employee.
- (d) If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee is subject to termination for dishonesty, incompetency, or other grounds per applicable law.

3.6 Promotion & Provisional Appointment

- (a) A promotion is advancing from one pay range to another higher pay range as the result of filling a vacant position with new and increased responsibilities. This is usually accomplished through civil service competitive examinations and processes per Merit Service Commission Rules for classified employees or by another process for unclassified positions. A promotion gives the employee a new anniversary date. Promotion is not from reclassification or adjustment of the same position and not from one step to another within the same range.
- (b) A provisional appointment refers to an employee that may be appointed provisionally to a position for 120 workdays pending an examination being given for a classified position. A provisional employee is in the unclassified service while serving in the position.
- (c) Whenever a vacancy occurs, the department/division head shall submit a request to the appointing authority. The appointing authority shall determine if the position is to be filled.
- (d) If approved to be filled and the position is in the classified service, the Merit System Commission develops an eligibility list for selecting a candidate.
- (e) If approved to be filled and the position is in unclassified service, the Human Resources Administrator recommends to the appointing authority and department/division head an appropriate procedure for filling the position.
- (f) In considering applicants for promotion, the appointing authority may consider all relevant factors, including but not limited to an employee's completion of any required probationary period, required training courses; skills; experience; education and training; past performance (including the employee's annual performance evaluation ratings); the employee's ability to perform the duties of the new position, including the ability to adapt to future changes; flexibility; commitment to public service and a demonstrated work ethic; and other job-related qualifications.

3.7 Transfer

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

3.8 Temporary Assignment ("Plus Pay")

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

3.9 Reinstatement of Employees

- (a) Employees who resign without delinquency or misconduct on their part may be considered for reinstatement to the same or similar position within one year. The decision whether to reinstate an employee who has resigned from City employment shall be solely at the discretion of the appointing authority. An employee who separates due to injury or physical disability shall be reinstated to the same or similar position within two years from the date of separation, provided a physical examination shows the person has recovered from their injury or disability (ORC Section 124.32). Such employees shall be assigned an adjusted hire date, which reflects their lapse in City service, by changing the actual date of original hire to a later date based on the length of time not employed by the City.
- (b) Reinstatement provisions for police officers and firefighters are contained in ORC Sections 124.06 and 124.50.
- (c) Reinstated employees do not serve a probationary period upon reinstatement unless they did not pass the probationary period prior to separation or unless an agreement between the employee and the City states otherwise.

- (d) In determining the "years of service" for longevity purposes, the total length of full-time service with the City shall be used. If two or more partial years are involved, they will be added to make complete years. The period of time from resignation to reinstatement shall not be used in the calculations.
- (e) In determining the "years of service" for vacation purposes, the total length of full-time service with the City shall be used. If two or more partial years are involved, they will be added to make complete years. The period of time from resignation to reinstatement shall not be used in the calculations.
- (f) A reinstated employee, regardless of the length of the break in service, shall be credited with that sick leave credit earned, but not used, converted to vacation, or paid at resignation.
- (g) Absent a collective bargaining agreement to the contrary, a reinstated employee is eligible to compete for promotional positions based on his adjusted hire date.

3.10 Employee's Time of Service (Seniority)

- (a) It shall be the policy of the City to hire and promote upon the basis of merit, qualifications, and seniority. City seniority shall mean an employee's length of continuous full-time service with the City, based on the employee's most recent date of hire with the City. City seniority shall be the basis for such benefits as accumulation of sick leave, vacation leave, longevity bonuses, or other cumulative monetary benefits based on length of service. Classification seniority shall mean an employee's length of continuous full-time service in the employee's current position classification based on the original date of appointment in that classification. Classification seniority shall be the basis for vacation schedules, layoffs, and recall preference.
- (b) In the event employees have the same classification appointment date, a "seniority tie," the employee who first filed his or her application for the position based on date and time will be considered the senior employee. If no record exists of the date and time of application, the person whose last name is first in the alphabet will be considered the senior employee in that classification.
- (c) Layoff and Recall. For purposes of layoff and recall procedures, the full-time or part-time employee's time of continuous service, defined as continuous service with the City is considered by the appointing authority when the order of layoff within a classification is determined. A break in service occurs when an employee is terminated for any reason other than layoff, retires, is laid off for more than one year, or fails to return to work within 10 calendar days of a recall from layoff. If an employee is reinstated within one year of the termination date, continuous service will include all previous continuous service time but will not be credited for the time between the separation and the reinstatement.
- (d) Retirement. For purposes of determining retirement benefits, service time is defined by the provisions of the retirement system in which the employee participates and may include service time purchased by the employee or the employer pursuant to the laws and regulations governing the retirement system.
- (e) For all other purposes, other than those defined above, service time shall be defined as set forth in the provisions of the Ohio Revised Code, Chapter 124.

SECTION 4. EMPLOYMENT RELATIONSHIP

4.1 Classified and Unclassified Employment

- (a) All City employees are presumed to be classified as civil servants in the City Merit Service unless the position which they occupy has been excluded from the classified service as stated in the City Charter or by the City Ordinance.
- (b) After completion of a 6-month probationary period, or the probationary period designated in the classification specifications, classified employees may only be disciplined for cause by following the procedures set forth in the City's Ordinances and policies. Classified employees may not actively participate in partisan politics (see Political Activity Section). Not all City employees serve in the unclassified civil service by law, or by appointment to positions which have been excluded from the classified service. Such employees serve at the pleasure of the appointing authority, and may be removed at any time, with or without cause as long as the removal does not violate federal or state laws. Per City Charter Section 7.3, City positions or employees who serve at-will and are in the unclassified service include:
1. All officials elected by the people.
 2. All part-time and seasonal personnel.
 3. Chiefs and Deputy Chiefs.
 4. Directors and Deputy Directors.
 5. Clerks, Secretaries, and Receptionists.
 6. Unsworn Community Service Officer.
 7. Superintendents and Supervisors.
 8. Police Lieutenants appointed after January 1, 2009.
 9. All positions not specifically included by the City Charter in the classified service.
- (c) All other positions not specifically excluded by the City Charter, shall be considered in Classified Service.

4.2 Employee Status

- (a) All City employees are to be classified as full-time, part-time, temporary, or seasonal.
1. Full-time Probationary Employee - new full-time employee normally scheduled to work 40 hours per week and hired with the intention of becoming a regular employee after serving a probationary period.
 2. Full-time Regular Employee - an employee normally scheduled to work 40 hours per week, or some other work schedule such as Fire Division shifts and who has passed their probationary period.
 3. Part-time Employee - an employee who is normally scheduled to work 30 hours or less per week.
 4. Temporary Employee - an employee hired for a limited period of time, either full-time or part-time.

5. Seasonal Employee - an employee who works in a position that may only be performed during certain times of the year, whether full-time or part-time. Such employees may, in management's discretion, be reinstated during the next season, or the earliest possible period when there is a need for seasonal employment.
 6. Provisional Employee - a current employee appointed to temporarily fill a position vacancy created by the absence of a full-time regular employee. The provisional appointment shall not exceed 120 workdays.
- (b) Full-time regular employees are eligible for all benefits as provided by the City. Part-time employees accrue paid time off (PTO) hours.
 - (c) Temporary and seasonal employees are not entitled to any benefits unless otherwise specified in this Manual.
 - (d) Probationary employees serve at the will of the appointing authority and may be removed at any point in the probationary period. Part-time, temporary, and seasonal employees are always in probationary status.
 - (e) Employees who are required to handle City funds shall be bonded.
 - (f) All employees are eligible for Bureau of Workers' Compensation coverage.

4.3 Medical Examination, Drug Test, and In-Processing

- (a) After successful completion of the interview and/or evaluations, the applicant may receive a conditional appointment letter from the City Manager. He or she may then be scheduled for a post-employment offer (or pre-employment) medical examination depending on the City position and will be scheduled for a drug test by a City-contracted medical facility. Such examinations help to ensure that selected job applicants are physically able to perform the essential duties of the position, with or without reasonable accommodation. Any individual who fails a drug test as a pre-employment fitness for duty examination shall be advised that they will not be considered for employment in any position for at least twelve (12) months. No applicant shall be required to undergo a medical examination or drug test prior to a conditional offer of employment.
- (b) The drug test will determine if the applicant is illegally using a controlled substance. For the purposes of this Manual, and unless otherwise specified, Federal Law shall determine the legality of any particular controlled substance prohibited herein.
- (c) Certain City positions (to include the Police and Fire Divisions) may also require a physical ability test, a psychological examination, and/or a polygraph exam.
- (d) After these examination and evaluation requirements are passed, the applicant will be signed up for benefits, receive an initial orientation, and become an employee.
- (e) During employment, if there is just cause, the City Manager or designee may require an employee to have a physical and/or mental examination, or drug test to ensure the person is able to perform the duties of their position.

4.4 Probationary Period

- (a) Each newly hired or promoted full-time regular employee shall serve a probationary period. Probationary periods are normally for six (6) months, except for original appointments to the Fire and Police Divisions which shall have a probationary period of twelve (12) months. A longer probationary period may be imposed only with the approval of the appointing authority.
- (b) Supervisors use the probationary period to observe closely and evaluate the employee's performance and aptitude for the job. By means of a mid-probationary period assessment, the

supervisor determines and communicates to the employee pertinent information concerning his or her progress in the new position, problems and achievements at that point, and any need for improvement in order to complete the probationary period successfully. Likewise, throughout the probationary period the employee is encouraged to bring problems to the supervisor and discuss any needs or concerns with the goal of enhancing his or her performance. Supervisors recommend retention of those employees who meet acceptable work standards during the probationary period, and the removal of those employees who do not meet acceptable standards.

- (c) An employee may be terminated for failure to complete the original probationary period successfully at any point prior to the end of the probationary period. Employees serving at a promotional probationary period may be reduced to the classification and salary held prior to the promotion, if available, upon failure to complete the promotional probationary period successfully at any point prior to the end of the probationary period. The appointing authority shall review each case individually and evaluate the employee's fitness for the position and quality of work in determining whether the employee has successfully completed probation.
- (d) Reduction for failure to complete a promotional probationary period shall not be considered a disciplinary action and shall not serve to eliminate the employee for consideration for advancement to other positions. A promotional probationary reduction is not subject to appeal or the disciplinary or complaint procedures of this Manual.
- (e) The probationary period shall be based on calendar days from the date of appointment. Time on paid or unpaid leave shall not be counted toward the completion of the probationary period.
- (f) The hiring process is not finalized until the probationary period is successfully completed. It is the responsibility of the newly hired employee to show that he/she are a suitable candidate for on-going employment.
- (g) Employees serve at-will and remain subject to removal at any time during the probationary period. A probationary removal is not considered a disciplinary action, or subject to the right to appeal.

4.5 Employment of Relatives and Domestic Partners

- (a) No City official or employee shall recommend, appoint or vote on the appointment of a family member to a City position. Family members include parents, step-parents, grandparents, children of any age, step-children (whether dependent or not), grandchildren, spouse, domestic partner, or sibling (regardless of where these family members reside), anyone related by blood or marriage (aunts, uncles, nieces, nephews, cousins, and in-laws) and who is also residing in the same household as the official or employee.
- (b) City employees and officials may not discuss, recommend, authorize or use the authority or influence of their positions, formally or informally, to secure a job for a family member. This includes full-time, part-time, temporary, seasonal, contractual or permanent positions, and positions in the Classified or Unclassified Civil Service, or non-civil service positions.
- (c) No applicant shall be considered for a position which would be directly supervised by a family member based on the criteria of Ohio Ethics law. Ohio Revised Code §§ 102.03 and 2921.42 prohibits public employees from using their influence to benefit themselves or their family members. In recognition of these requirements, the Code of Ethics is established for all City officials and employees. This policy shall be reviewed, analyzed, and applied in accordance with advisory opinions and decisions of the Ohio Ethics Commission.

4.6 Employee Separation

- (a) Failure to give proper notification may result in ineligibility for re-employment.
- (b) Department/division heads will ensure all City property (uniforms, keys, identification card, purchase or credit cards, applicable passwords, swipe card, equipment, etc.) are returned and accounted for before the employee leaves City employment and/or receives their final paycheck.
- (c) The Employee Separation Form, and any equipment/property inventory form(s) should accompany the Employee Action Form.
- (d) Resignation
 - 1. Notice - an employee who plans to voluntarily resign shall formally notify their immediate supervisor in writing at least two (2) weeks in advance of the effective date of separation.
 - 2. Exit Interview - any employee who resigns is encouraged to have an exit interview with the City Manager or designee. The exit interview is an opportunity for the employee to offer constructive criticism and insights regarding their City work experience.
 - 3. Protocol - a written letter of resignation is required for purposes of processing the final payroll for the employee. A resignation becomes final once accepted by the appointing authority or designee.
- (e) Termination (Involuntary Separation)
 - 1. Employees who are terminated as a result of disciplinary action will be monitored as they depart City property.
 - 2. Department/division heads will ensure all property (uniforms, keys, identification card, purchase or credit cards, swipe card, equipment, etc.) are returned and accounted for before the employee leaves City property.
 - 3. The Employee Separation Form, and any equipment and property inventory form(s) should accompany the Employee Action Form.
 - 4. Employees who are involuntarily terminated will be ineligible to volunteer in any capacity.
- (f) Retirement
 - 1. City employees are required by law to participate in the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OPFPF). These programs are entirely independent of the federal Social Security System. Depending on the program, employees may receive pension benefits depending on their age and years of service credit, or if they have to retire due to a work-related injury or disability.
 - 2. The requirements and procedures governing the retirement of City employees are set forth in ORC Chapter 145 and OPERS or OPFPF rules and regulations. OPERS and OPFPF are the sole and final authorities on all matters regarding retirement eligibility and benefits, and employees are encouraged to contact these programs directly with questions or concerns about benefit levels, service credit, or eligibility issues.
 - 3. Information outlining OPERS or OPFPF benefits, and specific issues such as service credit, survivor's benefits, disability retirement, and refund of contributions are available in the Finance Department.

4. An employee who desires to retire must submit in writing a request to retire and specify an exact retirement date. The request must be submitted to the appointing authority or his designee, and employees are encouraged to give as much advance notice of retirement as possible. The employee must also complete the necessary OPERS or OPFPF retirement applications forms.

(g) Serious Injury or Death of an Employee

1. The serious injury or death of a City employee is a very unfortunate and traumatic situation that requires careful and compassionate consideration by City management and co-workers. To ensure the City has accurate personal emergency information for employees, each department/division shall maintain this necessary information, including next of kin information, home address (not post-office box), and telephone numbers. A detailed Job Injury and/or Death Notification Information package for employees is available in Human Resources. To fully inform his/her supervisors of important information in the event of a serious injury or death while at work. This information package should be returned to Human Resources in a large, sealed envelope, which will be secured in the Police Dispatch Center, and will only be opened by senior management in case of an emergency.
2. The serious injury or death of an employee shall be reported immediately to the City Manager's Office (the City Manager, his designee, or his secretary).
3. Official notice of the employee's serious injury or death will be made by the City Manager's Office, and the name of the employee will not be announced until the employee's next of kin is notified.
4. If the employee's death occurred at work, the City will investigate the circumstances of the death. The City Manager or his designee will provide information on the investigation results.
5. The injured or deceased employee's department/division head will secure the employee's personal possessions and return the possessions to the next of kin if these items are not part of the investigation.
6. The City Manager's Office and the deceased employee's department/division will assist the employee's family as necessary and appropriate.

SECTION 5. COMPENSATION & HOURS OF WORK

5.1 Compensation

- (a) New employees are hired at the appropriate pay range for their position, theoretically at the beginning step of their assigned salary range when the classification plan is current and up to date. If exceptional qualifications and experience warrant it, a new employee may begin at any step within the salary range.
- (b) City Council may approve across-the-board (cost-of-living) pay increases.
- (c) The Employee Action Form will be used to request all pay changes.

5.2 Annual Step Increases

- (a) Employees, who are not members of a collective bargaining unit, may be approved for annual step increases based upon satisfactory performance as documented on their annual performance evaluation and the recommendation of their department/division head. In certain circumstances of exceptional performance, the appointing authority may approve advancement of two steps within a salary range. Two-step salary increases will be based on documented exceptional performance as indicated on the employee's annual performance evaluation, and the recommendation of their supervisor, department/division head, and the final decision of the appointing authority. This two-step policy shall not pertain to Council salary range increases beyond the top step in a salary range.

5.3 Scheduled Hours & Overtime

- (a) The current weekly payroll period is from 12:01 a.m. on Sunday and continues for seven consecutive days to end at 12:00 a.m. the following Saturday. The department/division head shall establish the appropriate work schedule for their department/division in consideration of public service, workload, operational needs, and collective bargaining agreement. Employees may not adjust their work schedule without their supervisor's approval.
- (b) Approved lunch periods are not considered as work time; therefore, employees shall be relieved from work for that time period.
- (c) With the exception of employees exempt from overtime according to the Fair Labor Standards Act (FLSA), employees shall be entitled to overtime compensation at the rate of one and one-half (1 1/2) hours for time worked in excess of 40 hours in the designated work week.
- (d) Exempt Employees. Labor law exempts broad categories of management and administrative jobs from overtime coverage, compensation or comp time, because they are paid on an annual salary basis: executive, administrative, professional, and highly compensated computer employees.
 - 1. Exempt employees are paid a pre-determined annual salary on the basis of the nature and responsibility of their position. They are expected to work a minimum of 2,080 hours per year, including paid leave for vacation, holidays, injury, jury duty, sickness, and funeral. Recognizing that exempt employees perform their work to include attending meetings outside "8 to 5" office hours or on business trips, these employees perform their 2,080 hours in a flexible manner. Accordingly, hours of work of exempt employees may be subject to adjustment with the approval of the department/division head and/or City Manager. While exempt employees are permitted some flexibility in their schedules, they are expected to maintain regular office hours.
 - 2. The salary amount may not be reduced because of variation in work performed in any time period less than a year, and the salary may not be subject to partial-day docking of pay. The employee shall receive his or her full salary for any week in which he or she performs any work or is on paid leave status without regard to the number of days or hours worked.
 - 3. Supervisors of exempt employees are expected to track their employee's attendance.
- (e) The following employees are designated exempt employees:
 - Building and Zoning Administrator
 - City Engineer
 - City Manager
 - City Planner

Community Development Director
Deputy Finance Director
Deputy Fire Chief
Deputy Police Chief
Director of Parks & Recreation
Finance Director
Fire Chief
Law Director
Manager of Information Technology
Maintenance Supervisor
Police Chief
Public Information Office
Streets Superintendent
Superintendent of Building Maintenance

Other positions as designated by an appointing authority of the City

- (f) Non-Exempt Employees and Overtime Compensation. All other City employees are designated non-exempt ("hourly") employees for wage purposes. For these employees, overtime compensation is permitted for an employee working in excess of 40 hours in one week. Employees shall be paid time and one-half their regular rate for overtime worked. Overtime will only be paid in cash for the work week it is earned. Comp time will not be awarded or accrue for working overtime. Business travel for non-exempt employees shall count as hours worked. Hours worked shall not include:
1. Meal periods where the employee is not required to perform any duties.
 2. Travel time to and from the employee's home.
 3. Time spent on travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered as work time. Travel away from home is work time when it cuts across the workday of the employee. The time is counted as hours worked on regular working days and during corresponding hours on nonworking days.
 4. On-call or stand-by time where the employee is merely required to leave information as to where he or she can be reached.
 5. Paid or unpaid leaves of absence.
 6. Work performed contrary to the direction of the employee's supervisor.
- (g) Non-exempt employees shall not work overtime without the approval of their supervisor, except in emergency situations. No employee shall, without good cause, refuse a reasonable request of their supervisor to work overtime.
- (h) Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to overtime compensation. If an employee is absent on a scheduled overtime day, such employee shall not be entitled to additional compensation.
- (i) Non-exempt employees must record their actual start and stop time of work each day as directed by their department/division head or City Manager. The times recorded each day must

be accurate, though with the supervisor's approval, the employee may round the time to the nearest quarter-hour. Employees in this status, with the exception of Fire and Police Division safety personnel, shall use the time clock or other time recording system as follows:

1. At the beginning and end of the workday.
 2. At the beginning and end of the meal period.
 3. Any other time that an employee leaves and returns to their work location for personal reasons.
 4. Each employee shall use his or her own timecard or time sheet. Using another employee's card, recording another employee's time, or falsifying hours worked shall be considered a serious policy infraction subject to suspension, dismissal, and/or criminal prosecution.
- (j) An employee cannot volunteer to do the work that he already does, nor can he waive any of his rights to overtime pay under the FLSA. Therefore, the City is obligated to make sure that the overtime work is not being performed, or if it is being performed, that the employee is paid.
- (k) Whenever a non-exempt employee is called into work at a time other than his or her planned work schedule, thereby necessitating additional travel to and from work, he or she shall be guaranteed two (2) hours of work. However, any work required by the department/division head, prior to the start of the scheduled work shift and which continues into the employee's scheduled shift, is not covered by this minimum policy. Similarly, any work required by the department/division head that continues beyond the employee's scheduled shift is not covered by this minimum policy.
- (l) Whenever a non-exempt employee works an 8-hour day, and then takes an evening meal break in order to return for an evening meeting (after 6:00 p.m.), the employee shall be paid a minimum of one-hour overtime or the actual length of the meeting, whichever is greater in length.
- (m) During any given work week, a supervisor may alter an employee's schedule, hour for hour, to avoid the employee working in excess of the regular scheduled work week of 40 hours.
- (n) A part-time employee shall not serve in another part-time position at the City, if the combination of the part-time positions' hours exceeds 40 hours a week.
- (o) All employees working a full-work shift will, to the extent practicable, receive a meal period that is normally one unpaid hour.
- (p) Approved lunch or meal periods are not considered as work time; therefore, each employee shall be completely relieved, if possible, from work duties for that time period.
- (q) Lunch or meal periods which are uninterrupted by work are excluded from compensable time. Lunch or other meal periods that are interrupted by authorized calls to duty must be counted as compensable time, since the employee has not been relieved of all duties.
- (r) Employees who are completely relieved from work during their approved meal period are not required to request permission to leave their work premises during their scheduled meal period.
- (s) Break periods for purposes such as rest, purchasing refreshments, and other personal needs are at the sole discretion of the supervisor and may be granted only to the extent practicable without interference with normal work operations, and provided that break periods shall be limited to two (2) 15-minute breaks per day. No employee may abuse such personal breaks for excessive time away from work, including for smoking. Bathroom breaks are not considered as "break periods" hereunder.
- (t) Employees shall not waive/forfeit their meal or break periods to reduce their workday or work week.

- (u) City employees shall not serve as a volunteer for the same position in which they are employed full- time or part-time by the City. This section shall not preclude Public Safety officers from accepting special detail assignments with second employers.
- (v) Hours of Work for Part-Time Firefighters/Paramedics/EMTs. The Fire Chief or his/her designee will determine tours of duty. All additional hours of pay as provided herein shall be paid in one-half hour increments. All on-call personnel shall work the entire time for which they are compensated, unless excused by the Fire Chief or his/her designee. Additional calls received while on active duty shall not be considered as an additional call for the purposes of pay. In such cases, the initial call will be extended and pay for extra hours will apply. Personnel shall be paid weekly with the pay week starting at 0700 hours on Sunday and ending at 0659 hours on the following Sunday. All appropriate pay rates shall be based on the FLSA, Section 207, Subsection K, in that a firefighter/paramedic/EMT may work 212 hours in 28 consecutive days before overtime compensation is paid.
- (w) Ohio Minor Labor Law (ORC Chapter 4109).
1. Minor means any person less than 18 years of age. Unless ORC Chapter 4109 indicates otherwise, every minor aged 14-17 must have a working permit. A minor employed more than 5 consecutive hours must receive a rest period of at least 30 minutes. No person under 16 years of age shall be employed:
 - During school hours except where specifically permitted under ORC Chapter 4109.
 - Before 7:00 am or after 9:00 pm from June 1st to September 1st or during any school holiday of 5 school days or more; or after 7:00 pm at any other time.
 - For more than 3 hours a day in any school day.
 - For more than 18 hours in any school week.
 - For more than 8 hours any day when school is not in session.
 - For more than 40 hours any week that school is not in session nor during school hours, unless employment is incidental to bona fide programs of vocational cooperative training, work study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.
 2. No person 16 or 17 years of age who is required to attend school shall be employed:
 - Before 7:00 am on any day school is in session or 6:00 am if the person was not employed after 8:00 pm the previous night.
 - After 11:00 pm on any night preceding a day that school is in session.
 3. This is a summary of Ohio Minor Labor Laws and does not include all requirements. Refer to ORC Chapter 4109 for specific applicable requirements. A State of Ohio Minor Labor Laws poster can be found posted in each City facility for this purpose. For additional information, please refer to Human Resources.

5.4 Pay Period

- (a) Employees are paid weekly, every Friday, via direct deposit to the employee's designated bank or financial institution. The City shall not access employee financial accounts to make negative adjustments unless authorized by law to do so.
- (b) If a holiday occurs on a Friday on which a pay day falls, wages will be paid, if possible, on the preceding business day.

- (c) The department/division head or designee should try to answer questions regarding an employee's pay inquiries, before referring the matter to the Finance Director.

5.5 Payroll Deductions

- (a) Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement.
- (b) The Ohio Public Employees Retirement System (OPERS) or The Ohio Police and Fire Pension Fund (OPFPF)
1. State law requires that employees contribute to the OPERS or the OPFPF, rather than Social Security. Membership in one of the pension programs is compulsory upon being employed.
- (c) Income Taxes:
1. Federal, state, and city governments require that taxes be withheld from employee wages. The amount of tax to be withheld is determined from tables furnished by the appropriate government offices, according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Finance Department of any necessary changes.
- (d) Garnishments:
1. This is a court ordered legal claim against a City employee's wages by a creditor for nonpayment of a debt and must be executed by the Finance Director. Employees may not be disciplined for garnishments when the employee has demonstrated a willingness and effort to resolve his or her financial problems. Repeated garnishments may be cause for disciplinary action.
- (e) Miscellaneous:
1. These deductions may include Medicare, deferred compensation, child support, and other authorized withholding. The employer may refuse to make deductions not required by law, or that are below certain prescribed minimum amounts, or at irregular intervals, or for other cause that the employer deems not in the best interests of the City. All requests for payroll deductions must be arranged through the Finance Department.

5.6 Longevity Pay

- (a) Longevity pay shall be paid to all regular full-time, non-union employees who have served the City for ten (10) or more years. Longevity will be computed on December 31st of the year payment is made. The longevity payment will be made between the first (1st) and fifteenth (15th) of December, based on the following years of service and payment:

Years of Service	Hours of Pay
10 Years.....	10 Hours
15 Years.....	15 Hours
20 Years.....	25 Hours
25 Years.....	30 Hours

5.7 Administrative Leave With Or Without Pay

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

5.8 Separation Pay

- (a) Upon separation from employment for any reason, an eligible employee shall be paid for all hours worked but unpaid, unused vacation hours subject to the Vacation, Personal Leave, and Paid Time Off Policy. Unused sick leave hours subject to the Sick Leave and Sick Leave Conversion Policy, and/or compensatory time earned but not yet used for non- exempt employees. Union employees need to review their contract as well.
- (b) Final payments upon separation will be made within 30 days of the separation.

5.9 Travel & Training Expense Reimbursement

- (a) City employees shall receive reimbursement for reasonable expenses incurred while traveling on official City business. This policy is intended to serve as a guide for the proper processing of various travel activities of City employees. Employees who travel on behalf of the City are expected to use good judgment and to make related expenditures in a prudent manner, consistent with both the highest ethical standards and the need to expend public funds in a frugal and economical manner.
- (b) Public officials and employees are prohibited from accumulating frequent flyer miles or other travel incentive awards when City pays for such business travel.
- (c) City employees are encouraged whenever possible to use their City's Purchasing Card to pay for travel and training expenses. If this is not possible the following methods can be used:
 - 1. Advance payment by City check to the vendor through the normal purchase order process.
 - 2. The employee may make direct payment and request reimbursement through the Travel Expense Report Form.
 - 3. The employee may arrange for the City to be directly billed by the vendor for payment.
- (d) Local Travel and Training Expenses. Travel and training expenses for less than 8 hours duration and do not involve overnight travel are to be handled in accordance with this section.
 - 1. Transportation. Whenever possible, an employee will request a City vehicle for travel to local seminars, meetings, and other City business. When a City vehicle is not available, an employee may use their personal vehicle and be reimbursed at the current Internal Revenue Service (IRS) rate. Local mileage for use of a personal vehicle should be turned in for reimbursement on a monthly basis using the Monthly Mileage Log – Personal Vehicle Form.

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

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

2. Registration. Fees for registration, including meals, for local meetings and seminars are reimbursable.
 3. Attendance at Meetings with Food Served or Other Work-Related Functions. Reasonable expenses incurred by employees when attending or holding breakfast, lunch, or dinner meetings necessary to the performance of their official duties, or for functions in which the employee or official was asked to appear as a representative of his or her office or otherwise in an official capacity, are reimbursable, provided that the employee attaches a statement to the reimbursement request detailing the business or official purpose of such meeting and a list of the persons in attendance. The appointing authority must approve the expenses for each separate meeting or function. These meetings do not fall under the per diem rate of this policy, and will be paid at actual cost when submitted with a request for payment, together with a statement as to the public or business purpose of said meeting. No reimbursement is available under this policy for any event, meeting, or function in connection with any political party or campaign, or any candidate for office.
- (e) Non-Local Travel and Training Expenses. Travel and training expenses for more than 8 hours duration and/or involve overnight travel are to be handled in accordance with this section.
1. Authorization. Prior to the expenditure of any funds for non-local travel and training, Request for Approval of Business Related Travel Form, must be completed and turned in for approval. Upon approval, a blanket purchase order for the estimated cost of travel should be processed for approval. Expenses for the travel can be processed once the purchase order has been approved.
 2. Registration. Registration fees for employees attending conferences and seminars are eligible expenses.
 3. Lodging. Lodging expenses are eligible expenses in accordance with these provisions: Employees shall use a room at the lowest reasonable available rate, including conference, seminar, or government rates, where available. Many conferences and seminars provide a listing of pre-arranged hotels for registrants to place in priority order and a hotel is assigned. The rates provided by the conference are acceptable under this policy. When a non-employee spouse or other guest accompanies an employee on business travel, only the stated single rate is an eligible expense.
 4. Meals. Employees will be paid a per diem allowance, which will cover meals and gratuities. The per diem will be based on the rate approved by the General Services Administration (GSA) for that location (see www.gsa.gov). When meals are included in the registration fee, the per diem will be reduced based on the following breakdown, 25% for breakfast, 25% for lunch and 50% for dinner. Please use the Request for Per Diem Payment Form.
 5. Transportation. Employees are expected to use the form of transportation that is the most economical in regards to actual cost and travel time. Travel by airplane, bus, train, or other common carriers shall be undertaken at the lowest rate reasonably available. Air travel must be at coach or economy rates.

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

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

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

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

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

Dry cleaning

Cosmetic needs

Personal car repairs

Alcoholic beverages

Expenses incurred by or for persons who are not City employees

Personal entertainment to include in-room movies

Internet access/connection

- (f) Deadline for Filing Expense Reports. Expense reports are to be submitted no later than 10 work days after the travel in question, or 10 workdays after the receipt of an invoice for expenses for such travel, whichever is later. Any request submitted after such period is not eligible for reimbursement.
- (g) Reimbursement to City for Expenses Paid Just Prior to Separation. The appointing authority may reject any request for out-of-town travel submitted by or on behalf of an employee who is scheduled to resign, retire, or otherwise separate from City service within 90 days of the requested travel.
- (h) Forms. All City employees shall use Forms 4.71, 4.72 and 4.73 when requesting travel and expense benefits.
- (i) Falsification of Information. Employees who falsify travel and training reimbursement claims are subject to discipline up to and including termination and possible prosecution for theft.

5.10 Tuition Prepayment or Reimbursement & Education Incentive

- (a) The City offers tuition prepayment or reimbursement to regular full-time employees after 12 months of full-time City service for higher education pursuits which are specifically related to a position's duties and responsibilities, and which increase the employee's ability to become more effective in their primary area of work or other area as may be approved by the City Manager.
- (b) Application and Qualification. Prior to beginning the course for which prepayment or reimbursement is being requested, the employee must submit a Tuition Payment Agreement Form to his or her supervisor. Since the City is primarily interested in paying for courses that result in a college degree, the employee needs to include a degree plan (listing of courses) with the request. The supervisor, the department/division head, and the appointing authority must approve this request. To ensure funding is available, the tuition request shall be made far

enough in advance so money can be made available in the department/division budget for that year; it is highly recommended requests be submitted prior to budgeting season. The discretion to grant or deny final approval lies solely with the City Manager. The appointing authority may consider the request under the following criteria:

1. The relevance of the course to the employee's job duties or those of a position within the office or department/division that the employee may reasonably hope to attain; provided that the appointing authority may, in his or her sole discretion, approve payment for core courses in a basic education requirement for a college degree program that does meet this relevance standard.
 2. The employee's performance, including performance evaluations and disciplinary actions.
 3. The City's special need for additional education or training among particular classifications, positions, or employees.
 4. The course is offered through an accredited college, university, technical institute, business school, or related educational school or institution.
 5. Courses taken during an employee's normal working hours or during time in which he or she is being paid by the City will not be eligible for reimbursement. Any request for the use of flexible work schedules may be considered by the appointing authority.
 6. The availability of tuition funds.
- (c) Amount of Payment. The City will pay the employee up to \$ 4,000 per year for tuition, enrollment fees, laboratory fees, and books for a maximum of 6 semester hours or 9 quarter hours per academic term, providing he or she receives a passing grade of "C" for undergraduate work, "B" for graduate work, or a grade of "pass" in a system that offers only "pass/fail" grades. Payment will be reduced proportionality for courses in which an employee is receiving financial assistance via scholarships, grants, or loans.
- (d) If the employee receives a lower than required grade, the employee shall reimburse the City for all the funds received for the course or courses. If necessary and in accordance with applicable law, the City may deduct the amount due from the employee's paycheck in order to pay for the course costs.
- (e) The City will not pay fees for course work beyond the attainment of the employee's next higher degree; such as bachelor's degree if employee has no degree. Payment for a master's degree would only be considered if the degree is necessary to perform the position's duties and responsibilities.
- (f) An employee who has received education funds must, as a condition for such payment, remain a City employee for a period of two years from the time the last class was taken. An employee who does not complete the work commitment prior to separating from City employment, whether through resignation, retirement, or termination, is required to return funds received under this tuition reimbursement program to the City. The amount of the funds to be returned shall be prorated to reflect the portion of the work obligation that the employee has accomplished prior to separation, and such funds may be withheld from remaining paychecks or other funds due to the employee.
- (g) The granting or denial of tuition reimbursement is a prerogative of management, and is not subject to the grievance procedure. The appointing authority may, upon notice to the employees affected, reduce the individual and/or aggregated limits on tuition reimbursement, limit the number of credit hours for which reimbursement may be sought, or limit the program to those employees or classifications where the learning needs are most critical to the City.

- (h) The City offers Education Incentive pay to employees who earn a degree from an accredited college that is directly related to his or her position. To earn the incentive pay, the employee shall have completed 24 months of service with the City prior to earning the degree. The Education Incentive pay shall remain the same amount for both non-union and union employees. This pay will be added to the employee's base rate per hour, based on this annual amount:
- 1) Associate's Degree: \$425 (\$0.20 per hour)
 - 2) Bachelor's Degree: \$850 (\$0.41 per hour)

SECTION 6. ATTENDANCE, TIME OFF, & LEAVES OF ABSENCE

6.1 Attendance, Absence, and Tardiness

- (a) The department/division heads or designee shall establish daily work schedules and maintain daily employee attendance records, including actual hours worked and the duration of any lunch or other meal break. The average hours of work for most regular full-time employees are forty (40) hours per week.
- (b) It is the responsibility of all department/division heads to ensure that accurate time and leave records are maintained within their department/division.
- (c) Regular attendance is an essential function of every employee's job, and every employee is responsible to be present on their jobs during the regularly scheduled hours of work. Both management and co-workers count on every employee to be at work. Except for illness or emergency (car accident, etc.), employees not on prior authorized leave are expected to be in attendance each workday. Any employee who is not able to report to work because of an emergency, illness, injury, inclement weather, or other extenuating circumstance shall inform the appropriate supervisor of the fact with as much advance notice as possible, but in no event not later than one-half hour prior to his/her scheduled starting time. Failure to properly inform the appropriate supervisor of absence from work may be subject to appropriate disciplinary action. Employees who work in those departments/divisions where time sheets, cards, or time clocks are used will be required to utilize them when checking in or out of work.
- (d) An absence is any scheduled work time missed by the employee, including tardiness. An authorized or excused absence occurs when an employee notifies his or her supervisor in advance of their absence via completion of the City Absence Report Form, or in an emergency, via telephone or in person.
- (e) An unauthorized absence occurs when an employee fails to show for work at the designated time and/or when an employee fails to notify his or her supervisor of their absence prior to the normally scheduled work time. Failure to follow procedures set forth for requesting and receiving approval for leave of absence or any absence during normal work hours shall constitute cause for disciplinary action, up to and including termination.
- (f) In department/divisions where work is performed on a 24-hour schedule, all absences from work shall be reported to the employee's immediate supervisor as far in advance as possible.

- (g) When an employee returns to work following an absence, the employee shall immediately report to his or her supervisor or designee. The employee shall complete the City Absence Report Form and provide the appropriate documentation to substantiate their absence. The form and documentation shall be reviewed by the department/division head to determine whether the absence shall be approved. If not approved, the leave may not be paid, and the employee may be disciplined.
- (h) If an employee fails to report to work or report his absence, they are subject to discipline, up to and including termination.
- (i) An employee absent from duty without authorization for three (3) consecutive work days will be deemed to have automatically terminated his or her employment as of the last day of active service, unless the employee can provide documentation to the satisfaction of the City Manager that circumstances beyond the employee's control prevented them from reporting to work.
- (j) Tardiness occurs when an employee reports to work after the scheduled starting time, returns late from a meal or other break period, or leaves early without permission. Whenever an employee is tardy, a non-exempt employee may be subject to a reduction in pay corresponding to the amount of time he or she was late, unless he or she offers to the supervisor a written reason for being late found acceptable by the supervisor. Employees shall not use sick leave to cover tardiness. In addition, employee tardiness may be subject to appropriate disciplinary action.

6.2 Holidays

- (a) All full-time employees will be entitled to 11 paid holidays as follows:

New Year's Day (January 1)

Martin Luther King Day (Third Monday in January)

Good Friday (Friday before Easter)

Memorial Day (Fourth Monday in May)

Independence Day

Labor Day (First Monday in September)

Thanksgiving Day (Fourth Thursday in November)

Day after Thanksgiving

Christmas Eve Day

Christmas Day

New Year's Eve Day

- (b) To be entitled to holiday pay, an employee must work his or her last scheduled workday before and first scheduled workday after the holiday unless on an approved vacation or personal day, FMLA leave, compensatory day off, funeral leave, paid administrative leave, or military leave.
- (c) A holiday which is observed on a regular workday occurring during an employee's vacation will not be counted as a day of vacation.
- (d) If a sick day occurs before or after a holiday, the employee must be presented with a certificate from a licensed physician (or medical provider) immediately upon return to work. Failure to produce such a requested statement may result in denial of sick leave pay and such disciplinary action as may be appropriate.

- (e) If the above holidays fall on a Sunday, the following Monday shall be observed as the holiday. If the above holidays fall on a Saturday, the preceding Friday shall be observed as the holiday.
- (f) Christmas Eve Day will be observed on the business day preceding the observance of Christmas Day. New Year's Eve Day will similarly be observed on the business day preceding the observance of New Year's Day.
- (g) When a non-exempt full-time employee is required to work on the day observed as a holiday, he shall be entitled to pay for such time actually worked at 1 ½ times his regular base rate of pay. Part-time and seasonal employees shall also be paid at 1 ½ times their regular rate of pay for time actually worked on a holiday.

6.3 Vacation

- (a) The City believes that it is in the best interest of the City and the individual for full-time employees to take vacation away from the job for the purposes of rest and recuperation.
- (b) New, non-union employees hired on or after January 1, 2002, shall receive 5 days (40 hours) of vacation credit after successfully passing their six month probationary period. After six months, an employee would continue to accrue vacation leave hours based on their weekly paid status.
- (c) Full-time, regular employees accrue vacation credit as follows:

1 through 4 years	10 days
After 5 years to 14 years	15 days
After 15 years of service	20 days
- (d) Vacation Accrual
 - 1. For non-union employees, up to 5 years of service for vacation accrual purposes may include full-time service in this City or in another Ohio public, political subdivision, such as cities, villages, townships, public school districts, health districts, special districts established by state law, or other appointing authorities for public employees established under Ohio law. It does not include service with the federal government, military service (except active duty service with the Ohio National Guard or other authorized Ohio militias), or service in any other state. Any employee claiming prior service for purposes of vacation accrual is responsible for obtaining verification of this prior service from his/her prior employing jurisdiction, by means of an original letter signed by an authorized official of the jurisdiction. Vacation accrual based upon prior service may only be granted to the employee prospectively from the date upon which the employee has provided such written verification from the prior employer.
 - 2. An employee who has retired in accordance with the provisions of any retirement plan of the State of Ohio and who is employed by the City, is not eligible to have any prior service counted for the purpose of vacation leave.
- (e) Vacation leave accrues while on paid status. No vacation credit is earned while an employee is on unpaid status. Employees are responsible for tracking the accuracy of their leave accrual and use.
- (f) Vacation leave shall be taken in units of not less than 1 hour.
- (g) Vacations are scheduled in advance and at management's discretion in accordance with workload requirements of the individual departments and divisions. For this reason, it is preferred that vacation requests be made at least one week in advance of the proposed starting date, and vacations of one week or more should be requested at least 30 days in advance. All requests for vacation approval must be submitted to the employee's immediate supervisor and are

subject to final approval or disapproval of the appointing authority or his designee. The supervisor shall grant or deny the requested vacation as soon as practical.

- (h) The department/division head may post a vacation calendar during the month of January in order for employees to make their vacation requests that year. Vacation requests made during the month of January shall be honored on the basis of the employee's classification seniority within the department or division. After January, no seniority rights to preferred dates shall exist.
- (i) Due to department/division operational requirements, management may block out periods of time as not available for vacation.
- (j) In no case may an employee take his or her vacation early, prior to the actual accrual of the vacation credit as provided in this section. In other words, no employee may be advanced vacation.
- (k) An employee's unused yearly vacation leave, to include the additional vacation hours, may be carried over into the next vacation year. However, no more than three years of unused vacation leave may be accumulated at any time. Upon department/division head recommendation, and based on circumstances beyond the control of the employee, the City Manager may approve a waiver to the three-year accumulation limit, and authorize payment in lieu of forfeiture. Except for resignation or retirement, this is the only time, an employee may be paid for accrued and unused vacation hours.
- (l) Any employee who resigns or retires shall be paid for any earned but unused vacation leave providing it does not exceed the maximum carry over balance.
- (m) In the case of death of an employee, the employee's accrued vacation leave will be converted to a lump sum payment payable to the employee's beneficiary or estate.
- (n) In addition to the above allotted vacation leave, Longevity Vacation Leave is awarded full-time employees on their anniversary for years of continuous City service:

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

6.4 Personal Leave

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

6.5 Flex Time

- (a) Based on exempt employees working a flexible work schedule beyond the normal "8 to 5" office hours, these employees need to individually track the total hours they work each week. The hours worked over 40 per week are designated flex time hours.

1. If performance and workload permit, these hours can be used to adjust an employee's schedule with prior approval of the supervisor.
 2. Earned time can be accrued for outside of regular office hour expectations (required meetings, events, inspections, etc.)
 3. Employees coming in on their own time or modifying their schedule does not accrue as usable time.
 4. Flex time cannot be used for an entire day (must be less than eight (8) hours).
 5. Flex time must be used in half hour or more increments.
 6. Accrual for Flex time be capped at no more than twenty-four (24) hours.
 7. Exempt employees cannot be in the negative on flex time accrual and still use or request time.
 8. Exempt employees are required to track their on the O Drive and make it accessible for review by the City Manager's Office.
- (b) Flex time hours have no cash value, and employees have no right to use the time or be paid out when they separate.
- (c) For documentation purposes and the period of time employees have to "use or lose" accrued flex hours, the City uses the standard three-month quarter that begins in January each year plus two weeks beyond that quarter. For example, one quarter would be the months of April, May, and June. Any flex hours accumulated in those three months would have to be used or lost by July 15th.

6.6 Paid Time Off (PTO)

- (a) After six (6) months of continuous City service, part-time employees (not seasonal) will accrue paid time off (PTO) hours on a basis of .025 hours per one hour worked. PTO may be used for absences from work: sick leave, vacation, etc., and shall be taken in units of not less than 2 hours. Unless a part-time employee calls off sick or is prevented from working due to an emergency situation, the employee will request PTO at least six workdays in advance, except for part-time firefighters. PTO hours have no cash value, cannot be donated, and may not be cashed in when an employee separates from City employment. If a part-time employee becomes a full-time employee, the PTO hours may be transferred to vacation or sick leave hours on a one-for-one basis. Part-time employees who have already accrued sick leave will have their accrued sick leave hours converted to PTO hours at a 3-to-1 ratio. If a full-time employee becomes a part-time employee, accrued paid leaves are transferred to PTO hours on a one-for-one basis.
- (b) PTO hours are accrued and used while working only in part-time status. PTO hours cannot be earned by an employee who may be working one position in full-time status and one position in part-time status. PTO hours cannot be used while an employee is in seasonal status.
- (c) Employees shall request leave via the City Absence Report Form.

6.7 Funeral Leave

- (a) Full-time employees may be granted paid funeral leave with approval of the department/division head for a maximum of five (5) work days for the death of a spouse or child, to include stepchildren. In the event of a death of an immediate family member, other than spouse or child, the employee may be granted four work days of paid funeral leave. For purposes of this section the "immediate family" is defined as: mother, father, sister, brother, grandparent, grandchild,

stepparents, stepsiblings, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian, or other person who stands in place of the employee's parent.

- (b) Full-time employees may be granted two days of paid leave to be used when the death is that of any other legal relative including: grandparent-in-law, aunt, aunt-in-law, uncle, uncle-in-law, nieces, nephews, or cousins.
- (c) Funeral leave shall not be charged to sick leave. Sick leave may be used in excess of what is permitted under the above funeral leave. This extended leave is at the discretion of the department/division head.
- (d) Part-time employees shall be granted three (3) workdays for the death of a spouse or child and two (2) workdays for the death of a parent, stepparents, mother-in-law, or father-in-law.
- (e) The City reserves the right to request documentation of the death.
- (f) Employees shall use the City Absence Report Form to document funeral leave.

6.8 Jury Duty or Court Leave

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

6.9 Sick Leave

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

advance of doctor's appointment or medical appointment, exam, operation, etc. Sick leave may be requested only for the following reasons:

1. Illness or non-work related injury of the employee or a member of his or her immediate family: mother, father, brother, sister, child, or spouse.
 2. Exposure of an employee or a member of his or her immediate family to a contagious disease that would have the potential of seriously jeopardizing the health of the employee or the health of others.
 3. Death of a member of the employee's immediate family or extended family (family of spouse), in excess of what is permitted under the Funeral Leave Policy. This extended leave is at the discretion of the department/division head.
 4. Medical, dental, optical, or psychological examinations or treatment of employee or a member of his or her immediate family, requiring the employee's presence, provided that the employee should seek to schedule such examinations outside of work hours whenever possible.
 5. Any period of incapacity due to an employee's or employee spouse's pregnancy or for prenatal care, under the Family and Medical Leave Act.
 6. Under the Family Leave Policy due to the birth of the employee's son or daughter, or due to the placement of a child with the employee for adoption or foster care and in order to care for such son or daughter.
- (b) For a personal health condition of the employee or family member, which would qualify under the provision of the Family and Medical Leave Act (FMLA), an employee may be required to use those provisions, as described in the Family and Medical Leave Policy. This leave runs concurrently.
- (c) A physician's certificate will be required when an employee has been absent for three or more consecutive days. The physician's certificate must be signed by the treating physician and state the exact nature of the illness. This policy applies when an employee is absent to care for member of the immediate family.
- (d) If the employee is absent more than five workdays, the physician must also state when the employee is expected to return to work.
- (e) In regard to sick leave abuse, patterned use, or instances of repeated absence preceding or following a holiday, an employee shall be required to provide a physician's certificate stating the cause for the sick leave absence. This certificate shall be obtained at the employee's expense and on his/her own time. This requirement shall be in addition to other appropriate discipline that might be imposed for such improper use of sick leave.
- (f) The City Manager or designee shall have the right to require a satisfactory physician's certificate for absences fewer than three consecutive days if he or she concludes that this action serves the best interest of the City, or to verify the proper use of sick leave. The City may also require an employee to be examined by a physician selected by the City in order to verify the proper use of sick leave, and the City will pay for such an examination.
- (g) If an employee fails to present a required physician's statement or City Absence Request Form, the employee may not be paid for the sick leave and may be subject to disciplinary action. If the request is denied, and the employee has already been overpaid, such overpayment may be deducted from the employee's next paycheck in accordance with applicable law. A request may be denied by the department/division head based upon any investigation that discloses inconsistent facts about the proper use of sick leave.

- (h) An employee requesting sick leave shall inform his or her supervisor of the fact and the reason for the leave request at least 30 minutes prior to the scheduled shift, unless the employee is involved in an emergency situation, or the bargaining unit contract specifies a different time to call off sick. Employees shall notify their supervisor each day they will be absent, before their shift starts. Failure to comply with these notification procedures may result in denial of sick leave for the period of absence, and such disciplinary action as may be appropriate. The employee may be required to have a medical examination, nursing visit, or other inquiry that the City deems necessary. An employee who gets sick on the job and needs to leave should immediately notify the supervisor and request sick leave.
- (i) Sick Leave Accrual Prior to April 11, 1993. Full-time employees hired prior to April 11, 1993 shall accrue sick leave credit at the rate of 1.5 days per month (18 days per year). Employees hired prior to this date may accrue an unlimited amount of sick leave time.
- (j) Sick Leave Accrual After April 11, 1993. Full-time employees hired after April 11, 1993 shall accrue sick leave credit at the rate of 1.25 days per month (15 days per year). Employees hired after this date may accrue an unlimited amount of sick leave time.
- (k) Sick Leave Accrual After May 1, 2004. Full-time employees hired after May 1, 2004 shall accrue sick leave credit at the rate of 1.00 day per month (12 days per year). Employees hired after this date may accrue an unlimited amount of sick leave time.
- (l) Part-time employees will not accrue sick leave.
- (m) Sick leave accrual is based on an employee being on active pay status: hours worked, hours on vacation, hours on holiday leave, hours on personal leave, and hours on compensatory time off. Sick leave credit shall not accrue during any disciplinary suspension or other type of unpaid leave or layoff.
- (n) Sick leave shall be charged in increments of not less than one-half hour.
- (o) Employees absent on paid sick leave shall be paid at their regular rate of pay.
- (p) If an employee has exhausted all their sick leave credit, he or she shall use vacation leave and personal leave for sick leave purposes, in order to account for their 40-hour work week.
- (q) Employees who transfer from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment, or transfer does not exceed 10 years. The words "public agency" as used above include the State, counties, municipalities, all boards of education, libraries, townships, and other public appointing authorities within the State of Ohio. (ORC 124.38)

6.10 Wellness Incentive

- (a) Wellness Incentive. Full-time, non-union employees shall receive a pro-rated cash bonus for the non-use of sick leave of any kind in a full calendar year. An absence which is designated as covered under the Family and Medical Leave Act or the Americans with Disabilities Act does not disqualify an employee from this Wellness Incentive.
- (b) This is based on the employee working a minimum of 2,080 paid hours during the calendar year. The bonuses shall be paid during the month of January, based on non-used sick leave hours in the previous year, with the incentive payment deducted on a pro rata hour for hour basis to the minimum of 16 hours for 24 hours of pay:
 - 0 hours sick leave used40 hours pay
 - 8 hours sick leave used32 hours pay
 - 16 hours sick leave used.....24 hours pay

- (c) Union employees should review their respective contracts.

6.11 Paid Leave Donation

- (a) Full-time City employees may voluntarily donate vacation, personal, or sick leave to full-time employees who have exhausted all sick leave and other paid leave as a result of a life-threatening injury or illness of an employee or a member of the employee's immediate family per ORC 124.291, governing state employees and donation of paid leave. All such donations are subject to the following provisions:
1. Before an employee is eligible to receive donated leave, the employee must have been absent for a period equal to at least 14 consecutive calendar days and have exhausted all paid sick leave, vacation leave, personal leave, or other available, paid leave.
 2. The employee's absence must result from a documented serious health condition or injury to the employee or a member of the employee's immediate family, as determined by the City Manager or a designee. The City Manager's determination as to whether or not an injury or illness is "life-threatening" within the meaning of this policy is in the employer's sole discretion and is final, and this determination is not subject to appeal under the complaint procedure or any other grievance procedure.
 3. The decision of individual employees whether or not to donate vacation leave to another employee must be free and voluntary, and no official, supervisor, or employee shall pressure, solicit, or coerce any employee, directly or indirectly, to donate leave to another employee. Any violation of this subsection shall be considered grounds for disciplinary action, up to and including termination.
 4. No employee shall donate more than 40 hours of paid leave to other employees in any one calendar year. No employee may donate sick leave unless he or she has a sick leave balance of at least 15 days (120 hours).
 5. No employee shall be eligible to receive more than 60 days (480 hours) of donated paid leave during the course of that employee's service with the City.
 6. The employee donating the paid leave via the Sick Leave Donation Form must provide written notice of the donation to the City Manager at least seven calendar days in advance of its use by the transferee employee, and such notice shall include both the identity of the employee to whom the leave is donated and a statement that the employee donating the leave is forever waiving his or her claim to such paid leave. Upon receipt of the notice, the City Manager shall authorize the sick leave balance of the receiving employee. The employee receiving the donation may not use the leave to cover any absence prior to seven days after the receipt of this notice.
 7. This policy applies only to non-bargaining unit employees, unless the program has been incorporated into the applicable collective bargaining agreement.
- (b) An employee who fraudulently obtains sick leave; who falsifies sick leave requests, documentation, or records; who misrepresents the grounds for a sick leave request; or who uses sick leave for improper purposes shall be subject to disciplinary action up to including termination. Further, an employee may be disciplined for excessive sick leave use in appropriate cases, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave or the inability of the employee to perform the essential functions of his or her position. Employees are expressly prohibited from engaging in either of the following during a paid or unpaid sick leave:
1. Paid employment of any kind, or

2. Other activities, whether or not paid, that are inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family.
- (c) To monitor the proper and effective use of sick leave and minimize the potential for sick leave abuse, division heads or their designee should periodically review employee attendance records in order to observe total time absent due to illness, as well as patterns of sick leave absence: same day of week; prior to or following days off, weekends, or holidays; or using sick leave as soon as it is earned.
- (d) Sick leave is a benefit to be used solely for injury, illness, and funeral purposes, and intentional misuse may be considered theft of public funds.
- (e) Altering a physician's certificate or falsification of a written, signed leave statement shall be grounds for discipline and/or legal prosecution.
- (f) This policy applies only to non-bargaining unit employees, unless the program has been incorporated into the applicable collective bargaining agreement.

6.12 Sick Leave Conversion

- (a) Full-time employees appointed prior to April 11, 1993, may exchange/convert any sick leave in excess of 90 days in the ratio of two unused sick leave days for one additional day of paid vacation, not to exceed a maximum of 10 days of sick leave exchanged for 5 additional days of vacation in any one calendar year. All conversions shall be based upon the number of sick leave credits earned as of January 1 of each year. Conversions will be made only during the month of January each year in order to facilitate vacation scheduling or according to your union contract if applicable. This conversion option is not available to employees appointed after April 11, 1993.
- (b) A full-time employee appointed prior to April 11, 1993, who resigns, retires, or otherwise terminates employment in good standing shall be paid for his or her accumulated sick leave as follows:
 1. Less than 10 years of City service, no payment.
 2. Over 10 years but less than 20 years of City service, one day for each two days of sick leave credit as of the last day of work.
 3. Over 20 years of City service, one day for each two days of sick leave credit earned during the first 20 years of service, and one day for each one day of sick leave credit earned after 20 years of service as of the last day of work.
- (c) A full-time employee appointed after April 11, 1993, who resigns, retires, or otherwise terminates employment in good standing shall be paid for his or her accumulated sick leave as follows:
 1. Less than 10 years of City service, no payment.
 2. Over 10 years but less than 20 years of City service, one day for each three days of sick leave credit up to 90 days total sick leave credit as of the last day of work.
 3. Over 20 years of City service, one day for each three days of sick leave credit earned up to 120 days total sick leave credit as of the last day of work.
- (d) At separation, the sick leave conversion payment shall be based on the employee's hourly rate of pay at the time of separation and shall eliminate all sick leave credit accrued by the employee.
- (e) Employees who die shall be considered to have terminated their employment as of the date of their death and shall be eligible for such sick leave conversion payment on the basis of the employee's regular hourly rate of pay at the time of death, at the conversion ratio of one day's

pay for each two days of earned but unused sick leave. This amount shall be paid to the employee's beneficiary.

