

**ORDINANCE NO. 2014-17**

AN ORDINANCE AMENDING THE PERSONNEL POLICY MANUAL TO COMPLY WITH CURRENT LAW, PROVIDE CLARIFICATION FOR CLASSIFIED AND UNCLASSIFIED EMPLOYEES AND NECESSARY UPDATES TO ASSIST ALL PERSONNEL TO IMPROVE THE SERVICE PROVIDED TO THE PUBLIC.

WHEREAS, the Personnel Policy Manual was last updated in September of 2011; and

WHEREAS, Council desires to amend the Personnel Policy Manual to comply with current law, current practice and provide for clarification of classified and unclassified employees.

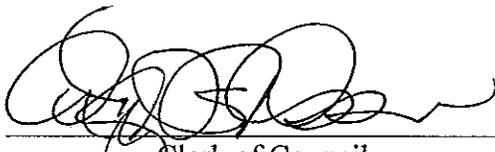
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The Personnel Policy Manual is hereby amended to read as set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: July 22, 2014

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

APPROVED:

  
\_\_\_\_\_  
Mayor

First Reading: June 24, 2014

I, the undersigned Clerk of Council of the City of Monroe, Ohio, hereby certify that the foregoing (ordinance or resolution) was published as Required by Section 7.16 of the Charter of the City of Monroe.

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

  
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Clerk of Council  
City of Monroe, Ohio"

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City of Monroe

# Personnel Policy Manual

August 21,  
2014

# Chapter 1 Introduction

## Preface

- 1.00 OVERVIEW OF MONROE CITY GOVERNMENT*
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## *Preface*

The contents of this manual are presented as a matter of information and to help all personnel better serve the public. This manual, including other matters addressed in it, is not intended to create, and does not create, a contract, either express or implied, between the City and any of its employees for employment, hours of work, or the provision of benefits. Nothing in this manual shall be interpreted to revoke or modify the employment status of those individuals who have an at-will employment relationship with the City. City Council or the City Manager, in writing, must formally approve all individual contracts with the City. The City may alter the terms of employment and to terminate any employee at any time and for any or no reason subject to any applicable Personnel Board Rules and Regulations for classified employees. This manual does not confer any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause, for any or no reason, and without prior notice by the City, or you may resign for any or no reason at any time. The City Council may modify, revoke, suspend, terminate, or change any or all such policies, in whole or in part, at any time with or without notice, as permitted by law, and as they deem best serves the citizens of the City.

The policies set forth and adopted within this manual supersede all previous written and unwritten personnel policies of the City. However, the City Manager and individual Departments may adopt additional Department specific policies and procedures. Questions regarding the interpretation and application of these policies shall be directed toward the City Manager or your Supervisor. Where provisions of this manual conflict with a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

This manual contains only general information and guidelines and is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. If you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the City Manager's office.

### ***1.00 Overview of Monroe City Government***

On May 7, 1974, the electors of the Municipality of Monroe adopted a Home Rule Charter. The current Form of Government is known as the "Council-Manager Plan."

Council is responsible for policy decisions and for providing an effective administration. The Manager is a professional administrator appointed and supervised by Council. The Manager is given the exclusive authority to administer the business of the City in addition to all the other functions and responsibilities which are required by law. This type of municipal government combines democratic decision making with professional administration.

The Council selects from its membership a Mayor and Vice Mayor. The Mayor is a Council member and has the right to vote on all issues before the Council, but has no power of veto. The Mayor also presides at meetings of Council, is recognized as the head of municipal government

for the following: ceremonial and non-administrative purposes; by the Governor or for purposes of military law; and, by the courts for civil processes involving the City.

The Council and the Mayor are elected in at-large races. The Council is comprised of 7 Council persons, each holding a 4 year term.

In order to effectively operate an organization, some of the authority and responsibility of running government is delegated to department levels, supervisors, and ultimately, to each employee. Department Heads/Division Heads report to the City Manager or the City Manager's designee. The Manager is responsible to the Council for all municipal operations.

It is the responsibility of everyone connected with this municipality to recognize that the chief function of this local government is to serve the best interests of all people of Monroe at all times.

### ***1.01 Introduction and Objectives***

#### **A. Introduction:**

The primary obligation of the City Council and other elected and appointed City officials is to provide the citizens of Monroe with quality public services. This is a continuing obligation to which all other obligations are secondary.

The purpose of these policies is to provide those quality services and to achieve a high degree of understanding, cooperation, efficiency, and unity among the employees of the City of Monroe, Ohio. They are intended to establish systematic procedures and regulations which will provide uniform policies for the administration of all City employees within both the classified and unclassified services and will promote the professional management of the City's business.

Policies are the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies and rules, consistently administered, are essential to the success of any organization.

Consequently, administrators, supervisors, and employees should use these policies and rules to further the City's public service objectives, not to frustrate them. These policies and rules provide all personnel an excellent tool to demonstrate how a well-conceived, well executed, system of administration and public service operates.

All personnel must be thoroughly knowledgeable of its contents.

All policies and rules are intended to reference both genders, unless specifically noted, and no discrimination is intended by the use of the male gender in the text of this manual.

B. Objectives:

1. The City of Monroe recognizes that a personnel system which recruits and retains competent, dependable City personnel is indispensable to effective City government.
2. The policies, rules, and procedures set forth in this manual are designed to:
  - a. Promote professional management of the City's business;
  - b. Encourage courteous and dependable service to the public;
  - c. Promote high morale and foster good working relationships among City employees by providing uniform personnel policies, equal opportunities for advancement, and consideration for employee needs;
  - d. Enhance the attractiveness of a career with the City and encourage each of its employees to give his best effort to the City and the public;
  - e. Provide equal opportunity for qualified persons to enter and progress in the City service based on merit, fitness, and effective personnel management methods; and
  - f. Ensure that all City operations are conducted in an ethical and legal manner to promote the City's reputation as an efficient, progressive body in the community and the state.

**1.02 *Scope of Coverage***

- A. The policies, rules, and procedures contained in this manual will apply to all employees, and officials, except in those instances where these policies, rules, and procedures are superseded by Federal or State law, labor contracts, or the City of Monroe Personnel Board Rules and Regulations.
- B. All City employees, in addition to the policies, rules, and procedures contained herein, shall be subject to those rules and regulations promulgated by their Department/Division Head and approved by the City Manager. Any additional policies or rules will be posted or otherwise made available to all affected employees.
- C. Some policies, rules, and procedures may reference or leave matters to more specific plans or documents (such as a health care plan), in which case the more specific plans or documents will control. Undoubtedly, there will be situations which shall require administrative interpretations of the policies, rules, and procedures set forth herein. Every effort must be made to ensure that such decisions are made objectively, with the general intent of the policy, rules, and/or procedure in mind. To that extent, the City Manager or Department Head may issue directives, from time to time, that clarify these policies, rules, and procedures.