- (f) Sick leave conversion shall be requested via letter to the City Manager. Union employees should please review their respective contracts.

6.13 Family and Medical Leave

- (a) This section implements the Family and Medical Leave Act (FMLA) of 1993. Nothing in this section is intended to expand or provide rights in addition to those covered in the FMLA. All terms used in describing this policy have the meaning assigned to them by the FMLA and the federal regulation implementing the act.

(b) Eligibility

1. The Family and Medical Leave Act covers employees who have worked for the City for at least 12 months, which need not be consecutive, and have accumulated at least 1,250 hours worked during the year preceding the leave request. Paid leave hours do not count as time actually worked.

(c) Entitlement

1. An eligible employee is entitled to 12 work weeks (480 hours) of paid and/or unpaid leave (continuous or intermittent) in a 12-month period for:
 - The birth of a child or placement of a child with the employee for adoption or foster care.
 - To care for a child, spouse, or parent with a serious health condition.
 - A serious health condition that makes the employee unable to work.
 - Reasons related to a family member's service in the military, including:
 - Qualifying exigency leave- leave for certain reasons related to a family member's foreign deployment, and
 - Military caregiver leave- leave when a family member is a current servicemember or recent veteran with a serious injury or illness.
2. If an employee experiences more than one of these events in a 12-month period, only a total of 480 hours of leave is available. The City will cover its share of the employee's health insurance premium during the unpaid leave, and will return the employee to their previous job or an equivalent position. When both spouses are employed by the City, their 480 hours will be combined for leave purposes involving birth or adoption/foster care of a child or to care for either of the employees' parents. If the leave is for serious health conditions of the employee or child, each employee is entitled to the full 12 weeks. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a 12-month period to care for the servicemember. of a covered servicemember.

(d) Medical Certification

1. The City requires that employees provide written medical certification to support their request for FMLA leave. The City may also require periodic status reports from an employee on FMLA leave to determine the employee's status and plans for returning to work. A City representative (not the employee's supervisor) and the City's health insurance carrier may contact the employee's health care provider to clarify or confirm information in an FMLA medical certification. The City may request an opinion from a second or third health care provider to validate an employee's medical certification. The City can also require periodic re-

certification of an employee's medical condition. If the employee fails to provide the required medical certification, the leave does not qualify as FMLA leave; therefore the employee is not entitled to continued medical coverage and the right to reinstatement at the end of the leave.

(e) Responsibilities

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

f) Leave Computation

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

(g) Family Leave

1. Family leave is for birth, adoption or foster care purposes.

(h) Notification of Family Leave

1. It is the duty of the employee to notify their Department/Division Head at least 30 days before the need for the leave or, if advance notice is not possible, give notice as soon as possible. The City will not waive this notice requirement.

(i) Family Leave Time Available to Employee

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

(j) Utilizing Family Leave

1. Family Leave will be granted to an employee in hourly periods for the birth of a child and to care for the newborn child, and for the placement of a child for adoption or foster care, and to care for the newly placed child. Family Leave will be granted to a male employee upon the birth of his child and for the subsequent care of the child. Adoption or foster care leave will be granted for preparation and placement of a child into the employee's home.

(k) Medical Leave

1. Medical leave is leave for care of an employee's sick spouse, child, or parent with a serious health condition, and for an employee's personal serious health condition lasting more than three consecutive calendar days of incapacity and involving medical treatment by a health care provider, or overnight admission to a medical care facility. Some examples of a serious health condition include: heart attacks or other serious heart conditions, most cancers,

strokes, injuries, and any period of incapacity due to pregnancy, or for prenatal care. Medical leave will be granted to an employee in hourly periods for medical treatment. Medical leave will be granted to a female employee upon the certification of the employee's physician that she is no longer capable of adequately performing her job-related duties due to pregnancy.

(l) Notification of Medical Leave

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

(m) Medical Leave Time Available to Employee

1. The employee will be required to utilize accrued paid time including, but not limited to: sick leave, vacation, personal leave, and compensatory time, which shall run concurrently with the FMLA leave and which shall count toward all FMLA leave entitlements. Medical leave runs concurrently with these paid leaves. If the combined paid leaves do not equal 480 hours, the employee may use the remaining balance as unpaid FMLA leave. When both spouses are employed by the City, their 480 hours will be combined for leave purposes.
2. When employees return to work in a light or restricted duty capacity, that time cannot count against FMLA leave.
3. The City may require fitness for duty evaluations for employees who take FMLA medical leave for a serious health condition, in order to evaluate the employee's ability to perform the essential functions of their position. Employees are encouraged to review and understand the purpose of family leave and medical leave, with the understanding that these leaves are not to be used for vacation. Such abuse will be subject to disciplinary action.
4. Supervisors shall track FMLA leave via the City Absence Report Form.

6.14 Military Leave

- (a) The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that employees and prospective employees not be subjected to discrimination based on that person's military service. If an employee believes they have been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resource Administrator or designee.
- (b) Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee (or an appropriate officer of the uniformed service in which such service is performed) should provide advance written or verbal notice of the need for leave as soon as practicable to the Human Resource Administrator or designee. It is recommended the employee submit leave requests hereunder via submission of City Absence Report Form.
- (c) Permanent City employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, are entitled to leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each federal fiscal year in which they are performing service in the uniformed services.
- (d) As used in this section:
 1. "Federal fiscal year" means the year beginning on the first day of October and ending on the thirtieth day of September.

2. "Month" means twenty-two eight-hour work days or 176 hours, or for a public safety employee, seventeen twenty-four-hour days or 408 hours, within one federal fiscal year.
 3. "Permanent City employee" means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent City employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.
 4. "Service in the uniformed services" means the performance of a duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Revised Code. "Service in the uniformed services" also includes the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.
 5. "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.
 6. "Public safety employee" means a permanent public employee who is employed as a fire fighter or emergency medical technician.
- (e) Except as otherwise provided in subsection (d) hereof, any permanent City employee who is entitled to the leave provided under subsection (a) hereof and who is called or ordered to the uniformed services for longer than a month, for each federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the President of the United States or an act of Congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 or 5923.21 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:
1. The difference between the permanent City employee's gross monthly wage or salary as a permanent City employee and the sum of the permanent City employee's gross uniformed pay and allowances received that month.
 2. Five hundred dollars (\$500.00).
- (f) No permanent City employee shall receive payments under subsection (c) hereof if the sum of the permanent City employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent City employee for that period or if the permanent City employee is receiving pay under subsection (a) hereof.
- (g) Permanent City employees whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to performance of that service.
- (h) Upon an employee's prompt application for reinstatement (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service – the position of employment the person would have been employed if the continuous employment of such person with the City had not been interrupted by such service, the duties of which the person is qualified to perform; or the position of employment which the person was employed on the date of commencement of service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to above after reasonable efforts by the City to qualify the person.
 2. More than 90 days and less than 5 years of military service – the position of employment the person would have been employed if the continuous employment of such person with the City had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or the position of employment which the person was employed on the date of commencement of service in the uniformed services, or a position of like seniority, status, and pay, only if the person is not qualified to perform the duties of the position referred to above after reasonable efforts by the City to qualify the person.
 3. Employee with a service-connected disability - if after reasonable accommodation efforts by the City, an employee with a service-connected disability is not qualified for employment in the position in which the person would have been employed if the continuous employment of such person with the City had not been interrupted by such service:
 - In any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the City; or
 - If not employed under (c) above, in a position which is the nearest approximation to a position referred to in (c) above in terms of seniority, status, and pay consistent with circumstances of such person's case.
- (i) An employee who has engaged in military service must, to be entitled to the reinstatement rights set forth above, submit an application for reinstatement to the Human Resource Administrator or designee, according to the following schedule:
1. If service is less than 31 days - the employee must report for reinstatement not later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service and the expiration of eight hours after a time for safe transportation from the place of service to the employee's residence; or as soon as possible after the expiration of the above referenced eight hour period if reporting within the period specified above is impossible or unreasonable through no fault of the person.
 2. If service is for more than 30 days but less than 181 days - the employee must apply for reinstatement not later than 14 days following the completion of service; or if submitting such application within such period is impossible or unreasonable through no fault of the person, the next first full calendar day when submission of such application becomes possible.
 3. If service is over 180 days - the employee must apply for reinstatement no later than 90 days following the completion of service.
 4. If the employee is hospitalized or recovering from a service-connected injury - the employee must apply for reinstatement no later than two years following completion of service. Such two-year period will be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the two-year period impossible or unreasonable.

5. If the person fails to report to work or to apply for reinstatement within the required time limits, the person is subject to the City's rules governing unexcused absences.
- (j) In addition to the employee's failure to apply for reinstatement in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:
1. The City's circumstances have changed so as to make reinstatement impossible or unreasonable.
 2. Reinstatement would pose an undue hardship upon the City.
 3. The employee's employment prior to the military service was merely for a brief, nonrecurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
 4. The employee did not receive an honorable discharge from military service.
- (k) Employees reemployed following military leave will receive seniority and other benefits determined by seniority which the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained had the individual remained continuously employed. Additionally, upon reinstatement, a covered employee will not be discharged from employment, except for cause
1. Within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or
 2. Within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.
- (l) The Human Resource Administrator or designee, will, upon the employee's reapplication for employment, request the employee provide military discharge documentation to establish the timeliness of the application for reinstatement, the duration of the military service, and the honorable discharge from the military service, if applicable.
- (m) A person whose employment with the City is interrupted by a period of service in the uniformed services will be permitted, upon request of that person, to use during such period of service any vacation, annual, or similar leave with pay accrued by the person before commencement of such service. The City will not require such person to use vacation, annual, or similar leave during such period of service.
- (n) The City will comply with applicable state and federal laws regarding pension contributions for employees on military leave.
- (o) If a matter pertaining to military leave is not specifically addressed in this Section 7.13, then the applicable federal or state law will govern.

6.15 Leave Without Pay

- (a) This section explains reasons for leave not permitted by other policies.
- (b) The appointing authority may grant a leave of absence without pay to a regular full-time or part-time employee for a maximum duration of six months for an extraordinary personal reason. Such a leave may not be renewed or extended beyond six months.
- (c) Leave without pay may be granted for a maximum period of one year for purposes of education, training, or specialized experience which would be of benefit to the City service by improved performance at any level; or for voluntary service in any government- sponsored program.
- (d) The decision whether to grant a leave of absence without pay lies in the sole discretion of the appointing authority, and is not subject to any complaint or appeal process.

- (e) Except for emergencies, the employee should submit a request for leave without pay to the appointing authority at least 60 days prior to the commencement date of the requested leave so that appropriate plans may be made for assignments and coverage during the employee's absence, if the leave is granted.
- (f) The City cannot guarantee that the employee will return to the position they formerly occupied, or to a similar position if the employee's position no longer exists. If upon completion of the leave, the employee's position is no longer available, the separated employee may be considered for other vacancies if available, provided that he or she is qualified for the vacant position.
- (g) An employee may return to work before the scheduled expiration of the leave if requested by the employee, subject to approval of the appointing authority and the availability of the position. If an employee fails to return to work at the expiration of an approved unpaid leave of absence date, the employee, absent extenuating circumstances, shall be considered to have resigned from the position.
- (h) An employee who receives leave of absence without pay under this provision does not earn sick or vacation leave credit, holidays, longevity bonus credit, or service credit, nor is he or she eligible for City paid health care and life insurance. The employee will receive notice of COBRA eligibility to purchase healthcare insurance.
- (i) All leaves of absence shall be requested via the City Absence Report Form.
- (j) If it is determined that an employee is abusing the leave of absence and not actually using the leave for the specified purpose, the City Manager may cancel the leave and direct the employee to report for work.
- (k) Any employee who is on a leave of absence without pay and accepts employment elsewhere is considered to have voluntarily separated from his or her City employment.

6.16 Public Safety Full-Time, Non-Union Probationary Employee Benefits

- (a) The intent of this Section is to delineate the employment benefits which non-union probationary public safety employees will receive. Probationary non-union public safety employees are not bargaining unit members and are therefore not entitled to receive any other employment rights or benefits other than those enumerated in this Manual.
- (b) Fire: All full-time non-union probationary firefighters will receive the same employment benefits and leaves enumerated in the most current collective bargaining agreement as received by union employees with respect to:
 1. Personal Leave;
 2. Holiday Pay;
 3. Earned Days Off;
 4. Uniform Allowance;
 5. Funeral Leave;
 6. Sick Leave;
 7. Leaves of Absence; and
 8. Compensatory Time.

- (c) With respect to Vacation Leave, full-time non-union probationary firefighters will receive 60 hours of vacation upon completing 6 months of continuous service with the City. This 6-month time period may be adjusted due to leaves of absence at the discretion of the Fire Chief. Thereafter, vacation will accrue at the rate of 2.31 hours per week.
- (d) With regard to wages, full-time non-union probationary firefighters will be compensated at the regular rate in the same manner as full-time non-probationary firefighters.
- (e) All full-time non-union probationary firefighters shall serve a 12-month probationary period. A longer probationary period, not to exceed 3 years from the date of hire, may be imposed at the discretion of the Fire Chief with approval from the appointing authority.
- (f) All other benefits and employment matters not addressed in this subsection shall be subject to this Manual for full-time non-union probationary firefighters.
- (g) Police: All full-time non-union probationary police employees will receive the same employment benefits and leaves enumerated in the most current collective bargaining agreement as received by union employees with respect to:
 - 1. Personal Leave;
 - 2. Holiday Pay;
 - 3. Earned Days Off;
 - 4. Funeral Leave;
 - 5. Sick Leave;
 - 6. Leaves of Absence;
 - 7. Compensatory Time; and
 - 8. Shift Differential.
- (h) With respect to Vacation Leave, full-time non-union probationary police employees will receive 40 hours of vacation upon completing 6 months of continuous service with the City. This 6-month time period may be adjusted due to leaves of absence at the discretion of the Police Chief. Thereafter, vacation will accrue at the rate of 1.54 hours per week.
- (i) All full-time non-union probationary police employees shall serve a 12-month probationary period. A longer probationary period may be imposed at the discretion of the Police Chief with approval from the appointing authority.
- (j) All other benefits and employment matters not addressed in this subsection shall be subject to this Manual for full-time non-union probationary police employees.

SECTION 7. BENEFITS

7.1 Insurance and Employee Assistance Benefits

- (a) The City offers the following healthcare and life insurance benefits to each full - time employee:
- (b) After the first of the month following the employee's start date, the City provides group healthcare insurance plans as applicable.
- (c) Healthcare insurance for an individual separating from the City is available until the end of the calendar month from which the employee has separated.

- (d) Employee group life insurance coverage, which begins the first day of the month after the first day of work and ends immediately upon separation from City employment.
- (e) Employees are responsible for providing Human Resources with all changes that affect their insurance policies: mailing address, telephone number, marital status, dependent names, court orders for dependent coverage, beneficiary names, etc. Employees may be obligated to pay health insurance claims if information is not accurate.
- (f) Upon retirement, an employee may purchase life insurance from the City's group life insurance carrier.
- (g) The employee's insurance rights and obligations are subject to the appropriate insurance plans, as amended.

7.2 Employee Assistance Program (EAP)

- (a) The Employee Assistance Program (EAP) offers confidential assistance and professional counseling to all employees and their family members for such issues as family relations, alcohol or drug dependency/abuse, stress management/conflict resolution, and other emotional problems. This service is provided at no cost to employees.

7.3 Cancer Expert Now

- (a) If you or your family member have been diagnosed with cancer, Cancer Expert Now virtually connects you with a world-class physician who can offer guidance about your diagnosis. It is available free of charge to the employee, spouse or domestic partner, children, parents, and parents-in-law.

7.4 Health Care Insurance Following Separation (COBRA)

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

7.5 OPERS Retirement Plan

- (a) This state pension plan is administered by an independent state agency. While the City has basic information, specific questions should be addressed to OPERS at 1-800-222-7377 or 614-466-2085.
 1. For employees hired after December 31, 1999, the employee is required to contribute 10% (starting in 2008) of their gross pay, which is deducted each pay period. This amount is matched by a contribution of 14.00% (starting in 2008) from the City.

2. Beginning January 1, 2003, OPERS offers three retirement plans for public employees with less than 5 years of total service credit as of December 31, 2002, and new employees hired on or after January 1, 2003. Eligible employees have 180 days from when they begin employment to select which retirement plan they want to participate in – this change in plans affects all full-time, part-time, and seasonal employees who work or have worked for the City or other Ohio government or educational organizations. OPERS sends information packages to all the eligible employees, and conducts information seminars throughout the year. Employees can receive additional assistance by calling OPERS or go to www.opers.org.
3. Former City employees who do not want to continue their OPERS retirement plan participation may fill out a Pension Plan Refund Application form at the Municipal Building receptionist counter.
4. OPERS Conversion Plan (City Resolution 6391-08). Employees enrolled in OPERS with 25 or more years of full-time Ohio public service (OPERS, STRS, SERS, and/or OP&F) may cash out accumulated vacation and sick leave hours one time each year during December. The 25 or more years' credit may be for years served or purchased. If an employee decides to participate in this program, he or she will need to notify their division head and the Finance Director prior to the coordination process for the next year's budget (before August 1st each year) so money can be allocated in the budget. An eligible employee may participate in this program by identifying their planned month and year of retirement and then coordinate cashing out the allowed vacation and sick leave during their remaining years of City employment. Please contact Finance to enroll in this program.
 - Vacation Hours Conversion. An eligible employee may cash out vacation hours, at one day (8 hours) of vacation leave for one day (8 hours) of pay (1 for 1), with vacation cash out limited to the maximum amount of vacation leave and vacation longevity days an employee earns in a one-year period.
 - Sick Leave Hours Conversion. An eligible employee may be paid out for sick leave hours at the same exchange rate allowed at separation, in accordance with their collective bargaining agreement or the Manual. The payout is limited to the maximum amount of sick leave days an employee earns in a one-year period.

SECTION 8. WORKPLACE GUIDELINES

8.1 Appearance & Uniforms

- (a) In accordance with the following City policy, the department/division head shall prescribe the appropriate dress standards, grooming, and hygiene that present a positive City image.
- (b) Employees shall wear clothing appropriate to their job setting, with emphasis given to clothing that is conducive to safe and effective performance of required job duties. Except for office workers who generally wear civilian clothing, all other employees shall wear uniforms that clearly identify them as City employees.

Please note that skirt length should be no higher than 2 inches above the knee. While the City allows Municipal Building employees to dress in a more casual fashion on Friday, employees are still expected to present a neat appearance and are not permitted to wear jeans (denim), athletic clothing, t-shirts, sweatshirts, shorts, athletic shoes, "flip-flop" sandals, ripped or disheveled clothes, or similarly inappropriate clothing. This does not apply to Municipal Building employees who are transiting the building to accomplish work outside or in other City locations.

- (c) Because the Municipal Building is the focal point for City government, administrative employees in that building will promote a positive business environment by their professional appearance and customer service.
- (d) Piercing and Tattoos. Piercings and body art/tattoos will be regulated in the workplace.
 1. Piercings Exceptions: Some may be required to be covered/removed for professional appearance, proper hygiene and safety.
 2. Body Art/Tattoos Exceptions: Hand, face, neck tattoos, or ones considered provocative, offensive or misrepresent the City are not permitted.
- (e) The City will pay for required employee uniforms. While uniforms can become dirty or damaged in the course of work, employees are required to keep their uniforms clean, neat, and in good repair for the start of their shift. Accordingly, employees shall not alter their uniform appearance such as cutting off the shirt sleeves.
- (f) City issued uniforms shall only be worn while on official City business.
- (g) City employees shall not wear clothing (shirts, pants, hats, etc.) that advertises beer, liquor, tobacco, or other products that are of a questionable nature in the workplace, or other clothes that may be considered provocative, offensive, or misrepresent the City. Women's skirt length shall be no higher than two inches above the knee.
- (h) Certain uniform items and necessary equipment shall be furnished as required by collective bargaining agreements or other City policies. The Police Chief, Police Lieutenants, Fire Chief, Deputy Fire Chiefs, Street Superintendent, and Building and Parks Maintenance Superintendent shall be furnished these required items upon appointment and shall be entitled to the uniform and equipment allowances established by the union contracts within their division.
- (i) Part-time Firefighter/Paramedics/EMTs shall be paid a uniform allowance based upon actual hours worked up to a maximum of \$500 every six months, at the rate of \$0.40 cents per hour worked on platoon duty. This allowance shall be paid by check in two equal installments: the first payroll in January and first payroll in July. The allowance shall be post paid January through June, and July through December paid in January. Personnel shall maintain a serviceable current uniform.
- (j) The City has a Central Safety Committee with representatives from each division and labor union. This committee serves as focal point for risk management, safety, and health coordination and planning. The City Manager has also appointed two Accident Prevention Coordinators to facilitate and coordinate safety information, processes, and training.
- (k) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Failure to present a professional appearance may also be cause for disciplinary action.

8.2 Outside Employment

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

8.3 Employee Work Areas and Conversations

- (a) Employee Work Areas, Offices, and Desks
 - 1. In order to maintain security and to operate efficiently, City management must reserve the right to have complete access to all City work areas, property, offices, and equipment. Accordingly, employees who store personal items in City-owned desks, lockers, cabinets, storage areas, or vehicles do so at their own risk, and should have no expectation of privacy for items maintained in these areas. The City reserves the right to have access to any City owned or leased property, including employee desks, lockers, cabinets, storage areas, or City owned or leased vehicles used by employees for any business purpose, including

search and retrieval of items found therein. This is true even if locks are provided or the employee uses his or her own lock.

2. No employee may intrude into an employee's or official's personal work area, including desks, workstations, and lockers, without a legitimate business purpose and without the prior approval of an appropriate management representative. This does not extend to items in plain view observed while the employee is in the area for a legitimate business purpose, but employees are cautioned that unauthorized looking through the papers, e- mail, or effects of others is prohibited.
3. The City maintains surveillance cameras inside and outside various facilities that video record activities in those work areas.

(b) Audio, Video Recording, and Photos

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

(c) Bulletin Boards

1. City Bulletin Boards are for official business purposes. Department/division heads shall ensure these bulletin boards are maintained accordingly.

8.4 Personnel and Related Files

- (a) The City shall maintain official personnel files on all employees as well as payroll and medical files. Such files shall include but may not be limited to individual employment data; payroll information; work time schedules; records of additions or deductions paid; application forms and resumes; evaluations; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, or other personnel actions; and records of leave usage.
- (b) Under current Ohio public records law, the City cannot assure confidentiality of these records, which are considered public records with some exceptions. Employees will be notified when a public request is made to view their records. All such requests will be made to the Clerk of Council and coordinated with the Human Resources Administrator, City Manager, and/or Finance Director, as appropriate.
- (c) Per HIPAA, the City must keep all medical information, such as records of medical examinations, physician's statements, or other information regarding medical conditions of the employee in a separate file, and such medical records do not constitute public records and may not be disclosed except as otherwise provided by law.

- (d) An employee shall have a right to reasonable inspection of his or her official personnel file and may make copies of any document in his or her file.
- (e) Employees must advise their department/division head, City Manager, Finance Director, or Human Resources Administrator, as appropriate, of any change in name, home and mailing address, marital status, telephone number, number of exemptions claimed for tax purposes, legal authorization to work in the United States, or military status.

8.5 HIPAA Privacy

- (a) The City of Moraine (the “City”) sponsors one or more group plans that provide medical benefits (the “Plan”). As a result of administering the Plan, the City may possess protected health information (“PHI”) of beneficiaries of the Plan. Further, City departments/divisions may come into possession of PHI as a result of the services provided by the department/division (i.e. the Fire Division’s EMS services). PHI is defined as:
 - 1) Information that is created or received by the City and/or the Plan and relates to the past, present, or future physical or medical health or condition of a participant; or the past, present or future payment for the provisions of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. PHI includes information of persons living or deceased.
- (b) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (the “HIPAA Statute”), and its related “Privacy Rule” (45 C.F.R. Part 164 Subparts A and E) and “Security Rule” (45 C.F.R. Part 164 Subpart C) and the Breach Notification Rules (45 C.F.R Part 164 Subpart D) as well as any guidance issued by the Federal Department of Health and Human Services (including, without limitation, the Office of Civil Rights) (collectively, the Privacy Rule, Security Rule and HIPAA Statute are, hereinafter, referred to as “HIPAA”), all as amended by the Health Information Technology for Economic and Clinical Health Act (the “HITECH Statute”) and any regulations promulgated thereunder (collectively, the “HITECH Rules,” and together with the HITECH Statute, referred to hereinafter simply as “HITECH”), as well as any other applicable federal or state laws concerning the privacy, security, integrity and availability of health information restrict the City’s and the Plan’s use and disclosure of PHI.
- (c) It is the City’s and the Plan’s policy to comply fully with all applicable HIPAA and HITECH requirements. To that end, all members of the City’s workforce who have access to PHI must comply with HIPAA and HITECH. Members of the City’s workforce are defined for this policy only as employees, volunteers, trainees and other individuals who work under the direct control of the City or under a City contract.
- (d) It is the City’s policy that no member of the City’s workforce will intimidate, threaten, coerce, discriminate against or take any retaliatory action against any individual for exercising their rights, filing a complaint, participating in an investigation or opposing any improper practice under HIPAA or HITECH. In addition, no one will, under any circumstances, be asked to waive their rights under HIPAA or HITECH.
- (e) Other City departments/divisions (i.e. Fire, Police, Law) may formulate policies and procedures which do not conflict with this policy and are more comprehensive and detailed regarding department/division functions and compliance with HIPAA and HITECH.
- (f) The City Manager hereby delegates the appropriate responsibility and authority to administer this policy to the department/division heads.

8.6 Chain of Command

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

8.7. Layoff & Recall

- (a) The City Manager may lay off City employees whenever a reduction in force is necessary due to:
 - 1. Lack of work.
 - 2. Lack of funds.
 - 3. Reasons of economy or efficiency.
- (b) The City Manager will follow the procedures outlined in this Manual to determine the order of layoff. Such procedures include consideration of each employee's classification assignment, appointment type, and continuous service time. The City Manager will notify the City Council of the reasons for the layoffs.
- (c) Changing hours of work is not considered a layoff, and layoffs shall not be considered disciplinary actions.
- (d) Notification of Layoff or Displacement. An employee subject to layoff shall be notified, in writing, of the action at least 14 days prior to the effective date. The written notice shall include the effective date of layoff, the employee's retention points, information as to displacement rights and how to exercise those rights, the reason for the layoff, appeal rights, the right to obtain a copy of the layoff regulations, and the out-processing procedures. Employees must notify the City Manager in writing of their intention to exercise their displacement rights ("bumping") within 5 calendar days of notification, or any right to displace is waived.
- (e) Definitions. The following definitions shall be applied to the procedures set forth in this policy:
 - 1. Classification. The official title assigned to a position occupied by one or more employees. A classification may comprise a group of positions that differ in some respects but are nonetheless sufficiently similar to be assigned to a single classification.
 - 2. Classification Series. Those classifications which are similar in duties and functions, and which form a natural career progression, and which are described by similar or identical terms except for a designation of the level by numerical or other designation.
 - 3. Full-time Employee. An employee who is scheduled to work a minimum of 40 hours.

4. Job Abolishment. The permanent deletion of a position from the City Table of Organization because of a lack of continued need for a position, as a result of a reorganization for the efficient operation of the City, for reasons of economy, or because of a lack of work. A lack of work is deemed to be permanent if the lack of work is expected to last more than one (1) year.
 5. Lack of Funds. There is a current or projected deficiency in the funds available for salaries, wages, and fringe benefits for City employees. This also applies to a position being kept in table of organization but is not funded.
 6. Lack of Work. There is a current or projected decrease in the work available for employees in a classification used by the City.
 7. Length of Service. The continuous, uninterrupted City service of the employee, where no separation from employment has occurred. For purposes of this definition, any separation from employment lasting a period of thirty (30) days or less shall not be deemed a separation; nor shall personal or educational leaves of absence be deemed a separation. If an employee was separated but was reinstated by specific action of the appointing authority within one year, the service time prior to the separation will be included in the employee's length of service.
 8. Part-time Employee. An employee who is normally scheduled to work 30 hours a week or less.
 9. Pay Range. The minimum and maximum wage rate or salary within the salary schedule to which an employee's position or classification is assigned.
 10. Position. The group of job duties that an individual employee is expected to perform. A classification may include a group of closely related positions.
 11. Retention Points. The system of establishing points for length of service in order to establish the order of layoff within a classification.
 12. Seasonal Employee. An employee who is called in to work for a limited period at a certain season or time of the year.
- (f) Method. When the City Manager concludes that there is reason to reduce staffing levels, he or she shall determine the number of positions and the classification in which layoffs will occur. The City Manager shall also prepare a layoff list with the retention points of all employees who have been appointed to the classification(s) selected for the layoff. Such a list should be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.
- (g) Retention Points. Retention points are based on length of continuous City service. Full-time employees receive one (1) point for each completed weekly pay period of continuous service. Part-time employees receive one-half (0.5) point for each completed biweekly pay period of continuous service in other than full-time status. Retention points for continuous length of service shall be added to a base of 100 points to determine total retention points for each employee.
- (h) Order of Layoff.
1. The City Manager will lay off employees in the following appointment types before full-time regular employees in the affected classifications(s): temporary employees, seasonal employees, part-time employees, and full-time probationary employees. For the purpose of the order of layoff, employees serving probationary periods as a result of a promotion shall be construed to have completed their probationary period.

2. The City Manager shall prepare layoff lists separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the most recent hire date shall determine the employee to be laid off. If hire dates are the same, the City Manager shall decide the order of layoff.
- (i) Displacement (Bumping). Laid off employees may be permitted to displace (“bump”) employees in the next lower classification and successively lower classifications within the classification series when:
1. The lower classification is within the same classification series, and
 2. The employee has more retention points than an employee in the lower classification.
 3. Employees may not displace to a higher classification, nor may they displace to a higher appointment type (e.g., seasonal employees may not displace part-time employees, nor may part-time employees displace full-time employees). Further, employees may not displace into positions which require specialized skills or training which they do not possess. Displacement of employees with fewer retention points in successively lower classifications in the same classification series shall continue until the last employee in the lowest classification in the series has been reached and, if necessary, laid off.
- (j) Displacement Under Job Abolishment. Whenever the City Manager eliminates one or more positions through job abolishment, employees may displace into an available vacancy as determined by the City Manager. If no vacancy is available, the employee may displace other employees as follows:
1. If the City Manager determines that a vacancy is in the classification of layoff, the employee shall first displace to that vacancy, regardless of retention points within the classification.
 2. If the City Manager determines that a vacancy is available in a lower-level classification, or in successively lower-level classification in the same classification series, the employee shall displace to that vacancy before he or she displaces another employee, provided that he or she has the fewest retention points in the classification of layoff.
 3. If there is no vacancy in the same classification or a lower-level classification in the same classification series, the employee whose position has been abolished may displace (bump) an employee with fewer retention points in a lower-level classification in the same series. This succession of displacement shall continue until the last employee in the lowest-level classification in the series has been reached and, if necessary, laid off.
 4. An employee shall not be required to displace lesser appointment types under this provision, unless the employee has the fewest retention points in the classification series with that appointment type.
- (k) Pay Rate Following Displacement. Whenever an employee displaces to a lower classification as a result of layoff or job abolishment, the employee shall be paid according to the same rate of pay or range assigned to the lower classification in the classification series into which the employee was displaced.
- (l) Reinstatement Rights. The City Manager will establish a recall list, and employees shall be eligible for reinstatement for one year following layoff. Employees shall be offered positions that become available at their classification level and lower classification levels within the same classification series, in order of their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points in a classification shall be first on the recall list). An employee may only be recalled to a position if the employee is qualified to perform the duties

of that position at the time of the recall. The recall list will be posted in a public and conspicuous place.

- (m) Each employee eligible to be recalled from layoff shall be notified of the offer of reinstatement by certified mail.
- (n) A laid off employee is responsible for keeping the City Manager informed of their current address. Failure to do so may result in the inability to notify the laid off employee of his or her eligibility for reinstatement.
- (o) Each recalled employee shall be allowed 10 calendar days from the date of receipt of the certified letter to return to work. Exceptions to this policy must be approved by the City Manager.
- (p) Any employee declining reinstatement to the same classification from which the layoff or displacement occurred shall be removed from eligibility for further recall.
- (q) If not removed previously, the name of any laid off or displaced employee shall be removed from eligibility for recall one calendar year after the employee was first laid off or displaced from his or her original classification.

SECTION 9. CODE OF CONDUCT

9.1 Ethics

- (a) City employees are expected to uphold the highest ethical standards to serve the public safely, skillfully, and effectively. Each City employee will receive and acknowledge receipt of the State Ethics Laws at in-processing. This is to ensure that their actions as public employees are governed by applicable laws and regulations, the public interest, and are never influenced by private interests or gain.
- (b) City employees are public servants whose compensation is paid by the taxpayers. Accordingly, City employees shall:
 - 1. Avoid any conflict of interest, or the appearance of any conflict of interest.
 - 2. Accept no private compensation or reward for performing their duties.
 - 3. Serve all members of the public with honesty, diligence, respect, equity, courtesy, and fairness.
 - 4. Not disclose or use confidential City information in performing his or her duties, for private gain.
 - 5. Not accept items, meals, or gifts of \$20.00 or greater, that are deemed to be anything of value that is of such character as to manifest a substantial and improper influence upon him or her with respect to his or her duties. The frequent acceptance of gifts from a single source may violate this policy even if no single gift exceeds \$20.00. Any organization or individual proposing to make a gift with a value of \$20.00 or greater shall make the gift to the City government, not to an individual City employee or official.
 - 6. Not accept employment with or provide services for any firm or company which is engaged in providing services or products for the City or with such firm or company that is required to obtain approval from any City Council, board, or commission. It is absolutely necessary that an employee give priority to his/her job with the City. If outside work is accepted, it shall not be undertaken without the advanced knowledge of the employee's supervisors, the

department/division head, and the City Manager. Any failure to report for duty because of outside work may result in disciplinary action.

7. Not accept employment whereby such employment would or may bring disrespect or compromise the employee's City position.
 8. Not become self-employed in any activity during normal City working hours or use City facilities to conduct such activity.
- (c) Employees who have any doubt regarding possible ethics violations should consult with the Human Resources Administrator and City Manager.

9.2 Confidentiality

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

9.3 Influencing

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

9.4 Whistle Blowing

- (a) If any City employee becomes aware, in the course of their employment, of the violation of a federal statute, state statute, City Ordinance, rule, or regulation, or the misuse of public resources, the employee shall notify his immediate supervisor of the violation or misuse.
- (b) If an employee has evidence and reasonably believes their immediate supervisor is engaged in wrongdoing, in part or entirely, the employee shall notify the next responsible City official in the employee's chain of command, either his/her department/division head or the City Manager.
- (c) No employee shall be disciplined for notifying his immediate supervisor, department/division head, or the City Manager of any violation or misuse as long as the notification was in good faith.

9.5 Auditor of State Fraud Reporting System

- (a) The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, a mobile app, by email, or through the United States mail.
- (b) Auditor of State's fraud contact information
1. Telephone: 1-866-FRAUD OH (1-866-372-8364)
 2. US Mail: Ohio Auditor of State's office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
 3. Website: www.ohioauditor.gov - on the home page, click on "learn more" under Reporting Fraud
 4. Email your tip: fraudohio.ohio@ohioauditor.gov
 5. Mobile App: See download the app:
 - For Apple users: Visit the Apple App Store via your mobile device or Apple computer and search for Ohio Stops Fraud. This app is available for iOS7 users who own the iPhone 4 or later models.
 - For Android users: Visit the Google Play Store via your mobile device or computer and search for Ohio Stops Fraud.
- (c) Whistleblower Protection
1. No officer or employee shall take any disciplinary action against an employee for making any report or filing a complaint, including, but not limited to, any of the following:
 - Removing or suspending the employee from employment.

- Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled.
 - Transferring or reassigning the employee.
 - Denying the employee promotion that otherwise would have been received.
 - Reducing the employee in pay or position.
2. An employee shall make a reasonable effort to determine the accuracy of any information reported. The employee is subject to disciplinary action, including suspension or removal for purposely, knowingly, or recklessly reporting false information.
 3. If any disciplinary or retaliatory action is taken against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (c) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action.
- (d) For more information on fraud reporting and whistleblower protection refer to Ohio Revised Code 117.103 and 124.341.

9.6 Political Activity

- (a) The City encourages its employees to exercise their constitutional right to vote, ORC Section 3599.06. Employees can cast their votes in elections before or after working hours, unless otherwise specified in a collective bargaining agreement. With permission of his or her supervisor, an employee may work before or after working hours or at lunch time to make up work time used for voting.
- (b) Employees in the classified service are prohibited by ORC Section 124.57 from directly or indirectly engaging in political activity. Political activity and politics refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (c) The following is a non-exhaustive list of examples of prohibited political activities for employees in the classified civil service:
 1. Candidacy for public office in a partisan election.
 2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party.
 3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
 4. Circulation of official nominating petitions for any candidate participating in a partisan election.
 5. Service in an elected or appointed office in any partisan political organization.
 6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election.
 7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
 8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
 9. Solicitation of the sale, or actual sale, of political party tickets.

- 10. Partisan activities at the election polls, such as solicitation of votes.
 - 11. Participation in political caucus of a partisan nature.
 - 12. Participation in a political action committee which supports partisan activity.
- (d) An employee in the classified service who engages in any of the activities listed throughout this policy is subject to disciplinary action, up to and including termination.
 - (e) Employees in the unclassified service, who serve at the pleasure of the appointing authority, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional statutory provisions.
 - (f) Notwithstanding the general prohibition against partisan activity or appointment to partisan office, ORC Section 124.57 does specifically permit classified employees to serve as a precinct election official for a primary, special, or general election, and the employee may, with the prior approval of the appointing authority, use vacation leave, compensatory time off, or unpaid leave so to serve.
 - (g) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
 - 1. An employee participating in the conversion program must maintain a minimum balance of two weeks of vacation leave (80 hours) and six weeks of sick leave (240 hours). After beginning this program, an employee shall not receive sick leave donations, and cannot convert sick leave hours to vacation hours. Participating employees will sign an agreement that they have received and understand the terms of this voluntary OPERS Conversion Plan, and that their participation is not grievable.
 - 2. Deductions from the Early Payoff. The early payout is earnable income, and deductions will be made for income tax, school tax, and Medicare (if necessary).
 - (h) Other Considerations. The cash out of sick leave for the purpose of this program shall not affect eligibility for the annual Wellness Incentive. Employees need to verify their total years of public service with Finance to make sure they are eligible for participation.

SECTION 10. EMPLOYEE CONDUCT

10.1 Drug - Free Workplace

- (a) The purpose of this program is to aid in the prevention of accidents and injuries from the misuse of alcohol and controlled substances by City employees. The citizens of Moraine have the expectation that they are living in a safe environment, and City employees have the expectation that they are working in a safe environment.
- (b) All City employees are involved with safety in one aspect or another, in day-to-day operations and decision making: crime prevention, law enforcement, emergency medical service, fire prevention and suppression, building and park maintenance, parks and recreation programs, driving all types of City vehicles, equipment and machine maintenance and use, chemical use and storage, accurate accounting of City finances and resources, and management and training of City personnel.
- (c) This program allows the City to participate in the Ohio Bureau of Worker's Compensation Substance Use Prevention and Recovery Program and lower our premiums through discounts.

- (d) CDL holders participate in their own program, which randomly tests these employees for 50 percent of their positions for controlled substances and for 10 percent of their positions for alcohol.
- (e) Definitions. For purposes of this policy, the following definitions shall apply:
1. Controlled substance includes any illegal drug and any prescription drug.
 2. The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
 3. Abuse includes use of illegal drugs as well as use of prescribed drugs not legally obtained or not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity; and excessive use of alcohol.
 4. The term 'while at work' refers to the entire duration from when the employee starts working or is expected to be prepared for work until the moment they leave the workplace.
 5. A medical review officer (MRO) is a licensed physician who is trained, knowledgeable, and experienced about controlled substance abuse; collection, testing, and evaluating methods and procedures.
 6. A substance abuse professional (SAP) is an individual qualified to provide evaluation and treatment to a person who tests positive for controlled substance abuse in accordance with the requirements of 49 Code of Federal Regulations Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
 7. EAP is the Employee Assistance Program that is a confidential program available to all employees for assistance with personal issues or problems, wither for the employee or members of their immediate family. EAP services are paid for by the City.
 8. A 10-panel, pre-employment drug screen includes these controlled substances:

Marijuana	Opiates
Cocaine	Phencyclidine (PCP)
Methadone	Amphetamines
Benzodiazepines	Quaaludes
Propoxyphene	Barbiturates

9. A 5-panel drug screen includes these controlled substances:

Marijuana	Opiates
Cocaine	Phencyclidine (PCP)
Amphetamines	

10. Personal resources are programs available to employees either at work or elsewhere that can be used for counseling and assistance, medical treatment, and/or rehabilitation. Full-time City employees have EAP and healthcare insurance plans available to them as personal resources.

- (f) Drug-Free Workplace Program (DFWP)

1. Annual employee DFWP awareness, policy, and procedures training will be conducted for all employees, and a separate session for supervisors.
2. This DFWP prohibits any alcohol misuse that could affect the performance of an employee on the job. This includes use on the job, use during the four hours before reporting or returning to work, having prohibited concentrations of alcohol in the employee's system while at work, or use during four hours following an accident or until employee undergoes a post-accident alcohol test.
3. This DFWP prohibits any controlled substance (drug) use without a licensed physician's written prescription.
4. Employees or applicants shall be subject to the following tests: pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up during a rehabilitation program.
5. Alcohol and substance abuse sample collection and testing will be performed at Premier Occupational Health using breath-testing devices approved by the National Highway Traffic Safety Administration (NHTSA), and controlled substance testing will be conducted by a Department of Health and Human Services (DHHS) certified testing laboratory. These procedures protect the employee and the integrity of the testing processes, and safeguard the validity of the test results. All testing results are reviewed by the MRO before the results are reported. The City and Premier Occupational Health, or another certified facility chosen by the City, will use the testing methods and procedures as described in the City's Drug and Alcohol Testing Policy and Procedures Manual Sections II C., D., and E.
6. The testing procedures use an evidential breath-testing device for alcohol testing and urine specimen collection for controlled substance testing; however, a non-evidential breath testing device or urine specimen collection may be used for post-accident alcohol testing. All alcohol testing methods use the same threshold level for determining test results.
7. Before performing an alcohol or controlled substances test under this policy, the City will notify each employee that the alcohol or controlled substances test is required under this policy.

(g) Required Tests

1. Pre-employment testing. Prior to an applicant beginning work for the City, after being offered a position, he/she shall undergo testing for alcohol and drugs (10-panel). Any individual who fails these tests will not be considered for employment in any position for at least 12 months.
2. Post-accident testing. Post-accident alcohol or drug testing shall be required after all City accidents, not just vehicle accidents that occur while a person is at work. An accident is an unplanned, unexpected, or unintended event that occurs on City property, or during the conduct of City business, or during working hours, or which involves City-supplied vehicles used in conducting City business, or within the scope of City business, and results in any of the following: a fatality of anyone involved in the accident, or City employee bodily injury requiring medical treatment, or one or more motor vehicles have disabling damage requiring the vehicle to be transported away from the scene.
3. Medical treatment means treatment received from a person licensed to provide medical treatment, such as a doctor, nurse, paramedic, or EMT. If medical treatment is required, then the injury is a reportable BWC injury requiring the immediate filing of a First Report of Injury. Medical treatment does not include first aid, such as a band-aid on a small cut, various creams for sunburn, ice on a strain or contusion, etc.

4. Following an accident that requires medical treatment and testing, a City supervisor will ensure the injured employee receives immediate medical treatment, and the required alcohol and drug tests are administered with 8 hours for alcohol and within 32 hours for drugs.
5. An employee who is subject to post-accident testing is required to remain available for such tests, and the employee shall refrain from consuming alcohol for up to 8 hours following the accident, or until he or she submits to an alcohol test, whichever occurs first.
6. If any delay in testing is due to an employee's failure to follow required procedures, or other employee misconduct, such behavior may be considered an obstruction of the testing process, and refusal to submit to a test.
7. If the required tests are not administered within the time limits above, a written record must be maintained citing the reasons for the delay or the failure to administer the tests.
8. Nothing in these rules should be construed as to require the delay of necessary medical attention for injured people following an accident or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
9. Any breath, blood, or urine test for alcohol or controlled substances, conducted by safety or medical officials following an accident shall be considered a post-accident test provided the tests were administered within the required times following the accident, and the requirements and the results of the tests are obtained by the City.
10. Rebuttable Presumption Law. Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the main reason of the work related injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.
11. After Normal Business Hours Testing. If an alcohol or drug test is required after Premier Occupational Health business hours, 7:30 a.m. to 5:00 p.m., Monday through Friday, then supervisors need to call for on-call testing: 937-208-6887.
12. All new employees need to sign the Acknowledgement of Drug-Free Workplace Program Policy and Procedures Form, after receiving and reading the DFWP information. The DFWP Policy and Procedures are reviewed with new employees at in-processing. Any questions regarding this policy should be directed to the Human Resources Administrator.
13. Reasonable suspicion testing. If a supervisor has reasonable suspicion to believe that an employee may have violated the City's DFWP, the City may require the employee to undergo tests for the use of alcohol and/or drugs. Employees are required to submit to testing based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee." Reasonable suspicion testing is authorized during, just preceding, or immediately at the end of the workday. The employee shall submit to the drug or alcohol testing.

14. Random testing. As a minimum, 5 percent of the annual, average number of City employees, full and part-time, will undergo alcohol testing. The minimum annual percentage rate for drug testing is 25 percent of the average number of full and part-time City employees. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method provided by an independent testing facility. Under the selection process used, each employee shall have an equal chance of being tested each time quarterly random selections are made.
15. Return to duty testing. After an employee fails to pass an alcohol or drug test, the employee shall undergo evaluation by a SAP and will be required to undergo and pass another test before the employee is permitted to return to duty.
16. Follow-up testing. Employees who are reinstated after problems associated with alcohol and/or drug misuse shall be subject to unannounced follow-up testing as directed by a substance abuse professional, with a minimum of six tests during the first twelve months after the return to duty date.

(h) Policy and Procedures.

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

11. If an employee fails to pass a drug or alcohol test, it is a violation of this policy, and the consequences are described below.

(i) Consequences For Violating DFWP Policy and Procedures.

1. Each employee who has engaged in conduct prohibited by this policy shall be advised by the City of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. These resources include the EAP and healthcare insurance plan that are available to full-time employees as personal resources.
2. For Alcohol Testing. Following the initial test that shows the blood alcohol content was at 0.02 percent or greater, a confirmatory alcohol test must be done within 15 to 20 minutes. If the confirming test shows a blood alcohol content of 0.04 percent or higher, the test is considered positive. The employee must be removed from, and cannot return to work until, at a minimum:
 - The employee undergoes and completes, using personal resources, evaluation, and when necessary, rehabilitation within ninety (90) days of the initial positive test;
 - A SAP determines and signs a statement the Return to Work Certificate Form, that the employee successfully complied the required rehabilitation and is fully able to return to work;
 - The employee undergoes return to duty testing, using personal resources, administered by a City designated testing facility with an alcohol concentration test result of less than 0.02 percent; and
 - The employee undergoes, using personal resources, follow-up testing after the return to work as directed by the SAP at a City designated testing facility, with a minimum of 6 tests in the first 12 months following the return to work.
 - An employee with an alcohol concentration of 0.02 percent or greater, but less than 0.04 percent, will not be permitted to return to work for a minimum of 24 hours and must undergo a return-to-work test from a City designated testing facility with an alcohol concentration test result of less than 0.02 percent within 48 hours of the initial test. For purposes of this alcohol testing, an alcohol concentration less than 0.04 percent shall not be deemed a positive test resulting in an automatic violation of this policy. In this case, full-time employees shall be placed on sick leave, some other form of paid leave other than injury leave, or administrative leave without pay if they have exhausted their paid leaves.
3. For Drug Testing.
 - Following a determination that an employee has misused controlled substances, as determined through testing, the employee will be removed from work until at a minimum:
 - The employee undergoes and completes, using personal resources, evaluation and, when necessary, rehabilitation within ninety (90) calendar days of the initial positive test.
 - A SAP determines that the employee successfully complied with any required rehabilitation, that the SAP completes a statement, Return to Work Certificate Form, indicating the employee is fully able to return to his/her job, and the employee, using personal resources, takes a return-to-work test with a verified negative test result at a City designated testing facility.

- The employee, using personal resources, undergoes follow-up testing administered by a City designated testing facility after the return to work as directed by the SAP, with a minimum of 6 tests in the first 12 months following the return to work.
 - Employees shall use sick, vacation, and personal leave; accrued comp time; or PTO while they are not at work during the above evaluation and rehabilitation programs. If an employee has exhausted all of his or her paid leaves, the employee may be placed on unpaid leave of absence.
 - Any employee governed by this policy who tests positive for alcohol and/or controlled substances after returning to work following an initial positive alcohol and/or controlled substance test shall be immediately terminated.
- (j) Review and Questions. All employees are required to sign the Acknowledgement of Drug-Free Workplace Program Policy and Procedures Form. Any questions regarding this policy should be directed to the Human Resources Administrator.

10.2 Harassment

- (a) The City is committed to maintaining a professional and collegial work environment in which all individuals are treated with respect and dignity. The desired standard of Moraine employee behavior is one of cooperation and respect for each other, despite any differences in race, color, sex (including gender identity, sexual orientation and pregnancy), age, national origin, genetic information, ethnicity, religion, disability, veteran/military status, or political affiliation. Harassment interferes with this desired environment because it is unwelcome and unwanted verbal or nonverbal (physical) conduct which threatens, intimidates, or insults another person, where such conduct has the effect of creating an offensive, intimidating, or hostile environment, or interferes with or adversely affects a person's work performance. The City will not tolerate harassment. Examples of conduct prohibited by this policy include using racial or ethnic slurs or offensive stereotypes and making jokes about these characteristics.
- (b) This policy covers all employees of the City, and Human Resources will review this policy with each employee when he or she in-processes to begin their City employment. The City will not tolerate harassment, whether engaged in by fellow employees or by supervisors, or by non-employees who conduct business with the City. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of their employment or at City- sponsored functions.
- (c) Harassment does not include the conduct or actions of supervisors intended to provide employee discipline or correct problems through verbal warnings, written reprimands, performance evaluations, or other supervisory actions intended to promote positive performance.
- (d) Sexual Harassment. Sexual harassment includes unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. The City prohibits sexual harassment. It is City policy to fully support enforcement of state and federal anti-discrimination laws which provide that sexual harassment is prohibited where (1) submission to or rejection of such conduct by an individual is used as the basis for employment decisions (hiring, evaluating, promoting) affecting such individuals; or (2) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- (e) Sexual harassment includes both unwelcome physical conduct (such as touching, blocking, staring, making or displaying sexual drawings, etc.) and unwelcome verbal conduct (such as sexual propositions, slurs, insults, jokes, etc.). Examples of sexual harassment include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; flirtations, or advances; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering; whistling; pinching; assault; coerced sexual acts; suggestive insulting, obscene comments, or gestures; and display in the workplace of sexually suggestive objects or images. An employee's conduct will be unwelcome and in violation of the policy when the employee knows, should know, or when a reasonable person would know it is unwelcome to the person subjected to it.
- (f) Hostile Environment. As to the hostile environment type of harassment, the same principles that apply to sexual harassment based on gender apply to harassment that is offensive on the basis of a person's protected status as referenced in paragraph (a). In each case, the issue is whether the conduct was unwelcome, was it abusive to the person affected by it, or was it severe enough to create a work environment that a reasonable person finds abusive or gross. To determine whether the behavior is severe enough to create a hostile environment depends on various factors: the frequency of the unwanted conduct, severity of the conduct (whether the conduct was physically threatening or humiliating, or a simple offensive remark), did the conduct unreasonably interfere with work performance, the psychological effect on the employee, and whether the harasser was a supervisor in the division.
- (g) Fraternization. Consensual romantic and sexual relationships between City employees are not expressly forbidden, but such relationships are considered very unwise because factors such as real or perceived power of one person over another may override claims of consent at a later date.
- (h) The City will investigate all allegations of harassment and encourages reporting of all incidents as soon as possible, regardless of who the offender may be. It is the right of all employees to seek, at any time, redress by the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. However, employees are encouraged to exhaust the City's administrative remedies before consulting outside agencies.
- (i) Supervisor Responsibility. City supervisors are responsible for the elimination of any and all forms of harassment and intimidation of which they are aware. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that the harassment is not appropriate and will not be tolerated. In such a situation, ultimate disciplinary action will await completion of an investigation. A supervisor is required to report harassment cases to his or her department/division head, who in turn, is required to report the matter to the Human Resources Administrator. Such reports to superiors and to the Human Resources Administrator are to be made regardless of how knowledge of the case was acquired. The Human Resources Administrator will notify the City Manager of the complaint.
- (j) Responsibility to Report/Complaint Procedure.
1. All employees of the City are responsible for ensuring that discriminatory or harassing conduct does not occur in any form in the workplace.
 2. An employee, if they feel comfortable doing so, who experiences conduct believed to constitute harassment, should consider verbally telling the offending employee to stop the offensive behavior.

3. If for any reason, a person being harassed does not wish to approach the offender directly, or if such action proves unproductive, then the employee should immediately report (not later than 30 days) the conduct to a supervisor, department/division head, the Human Resources Administrator, or the City Manager. If the accused offender is the City Manager, then the employee may contact the Law Director. If the report is made to a supervisor or department/division head outside the Human Resources department, the individual receiving the report shall promptly notify the Human Resources Administrator or the City Manager. No retaliation or other adverse action will be taken against any employee for making, in good faith, a complaint or report of harassment or discrimination or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above. Deliberate false accusations made in bad faith will result in disciplinary action, up to and including dismissal.
 4. Upon the employee's request, the City may authorize its designee to counsel the alleged harasser or arrange for mediation between the victim and the alleged harasser.
 5. In some cases, the Human Resources Administrator, after consulting with the City Manager, will collaborate with the Law Department to investigate and submit to the City Manager a report setting forth the facts of the case and recommended action.
 6. All complaints will be handled in a timely and confidential manner. Anyone involved should not discuss the subject outside the investigation in order that the confidentiality of the employee who files a complaint will be protected and to encourage the reporting of any incidents of harassment, as well as to protect the reputation of any employee wrongfully charged with harassment. Confidentiality cannot be guaranteed, however, as applicable state and federal sunshine and freedom of information laws may make it impossible to maintain confidentiality.
 7. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses.
 8. The results of the investigation and the nature of the disciplinary action will be communicated by the City Manager's Office or Law Department to both the complainant and the offender as well as the affected department/division head or City Council, if appropriate. Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.
- (k) Sanctions for Harassment. Individuals found to have engaged in misconduct constituting harassment shall be disciplined. The City's response as a minimum will include a written reprimand. Additional action may include referral to counseling, withholding of a step increase or promotion, reassignment, suspension without pay, or termination.
 - (l) The Human Resources Administrator shall maintain written records of each harassment complaint and how it was investigated and resolved.
 - (m) The City has developed this policy to ensure that all employees can work in an environment free from all forms of harassment. This policy will immediately be disseminated to all employees and the City will provide it to all new employees in the future. All supervisory personnel are responsible for implementation of this policy. Failure to do so will be considered a failure to fulfill all of the obligations of their position. When a supervisor fails to act as required by this policy, that supervisor may be exposing him or herself to personal liability for the consequences of such inaction.
 - (n) The City will conduct informational sessions concerning this policy, to ensure that all employees understand the City's commitment to elimination of harassment and are familiar with the policy and of the remedies available to them.

- (o) Employees and supervisors shall use the Review of City's Harassment Policy Form, to annually review this policy, preferably during an employee's annual performance evaluation.
- (p) Information or questions concerning this policy may be obtained from the Human Resources Administrator.

10.3 Expenditure Of City Funds

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

10.4 Use of City Equipment & Property

- (a) When City equipment and property (tools, supplies, telephones, computers, uniforms, purchasing cards, official files, and other items) are provided to employees, it is the responsibility of supervisors and employees to see that the equipment is properly used, maintained, and returned to the City when the employee separates. Departments and divisions shall keep accurate records of City equipment and property issued to employees. See sample City Equipment and Property Form for recording equipment and/or property.
- (b) Misuse, neglect, theft, and abuse of City equipment is prohibited. Accidents involving misuse (or abuse) of equipment shall be cause for disciplinary action. If an employee loses tools or damages equipment, he or she may be required to pay for those items lost or damaged, at the discretion of the department/division head with City Manager's approval.
- (c) When using the telephone or computer e-mail, employees are expected to communicate in a professional manner that will reflect positively upon them and the City. Employees should be aware that e-mail messages, whether transmitted through the internal network or via the Internet, are generally public records subject to disclosure in the same manner as any other memorandum, letter, or document.
- (d) Excessive personal use of telephones, or long distance telephone calls for other than business or emergency purposes without prior supervisory approval, may result in disciplinary action.
- (e) City computers (software and hardware) are only for business use. Employees will not change the basic computer configuration or install non-City software on their computers without proper approval. Employees shall not store personal data on City computers and shall not place passwords or other access limitations on the computer unless the Manager of Information Technology or the City Manager authorizes such limitations, and upon request, the employee shall promptly disclose the password to enable access. Excessive personal use of computer e-mail for other than business purposes may result in disciplinary action.
- (f) Employees may not share with others their assigned passwords for computers, Internet, or internal network access or other authentication devices, except as directed by their supervisors or as required by the Manager of Information Technology. An employee who believes that others have learned a password or who otherwise believes that the security of the City's

computers or networks have been compromised in any way, must immediately notify his or her supervisor and the Manager of Information Technology.

- (g) City employees will limit their use of Internet for personal purposes, so as not to interfere with their work responsibilities. Employees will not download software from the Internet, nor will they circulate external e-mail messages via the internal e-mail system unless the message relates to City business. Circulation in the workplace of indecent material or material that ridicules or offends a reasonable person on the basis of sexual content or race, color, religion, ethnic or national origin, age, disability, or any other personal characteristic not related to job performance, is strictly prohibited. Employees who originate, forward, or circulate such material in the workplace are subject to discipline, up to and including termination.
- (h) Employees may not use either the internal network or the Internet in a way that violates the law or the property rights of others, including infringement of copyrights, trademarks, licenses, other protected property rights, or disseminating or receiving proprietary data, trade secrets, or other confidential information of the City or any other person or company. This prohibition is particularly important when downloading programs or copying other information from the Internet. If material is copyrighted or otherwise protected, you must request the permission of the owner before downloading or copying that information.
- (i) Employees may not use City computers or connections to the internal network or the Internet to gain unauthorized access to any computer system (known as "hacking"), to create or spread computer viruses, or to otherwise disrupt or damage the computers or data of the City or any other person, office, or company.
- (j) All messages created, sent, or retrieved over the Internet or electronic mail are the property of the City, and should be considered public information. The City reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet and electronic mail are public communications and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
- (k) To prevent the introduction of viruses into the City computer system, employees will not open e-mail from unknown sources.
- (l) City bulletin boards are for official business purposes. Department/division heads shall ensure these bulletin boards are maintained accordingly.
- (m) Certain City employees may be required as a condition of employment to furnish their personally owned tools for use in performing their required job duties and responsibilities.
- (n) Employees authorized to use City purchasing cards will sign a purchasing card agreement that explains their purchasing card responsibilities. Failure to comply with this agreement may result in loss of their purchasing privileges and disciplinary action.
- (o) Prior to separation from City service, employees shall return all City equipment and property issued or provided to them, and this information will be enclosed with the Employee Separation Form.

10.5 City Vehicles

(a) Use of City Vehicles Or Use Of Personal Vehicle For Business Purposes.

1. Use of City-owned motor vehicles shall be strictly controlled by the City Manager and shall be restricted only for business purposes. The City Manager may authorize an employee to drive a City vehicle to and from home.

2. Employees operating a motor vehicle must have a valid motor vehicle operator's license, chauffeur's license, or commercial driver's license (CDL), appropriate to the vehicle. Employees shall notify their department/division head if any of their operator licenses are suspended, revoked, or expired, and the employee is required to drive a City vehicle or use their personal vehicle for business purposes.
3. Department/division heads will check the accuracy of driver's licenses for all newly hired employees. The City may periodically check the validity of employee's driver's licenses and their driving records. An employee who has an unacceptable driving record will not be permitted to drive a City vehicle or use their personal vehicle for business purposes until notified by their division/department head.
4. Employees are required to use privately owned vehicles or public transportation for purposes of getting to and from work. City vehicles are not to be used for this purpose unless explicitly authorized by the City Manager.
5. Any employee who operates a City vehicle shall exercise caution, responsibility, and adhere to all laws and safety regulations including use of seat belts for driver and passengers and speed limits. Reckless, careless, or other inappropriate operation of vehicles may result in disciplinary action, to include paying the City for the vehicle damage if the employee is at-fault.
6. Emergency road services, towing, and repair charges which occur while away from the City, and are directly chargeable to the operator of the vehicle, are reimbursable to the City employee, provided the employee provides appropriate receipts.
7. Traffic fines and arrests for illegal or improper use of automobiles are the sole responsibility of the employee, and may subject the employee to disciplinary action.
8. Any accident involving City vehicles must be immediately reported to the Police Division having jurisdiction at the accident scene and to the department/division head. Damaged vehicles should not be removed from the accident scene until the police arrive to investigate the accident. If the damage is minor, and the vehicles can be safely moved to the side of the road in order to relieve traffic congestion, the vehicles can be moved to the side of the road.
9. Minor employees (16- and 17-year-olds) are NOT allowed to drive full-size City vehicles: cars, pick- up trucks, etc. Minor employees may drive smaller vehicles: golf carts, gators, etc., ONLY inside City parks, but not on regular highways or roads.
10. For insurance purposes, the City maintains insurance coverage on bodily injury and property damage to other vehicles and their occupants.
11. Employees who use a personal vehicle for business purposes must have proof of liability insurance in the amount of \$100,000 per person and \$300,000 per accident.

(b) Individual Assignment of City Vehicles.

1. Permanent assignment of a City vehicle to an individual including the right to regularly drive a vehicle home after work can only be authorized by the City Manager and shall be done in writing.
2. A list of employees who are authorized to regularly drive a City vehicle home after normal work hours shall be maintained by the City Manager. Each department or division shall provide the City Manager with current information identifying the specific vehicles permanently assigned. Additional permanent assignment of vehicles shall be requested by the department or division head in writing, outlining the specific justifications for such request.

3. Each City vehicle is normally assigned either to one or to a very limited number of persons. Although this assignment establishes responsibility for maintenance of the vehicle, it does not limit its usage. Therefore, an employee who is not assigned to a vehicle but who finds himself in occasional need of transportation to carry out duties may locate an appropriate available vehicle and obtain keys from the person to whom the vehicle is assigned.

(c) Responsibility for City Vehicles.

1. The City garage shall have responsibility for maintaining the City's fleet in conjunction with the designated person within each division. A complete inventory shall be maintained on the City's fleet, including a repair and maintenance log necessary for the proper monitoring of the use, cost and proper performance of such vehicle.
2. The repair and maintenance of all City vehicles shall be the responsibility and authority of the City garage. The City garage shall repair and maintain all City vehicles in a cost effective manner and shall monitor the performance of vehicles and advise the appropriate division representative of those vehicles that perform below standard.
3. Each department or division head shall be responsible for efficiently managing vehicles assigned to their department or division. The acquisition and continuation of City vehicles by departments shall primarily be a management and budgeting decision, made in accordance with an evaluation of departmental needs.

10.6 Employment- Related Reference Checks

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

10.7 Solicitation & Distribution

(a) Definitions. For purposes of this policy, the following definitions apply:

1. City. – The City of Moraine.
2. Distribution. – An act of distributing goods, materials, or written materials.
3. Employee. – Any person employed by the City in any status.
4. Employer. – The appointing authority, department/division head, or any designee having direct authority over City employees.
5. Non-Work Area. – Any area on or off City premises not designated as a work area.
6. Non-Work Time. – Any time during an employee's work day when the employee is totally relieved of work duties, such as break time and lunch or meal time. Whether an employee is in paid or unpaid status during these times is non-relevant to the designation of non-work time.
7. Solicitation. – An act of requesting an individual to purchase or accept goods, materials, or services, or a plea for a financial contribution.
8. Vendor. – Any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the City and its employees, which goods, materials, or services are utilized in the conduct of public business.
9. Work Area. – Any office, building, or physical location where official City business is transacted, or operations of the City are being conducted. This includes any public or private area where employees are engaged in work activities.
10. Work Time. – All the time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, scheduled breaks, and time before or after a work shift.

(b) This policy is designed to protect the interests of the citizens of Moraine by ensuring that only official City business is transacted in City work areas during employee work time.

1. Non-employee Solicitation and Distribution. There shall be no solicitation or distribution by non-employees at any time on City premises, including offices leased or operated by the City or in any work area. This policy does not apply to vendors as defined in subsection (a) of this section.
2. Employee No-Solicitation Rule. There shall be no solicitation by any employee during working time. Employees may solicit other employees during non-working times in non-working areas.
3. Employee No-Distribution Rule. There shall be no distribution during working time or in non-working time in work areas. Employees may distribute or receive goods and written materials during non-working time and in non-working areas.
4. Employer's Responsibility. It is the responsibility of the City Manager or designee to determine rules for the enforcement of this policy, and to define work time and non-working time and work areas and non-work areas.
5. Exceptions. The only exception to this policy is solicitation and distribution for City sponsored events, which are related to the business functions of the agency, or employer-approved programs related to employee health, fitness, and wellness.

10.8 City Gambling Policy

- (a) City Gambling Definition. Gambling is establishing, facilitating, promoting, or operating a game of chance that is conducted for profit. A game of chance is a game whose outcome is randomly determined through some medium or device such as playing cards, dice, roulette wheels, or numbered balls; or placing bets on sports events. In such a game, participants bet or wage money based on the hope of winning something in return. If someone other than the winner of the game is receiving money for establishing, facilitating, promoting, or operating a game of chance, then the game is being conducted for profit – and it is a Group III Offense.
- (b) In consideration of the various laws on gambling, the City definition of gambling, and employee morale, the City permits office sports pools. Such a pool will not be conducted for profit and will not in any way interfere with the position duties and responsibilities of employees. Sports pools will not be conducted during work hours and will not be used in City equipment such as computers and printers. Sports pools do not include placing bets on horse races or sports events, or group purchasing of lottery tickets. Department/division heads shall halt such office pools when they determine the office pools interfere with City operations.

SECTION 11. EMPLOYEE PERFORMANCE

11.1 Training

- (a) Training Program Evaluation. The appointing authority or designee may periodically examine current and proposed training programs in order to ensure their relevance to both the individual employee and organizational training needs.
- (b) On-the-Job Training (OJT). On-the-job training prepares an employee to effectively perform the responsibilities required of his or her position. It allows the employee to learn his or her job duties, correct procedures, and expected performance levels, under the immediate direction of an experienced worker. The conduct of such training is the responsibility of supervisors under the direction of the appointing authority.
- (c) Employees may be required to attend job-related training programs, courses, workshops, and seminars. If the appointing authority requires such training, the City shall pay for the fees and expenses of the training.

11.2 Employee Recognition

- (a) The City recognizes meritorious service through various programs. It is the responsibility of each department/division to oversee these programs and make recommendations to the City Manager.
- (b) Service Pins. These pins are awarded to employees based on the number of years of paid City service. Temporary, seasonal, and part-time years of service count toward this award, and it is based on accumulated (not continuous) years.
 - 1. Time served in the military, while away from City service, does not count toward accumulated City time.
 - 2. Service pins are presented for 5, 10, 15, 20, 25, 30, 35, and 40 years of service.
- (c) Employee Recognition. Any such award or acknowledgement that recognizes a full-time or part-time employee who consistently achieves excellence in his or her performance within their years of service.

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

11.3 Citizen or Employee Complaint Policy

- (a) The purpose of this Complaint Policy is to ensure that the integrity of the City is maintained through an internal system where objectivity, fairness, and justice are assured by intensive and impartial investigation to:
1. Clear the innocent,
 2. Establish guilt of wrongdoers,
 3. Facilitate prompt and just disciplinary action,
 4. Identify defective policy, procedures, training, or equipment.
- (b) Emphasis will be placed on the positive approach rather than the negative or the punitive aspects of discipline. This policy is based on the premise that discipline is a function of administration, and a well-managed work force is one that voluntarily and ungrudgingly conforms to all City policies and regulations.
1. Employees shall be advised of expected job behavior, and the types of conduct the City has determined to be unacceptable behavior.
 2. Immediate attention shall be given to infractions. Written complaints shall be filed in a timely manner. No complaint will be accepted for more than 30 days following the alleged event unless the circumstances prevented timelier reporting.
 3. Each offense shall be dealt with as objectively as possible.
- (c) Responsibility. A complaint, or otherwise driven investigations of violations shall be first the responsibility of the department or division head of the staff member involved. Should the complaint involve an employee under the direct supervision of the City Manager, or if the City Manager determines the nature of the complaint would be most effectively handled by the City Manager, or his designated representative, then the City Manager may direct or conduct the investigation.
- (d) Violations and Complaints. All alleged or suspected violations of Law, Ordinances, or City Rules, Regulations and Orders will be investigated. This shall include complaints reported to supervisory or administrative personnel by citizens, or other City employees, and those violations observed by supervisors and co-workers.
1. Supervisors shall have the responsibility of investigating alleged violations or employee misconduct by members subordinate to their position.
 2. Supervisors do not need to seek higher authority to initiate investigations when the employee's violation is within the scope of their own responsibility and authority, except when the nature of the complaint would require investigation by the Office of the City Manager.
 3. Supervisors shall have the authority to issue verbal reprimands, written reprimands, and to place an employee on paid leave of absence if the situation warrants immediate response per the City Manager.
 4. Allegations that upon initial investigation appear to be substantiated by fact, and if true, would constitute a criminal act under law, will be investigated by the Police Division in consultation with the Office of the City Manager.

5. The Office of the City Manager retains the right to investigate any area of behavior that may threaten the integrity or effectiveness of the City.
6. If the complaint involves only the citizen's contention that he or she is innocent of a charge placed against him by a police officer, then the citizen shall be advised to seek judicial redress through established court procedures.
7. If a complainant refuses to sign the affidavit or other paperwork stating the alleged violation, the complainant shall forfeit his rights to an investigation. However, the City Manager shall, if the allegations are of such a nature that further investigation is warranted, investigate the allegations.

(e) Procedures.

1. All formal written complaints must be investigated. This includes:
 - Those violations reported to supervisors by City employees and Citizens (including prisoners) in person, by telephone, or by correspondence.
 - Those violations observed or suspected by supervisors or co-workers.
 - Any alleged or suspected breach of integrity or case of immoral conduct from whatever source it may be reported or developed.
 - Any situation where an employee has been injured or killed by the willful or deliberate act of another person.
 - Any situation in which a citizen has been injured or killed by an employee, whether on duty or not.
 - Assisting any employee of the City by investigating cases of personal harassment, threats, false accusations, or contrived situations that may be harmful to him/her.
2. Incidents excluded:
 - Personal written complaints filed more than 30 days after alleged incident, with the following exceptions, when the act complained of is a criminal violation in which case the criminal statute of limitations will prevail, or the complainant can show good cause for not making the complaint earlier.
3. Initial fact finding into investigations will be the responsibility of the immediate supervisor of the employee. If the employee's supervisor is not on duty at the time the complaint is received, the designated supervisor will record the initial complaint information and forward that report to the proper supervisor. If after initial fact finding, it appears the investigation may be criminal in nature, or due to its complexity, the investigation will be immediately reviewed with the office of the City Manager for further guidance.
4. Each supervisor will assume the duties and obligations of his position in the investigation of all areas of employee behavior under his/her purview in an effort to discover inefficiency or misconduct at its earliest stage. He/she does not need to seek higher authority to initiate investigations when the complaint is within the scope of his/her own authority and responsibility, except when the complexity of the case requires City Manager assistance.
5. When there are indications that the person complained against has been drinking and/or is under the influence of drugs, the person will immediately be required to submit to visual observation, the results of which will be formally recorded, and followed by a test for alcohol or drug use, if necessary. The lapse of time expressed in minutes between the initial report or observations of the person's condition and the intoxication tests will be accurately recorded.

6. When the investigation is completed, the final report will be submitted initially to the City Manager and will conclude with the classification of the case into one of the following categories:
 - Unfounded – allegation is false or not factual.
 - Exonerated – incident occurred and was lawful and/or proper.
 - Not Substantiated – insufficient evidence either to prove or disprove the allegation.
 - Sustained – the allegation is supported by sufficient evidence to justify a reasonable conclusion of a violation of law or City policy and regulations.
7. When the investigating person determines that the allegation is sustained, the level of the offense must then be considered. The examples of Group I, II, and III offenses, described in the Discipline and Grievances Section of this Manual, are characteristic of offenses or infractions that have been historically judged to be of such nature so as to warrant those penalties established for each group. The offenses included are to be used as examples and are not meant to be an exhaustive list of possible offenses or disciplines.
8. Once the investigation is complete, the investigation shall be submitted as a formal report. Within this report, the investigator shall identify the allegation, the finding (unfounded, exonerated, not substantiated, or sustained), and any recommendations for changes in policy, procedure, training, or equipment.
9. The employee is entitled to grieve the findings of the investigating supervisor and/or the City Manager. All grievances will follow the appropriate protocol.
10. The City Manager recognizes that administering impartial and appropriate discipline is an important purpose of his office, and that the initiation of disciplinary action should be at the lowest level of supervision.
11. The City Manager's Office will:
 - Maintain a file of all current investigations.
 - Critically examine all areas of employee functions wherein may lie a threat to the integrity of effectiveness of the City.
 - Make an investigation at the request of any City employee who feels threatened in any manner. Such persons are authorized to report his or her situation directly to the City Manager without reporting to their supervisors.
 - Give assistance to investigators engaged in a disciplinary investigation.
 - Direct the preparation of all documents necessary for disciplinary proceedings.
12. On direct receipt of an alleged violation, the City Manager may refer it to the supervisor of the accused directly or may make an independent investigation of the complaint.
13. The City Manager may review all disciplinary investigation reports received or prepared by the supervisors for the:
 - Thoroughness and promptness of the investigation and the completeness of the reports in order to discover failures or deficiencies in the investigation or the reports that in turn deserve disciplinary investigation.
 - Need for providing advice, suggestions, or assistance to the person in charge of the investigation.
 - Desirability of taking charge of the investigation.

- Suitability of the classification of the case.
- (f) Investigations conducted by personnel other than supervisors will conform to the foregoing provisions of this order as they are applicable.
- (g) Confidential Nature of Investigation and Files. Mistaken or even deliberately false reports and accusations may be made against employees. In some instances, the most conscientious and hard-working employee will be the subject of such reports.
1. In order to ensure the integrity of the City, it is necessary to investigate completely and thoroughly all reports and accusations from all sources. This must be done. At the same time, the reputations and good names of innocent employees must be protected. This is important to morale, and to the effectiveness of the City operations. All investigations will be regarded as confidential, and the City Manager will retain the investigation files.
- (h) Administrative Leave With Pay. Any supervisor may impose administrative leave with pay for a member or employee when it appears that such action is in the best interest of the division.
1. Any person placed on leave shall be instructed to contact the Office of the City Manager at 9:00 a.m. on the next business day, unless circumstances dictate a different course of action, and is approved by the City Manager.
 2. The supervisor imposing or recommending the suspension will report at the same time, unless circumstances dictate a different course of action.
 3. Final City authority and responsibility rests with the City Manager. The City Manager retains the prerogative and right to sanction or withhold any disciplinary action until such time as any appeal has been concluded.
- (i) Employee's Rights During an Internal Investigation.
1. Requirements of Formal Complaints Against Employees.
 - Formal complaint statements must be in writing and signed by the person filing the complaint. Complaints in affidavit form are not required, but all signed letters will be verified to ensure that they are not fictitious.
 - The person making the complaint must have firsthand knowledge of the incident.
 - A written and signed letter from a supervisor, or from another employee who is aware of the facts, may fulfill the requirements of a complaint.
 2. Employee Required to Answer Questions.
 - An employee can be required to answer questions relating to his/her duties, and he/she can be disciplined, up to and including termination, for refusal to answer such questions.
 - Any required statements can be used against the employee in a disciplinary action or in an administrative proceeding. However, these required statements would be inadmissible in subsequent criminal action.
 - Voluntary statements or confessions made by an employee while being questioned would be admissible in criminal proceedings.
 - When an employee is ordered to submit to a polygraph examination, the information gained cannot be used against the employee in any subsequent criminal proceedings. Disciplinary action, including termination, may be taken against the employee if he/she refuses to take the polygraph examination or fails to answer truthfully.

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

3. Counsel at Internal Investigations.

- An employee will be permitted to have counsel present during an interview pertaining to an investigation of a non-criminal matter.
- An employee will be permitted to have counsel present during any interview pertaining to an investigation of a criminal matter.
- For the purposes of this section, counsel will refer to legal counsel or union representation.

4. Special Tests.

- An accused employee may request a breath test, a urine test, a psychological test, or a polygraph test if he/she believes such a test would be beneficial to his/her defense. Also, the City may require such tests upon the direction of the City Manager.
- A supervisor is required to direct an employee to submit to a breath or urine test when the supervisor has reasonable suspicion that the employee is under the influence of alcohol or drugs while at work.

5. Confidentiality of Reports.

- All complaint investigation reports are confidential and will not be released to unauthorized persons.

6. Interview Rights.

- All interviews will be conducted while the employee is on duty, if possible.
- The interviews will be held at the Municipal Building, or at a location designated by the City Manager.
- During the interview, there will be one individual designated as the interviewer, and only he/she will ask the interviewee(s) questions.
- Prior to answering any questions, signing a statement or participating in an identification lineup, the accused employee shall be informed of the allegations made against him/her and (when applicable) receive a copy of the original complaint and a statement of charges.
- The accused employee being interviewed shall not be subjected to offensive language or threatened with transfer, disciplinary action, or termination. No promise or reward shall be made as an inducement to answer any questions.
- Once an employee has been officially charged, all further interviews or interrogations shall be electronically recorded. Any interruptions will be duly noted and any relevant discussions transpiring during breaks will be summarized, transcribed on the tape recorder, and verified for accuracy by the accused.

SECTION 12. PERFORMANCE MANAGEMENT

12.1 General Performance Expectations

(a) Expectations

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

(b) Public Service

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

(c) Effective Employee Performance

1. The City's ability to provide courteous and effective public service depends directly on individual employee performance, the ability of department/division employees to work together, and then divisions cooperating to complete City projects. The City motto, Progress Through Unity, sums up our commitment to a safe, service-oriented City. The City performance expectations for employees start with their position description and then other City and department/division guidance, such as this Manual. Supervisors and managers are responsible for building on this basic guidance to develop staff and divisions that are capable of accomplishing the City's services.
2. It is inevitable that disagreements or other problems will occur between co-workers. When these situations occur, employees are encouraged to talk to their supervisors to try to resolve the matter before the situation becomes worse. A personal discussion or if necessary, mediation through a neutral source such as the Human Resources Administrator or Employee Assistance Program can also be helpful. If a formal written complaint is necessary, it will be investigated in accordance with the Complaint Policy.

(d) Unsatisfactory Performance- includes, but is not limited to, the following behavior:

1. Lack of knowledge of City policy and procedures.
2. Unwillingness or inability to perform assigned tasks.
3. Failure to conform to established work standards.
4. Failure to take appropriate action that is within the employee's responsibility.
5. Absence without leave.
6. Excessive tardiness or absenteeism.
7. Repeated poor performance evaluations.

8. Written record of repeated infractions of rules, regulations, directions, or orders.
9. Lack of energy in performance of duties.
10. Carelessness in performance of duties.
11. Violation of safety rules and procedures.
12. Damage to City property or equipment due to negligence.
13. Injury to co-workers or public due to negligence.
14. Failure to assist citizens in a courteous manner within established City policy.
15. Gambling in any form by City employees during work hours or on City property at any time.
16. Failure to maintain effective working relationships with other employees.

12.2 Performance Evaluation

- (a) A written performance evaluation provides supervisors with an effective mechanism to measure and communicate positive and negative aspects of job performance to their employees. It provides the employee with documented, constructive feedback concerning current job performance. A documented performance evaluation serves as a basis for important management decisions regarding training needs, assignments, pay increase, promotion, and retention of employees. The work performance of each regular employee shall be evaluated in accordance with these established procedures.
- (b) Employees serving initial or promotional probationary periods normally receive two probationary evaluations during their period of probation. The first evaluation is completed halfway through the probationary period; the second evaluation is completed no later than 10 days prior to the completion of the probationary period. Should a newly hired employee be given a probationary removal before the end of his or her probationary period, a final evaluation is made at the time of the removal. In such case, the reason for removal is simply stated "employment terminated during probationary period."
 1. Each City employee is normally evaluated annually within 30 days after the anniversary date of his or her employment or position appointment (if transferred or promoted), or at some common date if so established.
 2. Prior to writing the performance evaluation, the supervisor should discuss the performance period with the employee in order to gather facts for use in the evaluation.
 3. The employee's supervisor completes the performance evaluation form and reviews it with the department/division head or City Manager as appropriate. The department/division head will sign the form after he or she has reviewed it, and before the evaluation is discussed with the employee.
 4. Each employee receives a copy of his or her performance evaluation. The supervisor or other designated representative shall discuss the evaluation with the employee and counsel the employee regarding both the employee's strengths and weaknesses. The performance evaluation should be objective by relating it to the employee's position description duties and responsibilities and other assigned (and documented) tasks that occurred during the period.
 5. Performance goals should be established and documented by both supervisor and employee, in order to give all concerned a clear expectation of their duties and responsibilities, plus improve performance in areas that may have been weak during the evaluation period.
 6. After the employee signs the evaluation form, the original is sent to the Human Resources Administrator for final approval with the City Manager.

7. If after six (6) months in an annual evaluation period, an employee transfers to another department or division, a performance evaluation should be written to cover that period of time.
8. An appointing authority may establish a special, alternate schedule for evaluations if necessary.
9. Regular full-time employees dissatisfied with their performance evaluations may seek reconsideration through use of the grievance procedure. Such appeal rights shall not apply to employees serving in a probationary period.
10. No employee shall receive a step increase if he or she has received an overall rating of "unsatisfactory" in the most recent performance evaluation, provided that such evaluation has been completed in a timely manner.
11. If necessary, the department/division head shall submit a step increase request on the Employee Action Form with the performance evaluation in order to adjust the employee's salary.
12. Supervisors and employees shall also use Review of City's Harassment Policy Form, to review this policy at the time of the performance evaluation.

SECTION 13. DISCIPLINE AND GRIEVANCES

13.1 Disciplinary Principles & Applicable Law

- (a) The City believes that a clearly written discipline policy will minimize potential misunderstandings among employees in disciplinary matters. Accordingly, certain basic principles must consistently be applied in order to effectively and fairly correct unsatisfactory performance. Suspensions, demotions, and terminations of all employees shall be implemented by the City Manager as the appointing authority.
- (b) Counseling employees which can simply be talking to each other is an excellent means to mentor, teach, relieve stress, and reduce the occurrence of potential disciplinary situations. In the manager-subordinate relationship, counseling should not be considered a type of disciplinary action, but rather a means to improve communication.
- (c) An employee may be disciplined for incompetency, inefficiency, dishonesty, alcohol/drug abuse, immoral conduct, insubordination, neglect of duty, conviction of criminal charges, misfeasance (improper performance), malfeasance (misconduct), or nonfeasance (failure to act), violation of City policies and procedures, discourteous treatment of the public or other employees, willful failure to pay just debts, any failure of good behavior, or an accumulation of minor infractions. Employees are responsible for notifying their division head if they are arrested for a misdemeanor or felony criminal offense. The above list is non-exhaustive.
- (d) Degrees of Discipline. The City subscribes to the basic tenets of supervisors documenting and administering progressive, corrective discipline. The standards set forth herein are designed to be guidelines and the City reserves the right to employ an appropriate level of discipline in each and every case. The following may be considered in determining appropriate discipline:
 1. Seriousness of incident (infraction)
 2. Circumstances surrounding the incident (infraction)
 3. Employee's past disciplinary record
 4. Employee's past work performance

5. Overall negative impact of incident on the organization
 6. Probability of future similar infractions
 7. Other pertinent factors
- (e) The following types of disciplinary action may be administered, in accordance with the provisions of this regulation and subject to applicable collective bargaining agreements:
1. Verbal Reprimand. This is a reprimand to discuss the cause of an infraction/incident, what was done improperly, and recommendations to hopefully prevent further incidents. See the Record of Verbal Warning Form.
 2. Written Reprimand. This disciplinary action is designed to address violations of a minor nature, such as inability to work harmoniously with other employees and infractions of minor safety rules. See the Record of Written Reprimand Form.
 3. Suspension Without Pay. This disciplinary action should be used for repeat violations of a minor and/or intermediate nature, for significant violations, such as abuse of leave, fighting or unauthorized use of City property, and for initial infractions of important or major safety rules. Suspensions shall be for no less than one day (eight hours). Three-day (24 hours) suspensions and ten-day suspensions should follow principles of corrective discipline. Suspensions of greater than 10 days should normally not be used except for extenuating circumstances. A 10-day suspension would typically be followed by termination for the next related disciplinary incident. See the Record of Suspension Form.
 4. Demotion to Lower Classification. This disciplinary action is most appropriate when the employee has demonstrated an inability to perform the responsibilities and duties of the position. Failure to pass probation in a promotional position is not a disciplinary event.
 5. Termination. This disciplinary action is appropriate for chronic violations of an intermediate nature, multiple violations of a significant nature, infractions of major safety rules, initial violations of a major nature, such as failure to report to work for three consecutive days, harassment, theft of City property, or reporting for work under the influence of drugs or alcohol, and in circumstances where progressive discipline has failed to correct the behavior requiring discipline.
- (f) Disciplinary action should be started at the immediate supervisory level, if the problem is first noted at that level. Written reprimands will be reviewed by the department/division head prior to being given to the employee. Department/division heads will recommend disciplinary action to the City Manager for suspension without pay, demotion to a lower classification, and termination of an employee. Serious or questionable disciplinary cases should be discussed with the City Manager prior to making a recommendation.
- (g) Under Ohio civil service law, employees in the classified service who have successfully completed their probationary periods have tenure during good behavior, and may be reduced in pay or position, suspended, or removed from employment only for incompetency, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violations of such sections Ohio Revised Code, any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office. (ORC 124.34) In other words, classified employees who have successfully completed their probationary period may only be disciplined for just cause.
- (h) Unclassified employees serve at the pleasure of the appointing authority, and may be removed at any time, with or without cause.

- (i) A copy of all disciplinary actions shall be sent to the Human Resources Administrator for inclusion in the employee's personnel file.
- (j) An employee may request, through his or her division head, the expungement (removal) of a disciplinary action from his or her personnel file based on the time periods indicated below and if no related disciplinary offense has occurred:
 - 1. Verbal reprimand, after 6 months.
 - 2. Written reprimand, after 1 year.
 - 3. Suspension, after 2 years.
- (k) The City has adopted the following groups of offenses to generally describe disciplinary action for unsatisfactory performance of duty, and how such performance affects the City. The examples are characteristic of those offenses, historically judged to be of such nature to warrant those disciplinary actions established for the group. The examples are not all-inclusive, and the City reserves the right to determine appropriate disciplinary action.
- (l) GROUP I Offenses cause a temporary or minor negative impact on City productivity, effectiveness, and/or morale. Some examples of Group I Offenses are:
 - 1. Discourteous treatment of the public or a co-worker.
 - 2. Failure to "report off" work for any absence.
 - 3. Failure to commence duties at the beginning of the work period, returning late from a break period, or leaving work prior to the end of the work period, i.e. being tardy.
 - 4. Leaving the job or work area during the regular working hours without authorization.
 - 5. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
 - 6. Leaving post of continuous operations position prior to being relieved by employees of incoming shift.
 - 7. Neglect or carelessness in signing in or out.
 - 8. Unauthorized absence from work, to include sick leave abuse.
 - 9. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
 - 10. Distracting the attention of others, unnecessary shouting demonstration or otherwise causing disruption on the job.
 - 11. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
 - 12. Failure to cooperate with other employees as required by job duties.
 - 13. Failure to use reasonable care of City property or equipment.
 - 14. Use or possession of another employee's working equipment without authorization.
 - 15. Neglect or carelessness in observance of official safety rules or disregard of common safety practices.
 - 16. Failure to observe department/division rules, regulations, and policies.
 - 17. Obliging the City for any expenses, service or performance without authorization.
 - 18. Failure to report accidents, injury or equipment damage.
 - 19. Disregarding job duties by neglect of work or reading for pleasure during working hours.

- 20. Unsatisfactory work or failure to maintain required standard or performance.
- 21. Unauthorized use of telephones for other than business purposes.
- 22. Excessive or repeated garnishments.
- 23. Violation of departmental uniform regulations.

(j) Potential GROUP I Disciplinary Actions:

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

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

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

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

- 1. Sleeping during working hours.
- 2. Reporting for work or working while unfit for duty.
- 3. Unlawful gambling during work hours.
- 4. Unauthorized use of City property or equipment.
- 5. Performing private work on City time.
- 6. Willful failure of non-exempt employees to electronically punch or swipe in or out as required.
- 7. Failure to report for overtime work without good reason after being scheduled to work according to Overtime Policy.
- 8. Willful failure to make required reports.
- 9. Solicitation on City premises without authorization.
- 10. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the City, or its operations.
- 11. Giving false testimony during a complaint or grievance investigation or hearing, or pre-disciplinary conference.
- 12. Unauthorized posting or removal of notices or signs from bulletin boards.
- 13. Distributing or posting written or printed matter of any description on City premises unless authorized.

14. Unauthorized presence on City property.
15. Willful disregard of department/division rules.
16. Threatening, using abusive language, intimidating, coercing, or interfering with other employees.
17. Unauthorized political activity.
18. Willful violation of the appropriate chain of command.

(m) Potential GROUP II Disciplinary Actions:

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

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

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any City property or equipment. Abuse or deliberate destruction in any manner of the City property, tools, equipment, or the property of employees.
2. Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying City records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
3. Making false claims or misrepresentation in an attempt to obtain any City benefit.
4. Gambling during working hours.
5. Stealing or similar conduct, including destroying, damaging, or concealing of any property of the City or other employees.
6. The use, possession, or sale of illegal drugs.
7. Fighting or attempting injury to other employees, supervisors, or persons.
8. Carrying or in possession of firearms on City property at any time without proper authorization.
9. Knowingly concealing a communicable disease such as TB, which may endanger other employees or the public.
10. Misuse or removal of City records or information without prior authorization.
11. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slowdown, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the City's work stations except as provided by Law.
12. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the City or other employees without authorization; inserting slugs in vending machines without paying the proper charge therein; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports

concerning any absence from work. The foregoing are examples only and do not limit the terms “dishonesty” or “dishonest action”.

13. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
14. Punching, signing, altering, or using other employees’ timecards, swipe cards, time sheets or unauthorized altering of own timecard or sheet.
15. Conduct violating morality or common decency, such as sexual harassment.

(o) Potential GROUP III Disciplinary Actions:

1. First Offense: 10-day suspension to termination

13.2 Pre-Disciplinary Conference Procedures

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

deemed a waiver of the hearing. Counsel for the employee in such conferences should be reminded that these proceedings are for the purposes set forth in this Section (a).

- (f) Within five workdays of the pre-disciplinary conference, the neutral administrator shall submit written findings to the appointing authority. Such findings shall be limited to the issue of whether a basis exists for discipline to be imposed. The appointing authority is not bound by the conclusions of the presiding officer, and may adopt, reject, or modify this report or its findings. The appointing authority will implement the appropriate disciplinary action and will issue the final decision to the employee in writing.

13.3 Appeals From Disciplinary Actions

- (a) Disciplinary action of suspension, demotion, or termination may be appealed through the grievance procedure as outlined in the Discipline and Grievances Section.
- (b) An employee who has completed the required probationary period in the classified service may appeal a removal, reduction in pay or position, job abolishment, layoffs, assignment or reassignment to a new classification, transfer, a reduction in rank, a suspension of more than three (3) working days, or a termination by filing a written notice of appeal with the Merit Service Commission within ten (10) calendar days from the official notification is filed with the Commission. Members of bargaining units must appeal under the terms established by their respective Collective Bargaining Agreement(s) which may exclude the Commission from the appeal process. The Commission shall proceed within thirty (30) calendar days from receipt of such notice of appeal to hear such appeal. The Commission will give written notice to the appointing authority, the Director of Law, the employee and his/her attorney, if known, of the time and place of the hearing. The action of the Commission is final.
- (c) Unclassified employees serve at the will of the appointing authority and may be disciplined up to and including termination without cause.

13.4 Grievance Procedure

- (a) The City recognizes that within any organization there will be occasional differences among its employees regarding interpretations of rules or other problems stemming from conditions of employment. Hopefully, these differences can be discussed and resolved within a department/division. If not, the grievance procedure serves to promote good employee-management relations by minimizing and adjusting appropriate grievances, which if left unnoticed or unattended, can have very serious results both to employee effectiveness and ultimately City services.
- (b) When a grievance involves a legal issue which the respondent (individual hearing the grievance) cannot address, the grievance shall be forwarded to the City Manager and Law Director for an opinion before proceeding. All time limits set forth in this procedure shall be suspended until a response from the Law Director is received.
- (c) Nothing in this policy is intended to deny any employee to have redress to their legal rights, including the right to appeal to the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, once an employee elects as his or her remedy (or resolution) the provisions of procedures of any of the above named commissions or courts, with respect to any employee grievance or appeal from disciplinary action, he or she is denied the remedy of the grievance procedure provided herein.
- (d) The time limits established in this procedure may be extended by written, mutual agreement of the involved parties.

- (e) A grievant may have a representative of his or her choosing present at any step of the procedure, except Step 1. The expense of any representative shall be borne by the party using them. Both parties may call witnesses.
- (f) Grievances will be filed on the City's Grievance Form. This form plus any attachments shall serve as the official documentation of the grievance. The original of this form shall continue through the grievance procedure. Copies of the original form may be made as appropriate.
- (g) In order to provide employees with an orderly process by which to seek resolution of such differences, the City has established the following grievance procedure:

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

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

STEP 3 If the complaint is not resolved at Step 2, the employee may pursue the matter by presenting the written complaint to the appointing authority or designee within seven (7) calendar days of the reply received in Step 2. The appointing authority or designee shall meet with the complainant concerned and attempt to resolve the matter. The City Manager or designee will respond within seven calendar days of receiving the grievance.

- (h) Complaints not taken to the next step by the employee within the specified time limits (including any written extension thereof) shall be considered to have been resolved on the basis of the decision at the previous step. The department/division head and the Human Resources Administrator shall track the grievance throughout the procedure.
- (i) Discussions at each step should be informal and try to lead to a factual assessment of the situation, in order to find out what led to the problem, and how it can be resolved.
- (j) Responses should be based on factual conclusions, and references should be made to City policies or legal considerations on which the decision is based, when possible.

SECTION 14. WORKPLACE SAFETY

14.1 Safety and Health

- (a) Employee safety and health are primary City concerns shared by both supervisory and non-supervisory personnel. All employees are required by ORC 4167.01 to comply with the Ohio Public Employment Risk Reduction Program (PERRP), which uses OSHA safety standards and rules for workplace risk management. Failure to adhere to these policies and procedures may result in disciplinary action up to and including termination. Basic safety and health information

for all employees is provided via the City Safety and Health Program Manual on the City computer system and in each division administrative office. City divisions also have safety standards and rules for specific equipment use.

- (b) It is the supervisor's responsibility to ensure employees are trained in the proper operation and safety procedures before the employee uses equipment or operates a City vehicle. All equipment, vehicle, and safety procedures training shall be documented by the supervisor or an authorized/certified trainer and such documentation kept in the department/division files for as long as the employee serves with the City.
- (c) All employees are responsible for the safe operation of equipment and vehicles, to ensure that the City's workplaces are safe, correct unsafe work conditions or practices, properly use prescribed safety equipment, and enforce safety rules and regulations.
- (d) All employees shall report the existence of any hazardous condition or unsafe work practice observed in the workplace to their supervisor using City Hazard Report Form. If the division has its own designated safety officer, the employee or supervisor may directly notify the division safety officer. The supervisor shall coordinate the appropriate corrective action with the department/division head. Equipment or vehicle accidents shall be reported on the Equipment or Vehicle Accident Report Form.
- (e) All employees who drive City vehicles or personal vehicles on City business shall maintain the appropriate speed limits and traffic regulations and wear safety belts at all times.
- (f) Supervisors may send employees home and advise them to seek medical attention, if in the supervisor's discretion, the employee appears to be too tired or ill to continue working safely. Missed work hours shall be charged to sick leave. An employee who is sent home due to fatigue or illness shall not return to work for at least 8 hours or their next regularly scheduled work shift, whichever occurs later.
- (g) Any accident occurring during work hours, whether or not it appears that injuries were incurred, shall be reported to the immediate supervisor at once and then the department/division head at the earliest opportunity. If the employee's condition requires medical treatment, the supervisor or department/division head must also notify the Managed Care Organization (MCO) no later than the end of that work shift, and send a BWC First Report of Injury (FROI) Form to the MCO via facsimile within twenty- four (24) hours of the occurrence. Upon completion of the above notification requirements, the supervisor or the department/division head must complete the supervisor's section of the City's Employee's Injury/Incident Report Form as soon as possible, to properly document the event for compliance with both BWC and PERRP reporting requirements. All accident, injury, and hazard paperwork will be given to the Human Resources Administrator within twenty-four (24) hours.
- (h) If necessary, a post-accident drug test may be required. See the Drug-Free Workplace Policy Section.
- (i) A review board may investigate accidents, injuries, and hazards. This board will also evaluate and recommend safety procedures to prevent future occurrences, as well as recommending disciplinary action if necessary. The board will consist of the City Manager, Human Resources Administrator, department/division head, and other City management whose expertise may be required.
- (j) The City has a Central Safety Committee with representatives from each division and labor union. This committee serves as focal point for risk management, safety, and health coordination and planning. The City Manager has also appointed two Accident Prevention Coordinators to facilitate and coordinate safety information, processes, and training.

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

14.2 On-the-Job Injury and Workers' Compensation

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

14.3 Injury Leave

- (a) In the event an employee is injured while on duty and is unable to perform either his regularly assigned duties or those light or transitional duties which may be assigned by the department/division head and approved by the treating doctor, the injured employee may receive injury leave. Such leave may be provided if the employee notifies his supervisor within twenty-four (24) hours following the time of the injury unless the employee is hospitalized. The notification shall include a doctor's statement of the injury description, employee work limitations, and the expected date of return to full or transitional duty. If the employee is hospitalized immediately following the injury, he shall submit the doctor's statement within 5 days after being released from the hospital.
- (b) Upon injury notification, the employee's supervisor will immediately ensure that the employee receives appropriate medical attention, assess the cause of the injury, and identify any hazardous conditions to be corrected. He will also determine that the injury or occupational illness occurred while on duty, and whether the injury is the result of self-infliction, "horseplay," negligence, or drug or alcohol use. The supervisor will certify that the BWC First Report of Injury (FROI) and Employee Injury/Incident Report Form are accurate. See the On-the-Job Injury and Workers' Compensation Section for a description of the injury reporting process.
- (c) The employee will use sick leave until BWC certifies/allows the claim, then the injured employee may be paid for up to 90 calendar days of injury leave after that date. If the employee is absent from work more than 5 workdays as a result of BWC certified injury claim, the 5 days shall be returned to the employee's sick leave balance and counted as injury leave. While on injury leave, the employee will be placed concurrently on medical leave, according to the Family and Medical Leave Act (which provides up to 60 workdays of leave) provisions in Section 6.13. The City will pay an injured employee a maximum of 90 calendar days of injury leave in a 12-month period of time regardless of the number of compensable, work-related injuries.
- (d) Thereafter, beginning with the 91st calendar day of absence due to an injury and having a BWC allowed injury claim, the injured employee is eligible to receive BWC temporary total compensation, and the employee may at his or her option, elect to receive supplemental City compensation to bring the pay rate to his or her base rate. Such supplemental City compensation shall be charged against the employee's accumulated sick leave as long as the employee receives temporary total compensation.
- (e) BWC pays temporary total compensation based on medical evidence from the attending physician. These periodic physician reports ensure the continuous payment of temporary total compensation. BWC will refer injured employees for an examination at various times to determine whether they still qualify for compensation, rehabilitation, and if they are receiving the proper medical treatment. BWC determines whether to continue or cease temporary total compensation based on evidence of the employee's maximum medical improvement (MMI). MMI occurs when an individual's medical condition stabilizes to the point where the injured worker's physical or mental condition will not change, despite continued medical treatment and/or rehabilitation.
- (f) If BWC makes a medical determination that the injured employee has reached MMI, is not physically or mentally able to accomplish the full duties of their City position, and will no longer receive temporary total compensation, the employee may elect to use any remaining accumulated paid leave while expeditiously applying for a disability retirement. The City will require the employee to resign as soon as a decision is made by the appropriate pension agency, or the employee has exhausted his/her accumulated paid leave options.

- (g) An employee returning from injury leave must have a doctor's medical release to return to work. To secure this release, the employee must present a statement from the doctor giving the injury description, date of return of work, and certifying that the employee is able to return to work without any restrictions, or with restrictions and possibly perform light duty (see the Light Duty Policy Section). The City Manager or his designee may approve an employee returning to work.
- (h) An employee returning to work from injury leave, who has not used the 90 days of injury leave, and who needs to return to their doctor for required follow-up or continuing treatment as a result of the injury, shall be paid injury leave for these doctor visits as long as a doctor's statement is provided to the City for these visits.
- (i) While on paid City injury leave, all benefits (including seniority) shall be maintained, except as otherwise provided in these rules and regulations.
- (j) The City Manager may require the employee to be examined by a physician of the City's choosing, at City cost, to determine the employee's continuation of an approved injury leave, or to resolve any issue about an employee's return to work. This may involve the employee accomplishing a physical ability test or a psychological examination. If an employee refuses to submit to a medical examination, or if the report from the doctor conducting the medical examination concludes that the employee is either not injured or is able to return to work, further injury leave compensation may be denied.
- (k) If the report from the doctor selected by the City is in conflict with the report submitted by the employee's doctor regarding the injury, limitations on the employee's ability to work, or the expected date of return to work, the member shall be examined by a third doctor selected by the City from a list of doctors to be mutually agreed to by both parties. The City will pay for the cost of this examination. The opinion of the third doctor shall determine the employee's injury status at that time.
- (l) No injury leave will be granted to an employee who is off work because of any medical condition that existed prior to the employee's first day of work with the City, including an aggravation or re-injury, off duty injury, or any such pre-existing condition.
- (m) The City Absence Report Form shall be used to record all forms of leave associated with an employee's injury.

14.4 Light Or Restricted Duty

- (a) The City recognizes that in particular circumstances of an employee's injury or illness, an employee is not able to return to work in a full duty work status; but is capable of performing certain job assignments, which constitute a limited portion of one or more position classifications. These assignments are referred to as light or transitional duty and may be offered by the City if there is a need for such duty. Such assignments are temporary and are not to be considered an accommodation to a permanent illness or injury. It serves the mutual benefit of the employee and the City to provide a temporary light duty assignment. Temporary is defined herein as not more than 180 consecutive calendar days.
- (b) This process allows the City to comply with the BWC Managed Care Organization Policy that requires the employer to work with the health care provider to return an injured or ill employee to a modified- duty/light duty position, tailored to an injured employee's condition until they regain full capacity to return to full duty. A light duty position description will be written and coordinated with the health care provider. If the City offers the injured employee a light duty position, the employee is obligated to accept the position. An employee who refuses an offer of light or transitional duty may forfeit any eligibility for BWC compensation.

- (c) Application for Light Duty Status. The supervisor of a full-time employee who is off work due to an injury or illness, or the injured or ill employee may request to return to work on a light duty assignment by doing the following:
1. The supervisor or employee must submit a written request via letter to the City Manager to be placed on light duty status, based on a temporary light duty position description.
 2. The employee must obtain and provide to the City Manager a completed Physician's Light Duty Release Form or a completed BWC MEDCO-14 Report of Work Ability form. The form must be completed and signed by the employee's attending physician. The doctor must state that there is reasonable medical probability that the employee will be able to return to full duty at a specified date in the future, and authorize the employee to return to work in a light duty position and outline the parameters within which the employee may work. The City Manager reserves the right to have the employee examined at City expense if necessary to determine the extent of injury and entitlement to light duty.
- (d) Approval of Request. After completing the application process, the City Manager may authorize the employee to return to work in a light duty status for up to 90 consecutive calendar days, based on the approved duty assignment.
- (e) Extension. Prior to the end of the first 90 days on light duty status, the employee may request to work additional time on light duty for up to 90 additional consecutive calendar days by submitting the request in writing to the City Manager, and submitting a current written statement from his/her physician, in which the physician approves extended light duty. An extension shall require City Manager approval.
- (f) Criteria for Placement on Light Duty. The determination of whether or not to place an employee on light duty work status shall be determined by the department/division head and approved by the City Manager. The City is not required to provide light duty positions. The following criteria shall be considered in determining whether or not, to place an employee on light duty. The criteria shall include, but not be limited to:
1. That a light duty position be available for assignment within a department or division.
 2. There exists the medical probability that the employee will be able to return to full duty within 180 days. The employee must be qualified for the assignment as additional training will not be provided.
 3. The physician's written opinion is that the employee is able to perform light duty activities and can return to full duty within 180 days.
- (g) Work Restrictions on Light Duty. An employee who receives a light duty assignment will not work overtime or on holidays. An employee who receives a light duty assignment shall not engage in off duty employment without written consent of the department/division head and City Manager.
- (h) There is no employee appeals process associated with light duty assignments.
- (i) The City has a BWC approved Transitional Workplace Program which allows an occupational therapist to come into the workplace and provide treatment for employees recovering from injury. The occupational therapist can also ensure the employee is working within his or her light duty limitations, so as not to aggravate their recent injury.
- (j) End of Light Duty Assignment. A light duty assignment will immediately end should the employee's condition become permanent, as documented by a physician's written statement.

14.5 The National Incident Management Systems (NIMS) and City Emergency Response Plan

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

14.6 Weather Emergencies

- (a) The City recognizes that on rare occasions it may be impossible for a scheduled employee to report to work because of excessive snow, ice, or other weather emergencies. Because such weather conditions are part of a normal winter in Ohio, employees are expected to come into work whenever possible. If in the judgment of the City Manager or his designee, however, extreme emergency weather conditions exist, the provisions of Plan B govern payment of wages on such days.
- (b) Plan A
 - 1. In the event of extreme weather conditions not involving the closure of City facilities, scheduled employees who are able to come into work shall be paid their regular wage for actual time worked. Those employees who arrive late or who are unable to come into work because of the extreme weather shall have the option of taking leave without pay or using time from available vacation or compensatory time off to account for the time missed, or, when possible and approved by the employee's supervisor, by flexing hours in the remainder of the work week. Also, when actual or pending road conditions warrant, the City Manager may give approval for non-weather emergency employees to leave work early. All non-exempt employees who choose to leave work early, with the supervisor's approval, may do so, and may make up the lost time during the same week or use available vacation or compensatory time off, or leave without pay.
- (c) Plan B
 - 1. In the event that the City Manager or his designee closes City offices because of an extreme weather emergency, employees shall receive full pay for the period of the closure. Public safety employees (Police and Fire), specific maintenance and street division operations employees, and other designated emergency service employees are required to report to work except with the express approval of their department/division head. Such emergency service employees shall be paid at their normal rate of pay for the actual hours worked. Each department/division having need for employees designated to respond under this plan shall establish its own list of employees, job classifications, and duties, and shall notify all affected employees of their status. If the employee remains unable despite best efforts to come into work, and all other alternative methods have been exhausted, the employee shall contact the supervisor, who may then arrange for the employee to be picked up at home.
- (d) A telephone network shall be established to notify all department/division heads of the closing should this decision be made after normal working hours or on weekends. Department/division heads are responsible for notifying his or her employees of the closing.
- (e) Employees must be in active pay status at the time that a weather-related closure begins in order to receive pay for the period of the closure. An employee who is off work on an approved vacation, sick leave, compensatory time off, or other paid leave at the time of a weather-related closure shall be charged for the hours of the leave scheduled, and the employee may not

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

14.7 Smoking, Vaping, and Tobacco Use

- (a) Employees shall not smoke, vape, or use tobacco products in City vehicles, City buildings, or vehicles used for City business that may be occupied with members of the public, such as children participating in City sponsored trips. Employees will fully comply with the workplace restrictions provided for in the Ohio Revised Code.
- (b) Per ORC 3794, No Smoking signs are posted at each City building entrance to inform people of this law: smoking is not permitted in City buildings or near City building entrances, and that violations of the law may be reported to the Ohio Department of Health at 866-559-6446. Smoking includes inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. This includes the use of an electronic smoking device or a vapor product.
- (c) City designated smoking areas cannot be located by or near City building entrances (doors), windows, ventilation systems, or other areas that would permit the smoke to enter City buildings.
- (d) Department/divisions should consider designating smoking areas away from City buildings – physically separated from buildings so smoke does not enter the building, and smokers are not clustering near building entrances.
- (e) Employees shall not smoke, vape, or use other tobacco products around children participating in the City's various recreation programs. The City does not seek the liability of being associated with smoking and its related health hazards and discourages those behaviors for all employees.
- (f) The use of an electronic cigarette, e-cigarette, personal vaporizer, electronic nicotine delivery system, or related items shall be deemed to constitute smoking and subject to the same restrictions as tobacco products for purposes of this policy.
- (g) Employee breaks for purposes of smoking are governed under the provisions of Break Periods Policy, provided that smokers are entitled only to the same consideration for breaks as nonsmokers.

14.8 Violence in the Workplace

- (a) All employees have the right to work in an environment free from physical and psychological violence, threats, and intimidation. Violence is any act of physical, verbal, or psychological threat or abuse, assault, or trauma that results in physical and/or psychological damage to an individual. It is a form of serious misconduct that undermines the integrity of the employment relationship. No employee should be subject to unsolicited and physical violence, threats, or intimidation. Such behavior may result in disciplinary action up to and including termination.
- (b) Because the City has a strong commitment to its employees to provide a safe, healthy, and secure work environment, the City will not tolerate intimidation, violence, or threats of violence by or against its employees. The City will also not tolerate any violence or threats of violence against any City property or facility.
- (c) The presence of weapons and the occurrence of violence in the workplace are inconsistent with the above objectives. While the City has no intention of intruding into the private lives of its present or potential employees, it expects all employees to report to duty without possessing

weapons, unless they are a City's Police Officer, and to perform their job without violence towards any other individual.

- (d) To reduce the risk of workplace violence, grievance, harassment awareness, employee assistance, and security programs are in place. The use of these programs can prevent and/or reduce the rate of workplace violence. These programs are discussed in other parts of this Manual.
- (e) A primary deterrent to internal City employee violence is leadership and communication skills. All City employees should foster a supportive, harmonious work environment; try to reduce tension that could lead to conflicts; and recognize signs of a troubled employee. It should also be standard practice for employees to act promptly regarding worker complaints and misuse of rules related to workplace violence.
- (f) The City prohibits the following activities:
 - 1. Use, possession, or sale of any weapon, while on duty or at any City facility. Weapons as used in this policy include, but are not limited to firearms, knives (other than a common pocket knife or eating utensils), stun guns, brass knuckles, num-chuks, throwing stars, and other martial arts weapons. Any object used with the intent to inflict physical harm to another person shall be considered a weapon.
 - 2. Storing any weapon in a locker, desk, City vehicle, lunch container, tool kit, bag, purse, or other repository on City premises. City employees shall not have a weapon in a privately owned, leased, or borrowed vehicle while it is located on City property.
 - 3. Refusing to submit to a reasonable search while on duty or at a City facility. This policy is not intended to supersede any departmental work rule, collective bargaining agreement, or other provision of these policies and procedures which permit random or regular inspections of such property.
 - 4. Conviction of a criminal offense defined as an "offense of violence" by Ohio Revised Code Section 2901.01 (A)(9), (a), (b), (c), (d), or (e), or conviction of any criminal statute for the illegal possession of a weapon.
 - 5. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee or a co-worker. Actions or statements which a reasonable person would interpret as a threat, while on duty or at a City facility.
 - 6. Fighting, including any conduct which, under the circumstances, does or intends to inflict physical harm or injury, while on duty or at a City facility.
- (g) Sworn police officers and other safety personnel as approved by the City Manager shall be exempt from (f) (1) and (f) (2).
- (h) Reporting and Managing Violence
 - 1. Any suspicious, agitated, or violent people or activities in or around City buildings should be reported immediately to supervisors and the Police Division at Emergency 911, or Non-Emergency 937-535-1166. Visitors to City offices are expected to act in a respectful and civil manner. If they do not behave accordingly, they will be politely asked to calm down. If they continue to misbehave, they will be asked to leave. If assistance is needed, call the Police Division. An employee who witnesses an incident of violence or threatening language or conduct should promptly report the incident to his or her supervisor and the Police Division. If possible, City employees should leave their work areas by the most expeditious means when faced with a violent situation. A crisis response team will form immediately to deal with a

protracted situation. This team should consist of the City Manager, Police Chief, Fire Chief, Human Resources Administrator, Law Director, or their designees and other department/division personnel as the City Manager deems appropriate.