- D. As conditions shift within the City, it may be necessary to add, delete, or revise specific policies, rules, and/or procedures affected by such change. Updated policies, rules, and/or procedures will be issued to all manual holders and communicated to all affected employees.
- E. The City Manager is charged with the responsibility for the administration of these policies, rules, and regulations. (City Charter, § 6.04.) The City Manager may delegate specific responsibilities for administration of the personnel policies and regulations.

### **1.03 Policy Amendments**

- A. As conditions warrant, these policies, rules, and procedures may be amended, revised, or deleted by approval of the City Manager and consent of City Council. Such revisions, amendments, or deletions will be published in a conspicuous place, or employees will be otherwise notified of their existence, on or prior to their effective date.
- B. City management personnel and city employees may submit written proposals for additions or amendments. All such proposals must be submitted to their supervisor who will review and forward all proposals, with recommendations, to the City Manager for his consideration.

### **1.04 Dissemination**

- A. It is essential that a system be established for implementing and administering the Personnel Policy Manual. To ensure that this is done properly, specific administrative procedures for implementation have been developed.
- B. The specific administrative procedures for implementation and administration are as follows:
  - 1. All personnel shall be provided with a copy of these policies, rules, and procedures. Additionally, a copy shall be made available for review by all personnel through their supervisors;
  - 2. Department/Division Heads shall be provided a copy of this manual;
  - 3. The City Manager will keep records of all employees who have received copies of the Personnel Policy Manual and the date issued. This list will accompany the master copy of the manual;
  - 4. All revisions will be issued by the City Manager and copies distributed to manual holders. For each revision, a memo will be attached to inform the manual holder which action is being altered, unless the policy manual itself is being revised. In such case, employees will receive a new manual. The effective date of the new or revised section will appear on the revisions. The manual holders will then include

the revised section in their copies of the manual. Revisions, amendments, or deletions will be posted or distributed on or prior to their being effective; and

5. All supervisors and employees will be required to read this manual. Each employee shall sign a statement that he has received a copy of the manual. (See Acknowledgment of Receipt of Personnel Policy Manual, Appendix.) The signed statement shall be placed in the employee's personnel file.
- C. This manual and all copies thereof shall remain the property of the City of Monroe and shall be surrendered upon request. Unauthorized reproduction and distribution is prohibited. Employees will be given copies of the manual upon hiring, and must comply with its content.

### ***1.05 Savings Clause***

If any chapter(s) or section(s) of this manual or any amendment(s) thereto shall be invalidated by law, rule, regulation, or binding legal decision rendered by a person or entity of competent jurisdiction (e.g., court decision, administrative ruling, etc.), or if compliance with or enforcement of any chapter(s) or section(s) of this manual shall be restrained by such person or entity, the remainder of this policy manual and any amendment(s) thereto shall not be affected and shall remain in full force and effect.

### ***1.06 Definitions***

**Absent Without Leave:** Failure to report for work without any authorization from the employer to be absent.

**Active Pay Status:** Except where otherwise defined in this manual, active pay status shall mean conditions under which an employee is eligible to receive pay directly from the City and includes hours worked, vacation leave, sick leave, compensatory time, personal leave, and holiday leave.

**Anniversary Date:** The date an employee is hired. In the event the employee's status changes to part-time or full-time or appointed to a new position, the Anniversary Date shall reflect the date in change of status or new position. This shall not apply to temporary employees.

**Appeal:** The right to appear before the Board or Officer and be heard on matters of discrimination, unfair practices, or other rights of applicants or city personnel under these policies.

**Applicant:** A person requesting consideration for employment in a class in the classified service.

**Appointing Authority:** The City Manager – unless otherwise provided for in the Charter.

**Board:** The Personnel Board of the City of Monroe, Ohio.

**City:** "City" used without another name shall mean the City of Monroe, Ohio.

**Class (or Classification):** A group of positions established under these rules sufficiently similar in respect to duties, responsibilities, and qualifications required to be designated by the same descriptive title and compensated within the same salary scale.

**Classification and Pay Plan:** The system of assigning jobs to classes and to an appropriate pay grade based on the similarities of positions.

**Class Series:** Any group of classification titles that have the identical name but different numerical designations, or identical titles except for designating levels of supervision (e.g., Clerk I, Clerk II, Clerk III, etc.).

**Classified Service:** See Charter for definition.

**Compensatory Time:** Time off with pay during regular working hours which has been granted in lieu of any type of overtime pay for excess hours previously worked.

**Competitive Examination:** Any examination administered for initial employment or promotional purposes which requires candidates to comply with the qualification requirements as well as the prescribed requirements for admission thereto.

**Condition of Employment:** A condition under which an individual accepts appointment to a particular position which determines the duration of the employment or limits the number of hours to be worked (e.g., seasonal or part-time, etc.).

**Day or Days:** Unless expressly provided as “workdays,” a time duration specified as a number of days shall be computed as calendar days.

**Demotion:** A change to a classification which has a lower minimum starting salary and/or with less discretion and/or responsibility.

**Department:** A work unit of the City organized by a functional area.

**Dismissal:** The termination of a classified worker for cause.

**Exempt Employee:** Employees in certain salaried positions who are exempt from the overtime provisions of the Fair Labor Standards Act and Ohio law. The salary is intended to compensate the employee for all hours he works in a week.

**FLSA:** Fair Labor Standards Act.

**Full-time:** Appointment to a position which is defined as “full-time” at the time of appointment. In general, these are positions for which the hours of work are expected to be 32 hours per week or more.

**Interim Positions:** A type of non-permanent appointment in which the work is of a temporary nature and the duration is fixed by the length of absence of an employee on an approved leave of absence. The duration of interim positions shall not exceed the length of the leave of absence.

**Layoff:** Separation from employment due to lack of work, lack of funds, abolishment of the position, or for other changes in duties or organization, in accordance with established policy.

**Leave of Absence:** The temporary separation from active pay status, as authorized by the City Manager, for a definite period of time not to exceed 120 calendar days and with the employee retaining status and seniority, with or without pay and benefits.

**Merit Increase:** Wage increase within a given pay range or grade for employees deserving such increase because of satisfactory or above average work performance.

**Non-Exempt Employee:** Employees who do not meet the exempt status requirements. Such employees are covered under the overtime provisions of the Fair Labor Standards Act and Ohio law.

**Original Appointment:** The first date of employment with the City of Monroe.

**Overtime:** Actual time worked in excess of 40 hours in a work week, except in the case of public safety employees.

**Part-time:** Appointment to a position working on a continuous basis, but for which the hours of work are expected to be less than 32 hours per week.