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

(i) Visitors

1. All visitors to offices and facilities are expected to act in a respectful and civil manner.

SECTION 15. MISCELLANEOUS POLICIES

15.1 Lactation Policy

- (a) The City supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. The provisions of this Lactation Policy are intended to meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers.
1. For one year after the child's birth, covered employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn.
 2. The City has designated an employee's private office or the private dedicated space (non-restroom) in each City facility for this purpose. For additional information, please refer to Human Resources.
 3. Employees storing milk assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Milk should be moved at the end of the employee's workday and labeled.
- (b) Employees who work off-site or in other locations will be accommodated with a private area as necessary. Breaks of more than twenty (20) minutes in length will be unpaid, and the employee should indicate the break period on the time record.

15.2 Media Policy

- (a) The City intends to be proactive in its approach in sharing information with the public and in using media sources as one method of accomplishing this goal. A reasonable attempt shall be made to respond promptly and accurately to all media inquiries.
1. Only designated staff members specifically authorized by the City Manager may speak for the City or give information to the media on behalf of the City.
 2. Fire and Police Divisions receive ongoing media requests regarding routine daily activities, and these requests may be handled through the shift commander or officer in charge.
 3. For stories involving major emergency incidents, release of information needs to be coordinated through the Fire Chief, Police Chief, City Manager, or the City Manager's designee. It is recognized that if conditions make it impossible for immediate release of accurate information, then it is permissible to delay release of information until the emergency situation has stabilized.

- (b) All departments and divisions are encouraged to generate news releases pertaining to events and activities within their scope of responsibilities. The City Manager or his designee shall approve news releases.
- (c) It may be appropriate, on occasion, to call a news conference to announce a major City decision or to respond to an issue of general interest to the public. The City Manager or his designee shall approve news conferences.
- (d) Nothing in this policy should be construed to limit or control comments made by members of the City Council to the media.

15.3 Social Media

- (a) This Social Media Policy applies to all City officials and employees when working with social media tools on behalf of the City and applies to an officials and employee's use of personal social media sites as addressed in this policy.
- (b) The City shall implement this Social Media Policy and broadly disseminate the policy to inform employees and officials of these guidelines for creating, using and maintaining social media resources subject to this policy and to ensure all employees and officials confirm they are aware of and understand this policy.
- (c) The objective of this policy is to effectively reach the public with important City-related information, increase public access to information, and prevent the misuse of social media by employees, officials, and the public as it relates to the City.
- (d) The City is committed to enhancing traditional communication methods using social media. The City recognizes and encourages innovative ways to use these technology tools to communicate with the public, expand public access to information, and enhance its services. This policy establishes the City's position on the utilization and management of social media accounts and provides guidance on the management, administration, and oversight of official City social media accounts, as well as employees' personal social media accounts. The principals of this policy shall apply to new and emerging methods of social media even if not expressly discussed herein.
- (e) Other laws, ordinances, and policies may also apply to the use of social media and this Social Media Policy should not be interpreted to conflict with any such laws, ordinances, and policies. This policy does not restrict actions or activities protected under Section 7 of the National Labor Relations Act or any other federal or state law or regulation.
- (f) It is not the City's intent to create a public forum, but to use social media to post and distribute information to the public. Comments from third parties must directly relate to topics posted by the City, with language that is appropriate for everyone (including minors).
- (g) Definitions:
 1. Blog: A self-published diary or commentary on a particular topic which may allow visitors to post responses, reactions or comments. The term is short for "web log".
 2. City: Means the City of Moraine, Ohio.
 3. Content: Posts, writings, materials, documents, photographs, graphics, or other information which is created, posted, shared, or distributed via social media.
 4. Employee: All City representatives and anyone employed by the City. The term "Employee" includes Officials unless specifically omitted in the text or the context requires their exclusion.
 5. Officials: All City elected and appointed officials.

6. Official City Social Media Account (City Social Media Account): Any social media account established and managed by the City for the dissemination of information related to its official duties and business.
7. Page: The location where content is displayed on a social media site, and is managed by an individual or individuals with administrator rights.
8. Post: Content an individual shares on a social media site or the act of publishing content on a site.
9. Profile: Information that a user provides about himself/herself on a social media site.
10. Social Media Account: Any Internet-based resource which integrates user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, LinkedIn), microblogging sites (Twitter), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

(h) Official City Social Media: publishing and access of accounts

1. To ensure that City social media accounts are implemented consistently and effectively, only those individual(s) designated as a “social media administrator” by the City Manager will maintain the official City social media accounts. Only those persons designated as a “social media administrator” will have posting privileges on official City social media accounts.
2. The social media administrator(s) shall, at all times, identify and conduct themselves as representatives of the City and adhere to all City standards of conduct and observe conventionally accepted protocols and proper decorum. Social media administrator(s) shall coordinate postings to ensure content is posted in a relevant, accurate, and timely manner.
3. Social media administrator(s) may publish information to an official City social media account to the extent authorized to do so by the City Manager.
4. The City Manager shall have the discretion to temporarily or permanently disable or terminate a City social media account or to change or close a City social media account at any time, without notice, to the extent possible without violating the City Record Retention Schedules or the Ohio Public Records Act.

(i) Accountability:

1. Perceived or actual misuse of a social media account by an employee shall be reported directly to the social media administrator(s).
2. Perceived or actual misuse of a social media account by a social media administrator(s) shall be reported directly to the City Manager.

(j) Security and Monitoring:

1. Passwords and other Sensitive information regarding access to an official City social media account shall be maintained and updated by the social media administrator(s) and provided to the City Manager and Director of Information Technology when requested.
2. The social media administrator(s) shall review the City’s social media accounts and keep them updated on an as needed basis.
3. The social media administrator(s) shall regularly monitor the City’s social media accounts to ensure adherence to this Social Media Policy.
4. All City social media accounts must adhere to all applicable laws, rules and regulations and City Policies and Guidelines regarding internet security and privacy.

5. All requests to deviate from this Social Media Policy may only be approved by the City Manager at his or her discretion.
- (k) Recommended content where possible, City social media accounts should state the following:
1. That public comments on the site do not necessarily reflect the views of the City.
 2. That any ads, links and suggestions to other pages found on the City social media account are inserted by the social media operator and that the City does not endorse any of those sites nor does the City receive any revenue from the posting of those links.
 3. Proposed disclaimer: The purpose of this site is to present matters of public interest in the City. We encourage the public to submit questions, comments and concerns, but please note this is a moderated online discussion and not a public forum. Once posted, the City reserves the right to delete any submissions that contain vulgar language, personal attacks of any kind or offensive comments that target or disparage any ethnic, racial or religious groups. Furthermore, the City also reserves the right to delete comments that:
 - Are spam or include links to other sites.
 - Are clearly off topic.
 - Advocate illegal activity.
 - Promote particular services, products or political organizations.
 - Infringe on copyrights or trademarks.
 - Use personally identifiable information.
 - Contain individual-specific and other confidential information. Please note that the public comments expressed on this site do not reflect the opinions and position of the City elected officials, officials or employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City at (937) 535-1016.
- (l) Permissible content where City personnel representing the City via social media outlets shall do the following:
1. Keep posts timely.
 2. Keep posts directly related to the business of the City.
 3. Observe and abide by all copyright, trademark and service mark restrictions.
 4. Personnel who wish to post information on the City's social media must provide relevant information, activities or events to the social media administrator(s), who shall post appropriate content promptly.
- (m) Prohibited Content.
1. Comments or materials which are profane, obscene, sexual or defamatory in nature.
 2. Comments or materials which contain sexually aggressive or harassing language.
 3. Pornographic materials or comments.
 4. Personal attacks or comments or materials which demean an individual or group of individuals on the basis of race, color, religion, national origin, ancestry, age, gender, disability, or any other category protected by law.
 5. Comments or materials supporting/opposing a political issue or candidate.

6. Commercial advertising or soliciting commerce or promoting private business enterprise.
 7. Comments encouraging or promoting illegal activity or which promotes or advocates violence or the threat of violence.
 8. Comments or materials which compromise the privacy or safety of an individual or group of individuals.
 9. Comments violating the intellectual property laws.
 10. Comments violating client or patient confidentiality.
 11. Comments about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.
 12. Comments or materials which violate the terms of service of the website, webpage, or social media account.
 13. Comments or materials which contain non-public or confidential City information.
 14. Links to other websites, webpages, or social media accounts, unless otherwise permitted by this Social Media Policy.
- (n) The failure of the City to delete any prohibited content, whether posted by an employee, official, or a member of the public, shall not be construed as a waiver of such prohibitions and shall not affect the validity of this Social Media Policy or the City's ability to delete such prohibited content in the future.
- (o) Employee Responsibilities: Employees using any social media for City-related functions are bound by the City's equipment use policy, Section 6.7. Employees using an account for City work purposes must identify themselves as a City employee in all instances.
1. Information published using social media networking shall not reveal confidential (e.g. tax information), proprietary (e.g. police investigation techniques) or other information which reveals policies or practices of the City which may impair or compromise the activities of the City. Extreme caution shall be used in the sharing of any information relating to the City's practices and policies on social media sites. This guideline shall extend to communications that are deemed confidential by the social media and which are restricted to a limited sub-set of users of the social media. Security breaches are common and alleged restricted access may not prevent the confidential information from being shared beyond those for which it was intended.
 2. It shall be the duty of all City employees using social media to be respectful regarding the City, fellow employees, residents, vendors, colleagues in other agencies, and local business owners. Employees shall refrain from making references to City vendors, residents, business owners, colleagues or other individuals without their expressed written consent.
 3. Employees shall refrain from writing negative comments, as well as recommendations or offering referrals because it may give the appearance the City endorses certain individuals, companies or organizations being referenced.
 4. Social media activities shall not interfere with work commitments. Social media may be good resources for developing business relationships or providing information to residents or prospective residents. It is more likely, however, that employees may find themselves wasting work time on social networking. Any social networking shall not interfere with the employee's primary job responsibilities.
 5. Employees shall respect copyright laws, and reference and cite sources appropriately.

6. Employees shall be responsible for reading, knowing, and complying with any terms of service required by any social media while engaging in social media.
7. Employees shall not knowingly or recklessly post false information about the City, supervisors, co- workers, public officials, or those who have a relationship with the City.
8. Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. Consult with your immediate supervisor or Division Head if you are uncertain.

(p) Public Comment Guidelines:

1. Social media websites maintained by the City should display this link to the public comment guidelines:
 - “Thank you for visiting the City <insert name of social media website>. This site is not continuously monitored. For emergencies, call 911.
2. The purpose of this website is to share photos, videos and information of public interest in the City with our many residents, businesses, and visitors. The City strives to respond to comments within a timely manner during normal business days. This is not a work order request, if you need one call (937) 535-1000.
3. By using or accessing the City <insert name of social media website> page, you agree to comply with <insert name of social media website>'s Terms and Conditions. Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Section 149.43 of the Ohio Revised Code.
4. Please note if you post a comment, the City reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or comments that are offensive to a person with reasonable sensitivity or target or disparage age, race, color, religion, national origin or ancestry, sexual preference, handicapped or disabled, genetic information, or status as a veteran or disabled veteran of the U.S. armed forces. Further, the City also reserves the right to delete comments that:
 - Are spam or include links to other sites.
 - Are clearly off topic.
 - Advocate illegal activity.
 - Promote or oppose particular services, products, or political organizations and candidates.
 - Infringe on copyrights or trademarks.
5. We reserve the right to remove or ban any user for comments that violate our Terms of Use. By accessing, affiliating with, or commenting on this page, your identity may be visible to third parties not affiliated with the City. In addition, third parties may be able to access your profile and personal information. The City is not responsible for access to your identity, profile, or personal information by third parties. It is the express responsibility of the user, or his/her parent or guardian, to protect the user's identity, profile, and personal information.
6. Comments expressed on this site, other than those posted by the City, do not reflect the opinions and position of the City or its officials and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City at (937) 535-1000 or cityofmoraine@gmail.com.

(j) Employees' Personal Social Media Accounts

1. The City recognizes many City employees use social media tools such as Facebook in their personal lives. Therefore, this Social Media Policy provides guidelines for City employees when they communicate on social media sites as a private party where doing so may be considered a violation of their rights of free speech, and requires employees when they are speaking as a private party to clearly communicate their status in doing so and do not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace, to protect confidential information, to adhere to the rules of ethics, public records laws and open meeting law requirements, among other compelling governmental interests.
 2. The City prohibits use or updates to personal social networking sites with City equipment and/or on City time. Be advised using personal social media accounts for City or work-related purposes may subject such accounts to the Ohio Public Records Act.
 3. Employees may not use their City email account or password in conjunction with a personal social networking site.
 4. Personal or private business venture social media accounts must not be tied to or connected with the City.
 5. Posting proprietary information or content, or confidential information related to the City is prohibited on employees' personal social media accounts
 6. If commenting on City business in their personal capacity, employees must use a disclaimer which establishes that their comments represent their own opinions and do not represent those of the City. The intent here is to ensure content posted by employees clearly reflect those comments are personal and not being made on behalf of the City unless authorized by the City.
 7. Employees must not attribute personal statements or opinions to the City when engaging in private blogging or postings on social media sites and if through their identification or posts any confusion as to whether their statements might be attributable to the City they must clarify that their posts are their own and not those of the City. Where confusion or doubt is likely to arise regarding the personal nature of social media activities, an employee must include a disclaimer clarifying that social media communications reflect only the employee's personal views and do not necessarily represent the views of the City. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion which may arise.
 8. Employees may not use a City brand, logo or other City identifiers on their personal sites, nor post information which purports to be the position of the City without prior authorization from the City Manager or unless authorized by Federal, State, or local law or the specific terms of an applicable collective bargaining agreement.
 9. Employees with personal sites or other types of social media which can be accessed by the public, shall not place or allow photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches, or badges, or in any other way, either directly or indirectly, identify themselves as an employee of the City for any reason, without prior approval from the City Manager or unless authorized by Federal, State, or local law or the specific terms of an applicable collective bargaining agreement.
 10. City employees should be mindful their comments do not impair working relationships in the City for which confidentiality is important, do not impede the performance of City related job duties or do not impair discipline or harmony among co-workers.
- (k) Violation of this Social Media Policy may result in discipline, up to and including termination.

15.4 Public Records Policy

- (a) Openness leads to an informed public, which leads to better government and public safety. It is the mission and intent of the City of Moraine to fully comply with and abide by both the spirit and the letter of the Ohio Public Records Act (149.43).
- (b) Any person may request to inspect or obtain copies of public records from the City by making a public records request. The requester must identify the records with sufficient clarity to allow the City to identify, retrieve and review the records. The requester does not have to provide a written request, their identity or the intended use of the requested public record(s).
- (c) The City must provide copies of public records within a reasonable period. "Prompt" and "reasonable" take into account the volume and complexity of the request, the location where the records are stored, the necessity of legal review and redaction and other facts and circumstances of the records request. The City will respond promptly to all public requests with the requested records or some type of communication acknowledging receipt of the request.
- (d) Public Records are available promptly for inspection weekdays (9:00 a.m. to 4:00 p.m.). The Records Custodian may accompany the requester during this inspection to ensure original records are not taken or altered.
- (e) The Ohio Public Records Act does not require the City to create new records, compile data, do legal research, provide records in a format other than the existing format of the records or answer questions.
- (f) If a request were for a record that is not reviewable or no longer available, an explanation as to why the record or information is not available or a legal explanation regarding why the record is exempt or parts redacted from a public records request would be provided.
- (g) Copies of records are also available. Some costs may apply. Please refer to the records request price sheet for costs and available media types.
- (h) Direct records requests to the Clerk of Council, in person, by email, or by phone (937) 535-1005 weekdays between 9:00 a.m. and 4:00 p.m. There is a large amount of information and public records on the City's website at www.ci.moraine.oh.us.

SECTION 16. PERSONNEL POLICY MANUAL

DISCLAIMER & ACKNOWLEDGEMENT & RECEIPT

We have prepared this manual as a guide for policies, benefits and general information which should assist you during your employment. However, neither this Manual, nor any other organization communication or practice, creates an employment contract. The organization reserves the right to make changes in content or application of its policies as it deems appropriate, and these changes may be implemented even if they have not been communicated, reprinted or substituted in this Manual. It is also understood that nothing in this Manual or any other policy or communication changes the fact that employment is at-will for an indefinite period unless terminated at any time by you or the City.

I understand that no employee or representative of the City, other than the City Manager and Finance Director, has any authority to enter into an employment contract or to change the employment relationship, or to make any agreement contrary to the foregoing.

I acknowledge receipt of the Personnel Policy Manual and understand that my continued employment constitutes acceptance of any changes that may be made in content or application of the Manual.

Employee Name_____

Employee Signature_____

Date_____

RETURN TO HUMAN RESOURCES

SECTION 17. FORMS (City Forms are located at O:/Forms)

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

EXHIBIT A



Personnel Policy Manual

Passed Ordinance No.

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SECTION 1. WELCOME

1.1 Overview

- (a) Welcome to the City of Moraine! This Manual has been prepared for the purpose of informing City employees on the philosophy, employment practice, policy, and conduct expected of each staff member. Administrative staff, department/division heads, and supervisors encourage all staff to ask questions and reference this manual and their department/division rules and regulations for additional policies.
- (b) The City is a place where staff can enjoy their work and their fellow employees. We are confident employees will find the City a great place to work. Please read this Manual carefully and refer to it whenever questions arise.

1.2 Background & Purpose

- (a) The purpose of this Manual is to explain the policies and procedures for City employees. Policies are defined as the basic rules that guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.
- (b) This Manual is written in accordance with Section 5.3 of the City Charter, Powers and Duties of the City Manager. Each section page is dated according to its original effective date and later revision date.
- (c) These policies and procedures are not intended to be and do not constitute a contract. This is a policy and procedures guide to inform employees and managers regarding applicable laws, regulations, and policies governing employment with the City.
- (d) Per City Ordinance Number here, the policies adopted within this Manual supersede all previous written and unwritten City human resources and personnel policies. In the event there is a conflict between the subjects expressed in this manual and any other applicable state laws, City Ordinances and Resolutions, or Collective Bargaining Agreements, the applicable law, Ordinance, Resolution, or Collective Bargaining Agreements shall prevail. Questions regarding the interpretation and application of these policies should be directed to the Human Resources Administrator.
- (e) All employees shall receive a copy of this Manual (see receipt), and a copy shall be distributed to each City department and division office. Each Council member shall also receive a copy of the manual (see receipt at Section 16). As conditions warrant, these policies may be amended, revised, or deleted by the City Manager and with approval of City Council via legislation. Such revisions, amendments, or deletions will be distributed as appropriate.
- (f) Upon hire, employees will receive a copy of this Manual. New hires will receive a copy of this Manual as part of the orientation process.

1.3 Objectives

- (a) The City recognizes that a human resources system which recruits and retains competent, dependable City personnel is indispensable to effective City government.
- (b) The policies and procedures set forth in this Manual are designed to:
 - 1. Promote safety, high morale, and foster good working relationships among employees of the various departments/divisions and offices of the City by providing consistent and well-understood personnel policies, equal opportunities for advancement, and appropriate consideration of employee needs.

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

1.4 Definitions

(a) Unless otherwise indicated in other policies, the following definitions shall apply:

1. The appointing authority is authorized by law to make personnel appointments to City positions. The City Council is the appointing authority for the City Manager, Clerk of Council, and Director of Department of Finance, and Director of Department of Law. The City Manager is the appointing authority for all other City positions (See Charter Section 5.3(B)).
2. Chain of Command shall mean the sequence of department/division supervisors up to the City Manager that an employee must follow in discussing issues or problems regarding City operations or their employment.
3. City shall mean the City of Moraine.
4. Classification means a group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position in some circumstances.
5. Employee is any person holding a position subject to City appointment, removal, promotion, or reduction by the appropriate appointing authority.
6. Employer is the appointing authority, authorized by law to make appointments to positions, or the designee of the appointing authority.
7. Position means a specific group of duties and responsibilities assigned or delegated by the appointing authority to be performed by a group of employees or one employee.
8. Position Description is an analytical statement of position qualifications, duties, and responsibilities, based on a needs analysis and including conditions of work and supervisor-employee relations. This description is the baseline document for hiring, training, and evaluating.
9. Qualifications All positions, descriptions, and corresponding statements of minimum qualifications shall relate directly to position duties and responsibilities. Such qualifications will be reviewed periodically to ensure their accuracy.
10. Supervisor shall mean an individual who has been authorized by the appointing authority to oversee and direct the work of lower-level employees on a daily basis.

1.5 Management Rights

- (a) The appointing authority maintains the ultimate right to administer the business operations and policies of the City. Management retains the sole and exclusive right and responsibility to:

1. Determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy such as the functions and programs of the City, standards of services, its overall budget to include wages, utilization of technology, subcontracting, and organizational structure.
 2. Direct, supervise, assign, reassign, schedule, evaluate, hire, suspend, discipline, demote, terminate, lay off, transfer, promote, or retain employees.
 3. Maintain and improve the efficiency and effectiveness of the City's operations.
 4. Determine the overall methods, process, means, or personnel by which the City's operations are to be conducted.
 5. Determine the adequacy of the work force, as well as to make, amend, and enforce work rules, regulations, standard operating policies and procedures.
 6. Determine the duties to be included in all position classifications.
 7. Determine the overall mission of the City as a unit of government.
 8. Effectively manage the workforce.
 9. Take actions to carry out the mission of the City.
- b) The above listing of management rights shall not be deemed to exclude all other proper functions not specifically listed herein, or granted in a labor contract, traditionally exercised by the employer.

1.6 Department/Division Rules & Regulations

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

1.7 Union Relations

- (a) If your position is affiliated with a union, your negotiated contract may supersede portions of this Manual. If the negotiated contract has governing provisions that are in conflict with this Manual, the contract will prevail. Please familiarize yourself with your individual contract language in addition to what is outlined in this Manual.

1.8 Savings Clause Disclosure

- (a) If any article or section of this Manual or any revisions/amendments thereto shall be held invalid by operation of law or by a court or agency of competent jurisdiction, or compliance with or enforcement of any article or section of this Manual is restrained by a court or agency, the remainder of this Manual and amendments thereto shall remain in full force and effect, except to whatever extent they rely upon or refer to the restrained provisions.

SECTION 2. EQUAL OPPORTUNITY & COMMITMENT TO DIVERSITY

2.1 Diversity and Equal Employment Opportunity

- (a) Diversity is the full utilization of all human resource potential. It is understanding and valuing differences, while mobilizing similarities to effectively achieve a common objective or goal.

- (b) From diverse backgrounds comes a diversity of ideas and experience that benefits the City every day and reflects the community served.
- 1) Each person is valued and challenged to reach their full potential. Employees are held accountable for their contribution to the vision, mission and values of the City.
 - 2) The City is an Equal Opportunity Employer (EEO), and all employees are protected from discrimination under the laws we enforce. EEOC employees and applicants for employment are covered by the federal laws and Presidential Executive Orders designed to safeguard federal employees and job applicants from discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit based factors. These protections extend to all management practices and decisions, including recruitment and hiring, appraisal systems, promotions, training, and career development programs. Consistent with these obligations, EEOC also provides reasonable accommodations to employees and applicants with disabilities; known limitations related to pregnancy, childbirth, or related to medical conditions; and for sincerely held religious beliefs, observances, and practices.
 - 3) Upon request, the City shall consider reasonable accommodation necessary to allow any qualified individual with a disability to perform the essential functions of the position.
 - 4) The City is required to file reports with the Equal Opportunity Employment Commission (EEOC) and collects voluntary EEO information from its applicants for the filing of these reports.
 - 5) All job-related training and educational programs shall be reviewed periodically to ensure all personnel are given equal opportunity to participate in these programs.
 - 6) Affirmative Action refers to the City actively works to achieve equal opportunity for all employees and job applicants and fosters a more inclusive employee environment that appreciates diversity in people while achieving common City objectives. The City also collects voluntary EEO information from applicants. This is because Moraine receives federal funding through grants and contracts, the City is required to file reports with the EEOC.

2.2 Accommodations

- (a) The City values all of our employees' contributions. A reasonable accommodation's primary function is to enhance workplace productivity and provide equal employment opportunities to applicants, candidates, and employees with disabilities.
- (b) The goal of this process is to create a more inclusive environment where all employees can readily and efficiently ask for and receive reasonable accommodation necessary to reach their full potential at work. This guidance also complies with our Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and other applicable state and local disability-related regulations.

SECTION 3. PERSONNEL APPOINTMENTS

3.1 Position Classification Plan

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

- (b) The Human Resources Administrator shall be responsible for maintaining the classification plan, which is based on the Table of Organization.
- (c) The classification plan is based on an analysis of the qualifications, duties, and responsibilities of City positions. Positions are grouped by similar level of qualifications and level of difficulty as well as supervisory experience. Classification specifications include the position title; minimum and preferred qualifications; the knowledge, skills, and abilities necessary to accomplish the position's duties; and responsibilities. The classification plan also includes the appropriate salary range for positions based on internal position audits, external labor market conditions, and collective bargaining agreements.
- (d) The Human Resources Administrator shall review the duties and responsibilities of positions and propose adjustments or revisions to the classification plan as necessary. The classification plan is approved by the Merit System Commission (for classified positions), and appointing authority, as appropriate, with City Council approval.
- (e) An employee promoted to a higher classification shall advance to a pay step within the higher pay range which gives the promoted employee a pay increase over his or her current salary.
- (f) An employee may request that his or her position be audited for proper classification by requesting a review to the Human Resources Administrator.
- (g) Reclassification is reallocating a position to the appropriate position title and/or pay range as is necessary to provide an equitable, just, and proper classification. A reclassification may be up or down in pay ranges. A department/division head may request a review of the classification of a position, provided at least two (2) years have elapsed since the last review of the position. A reclassification to a higher pay range will reallocate a position to the appropriate step to give the employee an increased salary. Such a classification recognizes a position that has increased in value to the City based on the duties and responsibilities changing by more than 25 percent.
- (h) Unless duties are substantially altered (more than 25 percent) on a permanent basis, the employee may not request such a review for two years from the date of the results of the last review.
- (i) If the reclassification is to a lower pay range, the salary of the employee(s) shall remain at the current level until the annual range step in the lower range increases to the employee's current salary level. In certain cases when a reclassification to a lower salary range is recommended, this reclassification may be delayed until after the employee in the position leaves that position.
- (j) Requests for classification review should, where practical, be submitted prior to September in order to be considered and presented as part of the annual budget planning process and implemented on January 1st of the following year. However, the Human Resources Administrator may review requests for classification review (time permitting) at other periods of the year.
- (k) A request for a classification review should be accompanied by the following information:
 - 1. Department/division position description.
 - 2. Present position salary range and step of position employee.
 - 3. Department/division head's detailed justification for the reclassification request.
 - 4. Necessary budget money to allocate for reclassification (range increase plus benefits and cost-of-living increase for next fiscal year if necessary).

- (l) Upon receiving a reclassification request, the Human Resources Administrator and City Manager, in coordination with the department/division heads and Merit Service Commission (if a classified position), conduct an audit of the position to assess the position's duties and responsibilities, workload, and market value. The audit will attempt to use both external and internal position comparisons. The performance of the employee in the position will also be considered in the request. If the audit recommends approval to a higher or lower classification, the reclassification will go to the appropriate appointing authority for approval. In the case of a classified position, the reclassification must be approved by the appointing authority and Merit Service Commission. An unclassified position requires only appointing authority approval. Reclassifications require City Council approval and an amended table of organization.
- (m) To allocate new positions, the department/division head shall complete a proposed position description covering the duties and responsibilities of each proposed new position. He or she shall recommend that the position be allocated to one of the ranges in the classification plan. The Human Resources Administrator and City Manager shall verify the position allocation information and coordinate with the Merit Service Commission, if necessary, to amend the table of organization.
- (n) To maintain an accurate plan, each time a vacancy occurs, the position description shall be reviewed by the department/division head, the Human Resources Administrator, and City Manager.
- (o) Each time a department or division is reorganized, proposed position descriptions for all affected employees should be submitted to the Human Resources Administrator and City Manager for review.
- (p) The City Manager or Human Resources Administrator may also require departments/divisions to submit revised position descriptions if there is reason to believe that there has been a significant change in a position's duties and responsibilities.
- (q) Each time a new position is established, a position description shall be written and incorporated in the existing plan. The position title shall be added to the list of titles. Likewise, an abolished position may be deleted from the classification plan by removing the position description and eliminating the position title.
- (r) The Human Resources Administrator and Finance Director shall coordinate appointing authority approval with the City Council and/or City Manager in order to change the table of organization and all applicable payroll and personnel records.

3.2 Original Appointments: Identification, Announcement, & Applications

- (a) Classified positions shall be appointed in accordance with the Merit System Commission Rules and Regulations.
- (b) For unclassified positions, a request shall be submitted by the appropriate department/division and sent to the Human Resources Administrator in order to start the coordination process. The request is sent to the appropriate appointing authority for final approval. Once approved, the Human Resources Administrator will develop, with the hiring manager, an appropriate recruitment and application process for the position to be filled. The City posts the job opening for a minimum period of 14 calendar days. However, the posting may be for a shorter period in cases of urgent need to fill the position quickly, provided that the posting must specify the shorter application period. Qualified, current employees may apply for vacant positions. The appointing authority shall endeavor to select the most qualified candidate for each position in accordance with the procedures of this section.

- (c) To the extent practicable, the City shall announce available vacancies by appropriate means, including but not limited to newspaper advertisements, mailings to community and professional organizations, persons requesting copies of job announcements, and/or notices to placement offices of universities, colleges, or vocational training programs. In announcing the availability of job openings, the City should consider methods likely to increase awareness of employment opportunities for all racial and ethnic groups, both sexes, and persons with disabilities.
- (d) Each announcement should specify the title, salary, overview of the job, the required qualifications, position duties and responsibilities, the type of selection procedures to be used, and the deadline for and method of application.
- (e) An application must be properly completed and submitted before a person can be considered for a City position. An Employee Action Form and in-processing paperwork shall be completed upon the new employee's hire.

3.3 Evaluation of Applicants

- (a) The appointing authority, Human Resources Administrator, and/or department/division heads, and/or panel shall interview applicants following an initial screening of applicants or resume. In considering applicants, the City will not reject a person on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information (including family medical history), political affiliation, military service, or other non-merit-based factors. Applicants shall submit to any required interviews, reference checks, criminal history checks, credit history checks, driving record checks, medical examinations, drug tests, performance tests, or other job-related screening procedures.
- (b) An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualifications, provided the information or examination is job-related.
- (c) The appointing authority shall make the appointment conditional pending the passing of the necessary checks or tests as referenced in paragraph (a) above.
- (d) In the event any qualified person with a disability has applied for a position and requires reasonable accommodation in order to complete any test, examination, or other selection process, the City shall, upon request, evaluate the need for and consider such reasonable accommodation. The City is not required to provide any reasonable accommodation that is not requested within a reasonable time prior to the test, examination, or other selection procedure involved; that would represent an undue hardship to the City; or where the requested accommodation would impair or invalidate a test or other device that directly measures the ability to perform an essential function of the job.

3.4 Basis For Selection

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

3.5 Basis for Disqualification

- (a) An applicant may be eliminated from consideration based on inherent management rights, including but not limited to such factors as the applicant:
 1. Does not possess the knowledge, skills, or abilities necessary to effectively perform the essential duties of the vacant position, with or without reasonable accommodation.

2. Has made a false statement of material fact on the application form or other documents or materials submitted in connection with the application and selection process, or in the course of any interview or other portion of the selection process.
 3. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
 4. Is an individual not legally permitted to work in the United States.
- (b) An applicant may be eliminated from consideration upon other reasonable grounds relating to the position's required or preferred knowledge, skills, and abilities, or budget limits. Further, less qualified applicants may be eliminated from further consideration as the selection and review process proceeds and the pool of applicants under consideration is narrowed.
- (c) No City official or employee shall recommend, appoint, or vote for the appointment of a family member to a City position. Family members include parents, step-parents, grandparents, children of any age, step-children (whether dependent or not), grandchildren, spouse, domestic partner, or siblings (regardless of where these family members reside), anyone related by blood or marriage (aunts, uncles, nieces, nephews, cousins, and in-laws) and who is also residing in the same household as the Official or Employee.
- (d) If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee is subject to termination for dishonesty, incompetency, or other grounds per applicable law.

3.6 Promotion & Provisional Appointment

- (a) A promotion is advancing from one pay range to another higher pay range as the result of filling a vacant position with new and increased responsibilities. This is usually accomplished through civil service competitive examinations and processes per Merit Service Commission Rules for classified employees or by another process for unclassified positions. A promotion gives the employee a new anniversary date. Promotion is not from reclassification or adjustment of the same position and not from one step to another within the same range.
- (b) A provisional appointment refers to an employee that may be appointed provisionally to a position for 120 workdays pending an examination being given for a classified position. A provisional employee is in the unclassified service while serving in the position.
- (c) Whenever a vacancy occurs, the department/division head shall submit a request to the appointing authority. The appointing authority shall determine if the position is to be filled.
- (d) If approved to be filled and the position is in the classified service, the Merit System Commission develops an eligibility list for selecting a candidate.
- (e) If approved to be filled and the position is in unclassified service, the Human Resources Administrator recommends to the appointing authority and department/division head an appropriate procedure for filling the position.
- (f) In considering applicants for promotion, the appointing authority may consider all relevant factors, including but not limited to an employee's completion of any required probationary period, required training courses; skills; experience; education and training; past performance (including the employee's annual performance evaluation ratings); the employee's ability to perform the duties of the new position, including the ability to adapt to future changes; flexibility; commitment to public service and a demonstrated work ethic; and other job-related qualifications.

3.7 Transfer

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

3.8 Temporary Assignment ("Plus Pay")

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

3.9 Reinstatement of Employees

- (a) Employees who resign without delinquency or misconduct on their part may be considered for reinstatement to the same or similar position within one year. The decision whether to reinstate an employee who has resigned from City employment shall be solely at the discretion of the appointing authority. An employee who separates due to injury or physical disability shall be reinstated to the same or similar position within two years from the date of separation, provided a physical examination shows the person has recovered from their injury or disability (ORC Section 124.32). Such employees shall be assigned an adjusted hire date, which reflects their lapse in City service, by changing the actual date of original hire to a later date based on the length of time not employed by the City.
- (b) Reinstatement provisions for police officers and firefighters are contained in ORC Sections 124.06 and 124.50.
- (c) Reinstated employees do not serve a probationary period upon reinstatement unless they did not pass the probationary period prior to separation or unless an agreement between the employee and the City states otherwise.

- (d) In determining the "years of service" for longevity purposes, the total length of full-time service with the City shall be used. If two or more partial years are involved, they will be added to make complete years. The period of time from resignation to reinstatement shall not be used in the calculations.
- (e) In determining the "years of service" for vacation purposes, the total length of full-time service with the City shall be used. If two or more partial years are involved, they will be added to make complete years. The period of time from resignation to reinstatement shall not be used in the calculations.
- (f) A reinstated employee, regardless of the length of the break in service, shall be credited with that sick leave credit earned, but not used, converted to vacation, or paid at resignation.
- (g) Absent a collective bargaining agreement to the contrary, a reinstated employee is eligible to compete for promotional positions based on his adjusted hire date.

3.10 Employee's Time of Service (Seniority)

- (a) It shall be the policy of the City to hire and promote upon the basis of merit, qualifications, and seniority. City seniority shall mean an employee's length of continuous full-time service with the City, based on the employee's most recent date of hire with the City. City seniority shall be the basis for such benefits as accumulation of sick leave, vacation leave, longevity bonuses, or other cumulative monetary benefits based on length of service. Classification seniority shall mean an employee's length of continuous full-time service in the employee's current position classification based on the original date of appointment in that classification. Classification seniority shall be the basis for vacation schedules, layoffs, and recall preference.
- (b) In the event employees have the same classification appointment date, a "seniority tie," the employee who first filed his or her application for the position based on date and time will be considered the senior employee. If no record exists of the date and time of application, the person whose last name is first in the alphabet will be considered the senior employee in that classification.
- (c) Layoff and Recall. For purposes of layoff and recall procedures, the full-time or part-time employee's time of continuous service, defined as continuous service with the City is considered by the appointing authority when the order of layoff within a classification is determined. A break in service occurs when an employee is terminated for any reason other than layoff, retires, is laid off for more than one year, or fails to return to work within 10 calendar days of a recall from layoff. If an employee is reinstated within one year of the termination date, continuous service will include all previous continuous service time but will not be credited for the time between the separation and the reinstatement.
- (d) Retirement. For purposes of determining retirement benefits, service time is defined by the provisions of the retirement system in which the employee participates and may include service time purchased by the employee or the employer pursuant to the laws and regulations governing the retirement system.
- (e) For all other purposes, other than those defined above, service time shall be defined as set forth in the provisions of the Ohio Revised Code, Chapter 124.

SECTION 4. EMPLOYMENT RELATIONSHIP

4.1 Classified and Unclassified Employment

- (a) All City employees are presumed to be classified as civil servants in the City Merit Service unless the position which they occupy has been excluded from the classified service as stated in the City Charter or by the City Ordinance.
- (b) After completion of a 6-month probationary period, or the probationary period designated in the classification specifications, classified employees may only be disciplined for cause by following the procedures set forth in the City's Ordinances and policies. Classified employees may not actively participate in partisan politics (see Political Activity Section). Not all City employees serve in the unclassified civil service by law, or by appointment to positions which have been excluded from the classified service. Such employees serve at the pleasure of the appointing authority, and may be removed at any time, with or without cause as long as the removal does not violate federal or state laws. Per City Charter Section 7.3, City positions or employees who serve at-will and are in the unclassified service include:
1. All officials elected by the people.
 2. All part-time and seasonal personnel.
 3. Chiefs and Deputy Chiefs.
 4. Directors and Deputy Directors.
 5. Clerks, Secretaries, and Receptionists.
 6. Unsworn Community Service Officer.
 7. Superintendents and Supervisors.
 8. Police Lieutenants appointed after January 1, 2009.
 9. All positions not specifically included by the City Charter in the classified service.
- (c) All other positions not specifically excluded by the City Charter, shall be considered in Classified Service.

4.2 Employee Status

- (a) All City employees are to be classified as full-time, part-time, temporary, or seasonal.
1. Full-time Probationary Employee - new full-time employee normally scheduled to work 40 hours per week and hired with the intention of becoming a regular employee after serving a probationary period.
 2. Full-time Regular Employee - an employee normally scheduled to work 40 hours per week, or some other work schedule such as Fire Division shifts and who has passed their probationary period.
 3. Part-time Employee - an employee who is normally scheduled to work 30 hours or less per week.
 4. Temporary Employee - an employee hired for a limited period of time, either full-time or part-time.

5. Seasonal Employee - an employee who works in a position that may only be performed during certain times of the year, whether full-time or part-time. Such employees may, in management's discretion, be reinstated during the next season, or the earliest possible period when there is a need for seasonal employment.
 6. Provisional Employee - a current employee appointed to temporarily fill a position vacancy created by the absence of a full-time regular employee. The provisional appointment shall not exceed 120 workdays.
- (b) Full-time regular employees are eligible for all benefits as provided by the City. Part-time employees accrue paid time off (PTO) hours.
 - (c) Temporary and seasonal employees are not entitled to any benefits unless otherwise specified in this Manual.
 - (d) Probationary employees serve at the will of the appointing authority and may be removed at any point in the probationary period. Part-time, temporary, and seasonal employees are always in probationary status.
 - (e) Employees who are required to handle City funds shall be bonded.
 - (f) All employees are eligible for Bureau of Workers' Compensation coverage.

4.3 Medical Examination, Drug Test, and In-Processing

- (a) After successful completion of the interview and/or evaluations, the applicant may receive a conditional appointment letter from the City Manager. He or she may then be scheduled for a post-employment offer (or pre-employment) medical examination depending on the City position and will be scheduled for a drug test by a City-contracted medical facility. Such examinations help to ensure that selected job applicants are physically able to perform the essential duties of the position, with or without reasonable accommodation. Any individual who fails a drug test as a pre-employment fitness for duty examination shall be advised that they will not be considered for employment in any position for at least twelve (12) months. No applicant shall be required to undergo a medical examination or drug test prior to a conditional offer of employment.
- (b) The drug test will determine if the applicant is illegally using a controlled substance. For the purposes of this Manual, and unless otherwise specified, Federal Law shall determine the legality of any particular controlled substance prohibited herein.
- (c) Certain City positions (to include the Police and Fire Divisions) may also require a physical ability test, a psychological examination, and/or a polygraph exam.
- (d) After these examination and evaluation requirements are passed, the applicant will be signed up for benefits, receive an initial orientation, and become an employee.
- (e) During employment, if there is just cause, the City Manager or designee may require an employee to have a physical and/or mental examination, or drug test to ensure the person is able to perform the duties of their position.

4.4 Probationary Period

- (a) Each newly hired or promoted full-time regular employee shall serve a probationary period. Probationary periods are normally for six (6) months, except for original appointments to the Fire and Police Divisions which shall have a probationary period of twelve (12) months. A longer probationary period may be imposed only with the approval of the appointing authority.
- (b) Supervisors use the probationary period to observe closely and evaluate the employee's performance and aptitude for the job. By means of a mid-probationary period assessment, the

supervisor determines and communicates to the employee pertinent information concerning his or her progress in the new position, problems and achievements at that point, and any need for improvement in order to complete the probationary period successfully. Likewise, throughout the probationary period the employee is encouraged to bring problems to the supervisor and discuss any needs or concerns with the goal of enhancing his or her performance. Supervisors recommend retention of those employees who meet acceptable work standards during the probationary period, and the removal of those employees who do not meet acceptable standards.

- (c) An employee may be terminated for failure to complete the original probationary period successfully at any point prior to the end of the probationary period. Employees serving at a promotional probationary period may be reduced to the classification and salary held prior to the promotion, if available, upon failure to complete the promotional probationary period successfully at any point prior to the end of the probationary period. The appointing authority shall review each case individually and evaluate the employee's fitness for the position and quality of work in determining whether the employee has successfully completed probation.
- (d) Reduction for failure to complete a promotional probationary period shall not be considered a disciplinary action and shall not serve to eliminate the employee for consideration for advancement to other positions. A promotional probationary reduction is not subject to appeal or the disciplinary or complaint procedures of this Manual.
- (e) The probationary period shall be based on calendar days from the date of appointment. Time on paid or unpaid leave shall not be counted toward the completion of the probationary period.
- (f) The hiring process is not finalized until the probationary period is successfully completed. It is the responsibility of the newly hired employee to show that he/she are a suitable candidate for on-going employment.
- (g) Employees serve at-will and remain subject to removal at any time during the probationary period. A probationary removal is not considered a disciplinary action, or subject to the right to appeal.

4.5 Employment of Relatives and Domestic Partners

- (a) No City official or employee shall recommend, appoint or vote on the appointment of a family member to a City position. Family members include parents, step-parents, grandparents, children of any age, step-children (whether dependent or not), grandchildren, spouse, domestic partner, or sibling (regardless of where these family members reside), anyone related by blood or marriage (aunts, uncles, nieces, nephews, cousins, and in-laws) and who is also residing in the same household as the official or employee.
- (b) City employees and officials may not discuss, recommend, authorize or use the authority or influence of their positions, formally or informally, to secure a job for a family member. This includes full-time, part-time, temporary, seasonal, contractual or permanent positions, and positions in the Classified or Unclassified Civil Service, or non-civil service positions.
- (c) No applicant shall be considered for a position which would be directly supervised by a family member based on the criteria of Ohio Ethics law. Ohio Revised Code §§ 102.03 and 2921.42 prohibits public employees from using their influence to benefit themselves or their family members. In recognition of these requirements, the Code of Ethics is established for all City officials and employees. This policy shall be reviewed, analyzed, and applied in accordance with advisory opinions and decisions of the Ohio Ethics Commission.

4.6 Employee Separation

- (a) Failure to give proper notification may result in ineligibility for re-employment.
- (b) Department/division heads will ensure all City property (uniforms, keys, identification card, purchase or credit cards, applicable passwords, swipe card, equipment, etc.) are returned and accounted for before the employee leaves City employment and/or receives their final paycheck.
- (c) The Employee Separation Form, and any equipment/property inventory form(s) should accompany the Employee Action Form.
- (d) Resignation
 - 1. Notice - an employee who plans to voluntarily resign shall formally notify their immediate supervisor in writing at least two (2) weeks in advance of the effective date of separation.
 - 2. Exit Interview - any employee who resigns is encouraged to have an exit interview with the City Manager or designee. The exit interview is an opportunity for the employee to offer constructive criticism and insights regarding their City work experience.
 - 3. Protocol - a written letter of resignation is required for purposes of processing the final payroll for the employee. A resignation becomes final once accepted by the appointing authority or designee.
- (e) Termination (Involuntary Separation)
 - 1. Employees who are terminated as a result of disciplinary action will be monitored as they depart City property.
 - 2. Department/division heads will ensure all property (uniforms, keys, identification card, purchase or credit cards, swipe card, equipment, etc.) are returned and accounted for before the employee leaves City property.
 - 3. The Employee Separation Form, and any equipment and property inventory form(s) should accompany the Employee Action Form.
 - 4. Employees who are involuntarily terminated will be ineligible to volunteer in any capacity.
- (f) Retirement
 - 1. City employees are required by law to participate in the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OPFPF). These programs are entirely independent of the federal Social Security System. Depending on the program, employees may receive pension benefits depending on their age and years of service credit, or if they have to retire due to a work-related injury or disability.
 - 2. The requirements and procedures governing the retirement of City employees are set forth in ORC Chapter 145 and OPERS or OPFPF rules and regulations. OPERS and OPFPF are the sole and final authorities on all matters regarding retirement eligibility and benefits, and employees are encouraged to contact these programs directly with questions or concerns about benefit levels, service credit, or eligibility issues.
 - 3. Information outlining OPERS or OPFPF benefits, and specific issues such as service credit, survivor's benefits, disability retirement, and refund of contributions are available in the Finance Department.

4. An employee who desires to retire must submit in writing a request to retire and specify an exact retirement date. The request must be submitted to the appointing authority or his designee, and employees are encouraged to give as much advance notice of retirement as possible. The employee must also complete the necessary OPERS or OPFPF retirement applications forms.

(g) Serious Injury or Death of an Employee

1. The serious injury or death of a City employee is a very unfortunate and traumatic situation that requires careful and compassionate consideration by City management and co-workers. To ensure the City has accurate personal emergency information for employees, each department/division shall maintain this necessary information, including next of kin information, home address (not post-office box), and telephone numbers. A detailed Job Injury and/or Death Notification Information package for employees is available in Human Resources. To fully inform his/her supervisors of important information in the event of a serious injury or death while at work. This information package should be returned to Human Resources in a large, sealed envelope, which will be secured in the Police Dispatch Center, and will only be opened by senior management in case of an emergency.
2. The serious injury or death of an employee shall be reported immediately to the City Manager's Office (the City Manager, his designee, or his secretary).
3. Official notice of the employee's serious injury or death will be made by the City Manager's Office, and the name of the employee will not be announced until the employee's next of kin is notified.
4. If the employee's death occurred at work, the City will investigate the circumstances of the death. The City Manager or his designee will provide information on the investigation results.
5. The injured or deceased employee's department/division head will secure the employee's personal possessions and return the possessions to the next of kin if these items are not part of the investigation.
6. The City Manager's Office and the deceased employee's department/division will assist the employee's family as necessary and appropriate.

SECTION 5. COMPENSATION & HOURS OF WORK

5.1 Compensation

- (a) New employees are hired at the appropriate pay range for their position, theoretically at the beginning step of their assigned salary range when the classification plan is current and up to date. If exceptional qualifications and experience warrant it, a new employee may begin at any step within the salary range.
- (b) City Council may approve across-the-board (cost-of-living) pay increases.
- (c) The Employee Action Form will be used to request all pay changes.

5.2 Annual Step Increases

- (a) Employees, who are not members of a collective bargaining unit, may be approved for annual step increases based upon satisfactory performance as documented on their annual performance evaluation and the recommendation of their department/division head. In certain circumstances of exceptional performance, the appointing authority may approve advancement of two steps within a salary range. Two-step salary increases will be based on documented exceptional performance as indicated on the employee's annual performance evaluation, and the recommendation of their supervisor, department/division head, and the final decision of the appointing authority. This two-step policy shall not pertain to Council salary range increases beyond the top step in a salary range.

5.3 Scheduled Hours & Overtime

- (a) The current weekly payroll period is from 12:01 a.m. on Sunday and continues for seven consecutive days to end at 12:00 a.m. the following Saturday. The department/division head shall establish the appropriate work schedule for their department/division in consideration of public service, workload, operational needs, and collective bargaining agreement. Employees may not adjust their work schedule without their supervisor's approval.
- (b) Approved lunch periods are not considered as work time; therefore, employees shall be relieved from work for that time period.
- (c) With the exception of employees exempt from overtime according to the Fair Labor Standards Act (FLSA), employees shall be entitled to overtime compensation at the rate of one and one-half (1 1/2) hours for time worked in excess of 40 hours in the designated work week.
- (d) Exempt Employees. Labor law exempts broad categories of management and administrative jobs from overtime coverage, compensation or comp time, because they are paid on an annual salary basis: executive, administrative, professional, and highly compensated computer employees.
 - 1. Exempt employees are paid a pre-determined annual salary on the basis of the nature and responsibility of their position. They are expected to work a minimum of 2,080 hours per year, including paid leave for vacation, holidays, injury, jury duty, sickness, and funeral. Recognizing that exempt employees perform their work to include attending meetings outside "8 to 5" office hours or on business trips, these employees perform their 2,080 hours in a flexible manner. Accordingly, hours of work of exempt employees may be subject to adjustment with the approval of the department/division head and/or City Manager. While exempt employees are permitted some flexibility in their schedules, they are expected to maintain regular office hours.
 - 2. The salary amount may not be reduced because of variation in work performed in any time period less than a year, and the salary may not be subject to partial-day docking of pay. The employee shall receive his or her full salary for any week in which he or she performs any work or is on paid leave status without regard to the number of days or hours worked.
 - 3. Supervisors of exempt employees are expected to track their employee's attendance.
- (e) The following employees are designated exempt employees:
 - Building and Zoning Administrator
 - City Engineer
 - City Manager
 - City Planner

Community Development Director
Deputy Finance Director
Deputy Fire Chief
Deputy Police Chief
Director of Parks & Recreation
Finance Director
Fire Chief
Law Director
Manager of Information Technology
Maintenance Supervisor
Police Chief
Public Information Office
Streets Superintendent
Superintendent of Building Maintenance

Other positions as designated by an appointing authority of the City

- (f) Non-Exempt Employees and Overtime Compensation. All other City employees are designated non-exempt ("hourly") employees for wage purposes. For these employees, overtime compensation is permitted for an employee working in excess of 40 hours in one week. Employees shall be paid time and one-half their regular rate for overtime worked. Overtime will only be paid in cash for the work week it is earned. Comp time will not be awarded or accrue for working overtime. Business travel for non-exempt employees shall count as hours worked. Hours worked shall not include:
1. Meal periods where the employee is not required to perform any duties.
 2. Travel time to and from the employee's home.
 3. Time spent on travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered as work time. Travel away from home is work time when it cuts across the workday of the employee. The time is counted as hours worked on regular working days and during corresponding hours on nonworking days.
 4. On-call or stand-by time where the employee is merely required to leave information as to where he or she can be reached.
 5. Paid or unpaid leaves of absence.
 6. Work performed contrary to the direction of the employee's supervisor.
- (g) Non-exempt employees shall not work overtime without the approval of their supervisor, except in emergency situations. No employee shall, without good cause, refuse a reasonable request of their supervisor to work overtime.
- (h) Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to overtime compensation. If an employee is absent on a scheduled overtime day, such employee shall not be entitled to additional compensation.
- (i) Non-exempt employees must record their actual start and stop time of work each day as directed by their department/division head or City Manager. The times recorded each day must

be accurate, though with the supervisor's approval, the employee may round the time to the nearest quarter-hour. Employees in this status, with the exception of Fire and Police Division safety personnel, shall use the time clock or other time recording system as follows:

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

- (u) Employees shall not waive/forfeit their meal or break periods to reduce their workday or work week.
- (v) City employees shall not serve as a volunteer for the same position in which they are employed full- time or part-time by the City. This section shall not preclude Public Safety officers from accepting special detail assignments with second employers.
- (w) Hours of Work for Part-Time Firefighters/Paramedics/EMTs. The Fire Chief or his designee will determine tours of duty. All additional hours of pay as provided herein shall be paid in one-half hour increments. All on-call personnel shall work the entire time for which they are compensated, unless excused by the Fire Chief or his designee. Additional calls received while on active duty shall not be considered as an additional call for the purposes of pay. In such cases, the initial call will be extended and pay for extra hours will apply. Personnel shall be paid weekly with the pay week starting at 0700 hours on Sunday and ending at 0659 hours on the following Sunday. All appropriate pay rates shall be based on the FLSA, Section 207, Subsection K, in that a firefighter/paramedic/EMT may work 212 hours in 28 consecutive days before overtime compensation is paid.
- (x) Ohio Minor Labor Law (ORC Chapter 4109).
 1. Minor means any person less than 18 years of age. Unless ORC Chapter 4109 indicates otherwise, every minor aged 14-17 must have a working permit. A minor employed more than 5 consecutive hours must receive a rest period of at least 30 minutes. No person under 16 years of age shall be employed:
 - During school hours except where specifically permitted under ORC Chapter 4109.
 - Before 7:00 am or after 9:00 pm from June 1st to September 1st or during any school holiday of 5 school days or more; or after 7:00 pm at any other time.
 - For more than 3 hours a day in any school day.
 - For more than 18 hours in any school week.
 - For more than 8 hours any day when school is not in session.
 - For more than 40 hours any week that school is not in session nor during school hours, unless employment is incidental to bona fide programs of vocational cooperative training, work study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.
 2. No person 16 or 17 years of age who is required to attend school shall be employed:
 - Before 7:00 am on any day school is in session or 6:00 am if the person was not employed after 8:00 pm the previous night.
 - After 11:00 pm on any night preceding a day that school is in session.
 3. This is a summary of Ohio Minor Labor Laws and does not include all requirements. Refer to ORC Chapter 4109 for specific applicable requirements. A State of Ohio Minor Labor Laws poster can be found posted in each City facility for this purpose. For additional information, please refer to Human Resources.

5.4 Pay Period

- (a) Employees are paid weekly, every Friday, via direct deposit to the employee's designated bank or financial institution. The City shall not access employee financial accounts to make negative adjustments unless authorized by law to do so.

- (b) If a holiday occurs on a Friday on which a pay day falls, wages will be paid, if possible, on the preceding business day.
- (c) The department/division head or designee should try to answer questions regarding an employee's pay inquiries, before referring the matter to the Finance Director.

5.5 Payroll Deductions

- (a) Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement.
- (b) The Ohio Public Employees Retirement System (OPERS) or The Ohio Police and Fire Pension Fund (OPFPF)
 - 1. State law requires that employees contribute to the OPERS or the OPFPF, rather than Social Security. Membership in one of the pension programs is compulsory upon being employed.
- (c) Income Taxes:
 - 1. Federal, state, and city governments require that taxes be withheld from employee wages. The amount of tax to be withheld is determined from tables furnished by the appropriate government offices, according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Finance Department of any necessary changes.
- (d) Garnishments:
 - 1. This is a court ordered legal claim against a City employee's wages by a creditor for nonpayment of a debt and must be executed by the Finance Director. Employees may not be disciplined for garnishments when the employee has demonstrated a willingness and effort to resolve his or her financial problems. Repeated garnishments may be cause for disciplinary action.
- (e) Miscellaneous:
 - 1. These deductions may include Medicare, deferred compensation, child support, and other authorized withholding. The employer may refuse to make deductions not required by law, or that are below certain prescribed minimum amounts, or at irregular intervals, or for other cause that the employer deems not in the best interests of the City. All requests for payroll deductions must be arranged through the Finance Department.

5.6 Longevity Pay

- (a) Longevity pay shall be paid to all regular full-time, non-union employees who have served the City for ten (10) or more years. Longevity will be computed on December 31st of the year payment is made. The longevity payment will be made between the first (1st) and fifteenth (15th) of December, based on the following years of service and payment:

Years of Service	Hours of Pay
10 Years.....	10 Hours
15 Years.....	15 Hours
20 Years.....	25 Hours
25 Years.....	30 Hours

5.7 Administrative Leave With Or Without Pay

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

5.8 Separation Pay

- (a) Upon separation from employment for any reason, an eligible employee shall be paid for all hours worked but unpaid, unused vacation hours subject to the Vacation, Personal Leave, and Paid Time Off Policy. Unused sick leave hours subject to the Sick Leave and Sick Leave Conversion Policy, and/or compensatory time earned but not yet used for non- exempt employees. Union employees need to review their contract as well.
- (b) Final payments upon separation will be made within 30 days of the separation.

5.9 Travel & Training Expense Reimbursement

- (a) City employees shall receive reimbursement for reasonable expenses incurred while traveling on official City business. This policy is intended to serve as a guide for the proper processing of various travel activities of City employees. Employees who travel on behalf of the City are expected to use good judgment and to make related expenditures in a prudent manner, consistent with both the highest ethical standards and the need to expend public funds in a frugal and economical manner.
- (b) Public officials and employees are prohibited from accumulating frequent flyer miles or other travel incentive awards when City pays for such business travel.
- (c) City employees are encouraged whenever possible to use their City's Purchasing Card to pay for travel and training expenses. If this is not possible the following methods can be used:
 - 1. Advance payment by City check to the vendor through the normal purchase order process.
 - 2. The employee may make direct payment and request reimbursement through the Travel Expense Report Form.
 - 3. The employee may arrange for the City to be directly billed by the vendor for payment.
- (d) Local Travel and Training Expenses. Travel and training expenses for less than 8 hours duration and do not involve overnight travel are to be handled in accordance with this section.
 - 1. Transportation. Whenever possible, an employee will request a City vehicle for travel to local seminars, meetings, and other City business. When a City vehicle is not available, an employee may use their personal vehicle and be reimbursed at the current Internal Revenue Service (IRS) rate. Local mileage for use of a personal vehicle should be turned in for reimbursement on a monthly basis using the Monthly Mileage Log – Personal Vehicle Form.

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

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

2. Registration. Fees for registration, including meals, for local meetings and seminars are reimbursable.
 3. Attendance at Meetings with Food Served or Other Work-Related Functions. Reasonable expenses incurred by employees when attending or holding breakfast, lunch, or dinner meetings necessary to the performance of their official duties, or for functions in which the employee or official was asked to appear as a representative of his or her office or otherwise in an official capacity, are reimbursable, provided that the employee attaches a statement to the reimbursement request detailing the business or official purpose of such meeting and a list of the persons in attendance. The appointing authority must approve the expenses for each separate meeting or function. These meetings do not fall under the per diem rate of this policy, and will be paid at actual cost when submitted with a request for payment, together with a statement as to the public or business purpose of said meeting. No reimbursement is available under this policy for any event, meeting, or function in connection with any political party or campaign, or any candidate for office.
- (e) Non-Local Travel and Training Expenses. Travel and training expenses for more than 8 hours duration and/or involve overnight travel are to be handled in accordance with this section.
1. Authorization. Prior to the expenditure of any funds for non-local travel and training, Request for Approval of Business Related Travel Form, must be completed and turned in for approval. Upon approval, a blanket purchase order for the estimated cost of travel should be processed for approval. Expenses for the travel can be processed once the purchase order has been approved.
 2. Registration. Registration fees for employees attending conferences and seminars are eligible expenses.
 3. Lodging. Lodging expenses are eligible expenses in accordance with these provisions: Employees shall use a room at the lowest reasonable available rate, including conference, seminar, or government rates, where available. Many conferences and seminars provide a listing of pre-arranged hotels for registrants to place in priority order and a hotel is assigned. The rates provided by the conference are acceptable under this policy. When a non-employee spouse or other guest accompanies an employee on business travel, only the stated single rate is an eligible expense.
 4. Meals. Employees will be paid a per diem allowance, which will cover meals and gratuities. The per diem will be based on the rate approved by the General Services Administration (GSA) for that location (see www.gsa.gov). When meals are included in the registration fee, the per diem will be reduced based on the following breakdown, 25% for breakfast, 25% for lunch and 50% for dinner. Please use the Request for Per Diem Payment Form.
 5. Transportation. Employees are expected to use the form of transportation that is the most economical in regards to actual cost and travel time. Travel by airplane, bus, train, or other common carriers shall be undertaken at the lowest rate reasonably available. Air travel must be at coach or economy rates.

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

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

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

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

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

Dry cleaning

Cosmetic needs

Personal car repairs

Alcoholic beverages

Expenses incurred by or for persons who are not City employees

Personal entertainment to include in-room movies

Internet access/connection

- (f) Deadline for Filing Expense Reports. Expense reports are to be submitted no later than 10 work days after the travel in question, or 10 workdays after the receipt of an invoice for expenses for such travel, whichever is later. Any request submitted after such period is not eligible for reimbursement.
- (g) Reimbursement to City for Expenses Paid Just Prior to Separation. The appointing authority may reject any request for out-of-town travel submitted by or on behalf of an employee who is scheduled to resign, retire, or otherwise separate from City service within 90 days of the requested travel.
- (h) Forms. All City employees shall use Forms 4.71, 4.72 and 4.73 when requesting travel and expense benefits.
- (i) Falsification of Information. Employees who falsify travel and training reimbursement claims are subject to discipline up to and including termination and possible prosecution for theft.

5.10 Tuition Prepayment or Reimbursement & Education Incentive

- (a) The City offers tuition prepayment or reimbursement to regular full-time employees after 12 months of full-time City service for higher education pursuits which are specifically related to a position's duties and responsibilities, and which increase the employee's ability to become more effective in their primary area of work or other area as may be approved by the City Manager.
- (b) Application and Qualification. Prior to beginning the course for which prepayment or reimbursement is being requested, the employee must submit a Tuition Payment Agreement Form to his or her supervisor. Since the City is primarily interested in paying for courses that result in a college degree, the employee needs to include a degree plan (listing of courses) with the request. The supervisor, the department/division head, and the appointing authority must approve this request. To ensure funding is available, the tuition request shall be made far

enough in advance so money can be made available in the department/division budget for that year; it is highly recommended requests be submitted prior to budgeting season. The discretion to grant or deny final approval lies solely with the City Manager. The appointing authority may consider the request under the following criteria:

1. The relevance of the course to the employee's job duties or those of a position within the office or department/division that the employee may reasonably hope to attain; provided that the appointing authority may, in his or her sole discretion, approve payment for core courses in a basic education requirement for a college degree program that does meet this relevance standard.
 2. The employee's performance, including performance evaluations and disciplinary actions.
 3. The City's special need for additional education or training among particular classifications, positions, or employees.
 4. The course is offered through an accredited college, university, technical institute, business school, or related educational school or institution.
 5. Courses taken during an employee's normal working hours or during time in which he or she is being paid by the City will not be eligible for reimbursement. Any request for the use of flexible work schedules may be considered by the appointing authority.
 6. The availability of tuition funds.
- (c) Amount of Payment. The City will pay the employee up to \$ 4,000 per year for tuition, enrollment fees, laboratory fees, and books for a maximum of 6 semester hours or 9 quarter hours per academic term, providing he or she receives a passing grade of "C" for undergraduate work, "B" for graduate work, or a grade of "pass" in a system that offers only "pass/fail" grades. Payment will be reduced proportionality for courses in which an employee is receiving financial assistance via scholarships, grants, or loans.
- (d) If the employee receives a lower than required grade, the employee shall reimburse the City for all the funds received for the course or courses. If necessary and in accordance with applicable law, the City may deduct the amount due from the employee's paycheck in order to pay for the course costs.
- (e) The City will not pay fees for course work beyond the attainment of the employee's next higher degree; such as bachelor's degree if employee has no degree. Payment for a master's degree would only be considered if the degree is necessary to perform the position's duties and responsibilities.
- (f) An employee who has received education funds must, as a condition for such payment, remain a City employee for a period of two years from the time the last class was taken. An employee who does not complete the work commitment prior to separating from City employment, whether through resignation, retirement, or termination, is required to return funds received under this tuition reimbursement program to the City. The amount of the funds to be returned shall be prorated to reflect the portion of the work obligation that the employee has accomplished prior to separation, and such funds may be withheld from remaining paychecks or other funds due to the employee.
- (g) The granting or denial of tuition reimbursement is a prerogative of management, and is not subject to the grievance procedure. The appointing authority may, upon notice to the employees affected, reduce the individual and/or aggregated limits on tuition reimbursement, limit the number of credit hours for which reimbursement may be sought, or limit the program to those employees or classifications where the learning needs are most critical to the City.

- (h) The City offers Education Incentive pay to employees who earn a degree from an accredited college that is directly related to his or her position. To earn the incentive pay, the employee shall have completed 24 months of service with the City prior to earning the degree. The Education Incentive pay shall remain the same amount for both non-union and union employees. This pay will be added to the employee's base rate per hour, based on this annual amount:
- 1) Associate's Degree: \$425 (\$0.20 per hour)
 - 2) Bachelor's Degree: \$850 (\$0.41 per hour)

SECTION 6. ATTENDANCE, TIME OFF, & LEAVES OF ABSENCE

6.1 Attendance, Absence, and Tardiness

- (a) The department/division heads or designee shall establish daily work schedules and maintain daily employee attendance records, including actual hours worked and the duration of any lunch or other meal break. The average hours of work for most regular full-time employees are forty (40) hours per week.
- (b) It is the responsibility of all department/division heads to ensure that accurate time and leave records are maintained within their department/division.
- (c) Regular attendance is an essential function of every employee's job, and every employee is responsible to be present on their jobs during the regularly scheduled hours of work. Both management and co-workers count on every employee to be at work. Except for illness or emergency (car accident, etc.), employees not on prior authorized leave are expected to be in attendance each workday. Any employee who is not able to report to work because of an emergency, illness, injury, inclement weather, or other extenuating circumstance shall inform the appropriate supervisor of the fact with as much advance notice as possible, but in no event not later than one-half hour prior to his/her scheduled starting time. Failure to properly inform the appropriate supervisor of absence from work may be subject to appropriate disciplinary action. Employees who work in those departments/divisions where time sheets, cards, or time clocks are used will be required to utilize them when checking in or out of work.
- (d) An absence is any scheduled work time missed by the employee, including tardiness. An authorized or excused absence occurs when an employee notifies his or her supervisor in advance of their absence via completion of the City Absence Report Form, or in an emergency, via telephone or in person.
- (e) An unauthorized absence occurs when an employee fails to show for work at the designated time and/or when an employee fails to notify his or her supervisor of their absence prior to the normally scheduled work time. Failure to follow procedures set forth for requesting and receiving approval for leave of absence or any absence during normal work hours shall constitute cause for disciplinary action, up to and including termination.
- (f) In department/divisions where work is performed on a 24-hour schedule, all absences from work shall be reported to the employee's immediate supervisor as far in advance as possible.

- (g) When an employee returns to work following an absence, the employee shall immediately report to his or her supervisor or designee. The employee shall complete the City Absence Report Form and provide the appropriate documentation to substantiate their absence. The form and documentation shall be reviewed by the department/division head to determine whether the absence shall be approved. If not approved, the leave may not be paid, and the employee may be disciplined.
- (h) If an employee fails to report to work or report his absence, they are subject to discipline, up to and including termination.
- (i) An employee absent from duty without authorization for three (3) consecutive work days will be deemed to have automatically terminated his or her employment as of the last day of active service, unless the employee can provide documentation to the satisfaction of the City Manager that circumstances beyond the employee's control prevented them from reporting to work.
- (j) Tardiness occurs when an employee reports to work after the scheduled starting time, returns late from a meal or other break period, or leaves early without permission. Whenever an employee is tardy, a non-exempt employee may be subject to a reduction in pay corresponding to the amount of time he or she was late, unless he or she offers to the supervisor a written reason for being late found acceptable by the supervisor. Employees shall not use sick leave to cover tardiness. In addition, employee tardiness may be subject to appropriate disciplinary action.

6.2 Holidays

- (a) All full-time employees will be entitled to 11 paid holidays as follows:

New Year's Day (January 1)

Martin Luther King Day (Third Monday in January)

Good Friday (Friday before Easter)

Memorial Day (Fourth Monday in May)

Independence Day

Labor Day (First Monday in September)

Thanksgiving Day (Fourth Thursday in November)

Day after Thanksgiving

Christmas Eve Day

Christmas Day

New Year's Eve Day

- (b) To be entitled to holiday pay, an employee must work his or her last scheduled workday before and first scheduled workday after the holiday unless on an approved vacation or personal day, FMLA leave, compensatory day off, funeral leave, paid administrative leave, or military leave.
- (c) A holiday which is observed on a regular workday occurring during an employee's vacation will not be counted as a day of vacation.
- (d) If a sick day occurs before or after a holiday, the employee must be presented with a certificate from a licensed physician (or medical provider) immediately upon return to work. Failure to produce such a requested statement may result in denial of sick leave pay and such disciplinary action as may be appropriate.

- (e) If the above holidays fall on a Sunday, the following Monday shall be observed as the holiday. If the above holidays fall on a Saturday, the preceding Friday shall be observed as the holiday.
- (f) Christmas Eve Day will be observed on the business day preceding the observance of Christmas Day. New Year's Eve Day will similarly be observed on the business day preceding the observance of New Year's Day.
- (g) When a non-exempt full-time employee is required to work on the day observed as a holiday, he shall be entitled to pay for such time actually worked at 1 ½ times his regular base rate of pay. Part-time and seasonal employees shall also be paid at 1 ½ times their regular rate of pay for time actually worked on a holiday.

6.3 Vacation

- (a) The City believes that it is in the best interest of the City and the individual for full-time employees to take vacation away from the job for the purposes of rest and recuperation.
- (b) New, non-union employees hired on or after January 1, 2002, shall receive 5 days (40 hours) of vacation credit after successfully passing their six month probationary period. After six months, an employee would continue to accrue vacation leave hours based on their weekly paid status.
- (c) Full-time, regular employees accrue vacation credit as follows:

1 through 4 years	10 days
After 5 years to 14 years	15 days
After 15 years of service	20 days
- (d) Vacation Accrual
 - 1. For non-union employees, up to 5 years of service for vacation accrual purposes may include full-time service in this City or in another Ohio public, political subdivision, such as cities, villages, townships, public school districts, health districts, special districts established by state law, or other appointing authorities for public employees established under Ohio law. It does not include service with the federal government, military service (except active duty service with the Ohio National Guard or other authorized Ohio militias), or service in any other state. Any employee claiming prior service for purposes of vacation accrual is responsible for obtaining verification of this prior service from his/her prior employing jurisdiction, by means of an original letter signed by an authorized official of the jurisdiction. Vacation accrual based upon prior service may only be granted to the employee prospectively from the date upon which the employee has provided such written verification from the prior employer.
 - 2. An employee who has retired in accordance with the provisions of any retirement plan of the State of Ohio and who is employed by the City, is not eligible to have any prior service counted for the purpose of vacation leave.
- (e) Vacation leave accrues while on paid status. No vacation credit is earned while an employee is on unpaid status. Employees are responsible for tracking the accuracy of their leave accrual and use.
- (f) Vacation leave shall be taken in units of not less than 1 hour.
- (g) Vacations are scheduled in advance and at management's discretion in accordance with workload requirements of the individual departments and divisions. For this reason, it is preferred that vacation requests be made at least one week in advance of the proposed starting date, and vacations of one week or more should be requested at least 30 days in advance. All requests for vacation approval must be submitted to the employee's immediate supervisor and are

subject to final approval or disapproval of the appointing authority or his designee. The supervisor shall grant or deny the requested vacation as soon as practical.

- (h) The department/division head may post a vacation calendar during the month of January in order for employees to make their vacation requests that year. Vacation requests made during the month of January shall be honored on the basis of the employee's classification seniority within the department or division. After January, no seniority rights to preferred dates shall exist.
- (i) Due to department/division operational requirements, management may block out periods of time as not available for vacation.
- (j) In no case may an employee take his or her vacation early, prior to the actual accrual of the vacation credit as provided in this section. In other words, no employee may be advanced vacation.
- (k) An employee's unused yearly vacation leave, to include the additional vacation hours, may be carried over into the next vacation year. However, no more than three years of unused vacation leave may be accumulated at any time. Upon department/division head recommendation, and based on circumstances beyond the control of the employee, the City Manager may approve a waiver to the three-year accumulation limit, and authorize payment in lieu of forfeiture. Except for resignation or retirement, this is the only time, an employee may be paid for accrued and unused vacation hours.
- (l) Any employee who resigns or retires shall be paid for any earned but unused vacation leave providing it does not exceed the maximum carry over balance.
- (m) In the case of death of an employee, the employee's accrued vacation leave will be converted to a lump sum payment payable to the employee's beneficiary or estate.
- (n) In addition to the above allotted vacation leave, Longevity Vacation Leave is awarded full-time employees on their anniversary for years of continuous City service:

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

6.4 Personal Leave

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

6.5 Flex Time

- (a) Based on exempt employees working a flexible work schedule beyond the normal "8 to 5" office hours, these employees need to individually track the total hours they work each week. The hours worked over 40 per week are designated flex time hours.

1. If performance and workload permit, these hours can be used to adjust an employee's schedule with prior approval of the supervisor.
 2. Earned time can be accrued for outside of regular office hour expectations (required meetings, events, inspections, etc.)
 3. Employees coming in on their own time or modifying their schedule does not accrue as usable time.
 4. Flex time cannot be used for an entire day (must be less than eight (8) hours).
 5. Flex time must be used in half hour or more increments.
 6. Accrual for Flex time be capped at no more than twenty-four (24) hours.
 7. Exempt employees cannot be in the negative on flex time accrual and still use or request time.
 8. Exempt employees are required to track their on the O Drive and make it accessible for review by the City Manager's Office.
- (b) Flex time hours have no cash value, and employees have no right to use the time or be paid out when they separate.
- (c) For documentation purposes and the period of time employees have to "use or lose" accrued flex hours, the City uses the standard three-month quarter that begins in January each year plus two weeks beyond that quarter. For example, one quarter would be the months of April, May, and June. Any flex hours accumulated in those three months would have to be used or lost by July 15th.

6.6 Paid Time Off (PTO)

- (a) After six (6) months of continuous City service, part-time employees (not seasonal) will accrue paid time off (PTO) hours on a basis of .025 hours per one hour worked. PTO may be used for absences from work: sick leave, vacation, etc., and shall be taken in units of not less than 2 hours. Unless a part-time employee calls off sick or is prevented from working due to an emergency situation, the employee will request PTO at least six workdays in advance, except for part-time firefighters. PTO hours have no cash value, cannot be donated, and may not be cashed in when an employee separates from City employment. If a part-time employee becomes a full-time employee, the PTO hours may be transferred to vacation or sick leave hours on a one-for-one basis. Part-time employees who have already accrued sick leave will have their accrued sick leave hours converted to PTO hours at a 3-to-1 ratio. If a full-time employee becomes a part-time employee, accrued paid leaves are transferred to PTO hours on a one-for-one basis.
- (b) PTO hours are accrued and used while working only in part-time status. PTO hours cannot be earned by an employee who may be working one position in full-time status and one position in part-time status. PTO hours cannot be used while an employee is in seasonal status.
- (c) Employees shall request leave via the City Absence Report Form.

6.7 Funeral Leave

- (a) Full-time employees may be granted paid funeral leave with approval of the department/division head for a maximum of five (5) work days for the death of a spouse or child, to include stepchildren. In the event of a death of an immediate family member, other than spouse or child, the employee may be granted four work days of paid funeral leave. For purposes of this section the "immediate family" is defined as: mother, father, sister, brother, grandparent, grandchild,

stepparents, stepsiblings, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian, or other person who stands in place of the employee's parent.

- (b) Full-time employees may be granted two days of paid leave to be used when the death is that of any other legal relative including: grandparent-in-law, aunt, aunt-in-law, uncle, uncle-in-law, nieces, nephews, or cousins.
- (c) Funeral leave shall not be charged to sick leave. Sick leave may be used in excess of what is permitted under the above funeral leave. This extended leave is at the discretion of the department/division head.
- (d) Part-time employees shall be granted three (3) workdays for the death of a spouse or child and two (2) workdays for the death of a parent, stepparents, mother-in-law, or father-in-law.
- (e) The City reserves the right to request documentation of the death.
- (f) Employees shall use the City Absence Report Form to document funeral leave.

6.8 Jury Duty or Court Leave

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

6.9 Sick Leave

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

advance of doctor's appointment or medical appointment, exam, operation, etc. Sick leave may be requested only for the following reasons:

1. Illness or non-work related injury of the employee or a member of his or her immediate family: mother, father, brother, sister, child, or spouse.
 2. Exposure of an employee or a member of his or her immediate family to a contagious disease that would have the potential of seriously jeopardizing the health of the employee or the health of others.
 3. Death of a member of the employee's immediate family or extended family (family of spouse), in excess of what is permitted under the Funeral Leave Policy. This extended leave is at the discretion of the department/division head.
 4. Medical, dental, optical, or psychological examinations or treatment of employee or a member of his or her immediate family, requiring the employee's presence, provided that the employee should seek to schedule such examinations outside of work hours whenever possible.
 5. Any period of incapacity due to an employee's or employee spouse's pregnancy or for prenatal care, under the Family and Medical Leave Act.
 6. Under the Family Leave Policy due to the birth of the employee's son or daughter, or due to the placement of a child with the employee for adoption or foster care and in order to care for such son or daughter.
- (b) For a personal health condition of the employee or family member, which would qualify under the provision of the Family and Medical Leave Act (FMLA), an employee may be required to use those provisions, as described in the Family and Medical Leave Policy. This leave runs concurrently.
- (c) A physician's certificate will be required when an employee has been absent for three or more consecutive days. The physician's certificate must be signed by the treating physician and state the exact nature of the illness. This policy applies when an employee is absent to care for member of the immediate family.
- (d) If the employee is absent more than five workdays, the physician must also state when the employee is expected to return to work.
- (e) In regard to sick leave abuse, patterned use, or instances of repeated absence preceding or following a holiday, an employee shall be required to provide a physician's certificate stating the cause for the sick leave absence. This certificate shall be obtained at the employee's expense and on his/her own time. This requirement shall be in addition to other appropriate discipline that might be imposed for such improper use of sick leave.
- (f) The City Manager or designee shall have the right to require a satisfactory physician's certificate for absences fewer than three consecutive days if he or she concludes that this action serves the best interest of the City, or to verify the proper use of sick leave. The City may also require an employee to be examined by a physician selected by the City in order to verify the proper use of sick leave, and the City will pay for such an examination.
- (g) If an employee fails to present a required physician's statement or City Absence Request Form, the employee may not be paid for the sick leave and may be subject to disciplinary action. If the request is denied, and the employee has already been overpaid, such overpayment may be deducted from the employee's next paycheck in accordance with applicable law. A request may be denied by the department/division head based upon any investigation that discloses inconsistent facts about the proper use of sick leave.

- (h) An employee requesting sick leave shall inform his or her supervisor of the fact and the reason for the leave request at least 30 minutes prior to the scheduled shift, unless the employee is involved in an emergency situation, or the bargaining unit contract specifies a different time to call off sick. Employees shall notify their supervisor each day they will be absent, before their shift starts. Failure to comply with these notification procedures may result in denial of sick leave for the period of absence, and such disciplinary action as may be appropriate. The employee may be required to have a medical examination, nursing visit, or other inquiry that the City deems necessary. An employee who gets sick on the job and needs to leave should immediately notify the supervisor and request sick leave.
- (i) Sick Leave Accrual Prior to April 11, 1993. Full-time employees hired prior to April 11, 1993 shall accrue sick leave credit at the rate of 1.5 days per month (18 days per year). Employees hired prior to this date may accrue an unlimited amount of sick leave time.
- (j) Sick Leave Accrual After April 11, 1993. Full-time employees hired after April 11, 1993 shall accrue sick leave credit at the rate of 1.25 days per month (15 days per year). Employees hired after this date may accrue an unlimited amount of sick leave time.
- (k) Sick Leave Accrual After May 1, 2004. Full-time employees hired after May 1, 2004 shall accrue sick leave credit at the rate of 1.00 day per month (12 days per year). Employees hired after this date may accrue an unlimited amount of sick leave time.
- (l) Part-time employees will not accrue sick leave.
- (m) Sick leave accrual is based on an employee being on active pay status: hours worked, hours on vacation, hours on holiday leave, hours on personal leave, and hours on compensatory time off. Sick leave credit shall not accrue during any disciplinary suspension or other type of unpaid leave or layoff.
- (n) Sick leave shall be charged in increments of not less than one-half hour.
- (o) Employees absent on paid sick leave shall be paid at their regular rate of pay.
- (p) If an employee has exhausted all their sick leave credit, he or she shall use vacation leave and personal leave for sick leave purposes, in order to account for their 40-hour work week.
- (q) Employees who transfer from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment, or transfer does not exceed 10 years. The words "public agency" as used above include the State, counties, municipalities, all boards of education, libraries, townships, and other public appointing authorities within the State of Ohio. (ORC 124.38)

6.10 Wellness Incentive

- (a) Full-time, non-union employees shall receive a pro-rated cash bonus for the non-use of sick leave of any kind and/or including FMLA leave. This is based on the employee working a minimum of 2,080 paid hours during the calendar year. The bonuses shall be paid during the month of January, based on non-used sick leave hours in the previous year, with the incentive payment deducted on a pro rata hour for hour basis to the minimum of 16 hours for 24 hours of pay:
 - 0 hours sick leave used40 hours pay
 - 8 hours sick leave used32 hours pay
 - 16 hours sick leave used.....24 hours pay
- (b) Union employees should review their respective contracts.

6.11 Paid Leave Donation

- (a) Full-time City employees may voluntarily donate vacation, personal, or sick leave to full-time employees who have exhausted all sick leave and other paid leave as a result of a life-threatening injury or illness of an employee or a member of the employee's immediate family per ORC 124.291, governing state employees and donation of paid leave. All such donations are subject to the following provisions:
1. Before an employee is eligible to receive donated leave, the employee must have been absent for a period equal to at least 14 consecutive calendar days and have exhausted all paid sick leave, vacation leave, personal leave, or other available, paid leave.
 2. The employee's absence must result from a documented serious health condition or injury to the employee or a member of the employee's immediate family, as determined by the City Manager or a designee. The City Manager's determination as to whether or not an injury or illness is "life-threatening" within the meaning of this policy is in the employer's sole discretion and is final, and this determination is not subject to appeal under the complaint procedure or any other grievance procedure.
 3. The decision of individual employees whether or not to donate vacation leave to another employee must be free and voluntary, and no official, supervisor, or employee shall pressure, solicit, or coerce any employee, directly or indirectly, to donate leave to another employee. Any violation of this subsection shall be considered grounds for disciplinary action, up to and including termination.
 4. No employee shall donate more than 40 hours of paid leave to other employees in any one calendar year. No employee may donate sick leave unless he or she has a sick leave balance of at least 15 days (120 hours).
 5. No employee shall be eligible to receive more than 60 days (480 hours) of donated paid leave during the course of that employee's service with the City.
 6. The employee donating the paid leave via the Sick Leave Donation Form must provide written notice of the donation to the City Manager at least seven calendar days in advance of its use by the transferee employee, and such notice shall include both the identity of the employee to whom the leave is donated and a statement that the employee donating the leave is forever waiving his or her claim to such paid leave. Upon receipt of the notice, the City Manager shall authorize the sick leave balance of the receiving employee. The employee receiving the donation may not use the leave to cover any absence prior to seven days after the receipt of this notice.
 7. This policy applies only to non-bargaining unit employees, unless the program has been incorporated into the applicable collective bargaining agreement.
- (b) An employee who fraudulently obtains sick leave; who falsifies sick leave requests, documentation, or records; who misrepresents the grounds for a sick leave request; or who uses sick leave for improper purposes shall be subject to disciplinary action up to including termination. Further, an employee may be disciplined for excessive sick leave use in appropriate cases, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave or the inability of the employee to perform the essential functions of his or her position. Employees are expressly prohibited from engaging in either of the following during a paid or unpaid sick leave:
1. Paid employment of any kind, or
 2. Other activities, whether or not paid, that are inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family.

- (c) To monitor the proper and effective use of sick leave and minimize the potential for sick leave abuse, division heads or their designee should periodically review employee attendance records in order to observe total time absent due to illness, as well as patterns of sick leave absence: same day of week; prior to or following days off, weekends, or holidays; or using sick leave as soon as it is earned.
- (d) Sick leave is a benefit to be used solely for injury, illness, and funeral purposes, and intentional misuse may be considered theft of public funds.
- (e) Altering a physician's certificate or falsification of a written, signed leave statement shall be grounds for discipline and/or legal prosecution.
- (f) This policy applies only to non-bargaining unit employees, unless the program has been incorporated into the applicable collective bargaining agreement.

6.12 Sick Leave Conversion

- (a) Full-time employees appointed prior to April 11, 1993, may exchange/convert any sick leave in excess of 90 days in the ratio of two unused sick leave days for one additional day of paid vacation, not to exceed a maximum of 10 days of sick leave exchanged for 5 additional days of vacation in any one calendar year. All conversions shall be based upon the number of sick leave credits earned as of January 1 of each year. Conversions will be made only during the month of January each year in order to facilitate vacation scheduling or according to your union contract if applicable. This conversion option is not available to employees appointed after April 11, 1993.
- (b) A full-time employee appointed prior to April 11, 1993, who resigns, retires, or otherwise terminates employment in good standing shall be paid for his or her accumulated sick leave as follows:
 1. Less than 10 years of City service, no payment.
 2. Over 10 years but less than 20 years of City service, one day for each two days of sick leave credit as of the last day of work.
 3. Over 20 years of City service, one day for each two days of sick leave credit earned during the first 20 years of service, and one day for each one day of sick leave credit earned after 20 years of service as of the last day of work.
- (c) A full-time employee appointed after April 11, 1993, who resigns, retires, or otherwise terminates employment in good standing shall be paid for his or her accumulated sick leave as follows:
 1. Less than 10 years of City service, no payment.
 2. Over 10 years but less than 20 years of City service, one day for each three days of sick leave credit up to 90 days total sick leave credit as of the last day of work.
 3. Over 20 years of City service, one day for each three days of sick leave credit earned up to 120 days total sick leave credit as of the last day of work.
- (d) At separation, the sick leave conversion payment shall be based on the employee's hourly rate of pay at the time of separation and shall eliminate all sick leave credit accrued by the employee.
- (e) Employees who die shall be considered to have terminated their employment as of the date of their death and shall be eligible for such sick leave conversion payment on the basis of the employee's regular hourly rate of pay at the time of death, at the conversion ratio of one day's pay for each two days of earned but unused sick leave. This amount shall be paid to the employee's beneficiary.

- (f) Sick leave conversion shall be requested via letter to the City Manager. Union employees should please review their respective contracts.

6.13 Family and Medical Leave

- (a) This section implements the Family and Medical Leave Act (FMLA) of 1993. Nothing in this section is intended to expand or provide rights in addition to those covered in the FMLA. All terms used in describing this policy have the meaning assigned to them by the FMLA and the federal regulation implementing the act.
- (b) Eligibility
1. The Family and Medical Leave Act covers employees who have worked for the City for at least 12 months, which need not be consecutive, and have accumulated at least 1,250 hours worked during the year preceding the leave request. Paid leave hours do not count as time actually worked.
- (c) Entitlement
1. An eligible employee is entitled to 12 work weeks (480 hours) of paid and/or unpaid leave (continuous or intermittent) in a 12-month period for:
 - The birth of a child or placement of a child with the employee for adoption or foster care.
 - To care for a child, spouse, or parent with a serious health condition.
 - A serious health condition that makes the employee unable to work.
 - Reasons related to a family member's service in the military, including:
 - Qualifying exigency leave- leave for certain reasons related to a family member's foreign deployment, and
 - Military caregiver leave- leave when a family member is a current servicemember or recent veteran with a serious injury or illness.
 2. If an employee experiences more than one of these events in a 12-month period, only a total of 480 hours of leave is available. The City will cover its share of the employee's health insurance premium during the unpaid leave, and will return the employee to their previous job or an equivalent position. When both spouses are employed by the City, their 480 hours will be combined for leave purposes involving birth or adoption/foster care of a child or to care for either of the employees' parents. If the leave is for serious health conditions of the employee or child, each employee is entitled to the full 12 weeks. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a 12-month period to care for the servicemember. of a covered servicemember.
- (d) Medical Certification
1. The City requires that employees provide written medical certification to support their request for FMLA leave. The City may also require periodic status reports from an employee on FMLA leave to determine the employee's status and plans for returning to work. A City representative (not the employee's supervisor) and the City's health insurance carrier may contact the employee's health care provider to clarify or confirm information in an FMLA medical certification. The City may request an opinion from a second or third health care provider to validate an employee's medical certification. The City can also require periodic re-certification of an employee's medical condition. If the employee fails to provide the required

medical certification, the leave does not qualify as FMLA leave; therefore the employee is not entitled to continued medical coverage and the right to reinstatement at the end of the leave.

(e) Responsibilities

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

f) Leave Computation

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

(g) Family Leave

1. Family leave is for birth, adoption or foster care purposes.

(h) Notification of Family Leave

1. It is the duty of the employee to notify their Department/Division Head at least 30 days before the need for the leave or, if advance notice is not possible, give notice as soon as possible. The City will not waive this notice requirement.

(i) Family Leave Time Available to Employee

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

(j) Utilizing Family Leave

1. Family Leave will be granted to an employee in hourly periods for the birth of a child and to care for the newborn child, and for the placement of a child for adoption or foster care, and to care for the newly placed child. Family Leave will be granted to a male employee upon the birth of his child and for the subsequent care of the child. Adoption or foster care leave will be granted for preparation and placement of a child into the employee's home.

(k) Medical Leave

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

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

(l) Notification of Medical Leave

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

(m) Medical Leave Time Available to Employee

1. An employee on medical leave must first exhaust paid leave in the following order: sick leave, and thereafter vacation, personal leave, and compensatory time. Medical leave runs concurrently with these paid leaves. If the combined paid leaves do not equal 480 hours, the employee may use the remaining balance as unpaid FMLA leave. When both spouses are employed by the City, their 480 hours will be combined for leave purposes.
2. When employees return to work in a light or restricted duty capacity, that time cannot count against FMLA leave.
3. The City may require fitness for duty evaluations for employees who take FMLA medical leave for a serious health condition, in order to evaluate the employee's ability to perform the essential functions of their position. Employees are encouraged to review and understand the purpose of family leave and medical leave, with the understanding that these leaves are not to be used for vacation. Such abuse will be subject to disciplinary action.
4. Supervisors shall track FMLA leave via the City Absence Report Form.

6.14 Military Leave

- (a) The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that employees and prospective employees not be subjected to discrimination based on that person's military service. If an employee believes they have been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resource Administrator or designee.
- (b) Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee (or an appropriate officer of the uniformed service in which such service is performed) should provide advance written or verbal notice of the need for leave as soon as practicable to the Human Resource Administrator or designee. It is recommended the employee submit leave requests hereunder via submission of City Absence Report Form.
- (c) Permanent City employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, are entitled to leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each federal fiscal year in which they are performing service in the uniformed services.
- (d) As used in this section:
 1. "Federal fiscal year" means the year beginning on the first day of October and ending on the thirtieth day of September.
 2. "Month" means twenty-two eight-hour work days or 176 hours, or for a public safety employee, seventeen twenty-four-hour days or 408 hours, within one federal fiscal year.

3. "Permanent City employee" means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent City employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.
 4. "Service in the uniformed services" means the performance of a duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Revised Code. "Service in the uniformed services" also includes the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.
 5. "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.
 6. "Public safety employee" means a permanent public employee who is employed as a fire fighter or emergency medical technician.
- (e) Except as otherwise provided in subsection (d) hereof, any permanent City employee who is entitled to the leave provided under subsection (a) hereof and who is called or ordered to the uniformed services for longer than a month, for each federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the President of the United States or an act of Congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 or 5923.21 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:
1. The difference between the permanent City employee's gross monthly wage or salary as a permanent City employee and the sum of the permanent City employee's gross uniformed pay and allowances received that month.
 2. Five hundred dollars (\$500.00).
- (f) No permanent City employee shall receive payments under subsection (c) hereof if the sum of the permanent City employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent City employee for that period or if the permanent City employee is receiving pay under subsection (a) hereof.
- (g) Permanent City employees whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to performance of that service.
- (h) Upon an employee's prompt application for reinstatement (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service – the position of employment the person would have been employed if the continuous employment of such person with the City had not been interrupted by such service, the duties of which the person is qualified to perform; or the position of employment which the person was employed on the date of commencement of service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to above after reasonable efforts by the City to qualify the person.
 2. More than 90 days and less than 5 years of military service – the position of employment the person would have been employed if the continuous employment of such person with the City had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or the position of employment which the person was employed on the date of commencement of service in the uniformed services, or a position of like seniority, status, and pay, only if the person is not qualified to perform the duties of the position referred to above after reasonable efforts by the City to qualify the person.
 3. Employee with a service-connected disability - if after reasonable accommodation efforts by the City, an employee with a service-connected disability is not qualified for employment in the position in which the person would have been employed if the continuous employment of such person with the City had not been interrupted by such service:
 - In any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the City; or
 - If not employed under (c) above, in a position which is the nearest approximation to a position referred to in (c) above in terms of seniority, status, and pay consistent with circumstances of such person's case.
- (i) An employee who has engaged in military service must, to be entitled to the reinstatement rights set forth above, submit an application for reinstatement to the Human Resource Administrator or designee, according to the following schedule:
1. If service is less than 31 days - the employee must report for reinstatement not later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service and the expiration of eight hours after a time for safe transportation from the place of service to the employee's residence; or as soon as possible after the expiration of the above referenced eight hour period if reporting within the period specified above is impossible or unreasonable through no fault of the person.
 2. If service is for more than 30 days but less than 181 days - the employee must apply for reinstatement not later than 14 days following the completion of service; or if submitting such application within such period is impossible or unreasonable through no fault of the person, the next first full calendar day when submission of such application becomes possible.
 3. If service is over 180 days - the employee must apply for reinstatement no later than 90 days following the completion of service.
 4. If the employee is hospitalized or recovering from a service-connected injury - the employee must apply for reinstatement no later than two years following completion of service. Such two-year period will be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the two-year period impossible or unreasonable.

5. If the person fails to report to work or to apply for reinstatement within the required time limits, the person is subject to the City's rules governing unexcused absences.
- (j) In addition to the employee's failure to apply for reinstatement in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:
1. The City's circumstances have changed so as to make reinstatement impossible or unreasonable.
 2. Reinstatement would pose an undue hardship upon the City.
 3. The employee's employment prior to the military service was merely for a brief, nonrecurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
 4. The employee did not receive an honorable discharge from military service.
- (k) Employees reemployed following military leave will receive seniority and other benefits determined by seniority which the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained had the individual remained continuously employed. Additionally, upon reinstatement, a covered employee will not be discharged from employment, except for cause
1. Within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or
 2. Within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.
- (l) The Human Resource Administrator or designee, will, upon the employee's reapplication for employment, request the employee provide military discharge documentation to establish the timeliness of the application for reinstatement, the duration of the military service, and the honorable discharge from the military service, if applicable.
- (m) A person whose employment with the City is interrupted by a period of service in the uniformed services will be permitted, upon request of that person, to use during such period of service any vacation, annual, or similar leave with pay accrued by the person before commencement of such service. The City will not require such person to use vacation, annual, or similar leave during such period of service.
- (n) The City will comply with applicable state and federal laws regarding pension contributions for employees on military leave.
- (o) If a matter pertaining to military leave is not specifically addressed in this Section 7.13, then the applicable federal or state law will govern.

6.15 Leave Without Pay

- (a) This section explains reasons for leave not permitted by other policies.
- (b) The appointing authority may grant a leave of absence without pay to a regular full-time or part-time employee for a maximum duration of six months for an extraordinary personal reason. Such a leave may not be renewed or extended beyond six months.
- (c) Leave without pay may be granted for a maximum period of one year for purposes of education, training, or specialized experience which would be of benefit to the City service by improved performance at any level; or for voluntary service in any government- sponsored program.
- (d) The decision whether to grant a leave of absence without pay lies in the sole discretion of the appointing authority, and is not subject to any complaint or appeal process.

- (e) Except for emergencies, the employee should submit a request for leave without pay to the appointing authority at least 60 days prior to the commencement date of the requested leave so that appropriate plans may be made for assignments and coverage during the employee's absence, if the leave is granted.
- (f) The City cannot guarantee that the employee will return to the position they formerly occupied, or to a similar position if the employee's position no longer exists. If upon completion of the leave, the employee's position is no longer available, the separated employee may be considered for other vacancies if available, provided that he or she is qualified for the vacant position.
- (g) An employee may return to work before the scheduled expiration of the leave if requested by the employee, subject to approval of the appointing authority and the availability of the position. If an employee fails to return to work at the expiration of an approved unpaid leave of absence date, the employee, absent extenuating circumstances, shall be considered to have resigned from the position.
- (h) An employee who receives leave of absence without pay under this provision does not earn sick or vacation leave credit, holidays, longevity bonus credit, or service credit, nor is he or she eligible for City paid health care and life insurance. The employee will receive notice of COBRA eligibility to purchase healthcare insurance.
- (i) All leaves of absence shall be requested via the City Absence Report Form.
- (j) If it is determined that an employee is abusing the leave of absence and not actually using the leave for the specified purpose, the City Manager may cancel the leave and direct the employee to report for work.
- (k) Any employee who is on a leave of absence without pay and accepts employment elsewhere is considered to have voluntarily separated from his or her City employment.

6.16 Public Safety Full-Time, Non-Union Probationary Employee Benefits

- (a) The intent of this Section is to delineate the employment benefits which non-union probationary public safety employees will receive. Probationary non-union public safety employees are not bargaining unit members and are therefore not entitled to receive any other employment rights or benefits other than those enumerated in this Manual.
- (b) Fire: All full-time non-union probationary firefighters will receive the same employment benefits and leaves enumerated in the most current collective bargaining agreement as received by union employees with respect to:
 1. Personal Leave;
 2. Holiday Pay;
 3. Earned Days Off;
 4. Uniform Allowance;
 5. Funeral Leave;
 6. Sick Leave;
 7. Leaves of Absence; and
 8. Compensatory Time.

- (c) With respect to Vacation Leave, full-time non-union probationary firefighters will receive 60 hours of vacation upon completing 6 months of continuous service with the City. This 6-month time period may be adjusted due to leaves of absence at the discretion of the Fire Chief. Thereafter, vacation will accrue at the rate of 2.31 hours per week.
- (d) With regard to wages, full-time non-union probationary firefighters will be compensated at the regular rate in the same manner as full-time non-probationary firefighters.
- (e) All full-time non-union probationary firefighters shall serve a 12-month probationary period. A longer probationary period, not to exceed 3 years from the date of hire, may be imposed at the discretion of the Fire Chief with approval from the appointing authority.
- (f) All other benefits and employment matters not addressed in this subsection shall be subject to this Manual for full-time non-union probationary firefighters.
- (g) Police: All full-time non-union probationary police employees will receive the same employment benefits and leaves enumerated in the most current collective bargaining agreement as received by union employees with respect to:
 - 1. Personal Leave;
 - 2. Holiday Pay;
 - 3. Earned Days Off;
 - 4. Funeral Leave;
 - 5. Sick Leave;
 - 6. Leaves of Absence;
 - 7. Compensatory Time; and
 - 8. Shift Differential.
- (h) With respect to Vacation Leave, full-time non-union probationary police employees will receive 40 hours of vacation upon completing 6 months of continuous service with the City. This 6-month time period may be adjusted due to leaves of absence at the discretion of the Police Chief. Thereafter, vacation will accrue at the rate of 1.54 hours per week.
- (i) All full-time non-union probationary police employees shall serve a 12-month probationary period. A longer probationary period may be imposed at the discretion of the Police Chief with approval from the appointing authority.
- (j) All other benefits and employment matters not addressed in this subsection shall be subject to this Manual for full-time non-union probationary police employees.

SECTION 7. BENEFITS

7.1 Insurance and Employee Assistance Benefits

- (a) The City offers the following healthcare and life insurance benefits to each full - time employee:
- (b) After the first of the month following the employee's start date, the City provides group healthcare insurance plans as applicable.
- (c) Healthcare insurance for an individual separating from the City is available until the end of the calendar month from which the employee has separated.

- (d) Employee group life insurance coverage, which begins the first day of the month after the first day of work and ends immediately upon separation from City employment.
- (e) Employees are responsible for providing Human Resources with all changes that affect their insurance policies: mailing address, telephone number, marital status, dependent names, court orders for dependent coverage, beneficiary names, etc. Employees may be obligated to pay health insurance claims if information is not accurate.
- (f) Upon retirement, an employee may purchase life insurance from the City's group life insurance carrier.
- (g) The employee's insurance rights and obligations are subject to the appropriate insurance plans, as amended.

7.2 Employee Assistance Program (EAP)

- (a) The Employee Assistance Program (EAP) offers confidential assistance and professional counseling to all employees and their family members for such issues as family relations, alcohol or drug dependency/abuse, stress management/conflict resolution, and other emotional problems. This service is provided at no cost to employees.

7.3 Cancer Expert Now

- (a) If you or your family member have been diagnosed with cancer, Cancer Expert Now virtually connects you with a world-class physician who can offer guidance about your diagnosis. It is available free of charge to the employee, spouse or domestic partner, children, parents, and parents-in-law.

7.4 Health Care Insurance Following Separation (COBRA)

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

7.5 OPERS Retirement Plan

- (a) This state pension plan is administered by an independent state agency. While the City has basic information, specific questions should be addressed to OPERS at 1-800-222-7377 or 614-466-2085.
 1. For employees hired after December 31, 1999, the employee is required to contribute 10% (starting in 2008) of their gross pay, which is deducted each pay period. This amount is matched by a contribution of 14.00% (starting in 2008) from the City.

2. Beginning January 1, 2003, OPERS offers three retirement plans for public employees with less than 5 years of total service credit as of December 31, 2002, and new employees hired on or after January 1, 2003. Eligible employees have 180 days from when they begin employment to select which retirement plan they want to participate in – this change in plans affects all full-time, part-time, and seasonal employees who work or have worked for the City or other Ohio government or educational organizations. OPERS sends information packages to all the eligible employees, and conducts information seminars throughout the year. Employees can receive additional assistance by calling OPERS or go to www.opers.org.
3. Former City employees who do not want to continue their OPERS retirement plan participation may fill out a Pension Plan Refund Application form at the Municipal Building receptionist counter.
4. OPERS Conversion Plan (City Resolution 6391-08). Employees enrolled in OPERS with 25 or more years of full-time Ohio public service (OPERS, STRS, SERS, and/or OP&F) may cash out accumulated vacation and sick leave hours one time each year during December. The 25 or more years' credit may be for years served or purchased. If an employee decides to participate in this program, he or she will need to notify their division head and the Finance Director prior to the coordination process for the next year's budget (before August 1st each year) so money can be allocated in the budget. An eligible employee may participate in this program by identifying their planned month and year of retirement and then coordinate cashing out the allowed vacation and sick leave during their remaining years of City employment. Please contact Finance to enroll in this program.
 - Vacation Hours Conversion. An eligible employee may cash out vacation hours, at one day (8 hours) of vacation leave for one day (8 hours) of pay (1 for 1), with vacation cash out limited to the maximum amount of vacation leave and vacation longevity days an employee earns in a one-year period.
 - Sick Leave Hours Conversion. An eligible employee may be paid out for sick leave hours at the same exchange rate allowed at separation, in accordance with their collective bargaining agreement or the Manual. The payout is limited to the maximum amount of sick leave days an employee earns in a one-year period.

SECTION 8. WORKPLACE GUIDELINES

8.1 Appearance & Uniforms

- (a) In accordance with the following City policy, the department/division head shall prescribe the appropriate dress standards, grooming, and hygiene that present a positive City image.
- (b) Employees shall wear clothing appropriate to their job setting, with emphasis given to clothing that is conducive to safe and effective performance of required job duties. Except for office workers who generally wear civilian clothing, all other employees shall wear uniforms that clearly identify them as City employees.

Please note that skirt length should be no higher than 2 inches above the knee. While the City allows Municipal Building employees to dress in a more casual fashion on Friday, employees are still expected to present a neat appearance and are not permitted to wear jeans (denim), athletic clothing, t-shirts, sweatshirts, shorts, athletic shoes, "flip-flop" sandals, ripped or disheveled clothes, or similarly inappropriate clothing. This does not apply to Municipal Building employees who are transiting the building to accomplish work outside or in other City locations.

- (c) Because the Municipal Building is the focal point for City government, administrative employees in that building will promote a positive business environment by their professional appearance and customer service.
- (d) Piercing and Tattoos. Piercings and body art/tattoos will be regulated in the workplace.
 - 1. Piercings Exceptions: Some may be required to be covered/removed for professional appearance, proper hygiene and safety.
 - 2. Body Art/Tattoos Exceptions: Hand, face, neck tattoos, or ones considered provocative, offensive or misrepresent the City are not permitted.
- (e) The City will pay for required employee uniforms. While uniforms can become dirty or damaged in the course of work, employees are required to keep their uniforms clean, neat, and in good repair for the start of their shift. Accordingly, employees shall not alter their uniform appearance such as cutting off the shirt sleeves.
- (f) City issued uniforms shall only be worn while on official City business.
- (g) City employees shall not wear clothing (shirts, pants, hats, etc.) that advertises beer, liquor, tobacco, or other products that are of a questionable nature in the workplace, or other clothes that may be considered provocative, offensive, or misrepresent the City. Women's skirt length shall be no higher than two inches above the knee.
- (h) Certain uniform items and necessary equipment shall be furnished as required by collective bargaining agreements or other City policies. The Police Chief, Police Lieutenants, Fire Chief, Deputy Fire Chiefs, Street Superintendent, and Building and Parks Maintenance Superintendent shall be furnished these required items upon appointment and shall be entitled to the uniform and equipment allowances established by the union contracts within their division.
- (i) Part-time Firefighter/Paramedics/EMTs shall be paid a uniform allowance based upon actual hours worked up to a maximum of \$500 every six months, at the rate of \$0.40 cents per hour worked on platoon duty. This allowance shall be paid by check in two equal installments: the first payroll in January and first payroll in July. The allowance shall be post paid January through June, and July through December paid in January. Personnel shall maintain a serviceable current uniform.
- (j) The City has a Central Safety Committee with representatives from each division and labor union. This committee serves as focal point for risk management, safety, and health coordination and planning. The City Manager has also appointed two Accident Prevention Coordinators to facilitate and coordinate safety information, processes, and training.
- (k) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Failure to present a professional appearance may also be cause for disciplinary action.

8.2 Outside Employment

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

8.3 Employee Work Areas and Conversations

- (a) Employee Work Areas, Offices, and Desks
 - 1. In order to maintain security and to operate efficiently, City management must reserve the right to have complete access to all City work areas, property, offices, and equipment. Accordingly, employees who store personal items in City-owned desks, lockers, cabinets, storage areas, or vehicles do so at their own risk, and should have no expectation of privacy for items maintained in these areas. The City reserves the right to have access to any City owned or leased property, including employee desks, lockers, cabinets, storage areas, or City owned or leased vehicles used by employees for any business purpose, including

search and retrieval of items found therein. This is true even if locks are provided or the employee uses his or her own lock.

2. No employee may intrude into an employee's or official's personal work area, including desks, workstations, and lockers, without a legitimate business purpose and without the prior approval of an appropriate management representative. This does not extend to items in plain view observed while the employee is in the area for a legitimate business purpose, but employees are cautioned that unauthorized looking through the papers, e- mail, or effects of others is prohibited.
3. The City maintains surveillance cameras inside and outside various facilities that video record activities in those work areas.

(b) Audio, Video Recording, and Photos

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

(c) Bulletin Boards

1. City Bulletin Boards are for official business purposes. Department/division heads shall ensure these bulletin boards are maintained accordingly.

8.4 Personnel and Related Files

- (a) The City shall maintain official personnel files on all employees as well as payroll and medical files. Such files shall include but may not be limited to individual employment data; payroll information; work time schedules; records of additions or deductions paid; application forms and resumes; evaluations; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, or other personnel actions; and records of leave usage.
- (b) Under current Ohio public records law, the City cannot assure confidentiality of these records, which are considered public records with some exceptions. Employees will be notified when a public request is made to view their records. All such requests will be made to the Clerk of Council and coordinated with the Human Resources Administrator, City Manager, and/or Finance Director, as appropriate.
- (c) Per HIPAA, the City must keep all medical information, such as records of medical examinations, physician's statements, or other information regarding medical conditions of the employee in a separate file, and such medical records do not constitute public records and may not be disclosed except as otherwise provided by law.

- (d) An employee shall have a right to reasonable inspection of his or her official personnel file and may make copies of any document in his or her file.
- (e) Employees must advise their department/division head, City Manager, Finance Director, or Human Resources Administrator, as appropriate, of any change in name, home and mailing address, marital status, telephone number, number of exemptions claimed for tax purposes, legal authorization to work in the United States, or military status.

8.5 HIPPA Privacy

- (a) The City of Moraine (the "City") sponsors one or more group plans that provide medical benefits (the "Plan"). As a result of administering the Plan, the City may possess protected health information ("PHI") of beneficiaries of the Plan. Further, City departments/divisions may come into possession of PHI as a result of the services provided by the department/division (i.e. the Fire Division's EMS services). PHI is defined as:
 - 1) Information that is created or received by the City and/or the Plan and relates to the past, present, or future physical or medical health or condition of a participant; or the past, present or future payment for the provisions of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. PHI includes information of persons living or deceased.
- (b) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (the "HIPAA Statute"), and its related "Privacy Rule" (45 C.F.R. Part 164 Subparts A and E) and "Security Rule" (45 C.F.R. Part 164 Subpart C) and the Breach Notification Rules (45 C.F.R Part 164 Subpart D) as well as any guidance issued by the Federal Department of Health and Human Services (including, without limitation, the Office of Civil Rights) (collectively, the Privacy Rule, Security Rule and HIPAA Statute are, hereinafter, referred to as "HIPAA"), all as amended by the Health Information Technology for Economic and Clinical Health Act (the "HITECH Statute") and any regulations promulgated thereunder (collectively, the "HITECH Rules," and together with the HITECH Statute, referred to hereinafter simply as "HITECH"), as well as any other applicable federal or state laws concerning the privacy, security, integrity and availability of health information restrict the City's and the Plan's use and disclosure of PHI.
- (c) It is the City's and the Plan's policy to comply fully with all applicable HIPAA and HITECH requirements. To that end, all members of the City's workforce who have access to PHI must comply with HIPAA and HITECH. Members of the City's workforce are defined for this policy only as employees, volunteers, trainees and other individuals who work under the direct control of the City or under a City contract.
- (d) It is the City's policy that no member of the City's workforce will intimidate, threaten, coerce, discriminate against or take any retaliatory action against any individual for exercising their rights, filing a complaint, participating in an investigation or opposing any improper practice under HIPAA or HITECH. In addition, no one will, under any circumstances, be asked to waive their rights under HIPAA or HITECH.
- (e) Other City departments/divisions (i.e. Fire, Police, Law) may formulate policies and procedures which do not conflict with this policy and are more comprehensive and detailed regarding department/division functions and compliance with HIPAA and HITECH.
- (f) The City Manager hereby delegates the appropriate responsibility and authority to administer this policy to the department/division heads.