**Permanent Position:** Any classified position to which an employee has been appointed after serving a probationary period. Such position normally involves continuous year round service.

**Position:** Any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant or occupied; may be part-time or full-time.

**Posted/Posting:** The act of publishing in writing the classification, a list of duties and the qualifications for a position, so that recruitment of persons seeking a position can be accomplished.

**Probation:** A fixed period of time during which a non-at-will employee may be removed from a position at the total discretion of the City without appeal. Probationary periods are to be used to evaluate non-at-will employees to determine their fitness for the position which they hold.

**Promotion:** A change in rank of a worker from a position in one class to a position of another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.

**Reinstatement:** Return of an employee to his original position from which he was laid off or displaced due to a layoff or readjustment of the work force, transferred, or demoted to a different position and/or department or division due to his inability to perform the essential functions of his job with or without a reasonable accommodation, or loss of required license, certifications, or any other reason for becoming disqualified to perform his original job functions.

**Resignation:** Voluntary termination of an employee's employment with the City service.

**Seasonal Employment:** A type of appointment in which the employee works a certain regular season or period of the year, performing some work or activity limited to that season or period of the year.

**Suspension:** Enforcement of a leave of absence with or without pay of an employee for disciplinary purposes – pending investigation of charges, or other reasons.

**Status:** A description of the current condition of employment, such as full-time, part-time, temporary, interim, etc.

**Transfer:** A reassignment of an employee from a position in one department, or office to another position, which can be in the same class or in another class for which the employee meets the minimum qualifications, in another department, or office.

**Unclassified Service:** Includes those positions defined in the City Charter which are exempt from all examinations and which are provided no appeal under the Personnel Board. Appointment to a position in the unclassified service may be made at the discretion of the Appointing Authority and the incumbent may be removed, suspended, or reduced from the position at the pleasure of the Appointing Authority.

### ***1.07 City Administration***

The City Manager shall be the chief administrative, executive, and law enforcement officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under the City Charter.

Except for the purpose of inquiries and investigations (under Section 4.04 of the Monroe City Charter), the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately; however, the City Council may request and require City officers and employees to provide information pertaining to the conduct of City affairs and to attend the meetings of the Council or its committees to present testimony or other evidence. Employees must recognize that Council's role, except as further defined in the Charter, is legislative in nature and not administrative. Employees are required to follow the organizational chart or complaint process further described herein with any concerns or questions regarding administration.

# Chapter 2 Employment

- 2.00 *EQUAL EMPLOYMENT OPPORTUNITY*
- 2.01 *WORKPLACE HARASSMENT AND DISCRIMINATION*
- 2.02 *EMPLOYMENT IN THE CITY OF MONROE*
- 2.03 *REQUIREMENTS FOR EMPLOYMENT*
- 2.04 *CLASSIFIED AND UNCLASSIFIED EMPLOYMENT*
- 2.05 *EMPLOYEE STATUS*
- 2.06 *VACANCIES, INTERNAL TRANSFERS, PROMOTIONS, AND EMPLOYMENT OF RELATIVES*
- 2.07 *EVALUATION OF APPLICANTS*
- 2.08 *BASIS FOR SELECTION/DISQUALIFICATION*
- 2.09 *MEDICAL EXAMINATION*
- 2.10 *TRANSFERS*
- 2.11 *PROBATIONARY PERIOD*
- 2.12 *SENIORITY*
- 2.13 *PROMOTION*
- 2.14 *PERFORMANCE EVALUATION*
- 2.15 *TRAINING*
- 2.16 *TEMPORARY ASSIGNMENT*
- 2.17 *DEMOTION*

## **2.00 Equal Employment Opportunity**

- A. The City provides equal employment opportunities to all persons, consistent with applicable federal, state and municipal equal employment opportunity laws prohibiting discrimination based on race, sex (including pregnancy), age (40 and older), disability, genetic information, religion, ancestry, military status, color, national origin, or any other applicable statutorily protected group status. This policy shall apply to all phases of the employment relationship including recruitment, hiring, compensation, advancement, and discipline.
  
- B. **Adjustments to Work Duties.** If an employee believes he needs an adjustment to his work duties or workplace based on his medical condition, the employee should promptly contact his Department/Division Head and the Human Resources Manager. Prior to any subsequent meeting, it may be helpful to the process if the employee provides written documentation identifying the nature of the limitation(s) that he believes requires an adjustment, the likely duration, any suggested adjustment(s), and any medical documentation. The Department/Division Head and the Human Resources Manager will meet with the employee to discuss the request, explain the process, and determine what documentation is necessary to evaluate the request. It is the employee's responsibility to ensure his health care provider provides the requested documentation. Depending on the circumstances and documentation, the City may require supplemental information from the employee's health care provider or another health care provider/third party. The City cannot always grant the specific adjustment an employee seeks, but will make a determination whether it can make an adjustment that will enable the employee to perform the essential functions of his position.
  
- C. **Lactation Accommodation.** The City will provide reasonable, unpaid, breaks for a non-exempt employee to express breast milk for her nursing infant who is up to one year old. The City will furnish a private location at its office (other than the bathroom) for that activity. Please contact the Human Resources Manager if you need such an accommodation.

## **2.01 Workplace Harassment and Discrimination**

The City affords all employees a workplace that is free from all forms of harassment or discrimination based on sex (including pregnancy), race, religion, age (40 or older), ancestry, color, disability, national origin, genetic information, veteran status, or any other applicable statutorily protected group status. Such misconduct must be reported promptly, regardless of who originates it or participates in it, and regardless of whether it is oral, written, visual, or physical conduct. If found to have occurred, such misconduct will result in corrective action that the City determines is an appropriate resolution of the matter. The corrective action could range up to and include separation of the offender.

- A. **Reporting Procedure.** Anyone who is the object of any such conduct or who observes any such activity should immediately report the matter to the City Manager without fear of reprisal. Retaliation will not be tolerated against persons who report such activity or against those who assist or participate in any investigation.