8.6 Chain of Command

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

8.7. Layoff & Recall

- (a) The City Manager may lay off City employees whenever a reduction in force is necessary due to:
 - 1. Lack of work.
 - 2. Lack of funds.
 - 3. Reasons of economy or efficiency.
- (b) The City Manager will follow the procedures outlined in this Manual to determine the order of layoff. Such procedures include consideration of each employee's classification assignment, appointment type, and continuous service time. The City Manager will notify the City Council of the reasons for the layoffs.
- (c) Changing hours of work is not considered a layoff, and layoffs shall not be considered disciplinary actions.
- (d) Notification of Layoff or Displacement. An employee subject to layoff shall be notified, in writing, of the action at least 14 days prior to the effective date. The written notice shall include the effective date of layoff, the employee's retention points, information as to displacement rights and how to exercise those rights, the reason for the layoff, appeal rights, the right to obtain a copy of the layoff regulations, and the out-processing procedures. Employees must notify the City Manager in writing of their intention to exercise their displacement rights ("bumping") within 5 calendar days of notification, or any right to displace is waived.
- (e) Definitions. The following definitions shall be applied to the procedures set forth in this policy:
 - 1. Classification. The official title assigned to a position occupied by one or more employees. A classification may comprise a group of positions that differ in some respects but are nonetheless sufficiently similar to be assigned to a single classification.
 - 2. Classification Series. Those classifications which are similar in duties and functions, and which form a natural career progression, and which are described by similar or identical terms except for a designation of the level by numerical or other designation.
 - 3. Full-time Employee. An employee who is scheduled to work a minimum of 40 hours.

4. Job Abolishment. The permanent deletion of a position from the City Table of Organization because of a lack of continued need for a position, as a result of a reorganization for the efficient operation of the City, for reasons of economy, or because of a lack of work. A lack of work is deemed to be permanent if the lack of work is expected to last more than one (1) year.
 5. Lack of Funds. There is a current or projected deficiency in the funds available for salaries, wages, and fringe benefits for City employees. This also applies to a position being kept in table of organization but is not funded.
 6. Lack of Work. There is a current or projected decrease in the work available for employees in a classification used by the City.
 7. Length of Service. The continuous, uninterrupted City service of the employee, where no separation from employment has occurred. For purposes of this definition, any separation from employment lasting a period of thirty (30) days or less shall not be deemed a separation; nor shall personal or educational leaves of absence be deemed a separation. If an employee was separated but was reinstated by specific action of the appointing authority within one year, the service time prior to the separation will be included in the employee's length of service.
 8. Part-time Employee. An employee who is normally scheduled to work 30 hours a week or less.
 9. Pay Range. The minimum and maximum wage rate or salary within the salary schedule to which an employee's position or classification is assigned.
 10. Position. The group of job duties that an individual employee is expected to perform. A classification may include a group of closely related positions.
 11. Retention Points. The system of establishing points for length of service in order to establish the order of layoff within a classification.
 12. Seasonal Employee. An employee who is called in to work for a limited period at a certain season or time of the year.
- (f) Method. When the City Manager concludes that there is reason to reduce staffing levels, he or she shall determine the number of positions and the classification in which layoffs will occur. The City Manager shall also prepare a layoff list with the retention points of all employees who have been appointed to the classification(s) selected for the layoff. Such a list should be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.
- (g) Retention Points. Retention points are based on length of continuous City service. Full-time employees receive one (1) point for each completed weekly pay period of continuous service. Part-time employees receive one-half (0.5) point for each completed biweekly pay period of continuous service in other than full-time status. Retention points for continuous length of service shall be added to a base of 100 points to determine total retention points for each employee.
- (h) Order of Layoff.
1. The City Manager will lay off employees in the following appointment types before full-time regular employees in the affected classifications(s): temporary employees, seasonal employees, part-time employees, and full-time probationary employees. For the purpose of the order of layoff, employees serving probationary periods as a result of a promotion shall be construed to have completed their probationary period.

2. The City Manager shall prepare layoff lists separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the most recent hire date shall determine the employee to be laid off. If hire dates are the same, the City Manager shall decide the order of layoff.
- (i) Displacement (Bumping). Laid off employees may be permitted to displace (“bump”) employees in the next lower classification and successively lower classifications within the classification series when:
1. The lower classification is within the same classification series, and
 2. The employee has more retention points than an employee in the lower classification.
 3. Employees may not displace to a higher classification, nor may they displace to a higher appointment type (e.g., seasonal employees may not displace part-time employees, nor may part-time employees displace full-time employees). Further, employees may not displace into positions which require specialized skills or training which they do not possess. Displacement of employees with fewer retention points in successively lower classifications in the same classification series shall continue until the last employee in the lowest classification in the series has been reached and, if necessary, laid off.
- (j) Displacement Under Job Abolishment. Whenever the City Manager eliminates one or more positions through job abolishment, employees may displace into an available vacancy as determined by the City Manager. If no vacancy is available, the employee may displace other employees as follows:
1. If the City Manager determines that a vacancy is in the classification of layoff, the employee shall first displace to that vacancy, regardless of retention points within the classification.
 2. If the City Manager determines that a vacancy is available in a lower-level classification, or in successively lower-level classification in the same classification series, the employee shall displace to that vacancy before he or she displaces another employee, provided that he or she has the fewest retention points in the classification of layoff.
 3. If there is no vacancy in the same classification or a lower-level classification in the same classification series, the employee whose position has been abolished may displace (bump) an employee with fewer retention points in a lower-level classification in the same series. This succession of displacement shall continue until the last employee in the lowest-level classification in the series has been reached and, if necessary, laid off.
 4. An employee shall not be required to displace lesser appointment types under this provision, unless the employee has the fewest retention points in the classification series with that appointment type.
- (k) Pay Rate Following Displacement. Whenever an employee displaces to a lower classification as a result of layoff or job abolishment, the employee shall be paid according to the same rate of pay or range assigned to the lower classification in the classification series into which the employee was displaced.
- (l) Reinstatement Rights. The City Manager will establish a recall list, and employees shall be eligible for reinstatement for one year following layoff. Employees shall be offered positions that become available at their classification level and lower classification levels within the same classification series, in order of their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points in a classification shall be first on the recall list). An employee may only be recalled to a position if the employee is qualified to perform the duties

of that position at the time of the recall. The recall list will be posted in a public and conspicuous place.

- (m) Each employee eligible to be recalled from layoff shall be notified of the offer of reinstatement by certified mail.
- (n) A laid off employee is responsible for keeping the City Manager informed of their current address. Failure to do so may result in the inability to notify the laid off employee of his or her eligibility for reinstatement.
- (o) Each recalled employee shall be allowed 10 calendar days from the date of receipt of the certified letter to return to work. Exceptions to this policy must be approved by the City Manager.
- (p) Any employee declining reinstatement to the same classification from which the layoff or displacement occurred shall be removed from eligibility for further recall.
- (q) If not removed previously, the name of any laid off or displaced employee shall be removed from eligibility for recall one calendar year after the employee was first laid off or displaced from his or her original classification.

SECTION 9. CODE OF CONDUCT

9.1 Ethics

- (a) City employees are expected to uphold the highest ethical standards to serve the public safely, skillfully, and effectively. Each City employee will receive and acknowledge receipt of the State Ethics Laws at in-processing. This is to ensure that their actions as public employees are governed by applicable laws and regulations, the public interest, and are never influenced by private interests or gain.
- (b) City employees are public servants whose compensation is paid by the taxpayers. Accordingly, City employees shall:
 - 1. Avoid any conflict of interest, or the appearance of any conflict of interest.
 - 2. Accept no private compensation or reward for performing their duties.
 - 3. Serve all members of the public with honesty, diligence, respect, equity, courtesy, and fairness.
 - 4. Not disclose or use confidential City information in performing his or her duties, for private gain.
 - 5. Not accept items, meals, or gifts of \$20.00 or greater, that are deemed to be anything of value that is of such character as to manifest a substantial and improper influence upon him or her with respect to his or her duties. The frequent acceptance of gifts from a single source may violate this policy even if no single gift exceeds \$20.00. Any organization or individual proposing to make a gift with a value of \$20.00 or greater shall make the gift to the City government, not to an individual City employee or official.
 - 6. Not accept employment with or provide services for any firm or company which is engaged in providing services or products for the City or with such firm or company that is required to obtain approval from any City Council, board, or commission. It is absolutely necessary that an employee give priority to his/her job with the City. If outside work is accepted, it shall not be undertaken without the advanced knowledge of the employee's supervisors, the

department/division head, and the City Manager. Any failure to report for duty because of outside work may result in disciplinary action.

7. Not accept employment whereby such employment would or may bring disrespect or compromise the employee's City position.
 8. Not become self-employed in any activity during normal City working hours or use City facilities to conduct such activity.
- (c) Employees who have any doubt regarding possible ethics violations should consult with the Human Resources Administrator and City Manager.

9.2 Confidentiality

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

9.3 Influencing

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

9.4 Whistle Blowing

- (a) If any City employee becomes aware, in the course of their employment, of the violation of a federal statute, state statute, City Ordinance, rule, or regulation, or the misuse of public resources, the employee shall notify his immediate supervisor of the violation or misuse.
- (b) If an employee has evidence and reasonably believes their immediate supervisor is engaged in wrongdoing, in part or entirely, the employee shall notify the next responsible City official in the employee's chain of command, either his/her department/division head or the City Manager.
- (c) No employee shall be disciplined for notifying his immediate supervisor, department/division head, or the City Manager of any violation or misuse as long as the notification was in good faith.

9.5 Auditor of State Fraud Reporting System

- (a) The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, a mobile app, by email, or through the United States mail.
- (b) Auditor of State's fraud contact information
1. Telephone: 1-866-FRAUD OH (1-866-372-8364)
 2. US Mail: Ohio Auditor of State's office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
 3. Website: www.ohioauditor.gov - on the home page, click on "learn more" under Reporting Fraud
 4. Email your tip: fraudohio.ohio@ohioauditor.gov
 5. Mobile App: See download the app:
 - For Apple users: Visit the Apple App Store via your mobile device or Apple computer and search for Ohio Stops Fraud. This app is available for iOS7 users who own the iPhone 4 or later models.
 - For Android users: Visit the Google Play Store via your mobile device or computer and search for Ohio Stops Fraud.
- (c) Whistleblower Protection
1. No officer or employee shall take any disciplinary action against an employee for making any report or filing a complaint, including, but not limited to, any of the following:
 - Removing or suspending the employee from employment.

- Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled.
 - Transferring or reassigning the employee.
 - Denying the employee promotion that otherwise would have been received.
 - Reducing the employee in pay or position.
2. An employee shall make a reasonable effort to determine the accuracy of any information reported. The employee is subject to disciplinary action, including suspension or removal for purposely, knowingly, or recklessly reporting false information.
 3. If any disciplinary or retaliatory action is taken against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (c) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action.
- (d) For more information on fraud reporting and whistleblower protection refer to Ohio Revised Code 117.103 and 124.341.

9.6 Political Activity

- (a) The City encourages its employees to exercise their constitutional right to vote, ORC Section 3599.06. Employees can cast their votes in elections before or after working hours, unless otherwise specified in a collective bargaining agreement. With permission of his or her supervisor, an employee may work before or after working hours or at lunch time to make up work time used for voting.
- (b) Employees in the classified service are prohibited by ORC Section 124.57 from directly or indirectly engaging in political activity. Political activity and politics refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (c) The following is a non-exhaustive list of examples of prohibited political activities for employees in the classified civil service:
 1. Candidacy for public office in a partisan election.
 2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party.
 3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
 4. Circulation of official nominating petitions for any candidate participating in a partisan election.
 5. Service in an elected or appointed office in any partisan political organization.
 6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election.
 7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
 8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
 9. Solicitation of the sale, or actual sale, of political party tickets.

- 10. Partisan activities at the election polls, such as solicitation of votes.
 - 11. Participation in political caucus of a partisan nature.
 - 12. Participation in a political action committee which supports partisan activity.
- (d) An employee in the classified service who engages in any of the activities listed throughout this policy is subject to disciplinary action, up to and including termination.
 - (e) Employees in the unclassified service, who serve at the pleasure of the appointing authority, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional statutory provisions.
 - (f) Notwithstanding the general prohibition against partisan activity or appointment to partisan office, ORC Section 124.57 does specifically permit classified employees to serve as a precinct election official for a primary, special, or general election, and the employee may, with the prior approval of the appointing authority, use vacation leave, compensatory time off, or unpaid leave so to serve.
 - (g) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
 - 1. An employee participating in the conversion program must maintain a minimum balance of two weeks of vacation leave (80 hours) and six weeks of sick leave (240 hours). After beginning this program, an employee shall not receive sick leave donations, and cannot convert sick leave hours to vacation hours. Participating employees will sign an agreement that they have received and understand the terms of this voluntary OPERS Conversion Plan, and that their participation is not grievable.
 - 2. Deductions from the Early Payoff. The early payout is earnable income, and deductions will be made for income tax, school tax, and Medicare (if necessary).
 - (h) Other Considerations. The cash out of sick leave for the purpose of this program shall not affect eligibility for the annual Wellness Incentive. Employees need to verify their total years of public service with Finance to make sure they are eligible for participation.

SECTION 10. EMPLOYEE CONDUCT

10.1 Drug - Free Workplace

- (a) The purpose of this program is to aid in the prevention of accidents and injuries from the misuse of alcohol and controlled substances by City employees. The citizens of Moraine have the expectation that they are living in a safe environment, and City employees have the expectation that they are working in a safe environment.
- (b) All City employees are involved with safety in one aspect or another, in day-to-day operations and decision making: crime prevention, law enforcement, emergency medical service, fire prevention and suppression, building and park maintenance, parks and recreation programs, driving all types of City vehicles, equipment and machine maintenance and use, chemical use and storage, accurate accounting of City finances and resources, and management and training of City personnel.
- (c) This program allows the City to participate in the Ohio Bureau of Worker's Compensation Substance Use Prevention and Recovery Program and lower our premiums through discounts.

- (d) CDL holders participate in their own program, which randomly tests these employees for 50 percent of their positions for controlled substances and for 10 percent of their positions for alcohol.
- (e) Definitions. For purposes of this policy, the following definitions shall apply:
1. Controlled substance includes any illegal drug and any prescription drug.
 2. The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
 3. Abuse includes use of illegal drugs as well as use of prescribed drugs not legally obtained or not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity; and excessive use of alcohol.
 4. The term 'while at work' refers to the entire duration from when the employee starts working or is expected to be prepared for work until the moment they leave the workplace.
 5. A medical review officer (MRO) is a licensed physician who is trained, knowledgeable, and experienced about controlled substance abuse; collection, testing, and evaluating methods and procedures.
 6. A substance abuse professional (SAP) is an individual qualified to provide evaluation and treatment to a person who tests positive for controlled substance abuse in accordance with the requirements of 49 Code of Federal Regulations Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
 7. EAP is the Employee Assistance Program that is a confidential program available to all employees for assistance with personal issues or problems, wither for the employee or members of their immediate family. EAP services are paid for by the City.
 8. A 10-panel, pre-employment drug screen includes these controlled substances:

Marijuana	Opiates
Cocaine	Phencyclidine (PCP)
Methadone	Amphetamines
Benzodiazepines	Quaaludes
Propoxyphene	Barbiturates

9. A 5-panel drug screen includes these controlled substances:

Marijuana	Opiates
Cocaine	Phencyclidine (PCP)
Amphetamines	

10. Personal resources are programs available to employees either at work or elsewhere that can be used for counseling and assistance, medical treatment, and/or rehabilitation. Full-time City employees have EAP and healthcare insurance plans available to them as personal resources.

- (f) Drug-Free Workplace Program (DFWP)

1. Annual employee DFWP awareness, policy, and procedures training will be conducted for all employees, and a separate session for supervisors.
2. This DFWP prohibits any alcohol misuse that could affect the performance of an employee on the job. This includes use on the job, use during the four hours before reporting or returning to work, having prohibited concentrations of alcohol in the employee's system while at work, or use during four hours following an accident or until employee undergoes a post-accident alcohol test.
3. This DFWP prohibits any controlled substance (drug) use without a licensed physician's written prescription.
4. Employees or applicants shall be subject to the following tests: pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up during a rehabilitation program.
5. Alcohol and substance abuse sample collection and testing will be performed at Premier Occupational Health using breath-testing devices approved by the National Highway Traffic Safety Administration (NHTSA), and controlled substance testing will be conducted by a Department of Health and Human Services (DHHS) certified testing laboratory. These procedures protect the employee and the integrity of the testing processes, and safeguard the validity of the test results. All testing results are reviewed by the MRO before the results are reported. The City and Premier Occupational Health, or another certified facility chosen by the City, will use the testing methods and procedures as described in the City's Drug and Alcohol Testing Policy and Procedures Manual Sections II C., D., and E.
6. The testing procedures use an evidential breath-testing device for alcohol testing and urine specimen collection for controlled substance testing; however, a non-evidential breath testing device or urine specimen collection may be used for post-accident alcohol testing. All alcohol testing methods use the same threshold level for determining test results.
7. Before performing an alcohol or controlled substances test under this policy, the City will notify each employee that the alcohol or controlled substances test is required under this policy.

(g) Required Tests

1. Pre-employment testing. Prior to an applicant beginning work for the City, after being offered a position, he/she shall undergo testing for alcohol and drugs (10-panel). Any individual who fails these tests will not be considered for employment in any position for at least 12 months.
2. Post-accident testing. Post-accident alcohol or drug testing shall be required after all City accidents, not just vehicle accidents that occur while a person is at work. An accident is an unplanned, unexpected, or unintended event that occurs on City property, or during the conduct of City business, or during working hours, or which involves City-supplied vehicles used in conducting City business, or within the scope of City business, and results in any of the following: a fatality of anyone involved in the accident, or City employee bodily injury requiring medical treatment, or one or more motor vehicles have disabling damage requiring the vehicle to be transported away from the scene.
3. Medical treatment means treatment received from a person licensed to provide medical treatment, such as a doctor, nurse, paramedic, or EMT. If medical treatment is required, then the injury is a reportable BWC injury requiring the immediate filing of a First Report of Injury. Medical treatment does not include first aid, such as a band-aid on a small cut, various creams for sunburn, ice on a strain or contusion, etc.

4. Following an accident that requires medical treatment and testing, a City supervisor will ensure the injured employee receives immediate medical treatment, and the required alcohol and drug tests are administered with 8 hours for alcohol and within 32 hours for drugs.
5. An employee who is subject to post-accident testing is required to remain available for such tests, and the employee shall refrain from consuming alcohol for up to 8 hours following the accident, or until he or she submits to an alcohol test, whichever occurs first.
6. If any delay in testing is due to an employee's failure to follow required procedures, or other employee misconduct, such behavior may be considered an obstruction of the testing process, and refusal to submit to a test.
7. If the required tests are not administered within the time limits above, a written record must be maintained citing the reasons for the delay or the failure to administer the tests.
8. Nothing in these rules should be construed as to require the delay of necessary medical attention for injured people following an accident or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
9. Any breath, blood, or urine test for alcohol or controlled substances, conducted by safety or medical officials following an accident shall be considered a post-accident test provided the tests were administered within the required times following the accident, and the requirements and the results of the tests are obtained by the City.
10. Rebuttable Presumption Law. Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the main reason of the work related injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.
11. After Normal Business Hours Testing. If an alcohol or drug test is required after Premier Occupational Health business hours, 7:30 a.m. to 5:00 p.m., Monday through Friday, then supervisors need to call for on-call testing: 937-208-6887.
12. All new employees need to sign the Acknowledgement of Drug-Free Workplace Program Policy and Procedures Form, after receiving and reading the DFWP information. The DFWP Policy and Procedures are reviewed with new employees at in-processing. Any questions regarding this policy should be directed to the Human Resources Administrator.
13. Reasonable suspicion testing. If a supervisor has reasonable suspicion to believe that an employee may have violated the City's DFWP, the City may require the employee to undergo tests for the use of alcohol and/or drugs. Employees are required to submit to testing based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee." Reasonable suspicion testing is authorized during, just preceding, or immediately at the end of the workday. The employee shall submit to the drug or alcohol testing.

14. Random testing. As a minimum, 5 percent of the annual, average number of City employees, full and part-time, will undergo alcohol testing. The minimum annual percentage rate for drug testing is 25 percent of the average number of full and part-time City employees. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method provided by an independent testing facility. Under the selection process used, each employee shall have an equal chance of being tested each time quarterly random selections are made.
15. Return to duty testing. After an employee fails to pass an alcohol or drug test, the employee shall undergo evaluation by a SAP and will be required to undergo and pass another test before the employee is permitted to return to duty.
16. Follow-up testing. Employees who are reinstated after problems associated with alcohol and/or drug misuse shall be subject to unannounced follow-up testing as directed by a substance abuse professional, with a minimum of six tests during the first twelve months after the return to duty date.

(h) Policy and Procedures.

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

11. If an employee fails to pass a drug or alcohol test, it is a violation of this policy, and the consequences are described below.

(i) Consequences For Violating DFWP Policy and Procedures.

1. Each employee who has engaged in conduct prohibited by this policy shall be advised by the City of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. These resources include the EAP and healthcare insurance plan that are available to full-time employees as personal resources.
2. For Alcohol Testing. Following the initial test that shows the blood alcohol content was at 0.02 percent or greater, a confirmatory alcohol test must be done within 15 to 20 minutes. If the confirming test shows a blood alcohol content of 0.04 percent or higher, the test is considered positive. The employee must be removed from, and cannot return to work until, at a minimum:
 - The employee undergoes and completes, using personal resources, evaluation, and when necessary, rehabilitation within ninety (90) days of the initial positive test;
 - A SAP determines and signs a statement the Return to Work Certificate Form, that the employee successfully complied the required rehabilitation and is fully able to return to work;
 - The employee undergoes return to duty testing, using personal resources, administered by a City designated testing facility with an alcohol concentration test result of less than 0.02 percent; and
 - The employee undergoes, using personal resources, follow-up testing after the return to work as directed by the SAP at a City designated testing facility, with a minimum of 6 tests in the first 12 months following the return to work.
 - An employee with an alcohol concentration of 0.02 percent or greater, but less than 0.04 percent, will not be permitted to return to work for a minimum of 24 hours and must undergo a return-to-work test from a City designated testing facility with an alcohol concentration test result of less than 0.02 percent within 48 hours of the initial test. For purposes of this alcohol testing, an alcohol concentration less than 0.04 percent shall not be deemed a positive test resulting in an automatic violation of this policy. In this case, full-time employees shall be placed on sick leave, some other form of paid leave other than injury leave, or administrative leave without pay if they have exhausted their paid leaves.
3. For Drug Testing.
 - Following a determination that an employee has misused controlled substances, as determined through testing, the employee will be removed from work until at a minimum:
 - The employee undergoes and completes, using personal resources, evaluation and, when necessary, rehabilitation within ninety (90) calendar days of the initial positive test.
 - A SAP determines that the employee successfully complied with any required rehabilitation, that the SAP completes a statement, Return to Work Certificate Form, indicating the employee is fully able to return to his/her job, and the employee, using personal resources, takes a return-to-work test with a verified negative test result at a City designated testing facility.

- The employee, using personal resources, undergoes follow-up testing administered by a City designated testing facility after the return to work as directed by the SAP, with a minimum of 6 tests in the first 12 months following the return to work.
 - Employees shall use sick, vacation, and personal leave; accrued comp time; or PTO while they are not at work during the above evaluation and rehabilitation programs. If an employee has exhausted all of his or her paid leaves, the employee may be placed on unpaid leave of absence.
 - Any employee governed by this policy who tests positive for alcohol and/or controlled substances after returning to work following an initial positive alcohol and/or controlled substance test shall be immediately terminated.
- (j) Review and Questions. All employees are required to sign the Acknowledgement of Drug-Free Workplace Program Policy and Procedures Form. Any questions regarding this policy should be directed to the Human Resources Administrator.

10.2 Harassment

- (a) The City is committed to maintaining a professional and collegial work environment in which all individuals are treated with respect and dignity. The desired standard of Moraine employee behavior is one of cooperation and respect for each other, despite any differences in race, color, sex (including gender identity, sexual orientation and pregnancy), age, national origin, genetic information, ethnicity, religion, disability, veteran/military status, or political affiliation. Harassment interferes with this desired environment because it is unwelcome and unwanted verbal or nonverbal (physical) conduct which threatens, intimidates, or insults another person, where such conduct has the effect of creating an offensive, intimidating, or hostile environment, or interferes with or adversely affects a person's work performance. The City will not tolerate harassment. Examples of conduct prohibited by this policy include using racial or ethnic slurs or offensive stereotypes and making jokes about these characteristics.
- (b) This policy covers all employees of the City, and Human Resources will review this policy with each employee when he or she in-processes to begin their City employment. The City will not tolerate harassment, whether engaged in by fellow employees or by supervisors, or by non-employees who conduct business with the City. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of their employment or at City- sponsored functions.
- (c) Harassment does not include the conduct or actions of supervisors intended to provide employee discipline or correct problems through verbal warnings, written reprimands, performance evaluations, or other supervisory actions intended to promote positive performance.
- (d) Sexual Harassment. Sexual harassment includes unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. The City prohibits sexual harassment. It is City policy to fully support enforcement of state and federal anti-discrimination laws which provide that sexual harassment is prohibited where (1) submission to or rejection of such conduct by an individual is used as the basis for employment decisions (hiring, evaluating, promoting) affecting such individuals; or (2) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- (e) Sexual harassment includes both unwelcome physical conduct (such as touching, blocking, staring, making or displaying sexual drawings, etc.) and unwelcome verbal conduct (such as sexual propositions, slurs, insults, jokes, etc.). Examples of sexual harassment include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; flirtations, or advances; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering; whistling; pinching; assault; coerced sexual acts; suggestive insulting, obscene comments, or gestures; and display in the workplace of sexually suggestive objects or images. An employee's conduct will be unwelcome and in violation of the policy when the employee knows, should know, or when a reasonable person would know it is unwelcome to the person subjected to it.
- (f) Hostile Environment. As to the hostile environment type of harassment, the same principles that apply to sexual harassment based on gender apply to harassment that is offensive on the basis of a person's protected status as referenced in paragraph (a). In each case, the issue is whether the conduct was unwelcome, was it abusive to the person affected by it, or was it severe enough to create a work environment that a reasonable person finds abusive or gross. To determine whether the behavior is severe enough to create a hostile environment depends on various factors: the frequency of the unwanted conduct, severity of the conduct (whether the conduct was physically threatening or humiliating, or a simple offensive remark), did the conduct unreasonably interfere with work performance, the psychological effect on the employee, and whether the harasser was a supervisor in the division.
- (g) Fraternalization. Consensual romantic and sexual relationships between City employees are not expressly forbidden, but such relationships are considered very unwise because factors such as real or perceived power of one person over another may override claims of consent at a later date.
- (h) The City will investigate all allegations of harassment and encourages reporting of all incidents as soon as possible, regardless of who the offender may be. It is the right of all employees to seek, at any time, redress by the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. However, employees are encouraged to exhaust the City's administrative remedies before consulting outside agencies.
- (i) Supervisor Responsibility. City supervisors are responsible for the elimination of any and all forms of harassment and intimidation of which they are aware. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that the harassment is not appropriate and will not be tolerated. In such a situation, ultimate disciplinary action will await completion of an investigation. A supervisor is required to report harassment cases to his or her department/division head, who in turn, is required to report the matter to the Human Resources Administrator. Such reports to superiors and to the Human Resources Administrator are to be made regardless of how knowledge of the case was acquired. The Human Resources Administrator will notify the City Manager of the complaint.
- (j) Responsibility to Report/Complaint Procedure.
1. All employees of the City are responsible for ensuring that discriminatory or harassing conduct does not occur in any form in the workplace.
 2. An employee, if they feel comfortable doing so, who experiences conduct believed to constitute harassment, should consider verbally telling the offending employee to stop the offensive behavior.

3. If for any reason, a person being harassed does not wish to approach the offender directly, or if such action proves unproductive, then the employee should immediately report the conduct to a supervisor, department/division head, the Human Resources Administrator, or the City Manager. If the accused offender is the City Manager, then the employee may contact the Law Director. If the report is made to a supervisor or department/division head outside the Human Resources department, the individual receiving the report shall promptly notify the Human Resources Administrator or the City Manager. No retaliation or other adverse action will be taken against any employee for making, in good faith, a complaint or report of harassment or discrimination or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above. Deliberate false accusations made in bad faith will result in disciplinary action, up to and including dismissal.
 4. Upon the employee's request, the City may authorize its designee to counsel the alleged harasser or arrange for mediation between the victim and the alleged harasser.
 5. In some cases, the Human Resources Administrator, after consulting with the City Manager, will collaborate with the Law Department to investigate and submit to the City Manager a report setting forth the facts of the case and recommended action.
 6. All complaints will be handled in a timely and confidential manner. Anyone involved should not discuss the subject outside the investigation in order that the confidentiality of the employee who files a complaint will be protected and to encourage the reporting of any incidents of harassment, as well as to protect the reputation of any employee wrongfully charged with harassment. Confidentiality cannot be guaranteed, however, as applicable state and federal sunshine and freedom of information laws may make it impossible to maintain confidentiality.
 7. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses.
 8. The results of the investigation and the nature of the disciplinary action will be communicated by the City Manager's Office or Law Department to both the complainant and the offender as well as the affected department/division head or City Council, if appropriate. Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.
- (k) Sanctions for Harassment. Individuals found to have engaged in misconduct constituting harassment shall be disciplined. The City's response as a minimum will include a written reprimand. Additional action may include referral to counseling, withholding of a step increase or promotion, reassignment, suspension without pay, or termination.
 - (l) The Human Resources Administrator shall maintain written records of each harassment complaint and how it was investigated and resolved.
 - (m) The City has developed this policy to ensure that all employees can work in an environment free from all forms of harassment. This policy will immediately be disseminated to all employees and the City will provide it to all new employees in the future. All supervisory personnel are responsible for implementation of this policy. Failure to do so will be considered a failure to fulfill all of the obligations of their position. When a supervisor fails to act as required by this policy, that supervisor may be exposing him or herself to personal liability for the consequences of such inaction.
 - (n) The City will conduct informational sessions concerning this policy, to ensure that all employees understand the City's commitment to elimination of harassment and are familiar with the policy and of the remedies available to them.

- (o) Employees and supervisors shall use the Review of City's Harassment Policy Form, to annually review this policy, preferably during an employee's annual performance evaluation.
- (p) Information or questions concerning this policy may be obtained from the Human Resources Administrator.

10.3 Expenditure Of City Funds

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

10.4 Use of City Equipment & Property

- (a) When City equipment and property (tools, supplies, telephones, computers, uniforms, purchasing cards, official files, and other items) are provided to employees, it is the responsibility of supervisors and employees to see that the equipment is properly used, maintained, and returned to the City when the employee separates. Departments and divisions shall keep accurate records of City equipment and property issued to employees. See sample City Equipment and Property Form for recording equipment and/or property.
- (b) Misuse, neglect, theft, and abuse of City equipment is prohibited. Accidents involving misuse (or abuse) of equipment shall be cause for disciplinary action. If an employee loses tools or damages equipment, he or she may be required to pay for those items lost or damaged, at the discretion of the department/division head with City Manager's approval.
- (c) When using the telephone or computer e-mail, employees are expected to communicate in a professional manner that will reflect positively upon them and the City. Employees should be aware that e-mail messages, whether transmitted through the internal network or via the Internet, are generally public records subject to disclosure in the same manner as any other memorandum, letter, or document.
- (d) Excessive personal use of telephones, or long distance telephone calls for other than business or emergency purposes without prior supervisory approval, may result in disciplinary action.
- (e) City computers (software and hardware) are only for business use. Employees will not change the basic computer configuration or install non-City software on their computers without proper approval. Employees shall not store personal data on City computers and shall not place passwords or other access limitations on the computer unless the Manager of Information Technology or the City Manager authorizes such limitations, and upon request, the employee shall promptly disclose the password to enable access. Excessive personal use of computer e-mail for other than business purposes may result in disciplinary action.
- (f) Employees may not share with others their assigned passwords for computers, Internet, or internal network access or other authentication devices, except as directed by their supervisors or as required by the Manager of Information Technology. An employee who believes that others have learned a password or who otherwise believes that the security of the City's

computers or networks have been compromised in any way, must immediately notify his or her supervisor and the Manager of Information Technology.

- (g) City employees will limit their use of Internet for personal purposes, so as not to interfere with their work responsibilities. Employees will not download software from the Internet, nor will they circulate external e-mail messages via the internal e-mail system unless the message relates to City business. Circulation in the workplace of indecent material or material that ridicules or offends a reasonable person on the basis of sexual content or race, color, religion, ethnic or national origin, age, disability, or any other personal characteristic not related to job performance, is strictly prohibited. Employees who originate, forward, or circulate such material in the workplace are subject to discipline, up to and including termination.
- (h) Employees may not use either the internal network or the Internet in a way that violates the law or the property rights of others, including infringement of copyrights, trademarks, licenses, other protected property rights, or disseminating or receiving proprietary data, trade secrets, or other confidential information of the City or any other person or company. This prohibition is particularly important when downloading programs or copying other information from the Internet. If material is copyrighted or otherwise protected, you must request the permission of the owner before downloading or copying that information.
- (i) Employees may not use City computers or connections to the internal network or the Internet to gain unauthorized access to any computer system (known as "hacking"), to create or spread computer viruses, or to otherwise disrupt or damage the computers or data of the City or any other person, office, or company.
- (j) All messages created, sent, or retrieved over the Internet or electronic mail are the property of the City, and should be considered public information. The City reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet and electronic mail are public communications and are not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
- (k) To prevent the introduction of viruses into the City computer system, employees will not open e-mail from unknown sources.
- (l) City bulletin boards are for official business purposes. Department/division heads shall ensure these bulletin boards are maintained accordingly.
- (m) Certain City employees may be required as a condition of employment to furnish their personally owned tools for use in performing their required job duties and responsibilities.
- (n) Employees authorized to use City purchasing cards will sign a purchasing card agreement that explains their purchasing card responsibilities. Failure to comply with this agreement may result in loss of their purchasing privileges and disciplinary action.
- (o) Prior to separation from City service, employees shall return all City equipment and property issued or provided to them, and this information will be enclosed with the Employee Separation Form.

10.5 City Vehicles

(a) Use of City Vehicles Or Use Of Personal Vehicle For Business Purposes.

1. Use of City-owned motor vehicles shall be strictly controlled by the City Manager and shall be restricted only for business purposes. The City Manager may authorize an employee to drive a City vehicle to and from home.

2. Employees operating a motor vehicle must have a valid motor vehicle operator's license, chauffeur's license, or commercial driver's license (CDL), appropriate to the vehicle. Employees shall notify their department/division head if any of their operator licenses are suspended, revoked, or expired, and the employee is required to drive a City vehicle or use their personal vehicle for business purposes.
3. Department/division heads will check the accuracy of driver's licenses for all newly hired employees. The City may periodically check the validity of employee's driver's licenses and their driving records. An employee who has an unacceptable driving record will not be permitted to drive a City vehicle or use their personal vehicle for business purposes until notified by their division/department head.
4. Employees are required to use privately owned vehicles or public transportation for purposes of getting to and from work. City vehicles are not to be used for this purpose unless explicitly authorized by the City Manager.
5. Any employee who operates a City vehicle shall exercise caution, responsibility, and adhere to all laws and safety regulations including use of seat belts for driver and passengers and speed limits. Reckless, careless, or other inappropriate operation of vehicles may result in disciplinary action, to include paying the City for the vehicle damage if the employee is at-fault.
6. Emergency road services, towing, and repair charges which occur while away from the City, and are directly chargeable to the operator of the vehicle, are reimbursable to the City employee, provided the employee provides appropriate receipts.
7. Traffic fines and arrests for illegal or improper use of automobiles are the sole responsibility of the employee, and may subject the employee to disciplinary action.
8. Any accident involving City vehicles must be immediately reported to the Police Division having jurisdiction at the accident scene and to the department/division head. Damaged vehicles should not be removed from the accident scene until the police arrive to investigate the accident. If the damage is minor, and the vehicles can be safely moved to the side of the road in order to relieve traffic congestion, the vehicles can be moved to the side of the road.
9. Minor employees (16- and 17-year-olds) are NOT allowed to drive full-size City vehicles: cars, pick-up trucks, etc. Minor employees may drive smaller vehicles: golf carts, gators, etc., ONLY inside City parks, but not on regular highways or roads.
10. For insurance purposes, the City maintains insurance coverage on bodily injury and property damage to other vehicles and their occupants.
11. Employees who use a personal vehicle for business purposes must have proof of liability insurance in the amount of \$100,000 per person and \$300,000 per accident.

(b) Individual Assignment of City Vehicles.

1. Permanent assignment of a City vehicle to an individual including the right to regularly drive a vehicle home after work can only be authorized by the City Manager and shall be done in writing.
2. A list of employees who are authorized to regularly drive a City vehicle home after normal work hours shall be maintained by the City Manager. Each department or division shall provide the City Manager with current information identifying the specific vehicles permanently assigned. Additional permanent assignment of vehicles shall be requested by the department or division head in writing, outlining the specific justifications for such request.

3. Each City vehicle is normally assigned either to one or to a very limited number of persons. Although this assignment establishes responsibility for maintenance of the vehicle, it does not limit its usage. Therefore, an employee who is not assigned to a vehicle but who finds himself in occasional need of transportation to carry out duties may locate an appropriate available vehicle and obtain keys from the person to whom the vehicle is assigned.

(c) Responsibility for City Vehicles.

1. The City garage shall have responsibility for maintaining the City's fleet in conjunction with the designated person within each division. A complete inventory shall be maintained on the City's fleet, including a repair and maintenance log necessary for the proper monitoring of the use, cost and proper performance of such vehicle.
2. The repair and maintenance of all City vehicles shall be the responsibility and authority of the City garage. The City garage shall repair and maintain all City vehicles in a cost effective manner and shall monitor the performance of vehicles and advise the appropriate division representative of those vehicles that perform below standard.
3. Each department or division head shall be responsible for efficiently managing vehicles assigned to their department or division. The acquisition and continuation of City vehicles by departments shall primarily be a management and budgeting decision, made in accordance with an evaluation of departmental needs.

10.6 Employment- Related Reference Checks

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

10.7 Solicitation & Distribution

(a) Definitions. For purposes of this policy, the following definitions apply:

1. City. – The City of Moraine.
2. Distribution. – An act of distributing goods, materials, or written materials.
3. Employee. – Any person employed by the City in any status.
4. Employer. – The appointing authority, department/division head, or any designee having direct authority over City employees.
5. Non-Work Area. – Any area on or off City premises not designated as a work area.
6. Non-Work Time. – Any time during an employee's work day when the employee is totally relieved of work duties, such as break time and lunch or meal time. Whether an employee is in paid or unpaid status during these times is non-relevant to the designation of non-work time.
7. Solicitation. – An act of requesting an individual to purchase or accept goods, materials, or services, or a plea for a financial contribution.
8. Vendor. – Any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the City and its employees, which goods, materials, or services are utilized in the conduct of public business.
9. Work Area. – Any office, building, or physical location where official City business is transacted, or operations of the City are being conducted. This includes any public or private area where employees are engaged in work activities.
10. Work Time. – All the time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, scheduled breaks, and time before or after a work shift.

(b) This policy is designed to protect the interests of the citizens of Moraine by ensuring that only official City business is transacted in City work areas during employee work time.

1. Non-employee Solicitation and Distribution. There shall be no solicitation or distribution by non-employees at any time on City premises, including offices leased or operated by the City or in any work area. This policy does not apply to vendors as defined in subsection (a) of this section.
2. Employee No-Solicitation Rule. There shall be no solicitation by any employee during working time. Employees may solicit other employees during non-working times in non-working areas.
3. Employee No-Distribution Rule. There shall be no distribution during working time or in non-working time in work areas. Employees may distribute or receive goods and written materials during non-working time and in non-working areas.
4. Employer's Responsibility. It is the responsibility of the City Manager or designee to determine rules for the enforcement of this policy, and to define work time and non-working time and work areas and non-work areas.
5. Exceptions. The only exception to this policy is solicitation and distribution for City sponsored events, which are related to the business functions of the agency, or employer-approved programs related to employee health, fitness, and wellness.

10.8 City Gambling Policy

- (a) City Gambling Definition. Gambling is establishing, facilitating, promoting, or operating a game of chance that is conducted for profit. A game of chance is a game whose outcome is randomly determined through some medium or device such as playing cards, dice, roulette wheels, or numbered balls; or placing bets on sports events. In such a game, participants bet or wage money based on the hope of winning something in return. If someone other than the winner of the game is receiving money for establishing, facilitating, promoting, or operating a game of chance, then the game is being conducted for profit – and it is a Group III Offense.
- (b) In consideration of the various laws on gambling, the City definition of gambling, and employee morale, the City permits office sports pools. Such a pool will not be conducted for profit and will not in any way interfere with the position duties and responsibilities of employees. Sports pools will not be conducted during work hours and will not be used in City equipment such as computers and printers. Sports pools do not include placing bets on horse races or sports events, or group purchasing of lottery tickets. Department/division heads shall halt such office pools when they determine the office pools interfere with City operations.

SECTION 11. EMPLOYEE PERFORMANCE

11.1 Training

- (a) Training Program Evaluation. The appointing authority or designee may periodically examine current and proposed training programs in order to ensure their relevance to both the individual employee and organizational training needs.
- (b) On-the-Job Training (OJT). On-the-job training prepares an employee to effectively perform the responsibilities required of his or her position. It allows the employee to learn his or her job duties, correct procedures, and expected performance levels, under the immediate direction of an experienced worker. The conduct of such training is the responsibility of supervisors under the direction of the appointing authority.
- (c) Employees may be required to attend job-related training programs, courses, workshops, and seminars. If the appointing authority requires such training, the City shall pay for the fees and expenses of the training.

11.2 Employee Recognition

- (a) The City recognizes meritorious service through various programs. It is the responsibility of each department/division to oversee these programs and make recommendations to the City Manager.
- (b) Service Pins. These pins are awarded to employees based on the number of years of paid City service. Temporary, seasonal, and part-time years of service count toward this award, and it is based on accumulated (not continuous) years.
 - 1. Time served in the military, while away from City service, does not count toward accumulated City time.
 - 2. Service pins are presented for 5, 10, 15, 20, 25, 30, 35, and 40 years of service.
- (c) Employee Recognition. Any such award or acknowledgement that recognizes a full-time or part-time employee who consistently achieves excellence in his or her performance within their years of service.

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

11.3 Citizen or Employee Complaint Policy

- (a) The purpose of this Complaint Policy is to ensure that the integrity of the City is maintained through an internal system where objectivity, fairness, and justice are assured by intensive and impartial investigation to:
1. Clear the innocent,
 2. Establish guilt of wrongdoers,
 3. Facilitate prompt and just disciplinary action,
 4. Identify defective policy, procedures, training, or equipment.
- (b) Emphasis will be placed on the positive approach rather than the negative or the punitive aspects of discipline. This policy is based on the premise that discipline is a function of administration, and a well-managed work force is one that voluntarily and ungrudgingly conforms to all City policies and regulations.
1. Employees shall be advised of expected job behavior, and the types of conduct the City has determined to be unacceptable behavior.
 2. Immediate attention shall be given to infractions. Written complaints shall be filed in a timely manner. No complaint will be accepted for more than 30 days following the alleged event unless the circumstances prevented timelier reporting.
 3. Each offense shall be dealt with as objectively as possible.
- (c) Responsibility. A complaint, or otherwise driven investigations of violations shall be first the responsibility of the department or division head of the staff member involved. Should the complaint involve an employee under the direct supervision of the City Manager, or if the City Manager determines the nature of the complaint would be most effectively handled by the City Manager, or his designated representative, then the City Manager may direct or conduct the investigation.
- (d) Violations and Complaints. All alleged or suspected violations of Law, Ordinances, or City Rules, Regulations and Orders will be investigated. This shall include complaints reported to supervisory or administrative personnel by citizens, or other City employees, and those violations observed by supervisors and co-workers.
1. Supervisors shall have the responsibility of investigating alleged violations or employee misconduct by members subordinate to their position.
 2. Supervisors do not need to seek higher authority to initiate investigations when the employee's violation is within the scope of their own responsibility and authority, except when the nature of the complaint would require investigation by the Office of the City Manager.
 3. Supervisors shall have the authority to issue verbal reprimands, written reprimands, and to place an employee on paid leave of absence if the situation warrants immediate response per the City Manager.
 4. Allegations that upon initial investigation appear to be substantiated by fact, and if true, would constitute a criminal act under law, will be investigated by the Police Division in consultation with the Office of the City Manager.

5. The Office of the City Manager retains the right to investigate any area of behavior that may threaten the integrity or effectiveness of the City.
6. If the complaint involves only the citizen's contention that he or she is innocent of a charge placed against him by a police officer, then the citizen shall be advised to seek judicial redress through established court procedures.
7. If a complainant refuses to sign the affidavit or other paperwork stating the alleged violation, the complainant shall forfeit his rights to an investigation. However, the City Manager shall, if the allegations are of such a nature that further investigation is warranted, investigate the allegations.

(e) Procedures.

1. All formal written complaints must be investigated. This includes:
 - Those violations reported to supervisors by City employees and Citizens (including prisoners) in person, by telephone, or by correspondence.
 - Those violations observed or suspected by supervisors or co-workers.
 - Any alleged or suspected breach of integrity or case of immoral conduct from whatever source it may be reported or developed.
 - Any situation where an employee has been injured or killed by the willful or deliberate act of another person.
 - Any situation in which a citizen has been injured or killed by an employee, whether on duty or not.
 - Assisting any employee of the City by investigating cases of personal harassment, threats, false accusations, or contrived situations that may be harmful to him/her.
2. Incidents excluded:
 - Personal written complaints filed more than 30 days after alleged incident, with the following exceptions, when the act complained of is a criminal violation in which case the criminal statute of limitations will prevail, or the complainant can show good cause for not making the complaint earlier.
3. Initial fact finding into investigations will be the responsibility of the immediate supervisor of the employee. If the employee's supervisor is not on duty at the time the complaint is received, the designated supervisor will record the initial complaint information and forward that report to the proper supervisor. If after initial fact finding, it appears the investigation may be criminal in nature, or due to its complexity, the investigation will be immediately reviewed with the office of the City Manager for further guidance.
4. Each supervisor will assume the duties and obligations of his position in the investigation of all areas of employee behavior under his/her purview in an effort to discover inefficiency or misconduct at its earliest stage. He/she does not need to seek higher authority to initiate investigations when the complaint is within the scope of his/her own authority and responsibility, except when the complexity of the case requires City Manager assistance.
5. When there are indications that the person complained against has been drinking and/or is under the influence of drugs, the person will immediately be required to submit to visual observation, the results of which will be formally recorded, and followed by a test for alcohol or drug use, if necessary. The lapse of time expressed in minutes between the initial report or observations of the person's condition and the intoxication tests will be accurately recorded.

6. When the investigation is completed, the final report will be submitted initially to the City Manager and will conclude with the classification of the case into one of the following categories:
 - Unfounded – allegation is false or not factual.
 - Exonerated – incident occurred and was lawful and/or proper.
 - Not Substantiated – insufficient evidence either to prove or disprove the allegation.
 - Sustained – the allegation is supported by sufficient evidence to justify a reasonable conclusion of a violation of law or City policy and regulations.
7. When the investigating person determines that the allegation is sustained, the level of the offense must then be considered. The examples of Group I, II, and III offenses, described in the Discipline and Grievances Section of this Manual, are characteristic of offenses or infractions that have been historically judged to be of such nature so as to warrant those penalties established for each group. The offenses included are to be used as examples and are not meant to be an exhaustive list of possible offenses or disciplines.
8. Once the investigation is complete, the investigation shall be submitted as a formal report. Within this report, the investigator shall identify the allegation, the finding (unfounded, exonerated, not substantiated, or sustained), and any recommendations for changes in policy, procedure, training, or equipment.
9. The employee is entitled to grieve the findings of the investigating supervisor and/or the City Manager. All grievances will follow the appropriate protocol.
10. The City Manager recognizes that administering impartial and appropriate discipline is an important purpose of his office, and that the initiation of disciplinary action should be at the lowest level of supervision.
11. The City Manager's Office will:
 - Maintain a file of all current investigations.
 - Critically examine all areas of employee functions wherein may lie a threat to the integrity of effectiveness of the City.
 - Make an investigation at the request of any City employee who feels threatened in any manner. Such persons are authorized to report his or her situation directly to the City Manager without reporting to their supervisors.
 - Give assistance to investigators engaged in a disciplinary investigation.
 - Direct the preparation of all documents necessary for disciplinary proceedings.
12. On direct receipt of an alleged violation, the City Manager may refer it to the supervisor of the accused directly or may make an independent investigation of the complaint.
13. The City Manager may review all disciplinary investigation reports received or prepared by the supervisors for the:
 - Thoroughness and promptness of the investigation and the completeness of the reports in order to discover failures or deficiencies in the investigation or the reports that in turn deserve disciplinary investigation.
 - Need for providing advice, suggestions, or assistance to the person in charge of the investigation.
 - Desirability of taking charge of the investigation.

- Suitability of the classification of the case.
- (f) Investigations conducted by personnel other than supervisors will conform to the foregoing provisions of this order as they are applicable.
- (g) Confidential Nature of Investigation and Files. Mistaken or even deliberately false reports and accusations may be made against employees. In some instances, the most conscientious and hard-working employee will be the subject of such reports.
1. In order to ensure the integrity of the City, it is necessary to investigate completely and thoroughly all reports and accusations from all sources. This must be done. At the same time, the reputations and good names of innocent employees must be protected. This is important to morale, and to the effectiveness of the City operations. All investigations will be regarded as confidential, and the City Manager will retain the investigation files.
- (h) Administrative Leave With Pay. Any supervisor may impose administrative leave with pay for a member or employee when it appears that such action is in the best interest of the division.
1. Any person placed on leave shall be instructed to contact the Office of the City Manager at 9:00 a.m. on the next business day, unless circumstances dictate a different course of action, and is approved by the City Manager.
 2. The supervisor imposing or recommending the suspension will report at the same time, unless circumstances dictate a different course of action.
 3. Final City authority and responsibility rests with the City Manager. The City Manager retains the prerogative and right to sanction or withhold any disciplinary action until such time as any appeal has been concluded.
- (i) Employee's Rights During an Internal Investigation.
1. Requirements of Formal Complaints Against Employees.
 - Formal complaint statements must be in writing and signed by the person filing the complaint. Complaints in affidavit form are not required, but all signed letters will be verified to ensure that they are not fictitious.
 - The person making the complaint must have firsthand knowledge of the incident.
 - A written and signed letter from a supervisor, or from another employee who is aware of the facts, may fulfill the requirements of a complaint.
 2. Employee Required to Answer Questions.
 - An employee can be required to answer questions relating to his/her duties, and he/she can be disciplined, up to and including termination, for refusal to answer such questions.
 - Any required statements can be used against the employee in a disciplinary action or in an administrative proceeding. However, these required statements would be inadmissible in subsequent criminal action.
 - Voluntary statements or confessions made by an employee while being questioned would be admissible in criminal proceedings.
 - When an employee is ordered to submit to a polygraph examination, the information gained cannot be used against the employee in any subsequent criminal proceedings. Disciplinary action, including termination, may be taken against the employee if he/she refuses to take the polygraph examination or fails to answer truthfully.

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

3. Counsel at Internal Investigations.

- An employee will be permitted to have counsel present during an interview pertaining to an investigation of a non-criminal matter.
- An employee will be permitted to have counsel present during any interview pertaining to an investigation of a criminal matter.
- For the purposes of this section, counsel will refer to legal counsel or union representation.

4. Special Tests.

- An accused employee may request a breath test, a urine test, a psychological test, or a polygraph test if he/she believes such a test would be beneficial to his/her defense. Also, the City may require such tests upon the direction of the City Manager.
- A supervisor is required to direct an employee to submit to a breath or urine test when the supervisor has reasonable suspicion that the employee is under the influence of alcohol or drugs while at work.

5. Confidentiality of Reports.

- All complaint investigation reports are confidential and will not be released to unauthorized persons.

6. Interview Rights.

- All interviews will be conducted while the employee is on duty, if possible.
- The interviews will be held at the Municipal Building, or at a location designated by the City Manager.
- During the interview, there will be one individual designated as the interviewer, and only he/she will ask the interviewee(s) questions.
- Prior to answering any questions, signing a statement or participating in an identification lineup, the accused employee shall be informed of the allegations made against him/her and (when applicable) receive a copy of the original complaint and a statement of charges.
- The accused employee being interviewed shall not be subjected to offensive language or threatened with transfer, disciplinary action, or termination. No promise or reward shall be made as an inducement to answer any questions.
- Once an employee has been officially charged, all further interviews or interrogations shall be electronically recorded. Any interruptions will be duly noted and any relevant discussions transpiring during breaks will be summarized, transcribed on the tape recorder, and verified for accuracy by the accused.

SECTION 12. PERFORMANCE MANAGEMENT

12.1 General Performance Expectations

(a) Expectations

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

(b) Public Service

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

(b) Effective Employee Performance

1. The City's ability to provide courteous and effective public service depends directly on individual employee performance, the ability of department/division employees to work together, and then divisions cooperating to complete City projects. The City motto, Progress Through Unity, sums up our commitment to a safe, service-oriented City. The City performance expectations for employees start with their position description and then other City and department/division guidance, such as this Manual. Supervisors and managers are responsible for building on this basic guidance to develop staff and divisions that are capable of accomplishing the City's services.
2. It is inevitable that disagreements or other problems will occur between co-workers. When these situations occur, employees are encouraged to talk to their supervisors to try to resolve the matter before the situation becomes worse. A personal discussion or if necessary, mediation through a neutral source such as the Human Resources Administrator or Employee Assistance Program can also be helpful. If a formal written complaint is necessary, it will be investigated in accordance with the Complaint Policy.

(c) Unsatisfactory Performance- includes, but is not limited to, the following behavior:

1. Lack of knowledge of City policy and procedures.
2. Unwillingness or inability to perform assigned tasks.
3. Failure to conform to established work standards.
4. Failure to take appropriate action that is within the employee's responsibility.
5. Absence without leave.
6. Excessive tardiness or absenteeism.
7. Repeated poor performance evaluations.

8. Written record of repeated infractions of rules, regulations, directions, or orders.
9. Lack of energy in performance of duties.
10. Carelessness in performance of duties.
11. Violation of safety rules and procedures.
12. Damage to City property or equipment due to negligence.
13. Injury to co-workers or public due to negligence.
14. Failure to assist citizens in a courteous manner within established City policy.
15. Gambling in any form by City employees during work hours or on City property at any time.
16. Failure to maintain effective working relationships with other employees.

12.2 Performance Evaluation

- (a) A written performance evaluation provides supervisors with an effective mechanism to measure and communicate positive and negative aspects of job performance to their employees. It provides the employee with documented, constructive feedback concerning current job performance. A documented performance evaluation serves as a basis for important management decisions regarding training needs, assignments, pay increase, promotion, and retention of employees. The work performance of each regular employee shall be evaluated in accordance with these established procedures.
- (b) Employees serving initial or promotional probationary periods normally receive two probationary evaluations during their period of probation. The first evaluation is completed halfway through the probationary period; the second evaluation is completed no later than 10 days prior to the completion of the probationary period. Should a newly hired employee be given a probationary removal before the end of his or her probationary period, a final evaluation is made at the time of the removal. In such case, the reason for removal is simply stated "employment terminated during probationary period."
 1. Each City employee is normally evaluated annually within 30 days after the anniversary date of his or her employment or position appointment (if transferred or promoted), or at some common date if so established.
 2. Prior to writing the performance evaluation, the supervisor should discuss the performance period with the employee in order to gather facts for use in the evaluation.
 3. The employee's supervisor completes the performance evaluation form and reviews it with the department/division head or City Manager as appropriate. The department/division head will sign the form after he or she has reviewed it, and before the evaluation is discussed with the employee.
 4. Each employee receives a copy of his or her performance evaluation. The supervisor or other designated representative shall discuss the evaluation with the employee and counsel the employee regarding both the employee's strengths and weaknesses. The performance evaluation should be objective by relating it to the employee's position description duties and responsibilities and other assigned (and documented) tasks that occurred during the period.
 5. Performance goals should be established and documented by both supervisor and employee, in order to give all concerned a clear expectation of their duties and responsibilities, plus improve performance in areas that may have been weak during the evaluation period.
 6. After the employee signs the evaluation form, the original is sent to the Human Resources Administrator for final approval with the City Manager.

7. If after six (6) months in an annual evaluation period, an employee transfers to another department or division, a performance evaluation should be written to cover that period of time.
8. An appointing authority may establish a special, alternate schedule for evaluations if necessary.
9. Regular full-time employees dissatisfied with their performance evaluations may seek reconsideration through use of the grievance procedure. Such appeal rights shall not apply to employees serving in a probationary period.
10. No employee shall receive a step increase if he or she has received an overall rating of "unsatisfactory" in the most recent performance evaluation, provided that such evaluation has been completed in a timely manner.
11. If necessary, the department/division head shall submit a step increase request on the Employee Action Form with the performance evaluation in order to adjust the employee's salary.
12. Supervisors and employees shall also use Review of City's Harassment Policy Form, to review this policy at the time of the performance evaluation.

SECTION 13. DISCIPLINE AND GRIEVANCES

13.1 Disciplinary Principles & Applicable Law

- (a) The City believes that a clearly written discipline policy will minimize potential misunderstandings among employees in disciplinary matters. Accordingly, certain basic principles must consistently be applied in order to effectively and fairly correct unsatisfactory performance. Suspensions, demotions, and terminations of all employees shall be implemented by the City Manager as the appointing authority.
- (b) Counseling employees which can simply be talking to each other is an excellent means to mentor, teach, relieve stress, and reduce the occurrence of potential disciplinary situations. In the manager-subordinate relationship, counseling should not be considered a type of disciplinary action, but rather a means to improve communication.
- (c) An employee may be disciplined for incompetency, inefficiency, dishonesty, alcohol/drug abuse, immoral conduct, insubordination, neglect of duty, conviction of criminal charges, misfeasance (improper performance), malfeasance (misconduct), or nonfeasance (failure to act), violation of City policies and procedures, discourteous treatment of the public or other employees, willful failure to pay just debts, any failure of good behavior, or an accumulation of minor infractions. Employees are responsible for notifying their division head if they are arrested for a misdemeanor or felony criminal offense. The above list is non-exhaustive.
- (d) Degrees of Discipline. The City subscribes to the basic tenets of supervisors documenting and administering progressive, corrective discipline. The standards set forth herein are designed to be guidelines and the City reserves the right to employ an appropriate level of discipline in each and every case. The following may be considered in determining appropriate discipline:
 1. Seriousness of incident (infraction)
 2. Circumstances surrounding the incident (infraction)
 3. Employee's past disciplinary record
 4. Employee's past work performance

5. Overall negative impact of incident on the organization
 6. Probability of future similar infractions
 7. Other pertinent factors
- (e) The following types of disciplinary action may be administered, in accordance with the provisions of this regulation and subject to applicable collective bargaining agreements:
1. Verbal Reprimand. This is a reprimand to discuss the cause of an infraction/incident, what was done improperly, and recommendations to hopefully prevent further incidents. See the Record of Verbal Warning Form.
 2. Written Reprimand. This disciplinary action is designed to address violations of a minor nature, such as inability to work harmoniously with other employees and infractions of minor safety rules. See the Record of Written Reprimand Form.
 3. Suspension Without Pay. This disciplinary action should be used for repeat violations of a minor and/or intermediate nature, for significant violations, such as abuse of leave, fighting or unauthorized use of City property, and for initial infractions of important or major safety rules. Suspensions shall be for no less than one day (eight hours). Three-day (24 hours) suspensions and ten-day suspensions should follow principles of corrective discipline. Suspensions of greater than 10 days should normally not be used except for extenuating circumstances. A 10-day suspension would typically be followed by termination for the next related disciplinary incident. See the Record of Suspension Form.
 4. Demotion to Lower Classification. This disciplinary action is most appropriate when the employee has demonstrated an inability to perform the responsibilities and duties of the position. Failure to pass probation in a promotional position is not a disciplinary event.
 5. Termination. This disciplinary action is appropriate for chronic violations of an intermediate nature, multiple violations of a significant nature, infractions of major safety rules, initial violations of a major nature, such as failure to report to work for three consecutive days, harassment, theft of City property, or reporting for work under the influence of drugs or alcohol, and in circumstances where progressive discipline has failed to correct the behavior requiring discipline.
- (f) Disciplinary action should be started at the immediate supervisory level, if the problem is first noted at that level. Written reprimands will be reviewed by the department/division head prior to being given to the employee. Department/division heads will recommend disciplinary action to the City Manager for suspension without pay, demotion to a lower classification, and termination of an employee. Serious or questionable disciplinary cases should be discussed with the City Manager prior to making a recommendation.
- (g) Under Ohio civil service law, employees in the classified service who have successfully completed their probationary periods have tenure during good behavior, and may be reduced in pay or position, suspended, or removed from employment only for incompetency, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violations of such sections Ohio Revised Code, any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office. (ORC 124.34) In other words, classified employees who have successfully completed their probationary period may only be disciplined for just cause.
- (h) Unclassified employees serve at the pleasure of the appointing authority, and may be removed at any time, with or without cause.

- (i) A copy of all disciplinary actions shall be sent to the Human Resources Administrator for inclusion in the employee's personnel file.
- (j) An employee may request, through his or her division head, the expungement (removal) of a disciplinary action from his or her personnel file based on the time periods indicated below and if no related disciplinary offense has occurred:
 - 1. Verbal reprimand, after 6 months.
 - 2. Written reprimand, after 1 year.
 - 3. Suspension, after 2 years.
- (k) The City has adopted the following groups of offenses to generally describe disciplinary action for unsatisfactory performance of duty, and how such performance affects the City. The examples are characteristic of those offenses, historically judged to be of such nature to warrant those disciplinary actions established for the group. The examples are not all-inclusive, and the City reserves the right to determine appropriate disciplinary action.
- (l) GROUP I Offenses cause a temporary or minor negative impact on City productivity, effectiveness, and/or morale. Some examples of Group I Offenses are:
 - 1. Discourteous treatment of the public or a co-worker.
 - 2. Failure to "report off" work for any absence.
 - 3. Failure to commence duties at the beginning of the work period, returning late from a break period, or leaving work prior to the end of the work period, i.e. being tardy.
 - 4. Leaving the job or work area during the regular working hours without authorization.
 - 5. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
 - 6. Leaving post of continuous operations position prior to being relieved by employees of incoming shift.
 - 7. Neglect or carelessness in signing in or out.
 - 8. Unauthorized absence from work, to include sick leave abuse.
 - 9. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
 - 10. Distracting the attention of others, unnecessary shouting demonstration or otherwise causing disruption on the job.
 - 11. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
 - 12. Failure to cooperate with other employees as required by job duties.
 - 13. Failure to use reasonable care of City property or equipment.
 - 14. Use or possession of another employee's working equipment without authorization.
 - 15. Neglect or carelessness in observance of official safety rules or disregard of common safety practices.
 - 16. Failure to observe department/division rules, regulations, and policies.
 - 17. Obliging the City for any expenses, service or performance without authorization.
 - 18. Failure to report accidents, injury or equipment damage.
 - 19. Disregarding job duties by neglect of work or reading for pleasure during working hours.

- 20. Unsatisfactory work or failure to maintain required standard or performance.
- 21. Unauthorized use of telephones for other than business purposes.
- 22. Excessive or repeated garnishments.
- 23. Violation of departmental uniform regulations.

(j) Potential GROUP I Disciplinary Actions:

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

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

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

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

- 1. Sleeping during working hours.
- 2. Reporting for work or working while unfit for duty.
- 3. Unlawful gambling during work hours.
- 4. Unauthorized use of City property or equipment.
- 5. Performing private work on City time.
- 6. Willful failure of non-exempt employees to electronically punch or swipe in or out as required.
- 7. Failure to report for overtime work without good reason after being scheduled to work according to Overtime Policy.
- 8. Willful failure to make required reports.
- 9. Solicitation on City premises without authorization.
- 10. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the City, or its operations.
- 11. Giving false testimony during a complaint or grievance investigation or hearing, or pre-disciplinary conference.
- 12. Unauthorized posting or removal of notices or signs from bulletin boards.
- 13. Distributing or posting written or printed matter of any description on City premises unless authorized.

14. Unauthorized presence on City property.
15. Willful disregard of department/division rules.
16. Threatening, using abusive language, intimidating, coercing, or interfering with other employees.
17. Unauthorized political activity.
18. Willful violation of the appropriate chain of command.

(m) Potential GROUP II Disciplinary Actions:

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

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

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any City property or equipment. Abuse or deliberate destruction in any manner of the City property, tools, equipment, or the property of employees.
2. Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying City records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
3. Making false claims or misrepresentation in an attempt to obtain any City benefit.
4. Gambling during working hours.
5. Stealing or similar conduct, including destroying, damaging, or concealing of any property of the City or other employees.
6. The use, possession, or sale of illegal drugs.
7. Fighting or attempting injury to other employees, supervisors, or persons.
8. Carrying or in possession of firearms on City property at any time without proper authorization.
9. Knowingly concealing a communicable disease such as TB, which may endanger other employees or the public.
10. Misuse or removal of City records or information without prior authorization.
11. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slowdown, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the City's work stations except as provided by Law.
12. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the City or other employees without authorization; inserting slugs in vending machines without paying the proper charge therein; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports

concerning any absence from work. The foregoing are examples only and do not limit the terms “dishonesty” or “dishonest action”.

13. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
14. Punching, signing, altering, or using other employees’ timecards, swipe cards, time sheets or unauthorized altering of own timecard or sheet.
15. Conduct violating morality or common decency, such as sexual harassment.

(o) Potential GROUP III Disciplinary Actions:

1. First Offense: 10-day suspension to termination

13.2 Pre-Disciplinary Conference Procedures

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

deemed a waiver of the hearing. Counsel for the employee in such conferences should be reminded that these proceedings are for the purposes set forth in this Section (a).

- (f) Within five workdays of the pre-disciplinary conference, the neutral administrator shall submit written findings to the appointing authority. Such findings shall be limited to the issue of whether a basis exists for discipline to be imposed. The appointing authority is not bound by the conclusions of the presiding officer, and may adopt, reject, or modify this report or its findings. The appointing authority will implement the appropriate disciplinary action and will issue the final decision to the employee in writing.

13.3 Appeals From Disciplinary Actions

- (a) Disciplinary action of suspension, demotion, or termination may be appealed through the grievance procedure as outlined in the Discipline and Grievances Section.
- (b) An employee who has completed the required probationary period in the classified service may appeal a removal, reduction in pay or position, job abolishment, layoffs, assignment or reassignment to a new classification, transfer, a reduction in rank, a suspension of more than three (3) working days, or a termination by filing a written notice of appeal with the Merit Service Commission within ten (10) calendar days from the official notification is filed with the Commission. Members of bargaining units must appeal under the terms established by their respective Collective Bargaining Agreement(s) which may exclude the Commission from the appeal process. The Commission shall proceed within thirty (30) calendar days from receipt of such notice of appeal to hear such appeal. The Commission will give written notice to the appointing authority, the Director of Law, the employee and his/her attorney, if known, of the time and place of the hearing. The action of the Commission is final.
- (c) Unclassified employees serve at the will of the appointing authority and may be disciplined up to and including termination without cause.

13.4 Grievance Procedure

- (a) The City recognizes that within any organization there will be occasional differences among its employees regarding interpretations of rules or other problems stemming from conditions of employment. Hopefully, these differences can be discussed and resolved within a department/division. If not, the grievance procedure serves to promote good employee-management relations by minimizing and adjusting appropriate grievances, which if left unnoticed or unattended, can have very serious results both to employee effectiveness and ultimately City services.
- (b) When a grievance involves a legal issue which the respondent (individual hearing the grievance) cannot address, the grievance shall be forwarded to the City Manager and Law Director for an opinion before proceeding. All time limits set forth in this procedure shall be suspended until a response from the Law Director is received.
- (c) Nothing in this policy is intended to deny any employee to have redress to their legal rights, including the right to appeal to the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, once an employee elects as his or her remedy (or resolution) the provisions of procedures of any of the above named commissions or courts, with respect to any employee grievance or appeal from disciplinary action, he or she is denied the remedy of the grievance procedure provided herein.
- (d) The time limits established in this procedure may be extended by written, mutual agreement of the involved parties.

- (e) A grievant may have a representative of his or her choosing present at any step of the procedure, except Step 1. The expense of any representative shall be borne by the party using them. Both parties may call witnesses.
- (f) Grievances will be filed on the City's Grievance Form. This form plus any attachments shall serve as the official documentation of the grievance. The original of this form shall continue through the grievance procedure. Copies of the original form may be made as appropriate.
- (g) In order to provide employees with an orderly process by which to seek resolution of such differences, the City has established the following grievance procedure:

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

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

STEP 3 If the complaint is not resolved at Step 2, the employee may pursue the matter by presenting the written complaint to the appointing authority or designee within seven (7) calendar days of the reply received in Step 2. The appointing authority or designee shall meet with the complainant concerned and attempt to resolve the matter. The City Manager or designee will respond within seven calendar days of receiving the grievance.

- (h) Complaints not taken to the next step by the employee within the specified time limits (including any written extension thereof) shall be considered to have been resolved on the basis of the decision at the previous step. The department/division head and the Human Resources Administrator shall track the grievance throughout the procedure.
- (i) Discussions at each step should be informal and try to lead to a factual assessment of the situation, in order to find out what led to the problem, and how it can be resolved.
- (j) Responses should be based on factual conclusions, and references should be made to City policies or legal considerations on which the decision is based, when possible.

SECTION 14. WORKPLACE SAFETY

14.1 Safety and Health

- (a) Employee safety and health are primary City concerns shared by both supervisory and non-supervisory personnel. All employees are required by ORC 4167.01 to comply with the Ohio Public Employment Risk Reduction Program (PERRP), which uses OSHA safety standards and rules for workplace risk management. Failure to adhere to these policies and procedures may result in disciplinary action up to and including termination. Basic safety and health information

for all employees is provided via the City Safety and Health Program Manual on the City computer system and in each division administrative office. City divisions also have safety standards and rules for specific equipment use.

- (b) It is the supervisor's responsibility to ensure employees are trained in the proper operation and safety procedures before the employee uses equipment or operates a City vehicle. All equipment, vehicle, and safety procedures training shall be documented by the supervisor or an authorized/certified trainer and such documentation kept in the department/division files for as long as the employee serves with the City.
- (c) All employees are responsible for the safe operation of equipment and vehicles, to ensure that the City's workplaces are safe, correct unsafe work conditions or practices, properly use prescribed safety equipment, and enforce safety rules and regulations.
- (d) All employees shall report the existence of any hazardous condition or unsafe work practice observed in the workplace to their supervisor using City Hazard Report Form. If the division has its own designated safety officer, the employee or supervisor may directly notify the division safety officer. The supervisor shall coordinate the appropriate corrective action with the department/division head. Equipment or vehicle accidents shall be reported on the Equipment or Vehicle Accident Report Form.
- (e) All employees who drive City vehicles or personal vehicles on City business shall maintain the appropriate speed limits and traffic regulations and wear safety belts at all times.
- (f) Supervisors may send employees home and advise them to seek medical attention, if in the supervisor's discretion, the employee appears to be too tired or ill to continue working safely. Missed work hours shall be charged to sick leave. An employee who is sent home due to fatigue or illness shall not return to work for at least 8 hours or their next regularly scheduled work shift, whichever occurs later.
- (g) Any accident occurring during work hours, whether or not it appears that injuries were incurred, shall be reported to the immediate supervisor at once and then the department/division head at the earliest opportunity. If the employee's condition requires medical treatment, the supervisor or department/division head must also notify the Managed Care Organization (MCO) no later than the end of that work shift, and send a BWC First Report of Injury (FROI) Form to the MCO via facsimile within twenty- four (24) hours of the occurrence. Upon completion of the above notification requirements, the supervisor or the department/division head must complete the supervisor's section of the City's Employee's Injury/Incident Report Form as soon as possible, to properly document the event for compliance with both BWC and PERRP reporting requirements. All accident, injury, and hazard paperwork will be given to the Human Resources Administrator within twenty-four (24) hours.
- (h) If necessary, a post-accident drug test may be required. See the Drug-Free Workplace Policy Section.
- (i) A review board may investigate accidents, injuries, and hazards. This board will also evaluate and recommend safety procedures to prevent future occurrences, as well as recommending disciplinary action if necessary. The board will consist of the City Manager, Human Resources Administrator, department/division head, and other City management whose expertise may be required.
- (j) The City has a Central Safety Committee with representatives from each division and labor union. This committee serves as focal point for risk management, safety, and health coordination and planning. The City Manager has also appointed two Accident Prevention Coordinators to facilitate and coordinate safety information, processes, and training.

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

14.2 On-the-Job Injury and Workers' Compensation

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

14.3 Injury Leave

- (a) In the event an employee is injured while on duty and is unable to perform either his regularly assigned duties or those light or transitional duties which may be assigned by the department/division head and approved by the treating doctor, the injured employee may receive injury leave. Such leave may be provided if the employee notifies his supervisor within twenty-four (24) hours following the time of the injury unless the employee is hospitalized. The notification shall include a doctor's statement of the injury description, employee work limitations, and the expected date of return to full or transitional duty. If the employee is hospitalized immediately following the injury, he shall submit the doctor's statement within 5 days after being released from the hospital.
- (b) Upon injury notification, the employee's supervisor will immediately ensure that the employee receives appropriate medical attention, assess the cause of the injury, and identify any hazardous conditions to be corrected. He will also determine that the injury or occupational illness occurred while on duty, and whether the injury is the result of self-infliction, "horseplay," negligence, or drug or alcohol use. The supervisor will certify that the BWC First Report of Injury (FROI) and Employee Injury/Incident Report Form are accurate. See the On-the-Job Injury and Workers' Compensation Section for a description of the injury reporting process.
- (c) The employee will use sick leave until BWC certifies/allows the claim, then the injured employee may be paid for up to 90 calendar days of injury leave after that date. If the employee is absent from work more than 5 workdays as a result of BWC certified injury claim, the 5 days shall be returned to the employee's sick leave balance and counted as injury leave. While on injury leave, the employee will be placed concurrently on medical leave, according to the Family and Medical Leave Act (which provides up to 60 workdays of leave) provisions in Section 5.7. The City will pay an injured employee a maximum of 90 calendar days of injury leave in a 12-month period of time regardless of the number of compensable, work-related injuries.
- (d) Thereafter, beginning with the 91st calendar day of absence due to an injury and having a BWC allowed injury claim, the injured employee is eligible to receive BWC temporary total compensation, and the employee may at his or her option, elect to receive supplemental City compensation to bring the pay rate to his or her base rate. Such supplemental City compensation shall be charged against the employee's accumulated sick leave as long as the employee receives temporary total compensation.
- (e) BWC pays temporary total compensation based on medical evidence from the attending physician. These periodic physician reports ensure the continuous payment of temporary total compensation. BWC will refer injured employees for an examination at various times to determine whether they still qualify for compensation, rehabilitation, and if they are receiving the proper medical treatment. BWC determines whether to continue or cease temporary total compensation based on evidence of the employee's maximum medical improvement (MMI). MMI occurs when an individual's medical condition stabilizes to the point where the injured worker's physical or mental condition will not change, despite continued medical treatment and/or rehabilitation.
- (f) If BWC makes a medical determination that the injured employee has reached MMI, is not physically or mentally able to accomplish the full duties of their City position, and will no longer receive temporary total compensation, the employee may elect to use any remaining accumulated paid leave while expeditiously applying for a disability retirement. The City will require the employee to resign as soon as a decision is made by the appropriate pension agency, or the employee has exhausted his/her accumulated paid leave options.

- (g) An employee returning from injury leave must have a doctor's medical release to return to work. To secure this release, the employee must present a statement from the doctor giving the injury description, date of return of work, and certifying that the employee is able to return to work without any restrictions, or with restrictions and possibly perform light duty (see the Light Duty Policy Section). The City Manager or his designee may approve an employee returning to work.
- (h) An employee returning to work from injury leave, who has not used the 90 days of injury leave, and who needs to return to their doctor for required follow-up or continuing treatment as a result of the injury, shall be paid injury leave for these doctor visits as long as a doctor's statement is provided to the City for these visits.
- (i) While on paid City injury leave, all benefits (including seniority) shall be maintained, except as otherwise provided in these rules and regulations.
- (j) The City Manager may require the employee to be examined by a physician of the City's choosing, at City cost, to determine the employee's continuation of an approved injury leave, or to resolve any issue about an employee's return to work. This may involve the employee accomplishing a physical ability test or a psychological examination. If an employee refuses to submit to a medical examination, or if the report from the doctor conducting the medical examination concludes that the employee is either not injured or is able to return to work, further injury leave compensation may be denied.
- (k) If the report from the doctor selected by the City is in conflict with the report submitted by the employee's doctor regarding the injury, limitations on the employee's ability to work, or the expected date of return to work, the member shall be examined by a third doctor selected by the City from a list of doctors to be mutually agreed to by both parties. The City will pay for the cost of this examination. The opinion of the third doctor shall determine the employee's injury status at that time.
- (l) No injury leave will be granted to an employee who is off work because of any medical condition that existed prior to the employee's first day of work with the City, including an aggravation or re-injury, off duty injury, or any such pre-existing condition.
- (m) The City Absence Report Form shall be used to record all forms of leave associated with an employee's injury.

14.4 Light Or Restricted Duty

- (a) The City recognizes that in particular circumstances of an employee's injury or illness, an employee is not able to return to work in a full duty work status; but is capable of performing certain job assignments, which constitute a limited portion of one or more position classifications. These assignments are referred to as light or transitional duty and may be offered by the City if there is a need for such duty. Such assignments are temporary and are not to be considered an accommodation to a permanent illness or injury. It serves the mutual benefit of the employee and the City to provide a temporary light duty assignment. Temporary is defined herein as not more than 180 consecutive calendar days.
- (b) This process allows the City to comply with the BWC Managed Care Organization Policy that requires the employer to work with the health care provider to return an injured or ill employee to a modified- duty/light duty position, tailored to an injured employee's condition until they regain full capacity to return to full duty. A light duty position description will be written and coordinated with the health care provider. If the City offers the injured employee a light duty position, the employee is obligated to accept the position. An employee who refuses an offer of light or transitional duty may forfeit any eligibility for BWC compensation.

- (c) Application for Light Duty Status. The supervisor of a full-time employee who is off work due to an injury or illness, or the injured or ill employee may request to return to work on a light duty assignment by doing the following:
1. The supervisor or employee must submit a written request via letter to the City Manager to be placed on light duty status, based on a temporary light duty position description.
 2. The employee must obtain and provide to the City Manager a completed Physician's Light Duty Release Form or a completed BWC MEDCO-14 Report of Work Ability form. The form must be completed and signed by the employee's attending physician. The doctor must state that there is reasonable medical probability that the employee will be able to return to full duty at a specified date in the future, and authorize the employee to return to work in a light duty position and outline the parameters within which the employee may work. The City Manager reserves the right to have the employee examined at City expense if necessary to determine the extent of injury and entitlement to light duty.
- (d) Approval of Request. After completing the application process, the City Manager may authorize the employee to return to work in a light duty status for up to 90 consecutive calendar days, based on the approved duty assignment.
- (e) Extension. Prior to the end of the first 90 days on light duty status, the employee may request to work additional time on light duty for up to 90 additional consecutive calendar days by submitting the request in writing to the City Manager, and submitting a current written statement from his/her physician, in which the physician approves extended light duty. An extension shall require City Manager approval.
- (f) Criteria for Placement on Light Duty. The determination of whether or not to place an employee on light duty work status shall be determined by the department/division head and approved by the City Manager. The City is not required to provide light duty positions. The following criteria shall be considered in determining whether or not, to place an employee on light duty. The criteria shall include, but not be limited to:
1. That a light duty position be available for assignment within a department or division.
 2. There exists the medical probability that the employee will be able to return to full duty within 180 days. The employee must be qualified for the assignment as additional training will not be provided.
 3. The physician's written opinion is that the employee is able to perform light duty activities and can return to full duty within 180 days.
- (g) Work Restrictions on Light Duty. An employee who receives a light duty assignment will not work overtime or on holidays. An employee who receives a light duty assignment shall not engage in off duty employment without written consent of the department/division head and City Manager.
- (h) There is no employee appeals process associated with light duty assignments.
- (i) The City has a BWC approved Transitional Workplace Program which allows an occupational therapist to come into the workplace and provide treatment for employees recovering from injury. The occupational therapist can also ensure the employee is working within his or her light duty limitations, so as not to aggravate their recent injury.
- (j) End of Light Duty Assignment. A light duty assignment will immediately end should the employee's condition become permanent, as documented by a physician's written statement.

14.5 The National Incident Management Systems (NIMS) and City Emergency Response Plan

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

14.6 Weather Emergencies

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

(b) Plan A

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

(c) Plan B

1. In the event that the City Manager or his designee closes City offices because of an extreme weather emergency, employees shall receive full pay for the period of the closure. Public safety employees (Police and Fire), specific maintenance and street division operations employees, and other designated emergency service employees are required to report to work except with the express approval of their department/division head. Such emergency service employees shall be paid at their normal rate of pay for the actual hours worked. Each department/division having need for employees designated to respond under this plan shall establish its own list of employees, job classifications, and duties, and shall notify all affected employees of their status. If the employee remains unable despite best efforts to come into work, and all other alternative methods have been exhausted, the employee shall contact the supervisor, who may then arrange for the employee to be picked up at home.
2. A telephone network shall be established to notify all department/division heads of the closing should this decision be made after normal working hours or on weekends. Department/division heads are responsible for notifying his or her employees of the closing.
3. Employees must be in active pay status at the time that a weather-related closure begins in order to receive pay for the period of the closure. An employee who is off work on an approved vacation, sick leave, compensatory time off, or other paid leave at the time of a weather-related closure shall be charged for the hours of the leave scheduled, and the

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

14.7 Smoking, Vaping, and Tobacco Use

- (a) Employees shall not smoke, vape, or use tobacco products in City vehicles, City buildings, or vehicles used for City business that may be occupied with members of the public, such as children participating in City sponsored trips. Employees will fully comply with the workplace restrictions provided for in the Ohio Revised Code.
- (b) Per ORC 3794, No Smoking signs are posted at each City building entrance to inform people of this law: smoking is not permitted in City buildings or near City building entrances, and that violations of the law may be reported to the Ohio Department of Health at 866-559-6446. Smoking includes inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. This includes the use of an electronic smoking device or a vapor product.
- (c) City designated smoking areas cannot be located by or near City building entrances (doors), windows, ventilation systems, or other areas that would permit the smoke to enter City buildings.
- (d) Department/divisions should consider designating smoking areas away from City buildings – physically separated from buildings so smoke does not enter the building, and smokers are not clustering near building entrances.
- (e) Employees shall not smoke, vape, or use other tobacco products around children participating in the City's various recreation programs. The City does not seek the liability of being associated with smoking and its related health hazards and discourages those behaviors for all employees.
- (f) The use of an electronic cigarette, e-cigarette, personal vaporizer, electronic nicotine delivery system, or related items shall be deemed to constitute smoking and subject to the same restrictions as tobacco products for purposes of this policy.
- (g) Employee breaks for purposes of smoking are governed under the provisions of Break Periods Policy, provided that smokers are entitled only to the same consideration for breaks as nonsmokers.

14.8 Violence in the Workplace

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

present or potential employees, it expects all employees to report to duty without possessing weapons, unless they are a City's Police Officer, and to perform their job without violence towards any other individual.

- (d) To reduce the risk of workplace violence, grievance, harassment awareness, employee assistance, and security programs are in place. The use of these programs can prevent and/or reduce the rate of workplace violence. These programs are discussed in other parts of this Manual.
- (e) A primary deterrent to internal City employee violence is leadership and communication skills. All City employees should foster a supportive, harmonious work environment; try to reduce tension that could lead to conflicts; and recognize signs of a troubled employee. It should also be standard practice for employees to act promptly regarding worker complaints and misuse of rules related to workplace violence.
- (f) The City prohibits the following activities:
 - 1. Use, possession, or sale of any weapon, while on duty or at any City facility. Weapons as used in this policy include, but are not limited to firearms, knives (other than a common pocket knife or eating utensils), stun guns, brass knuckles, num-chuks, throwing stars, and other martial arts weapons. Any object used with the intent to inflict physical harm to another person shall be considered a weapon.
 - 2. Storing any weapon in a locker, desk, City vehicle, lunch container, tool kit, bag, purse, or other repository on City premises. City employees shall not have a weapon in a privately owned, leased, or borrowed vehicle while it is located on City property.
 - 3. Refusing to submit to a reasonable search while on duty or at a City facility. This policy is not intended to supersede any departmental work rule, collective bargaining agreement, or other provision of these policies and procedures which permit random or regular inspections of such property.
 - 4. Conviction of a criminal offense defined as an "offense of violence" by Ohio Revised Code Section 2901.01 (A)(9), (a), (b), (c), (d), or (e), or conviction of any criminal statute for the illegal possession of a weapon.
 - 5. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee or a co-worker. Actions or statements which a reasonable person would interpret as a threat, while on duty or at a City facility.
 - 6. Fighting, including any conduct which, under the circumstances, does or intends to inflict physical harm or injury, while on duty or at a City facility.
- (g) Sworn police officers and other safety personnel as approved by the City Manager shall be exempt from (f) (1) and (f) (2).
- (h) Reporting and Managing Violence
 - 1. Any suspicious, agitated, or violent people or activities in or around City buildings should be reported immediately to supervisors and the Police Division at Emergency 911, or Non-Emergency 937-535-1166. Visitors to City offices are expected to act in a respectful and civil manner. If they do not behave accordingly, they will be politely asked to calm down. If they continue to misbehave, they will be asked to leave. If assistance is needed, call the Police Division. An employee who witnesses an incident of violence or threatening language or conduct should promptly report the incident to his or her supervisor and the Police Division. If possible, City employees should leave their work areas by the most expeditious means when

faced with a violent situation. A crisis response team will form immediately to deal with a protracted situation. This team should consist of the City Manager, Police Chief, Fire Chief, Human Resources Administrator, Law Director, or their designees and other department/division personnel as the City Manager deems appropriate.

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

(i) Visitors

1. All visitors to offices and facilities are expected to act in a respectful and civil manner.

SECTION 15. MISCELLANEOUS POLICIES

15.1 Lactation Policy

- (a) The City supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. The provisions of this Lactation Policy are intended to meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers.
1. For one year after the child's birth, covered employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn.
 2. The City has designated an employee's private office or the private dedicated space (non-restroom) in each City facility for this purpose. For additional information, please refer to Human Resources.
 3. Employees storing milk assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Milk should be moved at the end of the employee's workday and labeled.
- (b) Employees who work off-site or in other locations will be accommodated with a private area as necessary. Breaks of more than twenty (20) minutes in length will be unpaid, and the employee should indicate the break period on the time record.

15.2 Media Policy

- (a) The City intends to be proactive in its approach in sharing information with the public and in using media sources as one method of accomplishing this goal. A reasonable attempt shall be made to respond promptly and accurately to all media inquiries.
1. Only designated staff members specifically authorized by the City Manager may speak for the City or give information to the media on behalf of the City.
 2. Fire and Police Divisions receive ongoing media requests regarding routine daily activities, and these requests may be handled through the shift commander or officer in charge.
 3. For stories involving major emergency incidents, release of information needs to be coordinated through the Fire Chief, Police Chief, City Manager, or the City Manager's designee. It is recognized that if conditions make it impossible for immediate release of accurate information, then it is permissible to delay release of information until the

emergency situation has stabilized.

- (b) All departments and divisions are encouraged to generate news releases pertaining to events and activities within their scope of responsibilities. The City Manager or his designee shall approve news releases.
- (c) It may be appropriate, on occasion, to call a news conference to announce a major City decision or to respond to an issue of general interest to the public. The City Manager or his designee shall approve news conferences.
- (d) Nothing in this policy should be construed to limit or control comments made by members of the City Council to the media.

15.3 Social Media

- (a) This Social Media Policy applies to all City officials and employees when working with social media tools on behalf of the City and applies to an officials and employee's use of personal social media sites as addressed in this policy.
- (b) The City shall implement this Social Media Policy and broadly disseminate the policy to inform employees and officials of these guidelines for creating, using and maintaining social media resources subject to this policy and to ensure all employees and officials confirm they are aware of and understand this policy.
- (c) The objective of this policy is to effectively reach the public with important City-related information, increase public access to information, and prevent the misuse of social media by employees, officials, and the public as it relates to the City.
- (d) The City is committed to enhancing traditional communication methods using social media. The City recognizes and encourages innovative ways to use these technology tools to communicate with the public, expand public access to information, and enhance its services. This policy establishes the City's position on the utilization and management of social media accounts and provides guidance on the management, administration, and oversight of official City social media accounts, as well as employees' personal social media accounts. The principals of this policy shall apply to new and emerging methods of social media even if not expressly discussed herein.
- (e) Other laws, ordinances, and policies may also apply to the use of social media and this Social Media Policy should not be interpreted to conflict with any such laws, ordinances, and policies. This policy does not restrict actions or activities protected under Section 7 of the National Labor Relations Act or any other federal or state law or regulation.
- (f) It is not the City's intent to create a public forum, but to use social media to post and distribute information to the public. Comments from third parties must directly relate to topics posted by the City, with language that is appropriate for everyone (including minors).
- (g) Definitions:
 - 1. Blog: A self-published diary or commentary on a particular topic which may allow visitors to post responses, reactions or comments. The term is short for "web log".
 - 2. City: Means the City of Moraine, Ohio.
 - 3. Content: Posts, writings, materials, documents, photographs, graphics, or other information which is created, posted, shared, or distributed via social media.
 - 4. Employee: All City representatives and anyone employed by the City. The term "Employee" includes Officials unless specifically omitted in the text or the context requires their exclusion.

5. Officials: All City elected and appointed officials.
 6. Official City Social Media Account (City Social Media Account): Any social media account established and managed by the City for the dissemination of information related to its official duties and business.
 7. Page: The location where content is displayed on a social media site, and is managed by an individual or individuals with administrator rights.
 8. Post: Content an individual shares on a social media site or the act of publishing content on a site.
 9. Profile: Information that a user provides about himself/herself on a social media site.
 10. Social Media Account: Any Internet-based resource which integrates user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, LinkedIn), microblogging sites (Twitter), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- (h) Official City Social Media: publishing and access of accounts
1. To ensure that City social media accounts are implemented consistently and effectively, only those individual(s) designated as a “social media administrator” by the City Manager will maintain the official City social media accounts. Only those persons designated as a “social media administrator” will have posting privileges on official City social media accounts.
 2. The social media administrator(s) shall, at all times, identify and conduct themselves as representatives of the City and adhere to all City standards of conduct and observe conventionally accepted protocols and proper decorum. Social media administrator(s) shall coordinate postings to ensure content is posted in a relevant, accurate, and timely manner.
 3. Social media administrator(s) may publish information to an official City social media account to the extent authorized to do so by the City Manager.
 4. The City Manager shall have the discretion to temporarily or permanently disable or terminate a City social media account or to change or close a City social media account at any time, without notice, to the extent possible without violating the City Record Retention Schedules or the Ohio Public Records Act.
- (i) Accountability:
1. Perceived or actual misuse of a social media account by an employee shall be reported directly to the social media administrator(s).
 2. Perceived or actual misuse of a social media account by a social media administrator(s) shall be reported directly to the City Manager.
- (j) Security and Monitoring:
1. Passwords and other Sensitive information regarding access to an official City social media account shall be maintained and updated by the social media administrator(s) and provided to the City Manager and Director of Information Technology when requested.
 2. The social media administrator(s) shall review the City’s social media accounts and keep them updated on an as needed basis.
 3. The social media administrator(s) shall regularly monitor the City’s social media accounts to ensure adherence to this Social Media Policy.
 4. All City social media accounts must adhere to all applicable laws, rules and regulations and City Policies and Guidelines regarding internet security and privacy.

5. All requests to deviate from this Social Media Policy may only be approved by the City Manager at his or her discretion.
- (k) Recommended content where possible, City social media accounts should state the following:
1. That public comments on the site do not necessarily reflect the views of the City.
 2. That any ads, links and suggestions to other pages found on the City social media account are inserted by the social media operator and that the City does not endorse any of those sites nor does the City receive any revenue from the posting of those links.
 3. Proposed disclaimer: The purpose of this site is to present matters of public interest in the City. We encourage the public to submit questions, comments and concerns, but please note this is a moderated online discussion and not a public forum. Once posted, the City reserves the right to delete any submissions that contain vulgar language, personal attacks of any kind or offensive comments that target or disparage any ethnic, racial or religious groups. Furthermore, the City also reserves the right to delete comments that:
 - Are spam or include links to other sites.
 - Are clearly off topic.
 - Advocate illegal activity.
 - Promote particular services, products or political organizations.
 - Infringe on copyrights or trademarks.
 - Use personally identifiable information.
 - Contain individual-specific and other confidential information. Please note that the public comments expressed on this site do not reflect the opinions and position of the City elected officials, officials or employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City at (937) 535-1016.
- (l) Permissible content where City personnel representing the City via social media outlets shall do the following:
1. Keep posts timely.
 2. Keep posts directly related to the business of the City.
 3. Observe and abide by all copyright, trademark and service mark restrictions.
 4. Personnel who wish to post information on the City's social media must provide relevant information, activities or events to the social media administrator(s), who shall post appropriate content promptly.
- (m) Prohibited Content.
1. Comments or materials which are profane, obscene, sexual or defamatory in nature.
 2. Comments or materials which contain sexually aggressive or harassing language.
 3. Pornographic materials or comments.
 4. Personal attacks or comments or materials which demean an individual or group of individuals on the basis of race, color, religion, national origin, ancestry, age, gender, disability, or any other category protected by law.
 5. Comments or materials supporting/opposing a political issue or candidate.

6. Commercial advertising or soliciting commerce or promoting private business enterprise.
 7. Comments encouraging or promoting illegal activity or which promotes or advocates violence or the threat of violence.
 8. Comments or materials which compromise the privacy or safety of an individual or group of individuals.
 9. Comments violating the intellectual property laws.
 10. Comments violating client or patient confidentiality.
 11. Comments about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions.
 12. Comments or materials which violate the terms of service of the website, webpage, or social media account.
 13. Comments or materials which contain non-public or confidential City information.
 14. Links to other websites, webpages, or social media accounts, unless otherwise permitted by this Social Media Policy.
- (n) The failure of the City to delete any prohibited content, whether posted by an employee, official, or a member of the public, shall not be construed as a waiver of such prohibitions and shall not affect the validity of this Social Media Policy or the City's ability to delete such prohibited content in the future.
- (o) Employee Responsibilities: Employees using any social media for City-related functions are bound by the City's equipment use policy, Section 6.7. Employees using an account for City work purposes must identify themselves as a City employee in all instances.
1. Information published using social media networking shall not reveal confidential (e.g. tax information), proprietary (e.g. police investigation techniques) or other information which reveals policies or practices of the City which may impair or compromise the activities of the City. Extreme caution shall be used in the sharing of any information relating to the City's practices and policies on social media sites. This guideline shall extend to communications that are deemed confidential by the social media and which are restricted to a limited sub-set of users of the social media. Security breaches are common and alleged restricted access may not prevent the confidential information from being shared beyond those for which it was intended.
 2. It shall be the duty of all City employees using social media to be respectful regarding the City, fellow employees, residents, vendors, colleagues in other agencies, and local business owners. Employees shall refrain from making references to City vendors, residents, business owners, colleagues or other individuals without their expressed written consent.
 3. Employees shall refrain from writing negative comments, as well as recommendations or offering referrals because it may give the appearance the City endorses certain individuals, companies or organizations being referenced.
 4. Social media activities shall not interfere with work commitments. Social media may be good resources for developing business relationships or providing information to residents or prospective residents. It is more likely, however, that employees may find themselves wasting work time on social networking. Any social networking shall not interfere with the employee's primary job responsibilities.
 5. Employees shall respect copyright laws, and reference and cite sources appropriately.

6. Employees shall be responsible for reading, knowing, and complying with any terms of service required by any social media while engaging in social media.
7. Employees shall not knowingly or recklessly post false information about the City, supervisors, co-workers, public officials, or those who have a relationship with the City.
8. Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. Consult with your immediate supervisor or Division Head if you are uncertain.

(p) Public Comment Guidelines:

1. Social media websites maintained by the City should display this link to the public comment guidelines:
 - “Thank you for visiting the City <insert name of social media website>. This site is not continuously monitored. For emergencies, call 911.
2. The purpose of this website is to share photos, videos and information of public interest in the City with our many residents, businesses, and visitors. The City strives to respond to comments within a timely manner during normal business days. This is not a work order request, if you need one call (937) 535-1000.
3. By using or accessing the City <insert name of social media website> page, you agree to comply with <insert name of social media website>'s Terms and Conditions. Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Section 149.43 of the Ohio Revised Code.
4. Please note if you post a comment, the City reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or comments that are offensive to a person with reasonable sensitivity or target or disparage age, race, color, religion, national origin or ancestry, sexual preference, handicapped or disabled, genetic information, or status as a veteran or disabled veteran of the U.S. armed forces. Further, the City also reserves the right to delete comments that:
 - Are spam or include links to other sites.
 - Are clearly off topic.
 - Advocate illegal activity.
 - Promote or oppose particular services, products, or political organizations and candidates.
 - Infringe on copyrights or trademarks.
5. We reserve the right to remove or ban any user for comments that violate our Terms of Use. By accessing, affiliating with, or commenting on this page, your identity may be visible to third parties not affiliated with the City. In addition, third parties may be able to access your profile and personal information. The City is not responsible for access to your identity, profile, or personal information by third parties. It is the express responsibility of the user, or his/her parent or guardian, to protect the user's identity, profile, and personal information.
6. Comments expressed on this site, other than those posted by the City, do not reflect the opinions and position of the City or its officials and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City at (937) 535-1000 or cityofmoraine@gmail.com.

(j) Employees' Personal Social Media Accounts

1. The City recognizes many City employees use social media tools such as Facebook in their personal lives. Therefore, this Social Media Policy provides guidelines for City employees when they communicate on social media sites as a private party where doing so may be considered a violation of their rights of free speech, and requires employees when they are speaking as a private party to clearly communicate their status in doing so and do not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace, to protect confidential information, to adhere to the rules of ethics, public records laws and open meeting law requirements, among other compelling governmental interests.
 2. The City prohibits use or updates to personal social networking sites with City equipment and/or on City time. Be advised using personal social media accounts for City or work-related purposes may subject such accounts to the Ohio Public Records Act.
 3. Employees may not use their City email account or password in conjunction with a personal social networking site.
 4. Personal or private business venture social media accounts must not be tied to or connected with the City.
 5. Posting proprietary information or content, or confidential information related to the City is prohibited on employees' personal social media accounts
 6. If commenting on City business in their personal capacity, employees must use a disclaimer which establishes that their comments represent their own opinions and do not represent those of the City. The intent here is to ensure content posted by employees clearly reflect those comments are personal and not being made on behalf of the City unless authorized by the City.
 7. Employees must not attribute personal statements or opinions to the City when engaging in private blogging or postings on social media sites and if through their identification or posts any confusion as to whether their statements might be attributable to the City they must clarify that their posts are their own and not those of the City. Where confusion or doubt is likely to arise regarding the personal nature of social media activities, an employee must include a disclaimer clarifying that social media communications reflect only the employee's personal views and do not necessarily represent the views of the City. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion which may arise.
 8. Employees may not use a City brand, logo or other City identifiers on their personal sites, nor post information which purports to be the position of the City without prior authorization from the City Manager or unless authorized by Federal, State, or local law or the specific terms of an applicable collective bargaining agreement.
 9. Employees with personal sites or other types of social media which can be accessed by the public, shall not place or allow photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches, or badges, or in any other way, either directly or indirectly, identify themselves as an employee of the City for any reason, without prior approval from the City Manager or unless authorized by Federal, State, or local law or the specific terms of an applicable collective bargaining agreement.
 10. City employees should be mindful their comments do not impair working relationships in the City for which confidentiality is important, do not impede the performance of City related job duties or do not impair discipline or harmony among co-workers.
- (k) Violation of this Social Media Policy may result in discipline, up to and including termination.

15.4 Public Records Policy

- (a) Openness leads to an informed public, which leads to better government and public safety. It is the mission and intent of the City of Moraine to fully comply with and abide by both the spirit and the letter of the Ohio Public Records Act (149.43).
- (b) Any person may request to inspect or obtain copies of public records from the City by making a public records request. The requester must identify the records with sufficient clarity to allow the City to identify, retrieve and review the records. The requester does not have to provide a written request, their identity or the intended use of the requested public record(s).
- (c) The City must provide copies of public records within a reasonable period. "Prompt" and "reasonable" take into account the volume and complexity of the request, the location where the records are stored, the necessity of legal review and redaction and other facts and circumstances of the records request. The City will respond promptly to all public requests with the requested records or some type of communication acknowledging receipt of the request.
- (d) Public Records are available promptly for inspection weekdays (9:00 a.m. to 4:00 p.m.). The Records Custodian may accompany the requester during this inspection to ensure original records are not taken or altered.
- (e) The Ohio Public Records Act does not require the City to create new records, compile data, do legal research, provide records in a format other than the existing format of the records or answer questions.
- (f) If a request were for a record that is not reviewable or no longer available, an explanation as to why the record or information is not available or a legal explanation regarding why the record is exempt or parts redacted from a public records request would be provided.
- (g) Copies of records are also available. Some costs may apply. Please refer to the records request price sheet for costs and available media types.
- (h) Direct records requests to the Clerk of Council, in person, by email, or by phone (937) 535-1005 weekdays between 9:00 a.m. and 4:00 p.m. There is a large amount of information and public records on the City's website at www.ci.moraine.oh.us.

SECTION 16. PERSONNEL POLICY MANUAL

DISCLAIMER & ACKNOWLEDGEMENT & RECEIPT

We have prepared this manual as a guide for policies, benefits and general information which should assist you during your employment. However, neither this Manual, nor any other organization communication or practice, creates an employment contract. The organization reserves the right to make changes in content or application of its policies as it deems appropriate, and these changes may be implemented even if they have not been communicated, reprinted or substituted in this Manual. It is also understood that nothing in this Manual or any other policy or communication changes the fact that employment is at-will for an indefinite period unless terminated at any time by you or the City.

I understand that no employee or representative of the City, other than the City Manager and Finance Director, has any authority to enter into an employment contract or to change the employment relationship, or to make any agreement contrary to the foregoing.

I acknowledge receipt of the Personnel Policy Manual and understand that my continued employment constitutes acceptance of any changes that may be made in content or application of the Manual.

Employee Name_____

Employee Signature_____

Date_____

RETURN TO HUMAN RESOURCES

SECTION 17. FORMS (City Forms are located at O:/Forms)

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

An Ordinance to amend Moraine Codified Ordinance Chapter 901 (“Use of Public Rights-Of-Way, Public Land and Public Easements”) to add a new Section 901.22 entitled “Right-Of-Way Minor Maintenance Permit Requirement”.

Department: Law Director

Request: Action Item

Item Background and Purpose:

The City Engineer has worked with the Law Director to prepare the attached language to be included as a new Section 901.22 in Chapter 901 of the Codified Ordinances. If adopted, the current Section 901.22 will be renumbered to 901.23 and the remaining provisions of 901 renumbered accordingly. Request is for Council to consider adding the attached 901.22 language to address situations in which an applicant requires right of way access which does not involve road excavation such that the applicant will not need to keep re-applying for right of way access. The City Engineer advises this most commonly occurs in instances when right of way access is needed for aerial work or curb stops within lawns.

Financial Impact:

Is Item Budgeted?: No

Funding Source: (i.e. Capital, Operating, etc...)

Attachments:

1. Exhibit A - MCO 901 language for Minor Maintenance Permit 11-10-25

RECORD OF ORDINANCES

Ordinance No. 2217-26

AN ORDINANCE TO AMEND MORaine CODIFIED ORDINANCE CHAPTER 901 (“USE OF PUBLIC RIGHTS-OF-WAY, PUBLIC LAND AND PUBLIC EASEMENTS”) TO ADD A NEW SECTION 901.22 ENTITLED “RIGHT-OF-WAY MINOR MAINTENANCE PERMIT REQUIREMENT”.

WHEREAS, City staff has recommended revising Chapter 901 of the Codified Ordinances (“Use of Public Rights-of-Way, Public Land and Public Easements” to add a new Section 901.22 thereto entitled, “Right-of-Way Minor Maintenance Permit Required” (Exhibit A); and

WHEREAS, Council hereby determines it to be for the betterment of the health, safety, and welfare of the City and its inhabitants, to amend Chapter 901 of the Moraine Codified Ordinances to add a new Section 901.22 as delineated on the attached Exhibit A and that the remaining provisions of Chapter 901.22 be re-numbered accordingly.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That Moraine Codified Ordinance Chapter 901 is hereby amended as delineated on the attached Exhibit A by adding the language in boldtype and deleting the language in ~~strikethrough~~. *Exhibit A shall be numbered Section 901.22 and the current Section 901.22 shall be renumbered as Section 901.23 and the remaining provisions of Chapter 901 shall be re-numbered thereafter accordingly.*

SECTION 2: That the remaining provisions of MCO Chapter 901 not amended hereby shall remain unchanged and in full force and effect.

SECTION 3: That this Ordinance shall become effective 30 days after its second reading and adoption by Council.

SECTION 4: That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and City Engineer.

901. 22 MINOR MAINTENANCE PERMIT.

(a) Right-of-Way Minor Maintenance Permit Requirement. No person shall perform minor maintenance of facilities in the rights-of-way without first having obtained a right-of-way permit as set forth in this chapter. Minor maintenance means:

(1) The routine repair or replacement of facilities with like facilities not involving construction and not requiring traffic control for more than two hours at any one location;

(2) The routine repair or replacement of facilities with like facilities not involving construction and taking place on thoroughfares and arteries between the hours of 9:00 a.m. and 3:00 p.m.;

(3) The routine repair or replacement of facilities with like facilities not involving construction on all rights-of-ways, other than thoroughfares and arterials, that does not impede traffic and is for a period of less than eight contiguous hours; or construction other than on thoroughfares and arterials that takes less than eight contiguous hours to complete, does not impede traffic and does not involve a pavement cut. The City Engineer or authorized designee may adopt Rules and Regulations that clarify the definition of minor maintenance and/or provide a process for a provider to determine whether particular activity constitutes minor maintenance.

A. A right-of-way minor maintenance permit allows the right-of-way minor maintenance permittee to perform all minor maintenance in any part of the rights-of-way as required.

B. A right-of-way minor maintenance permit is valid from the date of issuance until revoked by the City Engineer or authorized designee.

C. A right-of-way minor maintenance permit must be displayed or upon request produced within twelve business hours.

D. A right-of-way minor maintenance permit by itself shall under no circumstances provide a permittee with the ability to cut pavement without seeking additional authority from the City Engineer or authorized designee.

(b) Right-of-Way Minor Maintenance Permit Applications. Application for a right-of-way minor maintenance permit shall be made to the City Engineer or authorized designee. In addition to any information required by the City Engineer or authorized designee, all right-of-way minor maintenance permit applications shall contain, and will only be considered complete upon compliance with the following provisions:

(1) Credible evidence that the applicant has obtained a certificate of registration or proof that the applicant has written authority to apply for a right-of-way minor maintenance permit on behalf of a party that has been issued a certificate of registration.

(2) Submission of a completed right-of-way minor maintenance permit application in the form required by the City Engineer or authorized designee.

(3) A statement that the applicant will employ protective measures and devices that, consistent with the Ohio Manual of Uniform Traffic Control Devices, will prevent injury or damage to persons or property and to minimize disruptions to the efficient movement of pedestrian and vehicular traffic.

(c) Issuance of Right-of-Way Minor Maintenance Permits; Conditions.

(1) If the City Engineer or authorized designee determines the applicant has satisfied the requirements of this chapter and the right-of-way minor maintenance permit process, the City Engineer or authorized designee shall issue a right-of-way minor maintenance permit subject to the provisions of this chapter.

(2) The City may impose reasonable conditions, in addition to the Rules and Regulations enacted by the City Engineer or authorized designee, upon the issuance of the right-of-way minor maintenance permit and the performance of the right-of-way minor maintenance permittee thereunder in order to protect the public health, safety, and welfare, to insure the structural integrity of the rights-of way, to protect the property and safety of other users of the rights-of-way, and to minimize the disruption and inconvenience to the traveling public.

(d) **Right-of-Way Minor Maintenance Permit Fees.** The City Engineer or authorized designee shall charge a ten dollar (\$10.00) fee for the issuance of the right-of-way minor maintenance permit but may revoke the right-of-way minor maintenance permit as any other permit may be revoked under this chapter.

A Resolution authorizing the City Manager to enter into an agreement with the Montgomery County Microfilming Board for services and supplies for 2026.

Department: Administration

Request: Action Item

Item Background and Purpose:

This is an annual housekeeping item. This is an agreement with Montgomery County for records storage and microfilming services for the City. The rates and services remain the same as they were in 2025. This is a budgeted item.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: Operating Budget - Council Contractual Services

Attachments:

1. Exhibit A - 8211-26

RECORD OF RESOLUTIONS

Resolution No. 8211-26

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY MICROFILMING BOARD FOR SERVICES AND SUPPLIES FOR 2026.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:**

That the City Manager is hereby authorized to enter into an agreement with the Board of County Commissioners of Montgomery County, Ohio's County Microfilming Board substantially in the form appended hereto as Exhibit A for the providing of microfilming services and supplies for 2026, costs to be paid from the General Fund.
- SECTION 2:**

That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director and as Clerk to take such action as necessary to implement the provisions of this microfilming agreement for preservation and retention of City records.
- SECTION 3:**

That this Resolution shall take effect and be in force from and after the date of its passage.

AGREEMENT

THIS AGREEMENT, made and entered into on this _____ day of _____, 2026, by and between the Montgomery County Microfilming Board, hereinafter referred to as "County", and the City of Moraine, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, the City of Moraine is desirous of obtaining the services of the County, to image and/or microfilm certain documents of the City; and to store certain microfilms; and

WHEREAS, the County is authorized by Section 307.806 of the Ohio Revised Code to contract with the City to perform such services.

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties hereto do mutually agree as follows:

1. The Agreement will become effective upon the 1st day of January, 2026, and shall expire on the 31st day of December, 2026.
2. The County agrees to provide the following services regarding City records, the specific record types and shipping schedule to be mutually determined by the County Records and Information Manager and the City Manager of Administrative Services:
 - a) Scanning of records prepared and arranged by the City, indexing, and quality control of images of all records within thirty (30) working days of receipt thereof, except for County holidays.
 - b) Original 16mm and 35mm camera negative stock and processing and quality control (including frame by frame edit) of exposed negatives as provided by the County's Imaging Center.
 - c) Facilitate shipping of negatives to vendor for duplication upon City's request.
 - d) Security vault storage of negatives in the County's microfilm vault.

- e) Technical assistance in preparing and packing paper records for scanning in boxes provided by the City.
 - f) Storage of paper documents in the Records Center in boxes provided by the City and approved by the County.
3. The City agrees to provide the following items for the County, the specific record types and shipping schedule to be mutually determined by the County Records and Information Manager and the City Manager or his designee:
- a) Preparation and packing of records in the order desired for eventual retrieval, but packed according to the County's instructions.
 - b) Permitting access to City records by the County for the sole purpose of economically and rapidly reducing records to microfilm to save space under Sections 9.01 and 149.39 of the Ohio Revised Code.
 - c) Allow the temporary removal of such records to the County Imaging Center (a secured location) for imaging on a County scanner.
 - d) Transfer of paper records to and removal of paper records and completed images and/or microfilms from the Montgomery County Imaging Center at 117 South Main Street, between the hours of 8 a.m. and 3 p.m. on Mondays through Fridays, except for County holidays.
4. The City agrees to make payments to the County for its materials and services in accordance with the following rate schedule adopted by the County under Sec. 307.806 of the Ohio Revised Code:
- 5.

Service	2026 Rate
Conversion Services	
Scanning and Indexing Letter, Legal-Sized and Large Format Documents to an Electronic Format	10 cents per image
Scanning Microfilm to an Electronic Format	10 cents per image
Preparing Electronic Images to Be Converted to Microfilm	2 cents per image

Microfilm Processing and Duplication Services	
Microfilm Processing for 16mm Roll	\$15.00 per roll
Microfilm Processing for 35mm Roll	\$38.00 per roll
Microfilm Roll and Microfiche Duplication	Charge back vendor costs, including shipping
Storage Services	
Records Center Storage of One Cubic Foot (Records Center Box): Includes Records Retrieval, Filing, Removal and Destruction	\$18.00 per year
Vault Storage of One 35mm Microfilm Roll	80 cents per year
Vault Storage of One 16mm Microfilm Roll	43 cents per year
Vault Storage of One Master Microfiche	7 cents per year
Paper Duplication	
Paper Copy of Original Records	10 cents per document

- a) Invoices will be quarterly pro-rata, based on the amount of services provided each month and inventory or microfilm or boxes stored at the first of each month during the quarter billed.
 - b) Invoices shall be paid within thirty (30) days of mailing by the County.
 - c) If the City fails to make payment with thirty (30) days of the date of mailing the invoices referred to herein at Paragraph 4(a), the County shall have the right to terminate this Agreement immediately upon delivery of written notice to the City. This remedy shall be in addition to all other remedies provided for in the Agreement or by law and in no way shall it act as a waiver of any rights acquired or obligations incurred, either by law or by contract, by any party prior to termination of this Agreement.
6. All documents supplied by the City to the County for the purposes of scanning and/or storage shall remain the property of the City, and all microfilms shall become property of the City upon processing.
 7. The Montgomery County Microfilming Board, which manages the County Imaging Center through the County Records and Information Manager, shall be responsible for managing this Agreement for the County.