- B. **Investigation/Disciplinary Action.** Each reported matter will be investigated under the direct supervision of the City Manager or an authorized designee. After the investigation has been completed, the City will make a determination. Appropriate corrective action, up to and including separation from the City, will be taken if that is deemed the proper resolution of the matter.
- C. **Explanation Of Sexual Harassment.** The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows:
- D. Unwelcome sexual advances (verbal and/or physical), requests for sexual favors and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when:
1. Submission to such conduct is either an explicit or implicit term or condition of employment (such as a promotion, job assignment, overtime opportunity, wage increase, etc.); or
  2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
  3. The conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating a hostile or offensive work environment.
- E. **Harassment Based On Other Protected Group Statuses.** Any unwelcome verbal or physical conduct may be viewed as illegal "harassment" if such conduct is because of any of the statutorily protected group statuses referenced above and has the purpose or effect of unreasonably interfering with an individual's job performance or creating a hostile or offensive work environment.
- F. **Unacceptable Behavior.** Using and insisting upon good manners, professional behavior, and the exercise of good sense will go a long way in avoiding and preventing the inappropriate conduct covered by this policy. Again, should there be any incident which runs afoul of this policy, it should be reported immediately. While this policy sets forth its goals of promoting a workplace that is free from the above-referenced harassment or discrimination, it does not limit the City's ability to take corrective action for workplace conduct which the City determines is unacceptable, regardless whether that conduct violates this policy.
- G. While it is not possible to list all examples of unacceptable and unprofessional conduct, the following non-exhaustive list sets forth some examples of the kind of behavior (oral, written, electronic, or physical) that is prohibited in our workplace:
1. Offensive sexual language, gestures, photographs, or references;
  2. Verbal harassment based on any protected group characteristic;
  3. Subtle or direct pressure for sexual activity;

4. Physical contact such as touching, patting, pinching, rubbing, or squeezing;
  5. Comments about a person's body in a sexually offensive manner,
  6. Seeking sexual attention with implied or explicit threats or rewards;
  7. Epithets, derogatory comments, or slurs;
  8. Posters, cartoons, photographs, or images that denigrate or show hostility or aversion toward an individual's or group's protected group characteristic;
  9. Threatening or offensive letters, notes, or invitations;
  10. Electronic communication of verbally or visually offensive material; or
  11. Physical conduct or physical interference with someone.
- H. Please note the above-referenced conduct will be addressed whether or not it meets a legal definition of "discrimination" or "harassment."

## ***2.02 Employment in the City of Monroe***

The City appoints, employs, evaluates, disciplines, lays off, and removes employees within the respective offices and departments. The City also generally establishes the compensation and conditions of employment for employees, subject to certain exceptions established or delegated to other authorities by law or City Charter.

Employment by the City is employment in a public agency, subject to the applicable laws of the State of Ohio, the City Charter, policies, rules, and procedures established by the City, and the requirement that employees recognize and agree to abide by said laws, Charter, and policies, rules, and procedures as conditions of employment.

Employees are required to perform assigned duties in a responsible manner during the working hours designated by the City.

## ***2.03 Requirements for Employment***

- A. Residency Requirement: Generally, residency is not a prerequisite for obtaining or continuing employment with the City of Monroe. However, in many cases, it is in the City's best interest for employees to live within a reasonable distance so that they may respond to emergency or call-back situations.
- B. Age: Applicants for original appointment to the Police Division shall be not less than 21 years of age and no more than 34 years of age.
- C. All new employees are required by the Immigration Reform and Control Act of 1986 to complete Employment Eligibility Verification Form I-9 on the first day of employment.

The Form I-9 can be completed before the first day of work if the offer of employment has been extended and accepted.

#### **2.04 *Classified and Unclassified Employment***

- A. All employees of the City are presumed to be classified employees unless the position an employee occupies has been exempted from the classified service by City Charter. After completion of the original probationary period, or the probationary period following a promotion, classified employees may only be disciplined for cause.
- B. Some City employees serve in the unclassified City service, or occupy positions which have been exempted from the classified City service. Such employees are at-will employees and therefore serve at the pleasure of the City.

#### **2.05 *Employee Status***

- A. All employees of the City of Monroe shall be categorized as full-time, part-time, temporary, seasonal, or student.
  - 1. Full-time employee means an employee who works 32 hours per week on a regularly scheduled basis or the standard full-time workweek as designated by the Appointing Authority.
  - 2. Part-time employee means an employee who works less than 32 hours per week or less than full-time as designated by the Appointing Authority, but on a regularly scheduled basis.
  - 3. Temporary employee means an employee who works in a position that has a specified duration of time.
  - 4. Probationary employee means a classified employee serving the first 12 months of his appointment, promotion, re-employment, or reinstatement to any non-temporary position with the City.
  - 5. Seasonal employee means an employee who works on the academic program year, or who works on a recurring, but temporary basis annually.
  - 6. Student employee means a person employed to work in a non-professional position requiring little or no experience. The person must be a student at an educational institution; however, their assigned position need not be directly related to the content or level of the person's education.
  - 7. Provisional employee means an employee who has temporarily filled a classified position because the Personnel Board cannot certify a list of persons eligible for appointment from a competitive examination.

8. Interim employee means an employee hired to fill a vacancy in a classified position created by the long term absence of a regular employee for the period of the that absence or until an examination can be held. Interim appointees will be notified that their appointment shall cease upon the return of the regular employee for whom the interim employee is working or the position is filled through the examination process.

#### **2.06 *Vacancies, Internal Transfers, Promotions, and Employment of Relatives***

- A. Appointments and promotions shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations, subject to applicable Personnel Board rules and regulations.
- B. Applicants for City employment shall complete the application form provided by the City or submit a resume. Persons submitting resumes may also be required to complete an application form.
- C. To the extent certified eligibility registers are available, and required, the City shall comply with the procedures for hiring classified employees.
- D. Upon request, the City will endeavor to reasonably accommodate qualified persons with disabilities to apply for vacancies.
- E. Any relative of a City employee applying for a position with the City, shall be given due consideration in the filling of that position. Notwithstanding the foregoing, at no time shall an employee be permitted to work directly for or supervise a relative of such employee.

The City of Monroe's goal is not to create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion, and transfer. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins, and domestic partner relatives.

If an employee begins a dating relationship or become relatives, partners or members of the same household and if one party is in a supervisory position, that person is required to inform the Human Resources Manager of the relationship.

The City Manager may apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

- F. Employees with more than 12 months of service may request consideration to transfer to other jobs as vacancies become available and will be considered along with other applicants. At the same time, the City Manager may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

The City may offer employees promotions to higher-level positions when appropriate. While it is preferred to promote from within, the City Manager may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City's best interest.

To be considered, employees must have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the last 12 months. The City Manager retains the discretion to make exceptions to the policy.

### **2.07 *Evaluation of Applicants***

- A. The Appointing Authority or designee may interview the applicants to determine who is qualified for further consideration. Upon request, applicants must submit to any or all of the following: reference checks, interviews, background checks, and other job-related evaluation procedures. If available, similar information obtained by other jurisdictions may be utilized by the Appointing Authority to determine the qualification of a candidate.
- B. The City may also require a selected applicant to pass an appropriate examination as a condition to employment to determine whether the applicant can perform the essential functions of the job, with or without a reasonable accommodation. The City will pay for examinations of employees, but not applicants. Pre-employment tests to determine current use of illegal drugs may be conducted before or after a conditional offer of employment.