8. This agreement shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the parties created hereunder are performable in Montgomery County, Ohio.
9. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns where permitted by the Agreement.
10. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
11. This Agreement constitutes the sole and only Agreement of the parties hereto and supersedes any prior understandings or written or oral Agreements between the parties respecting the within subject matter.
12. This Agreement may be modified only by written mutual Agreement of both parties.
13. The terms and conditions of this Agreement cannot be assigned without the written consent of the other party.
14. If either party to this Agreement fails to perform its obligations under this Agreement in timely fashion, the non-defaulting party may terminate the Agreement upon a thirty (30) day written notice which shall include the reason for termination. This remedy shall be in addition to all other remedies provided for in this Agreement or by law and in no way shall it act as a waiver of any rights acquired or obligations incurred, either by law or by contract, by any party prior to termination of this agreement.
15. Signatures hereon shall act as express representations that the signing agents are authorized to bind their respective principals to the rights and responsibilities incurred by way of this Agreement.
16. The County, its employees and agents shall not be liable for any loss or damage of any kind and nature whatsoever to the records of the City, notwithstanding that any such

loss or damage may be caused in whole or part by negligence or gross negligence of the County, its employees or agents.

“County” (Montgomery County Microfilming Board)

Signed by:
By: Lori Kennedy
85086412676B47D...

Lori Kennedy, Secretary/Administrator

Dated: 12/15/2025

“City” (City of Moraine)

By: _____

City Manager

Dated: _____

Approved as to form:

Mathias Heck, Jr.,
Prosecuting Attorney of Montgomery County, Ohio

DocuSigned by:
By: Ward Barrentine
FF336DE1071549E...
Ward Barrentine
Assistant Prosecuting Attorney

A Resolution approving continued membership in the Ohio Municipal League and authorizing payment of dues for 2026 in the amount of \$1,257.00.

Department: Clerk of Council

Request: Action Item

Item Background and Purpose:

The renewal fee for 2026 has increased from 2025 by 4 percent and an additional \$80 cost-sharing fee for The Montrose Group, LLC. per the attachment in packet. 2025 Dues statement has been provided for comparison. Legislation is requested to continue membership in the Ohio Municipal League for 2026.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: General Fund

Attachments:

1. 2026 OML Dues - City of Moraine
2. 2025 OML Dues - City of Moraine

RECORD OF RESOLUTIONS

Resolution No. **8212-26**

A RESOLUTION APPROVING CONTINUED MEMBERSHIP IN THE OHIO MUNICIPAL LEAGUE AND AUTHORIZING PAYMENT OF DUES FOR 2026 IN THE AMOUNT OF \$1,257.00.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That membership in the Ohio Municipal League through 2026 and payment of dues in the total amount of \$1,257.00 is hereby approved, said payment to be made from the General Fund.

SECTION 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.

SECTION 3: That this Resolution shall take effect and be in force from and after the date of its passage.



The Ohio Municipal League
175 S. 3rd Street, Suite 510
Columbus, Ohio 43215

Phone: 614-221-4349

Email: Info@omloho.org

2026 Annual Dues Statement

City of Moraine

Mayor or Finance Dept
4200 Dryden Rd
Moraine, Ohio 45439

Municipality: **City of Moraine**

2020 Census Population: 6393*

Dues Amount: \$ 1257

Includes Legislative Action Program (not optional)

Membership Period January 1 ~ December 31, 2026

Ohio Municipal League Services:

- | | |
|---|---|
| <ul style="list-style-type: none">• Legislative Representation:
In Columbus, OH• Field Representative• Member Alerts, Legislative & Special Bulletins• Cities & Villages Magazine Online Access• OML Legal Advocacy Program• Workers' Compensation Group Rating Pool | <ul style="list-style-type: none">• Annual Conference of Municipal Officials• Seminar for New Officials & Regional Conferences• Mayor's Court Certification• Municipal Webinars• Free Online Classified Postings for Members• Website: www.omloho.org• GrantFinder Discount |
|---|---|

"Contributions, gifts or dues payments to The Ohio Municipal League are not deductible as charitable contributions for federal income tax purposes."

**Census adjusted to reflect previous report*

DO NOT combine dues payment with any other OML payment. Combined payments will be returned. Thank You

Do NOT Staple to Check

Check will be returned

Tear on Perforated Line

2026 Ohio Municipal League
Membership Invoice

Do NOT Staple to Check

Check will be returned

Municipality: **City of Moraine**

Dues Amount: \$ 1257

Membership Period
January 1 ~ December 31, 2026

OML Office Use Only

1177
80

DO NOT combine dues payment with any other OML payment. Combined payments will be returned.

Thank You



October 2025

Greetings from the Ohio Municipal League!

OML continues to serve as the primary connection point between municipal and state government in Ohio – effectively advocating for cities and villages and informing our member municipalities of best practices to help you be successful in carrying out important services, programs, and events for your residents.

As we close out another year and look ahead to 2026, my hope is that you recognize the value of OML and ensure your membership with the league for the upcoming year. A dues statement has been included with this letter.

As part of a broader strategic plan adopted by the OML Board of Trustees, membership dues are increasing by 4% for 2026. This adjustment helps ensure that OML can continue to deliver the high level of advocacy, communication, and service that our members expect and deserve.

In recent years, OML has engaged The Montrose Group, LLC, a Capitol Square consulting firm with substantial municipal lobbying and local economic development experience, to expand our advocacy footprint and enhance our strategies for protecting municipalities. Many of our members generously supported these efforts through an additional, voluntary investment specifically for this purpose. Because this partnership has proven beneficial to the entire league membership, the cost of this service is now being shared among all members, which is also reflected in the dues statement.

No matter the size or setting of your community, our dedicated team continues to be your eyes and ears at the Ohio Statehouse – standing up for your ability to make decisions at the local level, protecting the integrity of municipal funding streams, and providing you with much-needed information to further persuade the officials who represent you in state government. Your membership is also strengthened as we continue to align with our federal partners at the National League of Cities to ensure the success of municipalities is not infringed upon at the federal level.

Regardless of the challenges municipalities currently face, I am confident – along with our Board members and staff – that municipalities in Ohio have a bright future ahead. Through your participation and collaboration with OML, the many Ohioans who reside in a city or village will find greater success and experience a higher quality of life.

Best regards,

Kent Scarrett
Executive Director



The Ohio Municipal League
175 S. 3rd Street, Suite 510
Columbus, Ohio 43215

Phone: 614-221-4349

Email: Info@omloho.org

2025 Annual Dues Statement

City of Moraine

Mayor or Finance Dept
4200 Dryden Rd
Moraine, Ohio 45439

Membership fee change is based on 2020 census data

Municipality: **City of Moraine**

2020 Census Population: 6393

Dues Amount: \$ 1132

Includes Legal Advocacy Program (not optional)

Membership Period January 1 ~ December 31, 2025

Ohio Municipal League Services:

- | | |
|---|---|
| <ul style="list-style-type: none">• Legislative Representation:
In Columbus, OH• Field Representative• Member Alerts, Legislative & Special Bulletins• Cities & Villages Magazine Online Access• OML Legal Advocacy Program• Workers' Compensation Group Rating Pool | <ul style="list-style-type: none">• Annual Conference of Municipal Officials• Seminar for New Officials & Regional Conferences• Mayor's Court Certification• Municipal Webinars• Free Online Classified Postings for Members• Website: www.omloho.org• GrantFinder Discount |
|---|---|

"Contributions, gifts or dues payments to The Ohio Municipal League are not deductible as charitable contributions for federal income tax purposes."

DO NOT combine dues payment with any other OML payment. Combined payments will be returned. Thank You

Do NOT Staple to Check

Check will be returned

Tear on Perforated Line

2025 Ohio Municipal League
Membership Invoice

Do NOT Staple to Check

Check will be returned

Municipality: **City of Moraine**

Dues Amount: \$ 1132

Membership Period
January 1 ~ December 31, 2025

OML Office Use Only

1007
LAF 125

DO NOT combine dues payment with any other OML payment. Combined payments will be returned.

Thank You



November 2024

Greetings from the Ohio Municipal League!

OML continues to serve as the primary connection point between municipal and state government in Ohio – effectively advocating for cities and villages and informing our member municipalities of best practices to help you be successful in carrying out important services, programs, and events for your residents.

We take our tagline of “Partnering for Stronger Cities and Villages” seriously by working alongside government, business, non-profit, and educational leaders to further strengthen your community and hundreds of others like it.

As we close out another year and look ahead to 2025, my hope is that you recognize the value of the OML and ensure your membership with the league for the upcoming year. A dues statement has been included with this letter.

No matter the size or setting of your community, our dedicated team continues to be your eyes and ears at the Ohio Statehouse – standing up for your ability to make decisions at the local level, protecting the integrity of municipal funding streams, and providing you with much-needed information to further persuade the officials who represent you in state government.

Whether taking part in legislative updates, attending trainings or conferences, participating in webinars, or simply keeping track of information through our weekly legislative bulletins, I trust the OML will be a great partner with your municipality for years to come. Your membership is also strengthened with us as we continue to align with our federal partners at the National League of Cities to ensure the success of municipalities is not infringed upon at the federal level.

Regardless of the challenges municipalities currently face, I am confident – along with our board members and staff – that municipalities in Ohio have a bright future ahead. Through your participation and collaboration with OML, the nearly two in three Ohioans who live in a city or village can find greater success and experience a higher quality of life.

Thank you for your continued support.

Best Regards,

Kent Scarrett
Executive Director

**A Resolution approving participation in the Business First!
Intergovernmental Program for the years 2026-2030 and authorizing
payment of fees in an amount not to exceed \$1,500.00 per year.**

Department: Administration

Request: Action Item

Item Background and Purpose:

The mission of the program is to support the growth and retention of local businesses by identifying their needs and providing information and resources to satisfy those needs. The agreement does not have any substantive changes from the 2020-2025 agreement.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: Community Development Operating Budget (101-1801-52104)

Attachments:

1. BF Multi Juris Agreement 2026-2030 revised 17Nov25

RECORD OF RESOLUTIONS

Resolution No. 8213-26

A RESOLUTION APPROVING PARTICIPATION IN THE BUSINESS FIRST! INTERGOVERNMENTAL PROGRAM FOR THE YEARS 2026-2030 AND AUTHORIZING PAYMENT OF FEES IN AN AMOUNT NOT TO EXCEED \$1,500.00 PER YEAR.

WHEREAS, upon recommendation of the City Manager and upon review, it is determined by Council that continued participation in the Business First! Program with other jurisdictions in the Miami Valley will provide coordinated approaches to business and economic development at an annual cost not to exceed \$1,500.00.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

- SECTION 1:

That the Intergovernmental Cooperation Agreement for participation in the Business First! Program, for the years 2026-2030, a copy of which is appended hereto as Exhibit A, is hereby approved, said payment to be made from the General Fund.
- SECTION 2:

That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.
- SECTION 3:

That this Resolution shall take effect and be in force from and after the date of its passage.

**BUSINESSFIRST! FOR A GREATER DAYTON REGION
BUSINESS RETENTION AND EXPANSION PROGRAM
Intergovernmental Cooperation Agreement
2026-2030**

This Intergovernmental Cooperation Agreement (“Agreement”), dated this _____ day of _____, 2026, is between the City of Beavercreek, Ohio – *county of Greene*; the City of Brookville, Ohio; Butler Township, Ohio; the City of Centerville, Ohio; the City of Clayton, Ohio; the City of Dayton, Ohio; Darke County, Ohio; the City of Eaton, Ohio – *county of Preble*; the City of Englewood, Ohio; the City of Fairborn, Ohio – *county of Greene*; the City of Germantown, Ohio; Greene County, Ohio; Harrison Township, Ohio; the City of Huber Heights, Ohio; the City of Kettering, Ohio; Miami Township, Ohio; the City of Miamisburg, the City of Middletown, Ohio – *county of Butler*; the City of Moraine, Ohio; the City of Oakwood, Ohio; Preble County, Ohio; the City of Riverside, Ohio; the City of Springboro, Ohio; the City of Trotwood, Ohio; the City of Vandalia, Ohio; Washington Township, Ohio; the City of West Carrollton, Ohio; the City of Xenia, Ohio – *county of Greene*; Yellow Springs, Ohio – *county of Greene*; and Montgomery County, Ohio (hereinafter collectively referred to as “Member Jurisdictions”).

Recitals

The Member Jurisdictions desire to participate in a region-wide Economic Development initiative called the “BusinessFirst! Program” (“Program”).

The mission of the Program is to support the growth and retention of local businesses by identifying their needs and providing information and resources to satisfy those needs.

The Member Jurisdictions desire to clarify the roles of its participants, the composition of the Program, the relationships between the Program and the current Member Jurisdictions, and the projected outcomes of the Program.

The Program will provide benefits to all Member Jurisdictions and the Regional Resource Partners (as defined below).

In consideration of the mutual promises and covenants set forth below, the Member Jurisdictions agree as follows:

I. The BusinessFirst! Program

The BusinessFirst! Program is an economic development initiative that was initially designed to retain businesses in Montgomery County, Ohio. BusinessFirst! has grown throughout the Dayton region to include additional counties and jurisdictions. National studies have shown that approximately eighty percent of job growth is the result of the expansion of business already located in a jurisdiction.

The Program is designed to assist the participating jurisdictions to work in an integrated and systematic manner among economic development organizations to connect with the wealth generating companies which are already present in the community and determine what they need to grow and be successful. Our communities are committed to meeting the needs of businesses of all sizes. The Program was designed, and an initial test implementation was undertaken in 2001. In 2002 and in subsequent years, additional Member Jurisdictions were added as part of full implementation of the Program regionwide.

The Program design and implementation, including survey design, database, and technology development, have been facilitated by ExecutivePulse, Inc., (ExecutivePulse) a company based in Erie, Pennsylvania.

The Program will continue through calendar year 2030.

II. Definitions

- A. “Business Client” means any business included in the Program database.
- B. “Regional Resource Partner” is any government department, or community and economic development organization at the city, county, or state level, but not a Member Jurisdiction, that has formally agreed to participate in the Program through execution by its employees or agents of the Member Jurisdiction Employee/Representative Protocol Agreement Certification (included in Appendix A).

III. Role of Member Jurisdictions

Each Member Jurisdiction, throughout the term of its participation in the Program, is responsible for the following:

- A. To provide computer equipment and internet access for its own use to access the shared Program database.
- B. To develop retention and expansion teams, called “Outreach Professionals,” to survey companies within its respective jurisdiction.
- C. To identify target industries and businesses to be surveyed.
- D. To collect Program business and industry data and upload into the Program database from businesses and industries located in its jurisdiction.
- E. To appoint one representative to serve on the Program Advisory Committee.

- F. To require all of its employees and representatives who will be involved in the Program, who will conduct the Program business or industry surveys, or who will have access to the Program database to execute the “Member Jurisdiction Employee/Representative Protocol Agreement Certification” (Protocol Agreement Certification), a copy of which is attached as Appendix A. Copies of all executed Protocol Agreement Certifications will be maintained by the Montgomery County Department of Community and Economic Development. Each Member Jurisdiction will keep all executed Protocol Agreement Certifications and provide copies of those certifications to the Montgomery County Department of Community and Economic Development. Upon request, a Member Jurisdiction will also provide copies of executed Protocol Agreement Certifications to any other Member Jurisdiction.
- G. To participate in training with ExecutivePulse or other Customer Relationship Management (CRM) system provider and the Montgomery County Department of Community and Economic Development in order to improve the knowledge and skillset of its employees and to attend periodic Program training and refresher courses.
- H. Jurisdictions joining the program that are outside of Montgomery County, Ohio, will provide financial support for the Program through a one-time entry fee of \$3,000 to Montgomery County to manage and maintain the BusinessFirst! System by Montgomery County.
- I. To provide annual financial support for the Program in an amount not to exceed \$1,500 per year (due by June 1 of each calendar year) beginning in 2026 through 2030, with the exception of Montgomery County, Ohio, which will provide Program staffing and other services, as defined in Section IV. Failure to pay by the June 1 deadline in any given calendar year may result in a review of the delinquency circumstances by the Executive Committee for possible referral to the Program Advisory Committee for sanctions.
- J. To contact Regional Resource Partners within 24-48 hours of visiting a business to request assistance on behalf of Business Clients.
- K. To follow-up with Regional Resource Partners and Business Clients to ensure that their needs were addressed.
- L. To update the Program database records with the actions taken on behalf of any Business Client by the Regional Resource Partner.
- M. To maintain the confidentiality of Program information in accordance with the Member Jurisdiction Employee/Representative Protocol Agreement (Appendix A), subject to any disclosures required by Ohio’s public records laws.
- N. To notify Montgomery County Department of Community and Economic Development of all public records requests regarding Program data or information concerning Program data.

IV. Role of Montgomery County Department of Community and Economic Development

In addition to participating in the Program as a Member Jurisdiction, the Montgomery County Department of Community and Economic Development agrees to function as the Contract Manager for the Program. In this capacity, the Montgomery County Department of Community and Economic Development agrees to be responsible for administering the contract with ExecutivePulse, or other CRM system provider, for the Program on behalf of the Member Jurisdictions and acting as the point of contact for Member Jurisdictions in all matters relating to ExecutivePulse invoices for the services rendered for the Program, including training, technology upgrades, and customer service calls.

In addition to acting as the Contract Manager, the Montgomery County Department of Community and Economic Development also agrees to function as the Implementing Agency for the Program.

In this capacity, the Department of Community and Economic Development will be responsible for the following:

- A. To facilitate the development and implementation of the Program, including coordination of all ongoing training about BusinessFirst!.
- B. To provide, on a quarterly basis aggregate, regional reports based on BusinessFirst! visits.
- C. To serve as liaison between the Member Jurisdictions, Regional Resource Partners, and ExecutivePulse;
- D. To provide technical assistance to the Member Jurisdictions, as needed.
- E. To provide “Outreach Professionals” and Regional Resource Partners with password access to the Program database. New database program users will be given “Outreach Professional” level of access for their respective jurisdiction and service areas (See Appendix B for access level descriptions).
- F. To coordinate all technology upgrades and improvements made to the Program survey tool.
- G. Provide support for an Executive Committee for the purpose of being a recommended body to the Program Advisory Committee. The Executive Committee makes recommendations on policies, procedures, new expenses, and program changes, including but not limited to improvements to the software system and creating working committees.
- H. As the Member Jurisdictions’ point of contact regarding the ExecutivePulse contract, Montgomery County will provide the Program Advisory Committee with an annual financial statement of the BusinessFirst! Program.

V. Role of Executive Committee

The purpose of the Executive Committee is that of a recommending body to the Program Advisory Committee. The Executive Committee makes recommendations on policies, procedures, written grievances, new expenses, and program changes, including but are not limited to improvements to the

software system and creating working committees. The Executive Committee will meet as often as needed but no fewer than four times per year.

A. Selection and Term of Executive Committee Members:

1. Members will be made up of one representative from a participating Member Jurisdiction from each county in the BusinessFirst! region. Member Jurisdictions in each of the represented counties will nominate and select their county's representative for the Executive Committee. For purposes of selection and representation on the Executive Committee, the City of Springboro will be included in Montgomery County.

As the Program's Implementing Agency, Member Jurisdiction Montgomery County will have a permanent seat on the Executive Committee. Montgomery County's seat is in addition to the seat allocated to a Member Jurisdiction from Montgomery County. Montgomery County is ineligible to hold the seat allocated to a Member Jurisdiction from Montgomery County.

2. By December 31 of each year, Montgomery County and the Member Jurisdictions of each county will select their respective representatives for the Executive Committee to serve a one-year term commencing January 1 of the next year through a process mutually agreed by the county's Member Jurisdictions.

- B. If an Executive Committee member is unavailable to appear at a meeting or temporarily unable to serve, they may vote by proxy. This person's Member Jurisdiction may also nominate a substitute to serve during the person's period of unavailability. An Executive Committee member's unavailability may not exceed a total of 90 days during their term.

If an Executive Committee member becomes or is reasonably expected to be unavailable for a period exceeding 90 days of their term, then the person's seat will be deemed vacant. Within 30 days of the seat becoming vacant, the Member Jurisdiction(s) represented by the vacant seat will select a new representative for the Executive Committee to serve the remainder of the vacant seat's one-year term through a process mutually agreed by those Member Jurisdictions.

VI. Role of Regional Resource Partners

As each Member Jurisdiction's Outreach Professionals visit local businesses related to the Program, these businesses may have a need for further assistance. The Member Jurisdiction will contact Regional Resource Partners—defined as any government department, or community and economic development organization at the city, county, or state level, but not a Member Jurisdiction, that has formally agreed to participate in the Program through execution by its employees or agents of the Protocol Agreement—to request additional assistance for their business clients. Regional Resource Partners are asked to do the following:

- A. To respond directly to the referred Program business within 24-48 hours from time of contact by a Member Jurisdiction or the Montgomery County Department of Community and Economic Development.

- B. To appoint a contact person who will be responsible for attending meetings related to issues affecting the Program and serving as a liaison with the Montgomery County Department of Community and Economic Development.
- C. To require all employees and representatives who will be involved in the Program or who will have access to the Program database, to execute the Protocol Agreement Certification. Copies of all executed Protocol Agreement Certifications will be maintained by the Montgomery County Department of Community and Economic Development. Each Regional Resource Partner will keep all executed Protocol Agreement Certifications and provide copies of those certifications to the Montgomery County Department of Community and Economic Development. Upon request, a Regional Resource Partner will also provide copies of executed Protocol Agreement Certifications to any Member Jurisdiction.
- D. To update the Program database records with the actions taken on behalf of any Program business client by the Regional Resource Partner.
- E. To maintain the confidentiality of Program information in accordance with the Member Jurisdiction Employee/Representative Protocol Agreement (Appendix A), subject to any disclosures required by Ohio's public records laws.
- F. To assist the Member Jurisdictions on Program retention and expansion visits when requested.
- G. In the event that a Regional Resource Partner is contacted by a business regarding an interjurisdictional relocation or expansion, the Regional Resource Partner agrees to inform the business of the BusinessFirst! Program relating to company relocations and the Montgomery County Department of Community and Economic Development.

VII. Additional Participant Expectations

As a participant in the Program, the Member Jurisdiction agrees to abide by the following Program protocols:

Relations with Business Clients:

No Member Jurisdiction or Regional Resource Partner, nor their employees or representatives, of may release any information about any Business Client without permission of the particular client to the extent permitted by law and except as noted in this section of the Agreement and as required by Ohio's public records laws.

Pursuit of Businesses:

The BusinessFirst! program was created to establish a systematic method for retaining and expanding businesses within the Member Jurisdictions. The underlying philosophy of the program is that we as a region agree that it is desirable, whenever possible, to retain and expand businesses in the jurisdictions in which they reside. In the event a BusinessFirst! Member Jurisdiction is unable to retain a business, it is the explicit goal to retain the business in the county in which it resides, and if not the county, the Dayton region. Therefore, no employee or representative of any Member Jurisdiction may actively pursue businesses in another Member Jurisdiction. “Actively pursue” is defined as when a Member Jurisdiction contacts businesses within another participating BusinessFirst! community by methods including but not limited to cold calls, mail, or visits.

Relocation of Businesses:

If a Member Jurisdiction is contacted by a business or the representative of a business residing in another Member Jurisdiction regarding a relocation or expansion, and the business or their representative requests available site or incentive information, Member Jurisdictions will adhere to the following protocol:

- A. Notify the business that in the county where they reside, incentives such as enterprise zones or other incentive programs that require county approval or participation may require the consent of the affected jurisdiction. The BusinessFirst! Program is and will continue to be a forum for discussion between individual communities regarding JEDDs, tax sharing, and other innovative Economic Development initiatives. Articulate the BusinessFirst! philosophy to the business. Member Jurisdictions will state that they will work with the business, but they will inform the Member Jurisdiction that may be negatively impacted so that the Member Jurisdiction may attempt to conduct a BusinessFirst! interview to ascertain how the business may be assisted and retained in the community. The Member Jurisdiction that has been contacted by the business should explain the BusinessFirst! philosophy to the business:
 1. Communities want to assist the business so that they are successful regardless of where they are located. In so doing, it is the intent to do whatever may be done to keep the business in the community where they currently reside, but if not, keep them in the county or the Dayton region.
 2. If unable to keep the business in the community due to a variety of business issues (e.g. current space too small or too large, market conditions change, etc.), the Member Jurisdiction that may be negatively impacted due to a loss will work with the county where the business resides to begin assisting the business to find alternative locations. Member Jurisdictions that adhere to the protocol are in no way prohibited from assisting the business.
 3. Also, Member Jurisdiction/Member Jurisdictions are to do the following:
 - a. Notify the affected Member Jurisdiction and BusinessFirst! participating county with a phone call.
 - b. Post an electronic journal entry with a “BusinessFirst! Relocation Notification” through ExecutivePulse technology to the affected Member Jurisdiction and county.

- c. If applicable, a conference call with all affected communities can be facilitated about the potential relocation of the business at the request of any of the communities involved. The intent is to exchange information about the business's needs (e.g., why they need to relocate) and to ensure an open line of communication among the communities approached by the business.
 - d. It is possible that if a relocation occurs, incentives may be used on a case-by-case basis.
4. When a participating BusinessFirst! county becomes aware of a potential business relocation or consolidation from a participating BusinessFirst! community to a non-participating community, the county will have the responsibility to institute the BusinessFirst! protocol as stated above.

Business Consolidations:

When a Member Jurisdiction learns of a potential consolidation, it will notify all of the other BusinessFirst! Member Jurisdictions in which the business has existing operations. The situation is to be treated as a business relocation as described above.

Information Sharing/Database Access – No employee or representative of a Member Jurisdiction or Regional Resource Partner may access or attempt to access information about Business clients outside of its respective jurisdictional responsibility. Program database design will include password and other protections. The Member Jurisdictions and Regional Resource Partners are strictly responsible for the security of the Program database passwords and will take all precautions necessary to avoid disclosure to non-authorized persons.

Administration – The Montgomery County Department of Community and Economic Development will administer and assign passwords necessary to access the Program database and to retrieve and input data. The Member Jurisdictions agree that the Montgomery County Department of Community and Economic Development will have full and unrestricted access to all information contained in the Program database for the limited purpose of monitoring and evaluating the data and information to analyze business issues and trends on an aggregate basis.

Public Records - In the event a Member Jurisdiction receives a public records request relating to the Program, the Member Jurisdiction will promptly forward the request to the Program Implementing Agency, the Montgomery County Department of Community and Economic Development.

VIII. Addition of New Member Jurisdiction(s)

The BusinessFirst! Program may add new Member Jurisdictions upon approval by a simple majority of existing Member Jurisdictions. Upon approval, the new Member Jurisdiction will be added by legislation from the Montgomery County Board of County Commissioners and the new Member Jurisdiction, as well as by a separately executed signature page to this Agreement.

IX. Role of Program Advisory Committee

The Program Advisory Committee will be the decision-making body for the Program. It will be composed of one representative from each Member Jurisdiction. It will meet every other month to discuss policies and procedures of the Program, to identify areas of the Program that require further improvements, and to review and act upon recommendations of the Executive Committee.

X. Penalties and Grievances

In general, the penalty for violation of any Program policy, protocol, or any requirement by the Member Jurisdiction may include, but is not limited to, written reprimand, suspension, or termination of Program database access.

If a Member Jurisdiction suspects or believes a violation has occurred of this Agreement or any of the Program policies, conditions, or requirements, it will advise the Executive Committee by filing a written grievance. The Executive Committee will make a recommendation to the Program Advisory Committee. The determination of whether a violation has occurred and any penalty to be imposed will be made by the majority vote of the Program Advisory Committee.

XI. Term

The Member Jurisdiction agrees that the Program intends to operate for a minimum of five additional years, starting in 2026. A Program evaluation will occur in 2030 to determine the continued implementation of the Program.

This Agreement will remain effective until December 31, 2030, unless terminated earlier in accordance with Section XII. In the event all Member Jurisdictions agree to renew this Agreement to continue the Program, the renewal will be reduced to writing, executed by an authorized representative of all Member Jurisdictions, and if applicable or required, approved by the legislative body of each Member Jurisdiction.

XII. General Provisions

- A. Termination – This Agreement may be terminated in its entirety by mutual written agreement between all Member Jurisdictions active at the time of the termination. If a Member Jurisdiction seeks to terminate its participation in the Program, it must provide written notice of its intent to terminate its participation to the Montgomery County Department of Community and Economic Development. The termination will be effective at the date specified in the written notice, and the terminating Member Jurisdiction will promptly complete any termination activities specified by the Montgomery County Department of Community and Economic Development. The terminating Member Jurisdiction will be prohibited from using for its economic benefit any confidential information gained through its participation in the Program.
- B. Amendment or Modification – This Agreement may be amended or modified by the parties, provided that any such amendment or modification makes specific reference to this Agreement, is executed in writing, is signed by an authorized representative of each Member Jurisdiction, and if required or applicable, is approved by the legislative or

governing body of the Member Jurisdiction(s).

- C. Capacity to Execute – The Member Jurisdictions certify that all actions necessary to execute this Agreement with Montgomery County were taken and that the person executing this Agreement is authorized to do so and has the power to bind the jurisdiction to the terms and conditions of this Agreement.
- D. Liability – Each Member Jurisdiction agrees to release the other parties to this Agreement from any and all liability, which may be caused by or arise from the wrongful or negligent conduct of the parties’ respective employees, contractors, or agents in the performance of this Agreement or during participation in the Program. Notwithstanding, none of the parties waive any available immunities under the law.
- E. Integration – This Agreement represents the entire agreement between the parties. This Agreement supersedes all prior and contemporaneous communications, representations, understandings, agreements, or contracts, whether oral or written, relating to the subject matter of this Agreement.
- F. Governing Law – This Agreement will be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws.
- G. Relationship of Parties – At no time may the relationship between the parties under this Agreement be construed, held out, or considered as a joint venture, principal-agent, or employer-employee, except as stated otherwise in this Agreement.
- H. Representations – In executing this agreement, the Member Jurisdiction represents that it has the legislative authority to meet its financial obligation to fund the Program from 2026 through 2030 in accordance with federal, state, and local law governing the encumbrance and expenditure of public funds.
- I. Severability - If any term or provision of this Agreement or the application thereof to any person or circumstance is determined to any extent be invalid or unenforceable, the remainder of the Agreement and the application of the term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable will not be affected and will be valid and enforceable to the fullest extent permitted by law.

(The remainder of this page intentionally left blank)

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 2025.

Signed and acknowledged in the presence of:

BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO (Board)

Witness

By: _____
Judy Dodge, Commission President

Witness

By: _____
Carolyn Rice, Commissioner

Witness

By: _____
Mary A. McDonald, Commissioner

OR

Witness

By: _____
Michael B. Colbert, County Administrator

By: _____
Director

By: _____
Assistant County Administrator

Jurisdiction

Witness

By: (Sign) _____

(Print) _____

TITLE: _____

**APPROVED AS TO FORM;
MATHIAS H. HECK, JR.,
PROSECUTING ATTORNEY**

BY: _____

Assistant Prosecuting Attorney

DATE: _____

Appendix A: Protocol Agreement

Related to the BusinessFirst! Retention and Expansion Program

Purpose:

The purpose of this agreement is to prevent any persons employed or otherwise engaged by a Member Jurisdiction or Regional Resource Partner (as these terms are defined in the **BUSINESSFIRST! FOR A GREATER DAYTON REGION, BUSINESS RETENTION AND EXPANSION PROGRAM, Intergovernmental Cooperation Agreement 2026-2030**) from breaching the established protocols, rules, policies, and procedures of the BusinessFirst! Retention and Expansion Program (“Program”) and to provide the operational protocol between all Member Jurisdictions and Regional Resource Partners participating in the Program.

Definitions:

- A. Business Client – Any business included in the Program database.
- B. Employee or representative – Any person currently employed by or retained on behalf of a Member Jurisdiction or Regional Resource Partner and has access to Program data and information or otherwise assists the Member Jurisdiction in participating in the Program.

Confidentiality:

- A. Relations with Business Clients - No Member Jurisdiction or Regional Resource Partner, nor their employees or representatives, may release any information about any Business Client without permission of the particular client to the extent permitted by law, except as noted in Section VII of the BusinessFirst! Intergovernmental Agreement and as required by Ohio’s public records laws.
- B. Information Sharing/Database Access - No employee or representative may view or attempt to view information about Business Clients outside of their respective jurisdictional responsibility. Program database design will include passwords and other protections. Member Jurisdictions and Regional Resource Partners will be strictly responsible for the security of the Program database passwords and will take all precautions necessary to avoid disclosure to non-authorized people.
- C. Administration - Montgomery County, Ohio, will administer and assign passwords necessary to access the Program database and to retrieve and input Business Client information. Montgomery County Department of Community and Economic Development will have full and unrestricted access to all information contained in the Program database for the limited purpose of monitoring and evaluating the data and information to analyze business issues and trends on an aggregate basis.
- D. Public Records - If any Member Jurisdiction or Regional Resource Partner receives a public records request relating to the Program or information concerning Program data, the Member Jurisdiction will promptly forward the request to the Program Implementing Agency, the Montgomery County Department of Community and Economic

Development.

Penalties and Grievances:

In general, the penalty for violation of any Program policy, protocol, or any requirement by a Member Jurisdiction, Regional Resource Partner, or their respective employees and representatives may include but is not limited to written reprimand, suspension, or termination of Program database access.

If a Member Jurisdiction suspects or believes a violation has occurred of this Agreement or any of the Program policies, conditions, or requirements, it will advise the Executive Committee by filing a written grievance. The Executive Committee will make a recommendation to the Program Advisory Committee. The determination of whether a violation has occurred and any penalty to be imposed will be made by the majority vote of the Program Advisory Committee.

Action:

All Member Jurisdictions and Regional Resource Partners will require all employees and representatives who may have access to the Program database or are otherwise associated with the Member Jurisdiction's or Regional Resource Partner's participation in the Program to read and execute the Employee/Representative Protocol Agreement Certification. The Certification requires signors to attest that they will follow the requirements, protocols, rules, regulations, and policies of the Program. Copies of all executed Protocol Agreement Certifications will be maintained by the Montgomery County Department of Community and Economic Development. Each Member Jurisdiction and Regional Resource Partner will keep all executed Protocol Agreement Certifications and provide copies of those certifications to the Montgomery County Department of Community and Economic Development. Upon request, a Member Jurisdiction or Regional Resource Partner will also provide copies of executed Protocol Agreement Certifications to any Member Jurisdiction.

(The remainder of this page intentionally left blank)

**EMPLOYEE/REPRESENTATIVE
PROTOCOL AGREEMENT
CERTIFICATION**

I, _____, as (an employee)/(a representative) of the Member Jurisdiction/Regional Resource Partner identified below, have read a copy of the Protocol Agreement governing participation in the BusinessFirst! Program (“Program”).

I hereby agree to abide by all terms, conditions, protocols, and policies of Program, especially those regarding the confidential nature of the Program information and data that I may possess, access, or gain during the course of my employment with the Member Jurisdiction/Regional Resource Partner and association with the BusinessFirst! Program. I further declare that no promise, inducement, or agreement has been made to me for executing this Certification.

Signed this _____ day of _____, _____.

Signed in the presence of:

Witness

(Print Name)

Member Jurisdiction/Regional Resource Partner:

APPENDIX B

Jurisdiction and Partner Access Levels

User Role Options

Each ExecutivePulse CRM System provides data access by User Roles. User Roles generally consist of the following, but may vary based on your unique CRM system configuration:

Regional Administrator — Full management control over contacts, companies, and all other entities in the database across all jurisdictions. Full reporting capabilities.

Administrator — Full management control over contacts, companies, and all other entities in the database within their assigned jurisdiction/community. Full reporting capabilities.

Resource Provider — Can see only basic “need-to-know” information about entities in the database.

BSC Outreach – Full management control over contacts and companies. Full reporting capabilities. Ability to manage facility resources at the Business Solutions Center.

BusinessFirst! Outreach – All capabilities of the Administrator, minus the ability to manage other database users.

Viewer — All capabilities of the Outreach Professional, minus the ability to manage companies.

A Resolution authorizing the Ohio Department of Transportation to undertake Elbee Road Bridge Replacement within the City of Moraine and known as the MOT Elbee Road Bridge Project (Pid No. 120483).

Department: Community Development

Request: Action Item

Item Background and Purpose:

This project includes the bridge replacement of the Elbee Road bridge over an unnamed tributary to the Great Miami River. Project includes right-of-way acquisition for utilities and sidewalk tie-in to the existing business drives on both ends of the bridge. Although the construction for this project will start in the spring of 2027, it will be published later this year.

The current estimate for construction for this project is \$675,950. As an ODOT-LET project, the Ohio Department of Transportation (ODOT) will administer the construction contract and pay 100% of construction costs up to \$688,700. As the Local Public Agency (LPA), the City of Moraine needs to provide all other construction and engineering costs which are currently estimated at \$5,500.

To allow ODOT to administer this project, they require legislation from the LPA that gives consent to the Director of Transportation to complete the project. Please refer to the template for preliminary participator legislation provided by ODOT. Signed legislation is due back to ODOT by June 1st, 2026.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: The funding for this project will come out of the Engineering Capital Improvement Fund

Attachments:

1. MOT 120483 Preliminary Participatory Legislation Moraine
2. MOT PID 120483_Memo to CM

RECORD OF RESOLUTIONS

Resolution No. 8214-26

A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO UNDERTAKE ELBEE ROAD BRIDGE REPLACEMENT WITHIN THE CITY OF MORAINE AND KNOWN AS THE MOT ELBEE ROAD BRIDGE PROJECT (PID NO. 120483).

WHEREAS, The City of Moraine as Local Public Agency (LPA) and the State of Ohio have identified the need for the following described project:

This Project will replace the Elbee Road Bridge SFN 5766699 in the City of Moraine Montgomery County, Ohio; and

WHEREAS, the City of Moraine, hereinafter referred to as the "City" or "LPA" desires to authorize the State of Ohio, Department of Transportation to undertake the work specified herein (Project).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORAINE, STATE OF OHIO:

SECTION 1: That being in the public interest, the City as LPA gives consent to the Director of Transportation to complete the above - described Project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 2: That the City shall cooperate with the Director of Transportation in the development and construction of the above-described Project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The City as LPA agrees to participate in the cost of the Project at 100% of the construction contract and engineering above and beyond \$688,700.00. Local share of construction and engineering costs is currently estimated to be \$5,500.00.

The City as LPA further agrees to pay 100 percent of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 3: That the City as LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The City as LPA further agrees to pay 100 percent of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION 4: That the City as LPA agrees that all right of way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right of way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

RECORD OF RESOLUTIONS

Resolution No. 8214-26

SECTION 5: That upon completion of the Project, and unless otherwise agreed, the City as LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal Laws, including but not limited to Title 23, USC Section 116; (2) provide ample financial provisions as necessary for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6: That the City as LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further, the LPA agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

SECTION 7: That the LPA hereby authorizes Michael Davis, City Manager of said City of Moraine, Ohio, to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Moraine to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 8: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager, City Engineer, and Finance Director.

SECTION 9: That this Resolution shall take effect and be in full force and effect from and after the date of its passage.

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance/Resolution # : _____

PID No. : 120483

County/Route/Section : MOT Elbee Rd. Bridge

Agreement No: _____

The following is a/an _____ enacted by the City of Moraine of Montgomery
(Motion/Ordinance/Resolution)

County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

This project will replace the Elbee Road bridge SFN 5766699 in the City of Moraine, Montgomery County Ohio.

NOW THEREFORE, be it ordained by the City of Moraine of Montgomery County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

Change/add/delete any and all of the following to conform with each particular project:

The LPA agrees to participate in the cost of the project (you fill in how the LPA will participate (ie: construction, PE, RW, extra work, ADA 100% items, etc)

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

*** (all of the above regarding the consultants is only needed if the LPA is responsible for the preliminary phase and design plans).*

SECTION IV Authority to Sign

The LPA hereby authorizes _____ of said _____ to
(Signature authority) (LPA-or its division, department or agency)
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to
complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the
preliminary engineering phase of the Project.

Upon request of ODOT, the _____ is also empowered to execute any appropriate documents to
(Signature authority)
affect the assignment of all rights, title, and interests of the _____ to ODOT arising from any
(LPA)
agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due
to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain

PID No.: 120483

the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII-Emergency measure

(as applicable)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Motion/Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2 _____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

1/2/2026

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Moraine of Montgomery County, Ohio
(LPA)

I, _____, as Clerk of the City of Moraine
(LPA)
of Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Motion/Ordinance/Resolution)
_____ on the _____ day of _____, 2_____.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2_____.

SEAL

(Clerk)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")



CITY OF MORaine DEPARTMENTAL CORRESPONDENCE

DATE: January 2nd, 2026

TO: Michael Davis, City Manager

FROM: Lauren Alvarado, City Engineer

SUBJECT: 2027 Elbee Road Bridge Replacement PID 120483

This project includes the bridge replacement of the Elbee Road bridge over an unnamed tributary to the Great Miami River. Project includes right-of-way acquisition for utilities and sidewalk tie-in to the existing business drives on both ends of the bridge. Although the construction for this project will start in the spring of 2027, it will be published later this year.

The current estimate for construction for this project is \$675,950. As an ODOT-LET project, the Ohio Department of Transportation (ODOT) will administer the construction contract and pay 100% of construction costs up to \$688,700. As the Local Public Agency (LPA), the City of Moraine needs to provide all other construction and engineering costs which are currently estimated at \$5,500.

To allow ODOT to administer this project, they require legislation from the LPA that gives consent to the Director of Transportation to complete the project. Please refer to the template for preliminary participator legislation provided by ODOT. Signed legislation is due back to ODOT by June 1st, 2026.

I recommend legislation be drafted for the City of Moraine to give consent to the Director of Transportation to complete the above-described project.

A Resolution authorizing the Ohio Department of Transportation to undertake Springboro Pike Repaving Project within the City of Moraine and known as the MOT-741-6.20 Project (Pid No. 111540).

Department: Community Development

Request: Action Item

Item Background and Purpose:

This project will consist of pavement repairs, planning, and resurfacing Springboro Pike from Northlawn Avenue to W. Alex Bell Road. Although the construction for this project will start in the spring of 2027, it will be published later this year.

The current estimate for construction for this project is \$1,980,000. As an ODOT-LET project, the Ohio Department of Transportation (ODOT) will administer the construction contract and pay for 80% of construction costs up to \$1,584,000. As the Local Public Agency (LPA), the City of Moraine needs to provide all other construction and engineering costs which are currently estimated at \$396,000.

To allow ODOT to administer this project, they require legislation from the LPA that gives consent to the Director of Transportation to complete the project. Please refer to the template for preliminary participator legislation provided by ODOT. Signed legislation is due back to ODOT by April 1st, 2026.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: The funding for this project will come out of the Engineering Capital Improvement Fund

Attachments:

1. MOT PID 111540_Memo to CM
2. MOT 111540 Preliminary Participatory Legislation Moraine

RECORD OF RESOLUTIONS

Resolution No. 8215-26

A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO UNDERTAKE SPRINGBORO PIKE REPAVING PROJECT WITHIN THE CITY OF MORaine AND KNOWN AS THE MOT-741-6.20 PROJECT (PID NO. 111540).

WHEREAS, the City of Moraine as Local Public Agency (LPA) and the State of Ohio have identified the need for the following described project:

This Project will resurface State Route 741 from Moraine South Corp. (SLM 6.20) to Bridge north of Northlawn Avenue (SLM 8.43) in the City of Moraine with a portion in West Carrollton, Ohio; and

WHEREAS, the City of Moraine, hereinafter referred to as the "City" or "LPA" desires to authorize the State of Ohio, Department of Transportation to undertake the work specified herein (Project).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That being in the public interest, the City as LPA gives consent to the Director of Transportation to complete the above - described Project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 2: That the City shall cooperate with the Director of Transportation in the development and construction of the above-described Project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The City as LPA agrees to participate in the cost of the Project at 20 percent of the construction contract and engineering and 100 percent of the construction contract and engineering above and beyond \$1,980,000.00. Local share of construction and engineering costs is currently estimated to be \$396,000.00.

The City as LPA further agrees to pay 100 percent of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 3: That the City as LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The City as LPA further agrees to pay 100 percent of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION 4: That the City as LPA agrees that all right of way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right of way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and

RECORD OF RESOLUTIONS

Resolution No. 8215-26

reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5: That upon completion of the Project, and unless otherwise agreed, the City as LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal Laws, including but not limited to Title 23, USC Section 116; (2) provide ample financial provisions as necessary for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6: That the City as LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further, the LPA agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

SECTION 7: That the LPA hereby authorizes Michael Davis, City Manager of said City of Moraine, Ohio to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Moraine to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 8: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager, City Engineer, and Finance Director.

SECTION 9: That this Resolution shall take effect and be in full force and effect from and after the date of its passage.



CITY OF MORaine DEPARTMENTAL CORRESPONDENCE

DATE: January 2nd, 2026

TO: Michael Davis, City Manager

FROM: Lauren Alvarado, City Engineer

SUBJECT: 2027 Springboro Pike Repaving PID 111540

This project will consist of pavement repairs, planning, and resurfacing Springboro Pike from Northlawn Avenue to W. Alex Bell Road. Although the construction for this project will start in the spring of 2027, it will be published later this year.

The current estimate for construction for this project is \$1,980,000. As an ODOT-LET project, the Ohio Department of Transportation (ODOT) will administer the construction contract and pay for 80% of construction costs up to \$1,584,000. As the Local Public Agency (LPA), the City of Moraine needs to provide all other construction and engineering costs which are currently estimated at \$396,000.

To allow ODOT to administer this project, they require legislation from the LPA that gives consent to the Director of Transportation to complete the project. Please refer to the template for preliminary participator legislation provided by ODOT. Signed legislation is due back to ODOT by April 1st, 2026.

I recommend legislation be drafted for the City of Moraine to give consent to the Director of Transportation to complete the above-described project.

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance/Resolution # : _____

PID No. : 111540

County/Route/Section : MOT-741-6.20

Agreement No: _____

The following is a/an _____ enacted by the City of Moraine of Montgomery
(Motion/Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

This project will resurface State Route 741 from Moraine South Corp (SLM 6.20) to Bridge north of Northlawn Avenue (SLM 8.43) in the City of Moraine with a portion in West Carrollton, Ohio.

NOW THEREFORE, be it ordained by the City of Moraine of Montgomery County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

Change/add/delete any and all of the following to conform with each particular project:

The LPA agrees to participate in the cost of the project (you fill in how the LPA will participate (ie: construction, PE, RW, extra work, ADA 100% items, etc)

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

*** (all of the above regarding the consultants is only needed if the LPA is responsible for the preliminary phase and design plans).*

SECTION IV Authority to Sign

The LPA hereby authorizes _____ of said _____ to
(Signature authority) (LPA-or its division, department or agency)
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to
complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the
preliminary engineering phase of the Project.

Upon request of ODOT, the _____ is also empowered to execute any appropriate documents to
(Signature authority)
affect the assignment of all rights, title, and interests of the _____ to ODOT arising from any
(LPA)
agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due
to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain

PID No.: 111540

the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII-Emergency measure

(as applicable)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Motion/Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2 _____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Moraine of Montgomery County, Ohio
(LPA)

I, _____, as Clerk of the City of Moraine
(LPA)
of Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Motion/Ordinance/Resolution)
_____ on the _____ day of _____, 2_____.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2_____.

SEAL

(Clerk)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

A Resolution declaring the items listed on the attached 2026 list to be surplus and no longer needed for municipal purposes and authorizing the City Manager to dispose of such items through GovDeals Auction or donation to a non-profit organization or through a trade-in program.

Department: Administration

Request: Resolution

Item Background and Purpose:

These items are deemed no longer needed for City use.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. Disposal List
2. 26-001 firearms

ID Number	Description	Depart/Loc	Make	VIN/Model Number	Condition	Other Misc	Open Date	Close Date
26-001	(46) Firearms	Police			see desc	trade - see attached		
26-002	lot of misc computer equipment	Admin			see desc	towers, pieces, parts, etc...		
26-003	scoreboard	Parks			see desc	does not work		
26-004	misc office chairs	Admin			see desc	various office chairs		

City of Moraine

Police Division

12/11/2025,

Sir,

Attached is the list of our 46 confiscated firearms for trade in. Also attached is the trade in quotes from Kiesler's and Vance's. The Miami Valley Armory did not respond to our email.

Respectfully submitted,

Ptl. Chad K. Burgett
4200 Dryden Rd. Moraine, Ohio 45439
Office: (937) 535-1166
Fax: (937) 535-1278
CBURGETT@moraineohio.gov

FIREARMS
INSTRUCTOR



RACIAL INTELLIGENCE
TRAINING & ENGAGEMENT



FIELD TRAINING
OFFICER

EVIDENCE
TECHNICIAN

APPROVED

CRAIG A. RICHARDSON
CHIEF OF POLICE

46 Weapons turned over to be sold

Gun #	Manufacture	Model	Caliber	Serial #	Type	Report Number
1	S&W	5944	9MM	TET4638	Handgun	22-3949-001
2	Ruger	LCP	380	372343507	Handgun	20-1566-004
3	Ruger	9E	9MM	33702403	Handgun	18-3687-114
4	Glock	43	9MM	BDES261	Handgun	20-1097-3
5	Ruger	P89	9MM	31234164	Handgun	18-3687-113
6	Taurus G2C	PT111G2A	9MM	TLR09542	Handgun	20-0086-001
7	Ruger	LC95	9MM	45326991	Handgun	20-1917-001
8	Taurus	PT738	380	10014114	Handgun	20-2833-002
9	Canik	TP9DA	9MM	T647219BJ00242	Handgun	19-3420-001
10	Bersa	Thunder	380	H07712	Handgun	18-3687-115
11	Taurus	605	357	AEJ667300	Handgun	24-074-001
12	Highpoint	C9	9MM	P1639198	Handgun	21-1985-002
14	Zig	1911 A1 US Army	45	T062021Z19687	Handgun	21-4499-001
15	Ruger	P95	9MM	31819948	Handgun	19-1787-001
17	Taurus	G3	9MM	ACA419962	Handgun	21-2209-001
18	Davis	P-380	380	AP381609	Handgun	14-1832-003
19	Taurus	PT-111 G2	9MM	TJT84892	Handgun	22-2651-001
20	Glock	20	10mm	BRGK969	Handgun	22-4414-001
21	FEG	MKB	9MM	K02080	Handgun	21-0725-001
22	Springfield	Armory USA	9MM	US852135	Handgun	19-3505-003
23	Taurus	PT111 G2	9MM	TJU42227	Handgun	19-2587-008
24	Glock	27	9MM	WAG206	Handgun	21-2278-002
25	S&W	Springfield	357	NEF4592	Handgun	22-0340-001

26	HK	USP Compact	40	26055610	Handgun	21-2409-001
27	Ruger	10/22	22	0001-73009	Rifle	18-1995-006
28	Luger	P-AK9	9MM	RONVMB71811460	Assault Pistol	19-2587-009
29	Mossberg	500	12GA	T537422	Shot Gun	21-1425-001
30	Hi-Point	JKP	45	5001823	Handgun	25-508-001
31	S&W	59	9MM	A247217	Handgun	19-1837-002
32	High Point	C9	9mm	P1944199	Handgun	19-944-002
33	Armi-galesi	AG	6.35	193797	Handgun	21-4497-003
34	Taurus	PT22	.22	Z031201	Handgun	20-276-002
35	High Point	CF380	.380	P8157123	Handgun	19-1715-001
36	Marakov	PK27	9mm	KP271458	Handgun	00-4308
37	S&W	M&P Shield	40cal	HZS6410	Handgun	25-137-001
38	Ruger	LCR	357	45689235	Handgun	24-3722-001
39	Colt	2000	9mm	PF11054	Handgun	19-1391-001
40	S&W	SD40VE	40cal	FYY6738	Handgun	22-1432-001
41	Amerocan Tactical	M1911	.45	ML135277	Handgun	23-3067-016
42	SCCY	CPX-2	9mm	C405991	Handgun	23-3067-50
43	Clock CLOCK	22	.40	TYP428	Handgun	23-3067-64
44	Highpoint	C9	9mm	P1437728	Handgun	21-1425-002
45	Walther	PPS	9mm	AZ5354	Handgun	23-1539-001
46	Springfield	XD-9	9mm	GM911883	Handgun	
47	M&P	Shield	.45	HNS6188	Handgun	
48	Glock	21	.45	BWHL998	Handgun	



Sales Quote

KIESLER POLICE SUPPLY
2802 SABLE MILL RD
JEFFERSONVILLE, IN 47130

Bill-to Customer

MORaine, CITY OF
ACCOUNTS PAYABLE
4200 DRYDEN ROAD
MORaine, OH 45439

Ship-to Address

MORaine, CITY OF
Ptl. Chad K. Burgett (937) 535-1166
ACCOUNTS PAYABLE
4200 DRYDEN ROAD
MORaine, OH 45439

Your Reference

Bill-to Customer No. L01392
Tax Registration No.

Salesperson

JOSH DAVIES

Email**Home Page****Phone No.**

No. Q168232

Document Date December 10, 2025

Due Date January 9, 2026

Payment Terms**Payment Method**

Tax Identification Type Legal Entity

Shipment Method Standard

Ptl. Chad K. Burgett

(937) 535-1166

CBURGETT@moraineoh.org

No.	Description	Quantity	Unit of Measure	Unit Price Excl. Tax	Line Amount Excl. Tax
KIESLER NOTE	TRADE IN OF (46) CONFISCATED GUNS ---SEE ATTACHED LIST---	1	EACH	-5,800.00	-5,800.00
KIESLER DISCLAIMER	THIS QUOTE/ORDER IS BASED ON CURRENT MARKET CONDITIONS AND TARIFF RATES AS OF THE DATE LISTED ON QUOTE. WE RESERVE THE RIGHT TO ADJUST THE FINAL PRICE TO REFLECT ANY UNFORESEEN CHANGES IN TARIFFS OR OTHER APPLICABLE TAXES THAT MAY OCCUR BETWEEN THE DATE OF THIS QUOTE AND THE DATE OF DELIVERY. WE WILL NOTIFY YOU OF ANY SUCH PRICE ADJUSTMENTS AS SOON AS POSSIBLE.	1	EACH	0.00	0.00
KIESLER DISCLAIMER 2	ALL PRICING CONTAINED HEREIN IS CONTINGENT UPON THE CURRENT LAWS, REGULATIONS, AND PUBLIC POLICY IMPACTING THE LEGAL RESALE AND SECONDARY MARKET FOR THE OFFERED PRODUCTS. IF LEGISLATIVE CHANGES, REGULATORY ACTIONS, GOVERNMENTAL DECREES, OR OTHER SHIFTS IN PUBLIC SENTIMENT IMPACT EITHER THE LEGAL AUTHORITY TO RESALE THE OFFERED PRODUCTS OR THE VALUE WITHIN THE SECONDARY MARKET FOR THE OFFERED PRODUCTS, KIESLER POLICE SUPPLY RESERVES THE RIGHT TO REVISE OR WITHDRAW THE AFFECTED PRICING. NOTICE OF ANY SUCH PRICING REVISION OR WITHDRAW WILL BE PROVIDED TO THE POTENTIAL CUSTOMER	1	EACH	0.00	0.00



Send PO's To:
3723 Cleveland Ave
Columbus, OH 43224
Ph (614)471-0712

Remit Pymt To:
4250 Alum Creek Dr
Obetz, OH 43207
Ph (614)489-5025

Account Name MORaine POLICE DEPARTMENT
Contact Name Ptl. CHAD BURGETT
Bill To 4200 DRYDEN RD.
MORaine, Ohio 45439
United States
Phone 937-535-1166
Email cburgett@moraineoh.org

Date 12/11/2025
Quote Number 00069328
Prepared By Aaron Cronig

Subtotal	\$0.00
Trade In Value	\$5,775.00
Shipping and Handling	\$0.00
Tax	\$0.00
Quote Grand Total	(\$5,775.00)

Trade In Notes

(46) Various Confiscated Trades @ \$5,775.00

***Trade value only, no cash value

Payment Details

Net 30 ☒
Credit Card ☐

Number of Days
Quote Valid

Quote Valid 30 Days

If Making Payment Via Credit Card, Please Call
614-471-0712

NOTE: CREDIT CARDS OVER \$1,000 INCUR A 3% SURCHARGE

RETURNED GOODS POLICY

Please note that returned goods must have prior authorization.

DEFECTIVE MERCHANDISE POLICY

Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

DAMAGED GOODS POLICY

For Prompt resolution, please notify us immediately upon receiving your shipment if you encounter any shortages or damages.