### **2.08 *Basis for Selection/Disqualification***

- A. The City seeks to attract, hire, and retain the most qualified applicants and employees. Once the person evaluating or selecting among applicants has determined those applicants who meet the minimum job-related qualifications, he may consider the applicants' skills and ability to perform the essential functions of the position.
- B. The City may eliminate an applicant from consideration if the applicant:
  - 1. Does not possess the minimum licenses, certifications, educational degree, or equivalent experience, or similar qualifications;
  - 2. Does not have the knowledge, skills, and abilities to perform the essential functions of the vacant position, either with or without reasonable accommodation;

3. Has made a false statement on the application form or supplements;
  4. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
  5. Is an alien not legally permitted to work;
  6. Is not within the prescribed age limits, if any;
  7. Does not meet the physical requirements of the position to which he seeks appointment; has been convicted of a crime that would adversely affect his performance in the position to which he seeks appointment, or has been dismissed from previous employment for flagrant delinquency, misconduct, or good cause;
  8. Was previously in the classified service in the same or any other type of employment in the City of Monroe or other governmental agency and was removed for cause or did not resign in good standing;
  9. After notification did not promptly present himself at the time and place designated for the examination;
  10. Was rejected by the Board within the preceding 6 months for any examination due to poor work record, or for the conviction of a crime that is related to the performance of the job for which the applicant is currently applying, or where the Board has rejected the applicant for the same or similar classification for failing to meet the minimum qualifications set forth in the official announcement, unless the applicant has met the required qualifications during that period;
  11. Filed a previous application for the same examination, in which case both applications are subject to rejection; or
  12. Failed or withdrew from an examination for the same or similar classification within the preceding 6 months except that an applicant disqualified for physical reasons only may compete upon presentation of medical evidence that the disqualifying conditions have been corrected.
- C. An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements and/or the selection of the most qualified individual.
- D. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the City may terminate the employee for dishonesty, incompetency, nonfeasance, or malfeasance.

## **2.09 Medical Examination**

- A. A physical and/or mental examination by a qualified physician may be required following a contingent job offer, to ensure that selected job applicants are able to perform the duties of the position for which they are applying, with or without a reasonable accommodation. No medical examination, except screening for use of illegal drugs, will be conducted until after the City has made the applicant a conditional offer of employment.
- B. The City shall select the physician to administer the City's examination and the City shall pay the cost.
- C. A current employee may be required to submit to a medical examination during his period of employment with the City. Such an examination is intended to confirm the incumbent is able to perform the essential duties of his position, with or without a reasonable accommodation. (Examples include mandatory drug and alcohol testing for CDL holders, examination to assess eligibility for Workers' Compensation, examination required by Occupational Safety and Health programs, etc.) In such instances, the City shall inform the employee in writing of the examination. The City shall assume the cost of such required examinations. The employee shall be responsible for attending the examination, and shall cooperate with the physician in order that the report of examination may be delivered to the City Manager. Employees who refuse examination or fail to cooperate may be subject to disciplinary action, up to and including termination.
- D. A job applicant or employee may be disqualified from holding a position with the City if it is determined that the individual is unable to perform the essential duties of the position sought or held, with or without a reasonable accommodation. Prior to disqualification or termination, and if applicable, the City Manager will consider whether a reasonable accommodation can be made which would enable the individual to perform the essential duties of the position.
- E. Any offers of employment shall be contingent upon the new employee receiving negative results for the presence of any illegal drugs. Refusal to submit to a drug test by any new employee or prospective employee shall be considered as a voluntary resignation or voluntary withdrawal from any selection process by the employee.

## **2.10 Transfers**

- A. There are two types of transfers:
  - 1. Intra-Departmental Transfer: a transfer from one position to another bearing the same or similar classification title within the department head's office is considered an intra-departmental transfer.
  - 2. Inter-Departmental Transfer: a transfer from one position to another position of the same or similar class between one department head's office and another department head's office is considered an inter-departmental transfer.

- B. Transferred employees shall conform to the working policies and practices of the department to which they are transferred and shall be subject to a probationary period in the new position as provided herein.
- C. Salary adjustments shall be made in accordance with the City salary and wage plan.
- D. Nothing in this section shall be construed to interfere with the right of the City Manager to assign or reassign employees within a given class among the various departments under his control as deemed in the best interest of the City.

### **2.11 Probationary Period**

- A. Each employee newly hired or promoted in the classified service shall serve a probationary period. Probationary periods shall be set by the City Manager with consideration of input from the Department Head of the employee. Probationary periods shall be not less than 12 calendar months. The probationary period may be extended when the employee has been absent, for whatever reason, for a substantial portion of the probationary period, and the City Manager may extend the probationary period by the number of working days, not exceeding the length of time the individual was absent. A person under an extended probation period is not eligible for any merit increase, nor additional benefits or vacation leave (except for health insurance benefits that may increase for all employees) until after the probation period is successfully completed. The probationary period for full-time employees and scheduled part-time and seasonal employees shall be based on calendar months from the date of original appointment.
- B. Time on leave of absence or other nonpaid leaves shall not be counted toward the completion of the probationary periods.
- C. The purpose of the probationary period is to review and evaluate the qualifications of the employee to perform satisfactorily under actual working conditions. Supervisors have a responsibility to only recommend retention of those employees who meet acceptable work standards during the probationary period.
- D. A probationary employee may be dismissed with or without cause, for any or no reason, at any time during the probationary period.

### **2.12 Seniority**

- A. Seniority is generally defined as continuous full-time service with the City. Seniority may have a different meaning for certain specified purposes. An authorized leave of absence does not constitute a break in service, and seniority time continues to accumulate during the term of the leave, provided that the employee complies with the rules and regulations governing his leave of absence, and that the employee is reinstated from the leave.
- B. The two types of seniority used in this manual are as follows:

1. City Seniority: The total time elapsed from an employee's initial appointment date with the City, such employment date being unbroken by any resignation or termination of employment.
  2. Job Seniority: The total time that an employee has worked in a specific job classification.
- C. Seniority for the purposes of determining retirement benefits is defined by the provisions of the retirement system in which the employee participates.

### **2.13 Promotion**

- A. Promotional opportunities shall be offered as far as practicable to qualified current employees. The Employer may limit a selection process to qualified employees or may allow such employees preference in application and/or consideration, to the extent such is permitted by applicable laws, City Charter, or Personnel Board Rules and Regulations. Interested employees should contact the City Manager's Office for information on each position, and must follow the designated procedures in order to be considered for such position.
- B. Factors to consider for promotion include, without limitation, an employee's completion of any required probationary period, required training courses, general performance level, records of merit, efficiency, character, conduct, seniority, and any other job-related qualifying criteria.
- C. A promotion may be treated the same as a new appointment insofar as it is necessary to pass a probationary period for such position, except for positions in the unclassified service. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion, upon failure of the promotional probationary period, or if the formerly held position no longer exists, the employee may be placed in a comparable position.

In the event no comparable position exists, the employee may be placed on an appropriate eligibility list or may be terminated. Such terminated employee will be placed on a recall list, and will have the first opportunity to fill any vacancies which occur in the next 6 months for which he is qualified.

- D. The action of 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.
- E. Salary adjustments shall be made according to the City salary and wage plan.

## **2.14 Performance Evaluation**

- A. A performance evaluation provides supervisors with a tool to measure and communicate levels 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 management decisions regarding training needs, job assignments, promotion and retention of employees. The work performance of each permanent employee shall be evaluated in accordance with established procedures.
- B. Each full-time and part-time City employee will be evaluated at least annually and before granting of promotion, or merit increase. Special evaluations may be made if authorized by the City. Probationary employees may be evaluated at any time during the probationary period. A formal evaluation must be given immediately prior to the completion of the probationary period. Should the employee be given a probationary removal before the end of the probationary period, the final evaluation will be made at the time of the removal.
- C. Each employee should be rated by the supervisor to whom he is regularly assigned. If an employee reported to 2 or more supervisors within the period to be evaluated, the current supervisor should complete the rating while the former supervisor(s) should advise the present supervisor regarding the time the employee served under the former supervisor(s). Performance evaluation reports shall be prepared on forms provided by the City Manager.
- D. Each employee will be provided a copy of his performance evaluation, and the original shall be filed in the employee's personnel file. The supervisor will discuss the report with the employee and will counsel the employee regarding any improvement in performance which appears desirable or necessary.
- E. Employees shall be required to sign their performance evaluations upon review. Such signature shall indicate only that the employee has reviewed the performance evaluation, and does not necessarily signify the employee's agreement with the contents of the performance evaluation.
- F. An employee's evaluation dates may change if a merit increase was delayed due to a poor performance evaluation. The new evaluation dates will become the date at which the merit increase was granted.

## **2.15 Training**

- A. **Employee's Responsibility for Maintaining and Upgrading Job Skills:** Each individual administrator, supervisor, and employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or seek promotion. The City will facilitate those efforts and provide training from time to time.

An employee may pursue independent study or training but may not obligate the City to pay expenses or compensation without specific advance permission (see D below).

- B. Training Program Evaluation: The City Manager will annually examine current and proposed training programs to ensure their relevance to both the individual employee and organizational training needs.
- C. On-the-Job Training: On-the-job training prepares an employee to effectively perform the responsibilities required of his position. It allows the employee to learn his job duties, proper procedures, and expected performance levels.
- D. Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the City assigns the employee to attend such training or approves a specific request from an employee to attend such training, the expense incurred shall be paid by the City. The City will not, however, pay for training when it is taken voluntarily and is not related to the employee's job duties. Any job related training taken voluntarily by the employee, shall be subject to the prior written approval of the City Manager or designee. Expenses associated with such voluntary training paid by the City may be authorized on recommendation of the City Manager and approval of City Council.
- E. An employee may request that the City provide additional job training to upgrade performance levels in his current position or in preparation for anticipated position vacancies. Such training may be considered by the City. In all cases, however, such additional paid training shall be subject to the approval of the City.
- F. In the event that an employee requests and receives approval to attend a seminar, training class, etc., and the employee fails to attend such seminar, class, etc., the employee shall repay any cost of the training session that was paid by the City through payroll deductions. The City Manager may waive this repayment procedure in emergency situations.
- G. Time spent in attendance at lectures, meetings, training programs, and similar activities that are required by the Employer shall be considered as time worked and will be considered compensable. When an employee is required to travel, and such travel occurs within the same work day, travel time is considered compensable with a deduction for usual meal time. When an employee is required to travel, exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and Ohio wage and hour laws.
- H. Tuition Reimbursement:  
  
The City will reimburse up to a maximum of \$5,200 per year incurred by an employee for City Manager-approved continuing education through an accredited program that either offers growth in an area related to his current position or might lead to promotional opportunities. Courses include college credit courses, continuing education unit courses, seminars and certification tests. Employees must earn a passing grade of "B" or its

equivalent or obtain certification to receive any reimbursement. Expenses must be validated by receipts, and a copy of the final grade card or certification must be presented to show hours or certification received. In the event the employee resigns, retires, or is terminated for any reason within three years (each year represents 365 calendar days) from receipt of this reimbursement, the employee shall be required to repay the City a prorated amount as follows: 1 year – 75%; 2 years – 50%; 3 years – 25%.

### **2.16 Temporary Assignment**

A temporary assignment is defined as the assignment of an individual employee to a classification different from his own, which has substantially different duties than the employee would normally perform. A temporary assignment shall be implemented by the City to meet the operational needs of the various departments due to illness, emergencies, or special circumstances. It shall not be used for disciplinary purposes.

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

### **2.17 Demotion**

- A. The Department/Division Head may, with the approval of the City Manager, demote an employee to a lower step in the same grade or to a lower related classification as a result of the employee's failure to meet the requirements of his class of work, at the request of the employee, or due to disciplinary reasons.
- B. Salary adjustments in cases of demotions shall be made in accordance with the City salary and wage plan.
- C. Non-at-will employees who have satisfactorily passed their probationary period in the position from which they are demoted, may appeal the action in accordance with the procedures established by the Personnel Board.
- D. Appeals resulting from demotion shall be heard by the Personnel Board, per City Charter § 9.08. Further discussion on reduction appeals is found in Chapter 6.

# Chapter 3 Compensation and Hours of Work

- 3.00 *COMPENSATION*
- 3.01 *WORK SCHEDULING*
- 3.02 *PAY PERIOD*
- 3.03 *OVERTIME AND HOURS OF WORK*
- 3.04 *PAYROLL DEDUCTIONS*
- 3.05 *EXEMPT SALARIED EMPLOYEE PAY*
- 3.06 *EXPENSE REIMBURSEMENT/ALLOWANCES*

### **3.00 Compensation**

- A. City Council will adopt a pay plan. Efforts will be made to compensate personnel in accordance with Charter, federal and Ohio law, and sound personnel practices.
- B. The City Manager shall determine the appropriate starting pay for each employee.

### **3.01 Work Scheduling**

- A. The work schedule for each department shall be established by the department head with the advice and approval of the City Manager. Employee attendance records will be maintained the City Manager's office or as otherwise directed by the City Manager. Work days are normally Monday through Friday, except that Department Heads, with the concurrence of the City Manager, may adjust normal work schedules for departments as conditions dictate.
- B. All employees are eligible to receive a meal period with the length designated by the Department Head, with the concurrence of the City Manager. Lunch scheduling is subject to approval by the employee's supervisor.
- C. Approved lunch periods may be considered as work time or as non-work time as each department specifies. If the lunch period is not considered as work time, the employee shall be relieved from duty for at least 30 consecutive minutes, uninterrupted by work.
- D. Employees returning late from, or leaving early to, lunch/dinner may be subject to appropriate disciplinary action.
- E. The total hours in the normal work week shall not exceed 40 hours without proper overtime compensation for non-exempt employees, subject to Section (F) below. Public safety departments may set an alternate overtime threshold consistent with departmental needs and applicable federal/Ohio law.
- F. The regular work week shall consist of 40 hours per week, Monday through Friday, 8 am – 5 pm with a duty-free, unpaid period for lunch. Some departments may set alternate work weeks consistent with departmental needs, and with the approval of the City Manager.
- G. Department/Division Heads are authorized to establish reasonable paid rest periods during each work day. The granting of these periods and the determination of their time and length is entirely discretionary with the appropriate Department/Division Head and shall be arranged as the Department/Division Head feels is most consistent with the department's operation.

### **3.02 Pay Period**

- A. Employees shall be paid on a bi-weekly (every other week) basis, as determined by the City Manager. The pay period runs from Sunday, 12:01 a.m. through the second Saturday, 12:00 midnight. This pay period may be adjusted as determined by the City Manager.
- B. If a holiday occurs on a payday established by the City, paychecks will be issued on the preceding day, except under extenuating circumstances in which case paychecks will be issued as soon as they are available.
- C. The Human Resources Manager will receive any questions regarding an employee's pay and is responsible for making the necessary explanations or inquiries to resolve the matter.
- D. Pay advances of any kind are not permitted. Persons employed, or persons terminating their employment, in the middle of a pay period shall be paid only for time worked.

### **3.03 Overtime and Hours of Work**

- A. **Overtime:** Applicable wage and hour law requires employers to designate a "work period" for purposes of calculating overtime. Generally speaking, the work period corresponds with a workweek. The work period for purposes of payroll and for the calculation of overtime will be 7 consecutive days, beginning Sunday, 12:01 a.m. through Saturday, 12:00 midnight. (Some departments may use a different work period, based on operational need.)
- B. **Eligible Employees: Calculating Overtime:** Each covered non-exempt employee, as specified by applicable wage and hour law, shall be entitled to overtime compensation at 1-½ times his regular rate of pay for actual time worked or, as applicable, in active pay status during the work period.
  - 1. Employees whose regularly scheduled work week is less than 40 hours per week shall receive straight time pay for all hours worked up to 40 hours per week.
  - 2. Any employee who works in excess of 40 hours per week shall receive compensation at 1-½ times his regular hourly rate or shall receive compensatory time off at 1-½ hours for each hour worked in excess of 40 hours per week, except for those employees covered by Section 7 (k) of the FLSA.
- C. **Overtime Authorization:** Overtime must be authorized by the City Manager or designee in advance of the overtime being worked.

However, unusual or emergency circumstances may require employees to work overtime without having prior authorization of the Employer. Whenever such circumstances occur, the Employer will determine the method of compensation.

Scheduled overtime which is subsequently canceled for any reason shall not entitle the employee to overtime compensation.

- D. **Travel Time:** When an employee incurs an overnight stay on City business, time spent traveling and time spent overnight on official City business shall not be considered time worked for purposes of calculating overtime, except to the extent that time intersects normal working time or to the extent the employee is doing actual work.
- E. **Starting Time. Quitting Time:** Employees shall not perform assignments prior to the beginning or after the end of the regular scheduled work day unless previously approved by the employee's supervisor.
- F. **Overtime Application to Exempt Positions:** Employees in positions designated as exempt are not governed by this policy, and any time off with pay for additional hours worked must be approved by the City Manager or department head. The City Manager may permit an exempt employee to vary his work schedule.
- G. **Record-Keeping Required:** Each non-exempt employee who is governed by this overtime policy is required to execute a biweekly time sheet. At the end of each biweekly (every other week) work period, such employee is required to sign his own time sheet indicating that the hours reflected on the time sheet are the actual hours worked by the employee. This time record must indicate the actual time the employee worked each day. Upon completion and signature of the time sheet, each employee must submit the original to his department head for approval. At such time as electronic record-keeping is implemented employees shall be required to follow the guidelines established by the City Manager. Completed time sheets are to be submitted biweekly to the City Manager's Office for payroll purposes.
- H. **Flex-Time:** The City may utilize "time off" or flexible hours in order to avoid having employees work in excess of their regular number of hours in a workweek. Flex-time scheduling must be reasonable and must be approved by the department head and the City Manager. This policy is not designed to prohibit overtime; rather, its purpose is to help the Appointing Authority and department heads avoid unnecessary overtime, to the extent it can do so and still provide requisite levels of service. The flex-time arrangement must be for a specified period of time and must not unduly disrupt the City's work scheduling or service to the public.
- I. **Compensatory Time:** The City may allow an employee to accumulate compensatory time in lieu of overtime pay. Flex-Time is encouraged over Compensatory Time.

An employee may accrue and use a maximum of 40 hours of compensatory time during a calendar year and at no time shall compensatory time be carried over from one year to another. Accumulated compensatory time will be paid out prior to any pay increase.

### **3.04 Payroll Deductions**

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

1. P.E.R.S./P.F.D.P.F.: State law requires that employees contribute to the Public Employees Retirement System (PERS) or the Police and Fire Disability Pension Fund (PFDPF). (Membership in the system is compulsory upon being employed except those persons specifically exempted under the provisions of R.C. 145.03.)
2. Income Taxes: Federal and state laws, some city ordinances, and some school districts, require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the Finance Department by the Ohio Department of Taxation and various other entities, and varies 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 Employer of any dependency change whenever such change occurs.

3. Medicare Health Insurance: The federal government requires a certain percentage of the salary of employees hired on or after April 1, 1986, be withheld each pay period to pay for Medicare health insurance coverage. The City is also required to contribute a like amount.
4. Medical Insurance Premiums: The City may require a payroll deduction for the employee's share of medical insurance premiums for those eligible employees electing medical insurance coverage.
5. Social Security: Some employees may be required to contribute to the Social Security System. Employees who do not contribute to PERS or PFDPF should contact the City Manager's Office regarding the withdrawal of Social Security.
6. Miscellaneous: Examples include garnishments. Credit unions, deferred compensation, child support, employee insurance contributions, EAP, etc.
7. The City may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, which occur at irregular intervals, or for another similar cause. Other than those deductions required by law, the City may decline to make a deduction that the employee's check is insufficient to cover. All requests for payroll deductions must be presented in writing to the City Manager's Office for authorization.

### **3.05 Exempt Salaried Employee Pay**

- A. **Salary Basis Requirements.** The City intends to accurately and legally compensate its exempt status employees. The City prohibits its management staff from making any improper deductions from exempt employees' salaries. If the City classifies you as an exempt salaried employee, your salary is intended to compensate you for all actual hours you perform services for the City. Job titles do not determine exempt or salary status. Being paid on a "salary basis" means you regularly receive a predetermined amount of compensation each applicable pay period and that amount cannot be reduced because of variation in the quality or quantity of your work. Exempt employees do not need to be paid for any full work week in which they perform no work.
- B. **Permissible Pay Deductions.** Subject to certain exceptions listed below, an exempt employee must receive his full salary for any work week in which he performs any work, regardless of the number of days or hours worked. Under applicable federal and state law, however, your salary can be reduced for the following reasons:
1. Full day absences from work for personal reasons (other than sickness or disability);
  2. Full day absences from work due to sickness or disability pursuant to a bona fide policy of providing compensation for salary lost due to illness;
  3. To offset amounts received as jury or witness fees or military pay;
  4. Unpaid disciplinary suspensions for one or more full days for violations of the City's written workplace conduct policies (See the City's Discipline Policy);
  5. Penalties imposed for infractions of safety rules of major significance (in partial or full day increments);
  6. For the first or last week of employment if you work less than a full work week; and
  7. Deductions for applicable unpaid leave taken under the FMLA (covering full or partial day absences).
- C. The City also may take certain other deductions from your salary such as local, state and federal taxes, social security and FICA taxes, any applicable fringe benefit plan that requires an employee contribution for participation, court-ordered deductions (garnishments and child support), or any other reasons where you have authorized the deduction, in writing, and the City has approved it. Additionally, it is not an improper deduction to reduce your unused and applicable vacation, personal days, or sick hours for full or partial day absences for personal or medical reasons. As a public sector employer, the City may, if it deems necessary, reduce an exempt employee's pay in less than full day increments when an exempt employee: 1) did not seek permission for the absence or such permission was denied; 2) all applicable vacation, sick, personal, and/or compensatory hours have been exhausted; or 3) chooses to use leave without pay.

1. Reporting Questions or Concerns. While the City strives to pay our employees correctly, sometimes mistakes can occur. Therefore, if you have questions or concerns about any deduction from your salary, immediately contact the Human Resources Manager without fear of reprisal. Retaliation will not be tolerated.

Employee concerns will be promptly investigated. If it is determined that an improper deduction took place, you will be promptly reimbursed by the next applicable pay period. The City will not tolerate retaliation against individuals who report alleged violations of this policy or who cooperate in any ensuing investigation. Corrective action will be taken against any employee who violates this policy.

### **3.06 Expense Reimbursement/Allowances**

1. Employees of the City are to receive reimbursement for expenses incurred while traveling on official City business. Employees are eligible for expense reimbursement only when travel has been authorized by the City Manager or designee.
2. When considering any employee request for job-related travel, the City will consider the special needs of an employee with a medical condition that affects the employee's ability to travel.
3. The following items are reimbursable, subject to the regulations contained herein and compliance with the procedures:
4. Mileage, Parking and Tolls:
  - a. Employees shall be reimbursed for actual miles, while on official City business, at the Internal Revenue Service's approved rate, when using their personal vehicle. Use of personal vehicles for City business will not be authorized when a City-owned vehicle is available for use. Such payment is considered to be total reimbursement for all vehicle-related expense (e.g., gas, oil, depreciation, etc.). The City encourages and may require employees traveling to the same destination to car pool.

Mileage reimbursement is payable to only 1 of 2 or more employees traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable without prior approval of the City Manager.
  - b. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.
  - c. No expense reimbursements are paid for travel between home and office.
5. Meals: Expenses incurred for meals while on official City business, will be reimbursed up to a per meal maximum rate set by the City Manager and with the

prior approval of the City Manager or designee. An employee is eligible for such reimbursement only when travel has been authorized by the City Manager or designee. Appropriate receipts shall be required prior to reimbursement.

6. Overnight Trips: Expenses covering the actual cost of a hotel room will be reimbursed in full when an employee travels out of the City on official City business, and will be reimbursed only with prior written authorization of the City Manager or designee.
  7. Use of Private Vehicles: The City Manager, upon recommendation of the Department Head, may approve the use of an employee's private vehicle for official City business. If an employee is routinely required to use his car in the performance of official duties for the City, he may receive either a monthly car allowance or be paid mileage for the use of his car on official City business, at the approved rate per mile actually driven on official government business. Other arrangements at lower levels of reimbursement may be necessary to meet particular situations. Agreements should be reached in advance, and must be approved by the City Manager.
  8. Use of Passenger Vehicles by Senior Officials: The City Manager may authorize certain employees to drive a City-owned or leased vehicle to and from their residence, and for uses which are primarily for government business.
  9. Phone Calls: Phone calls necessary for official City business are reimbursable.
  10. Entertainment: Entertainment expenses shall not be reimbursed by the City except in those circumstances where entertainment expenses are required in the proper performance of a job assignment as approved in advance by the City Manager. Entertainment expenses shall be closely scrutinized and shall never be considered reimbursable without the proper approval of the City Manager.
- D. The following items are not subject to reimbursement:
1. alcoholic beverages;
  2. entertainment (e.g., room service, in-room snacks, in-room movies, etc.) other than that required in performance of job duties and responsibilities;
- E. Expense reports shall be filed by employees detailing all costs with receipt attached.
- F. Receipts: Receipts are required for all reimbursable authorized expenses.
- G. Uniform Allowance:
1. As required within the scope of assigned duties, the City may provide any uniform required as a part of job performance, whether because of the need to

establish public identity, or the elements of the position invoke unusual clothing depreciation. The determination of need shall be made by the Department/Division Head and subject to approval by the City Manager.

2. No employee shall wear or use any uniform except while on duty or traveling to or from the job. All uniforms remain the property of the City.

# Chapter 4 Employee Benefits

- 4.00 *SICK LEAVE*
- 4.01 *VACATION*
- 4.02 *HOLIDAYS*
- 4.03 *PERSONAL DAYS*
- 4.04 *FUNERAL LEAVE*
- 4.05 *COURT LEAVE*
- 4.06 *MILITARY LEAVE*
- 4.07 *PERSONAL LEAVE OF ABSENCE WITHOUT PAY*
- 4.08 *FAMILY AND MEDICAL LEAVE*
- 4.09 *INCLEMENT WEATHER/EMERGENCY DEPARTMENT CLOSINGS*
- 4.10 *DOCTOR AND DENTIST APPOINTMENTS*
- 4.11 *UNAUTHORIZED LEAVES*
- 4.12 *HEALTH INSURANCE/DENTAL INSURANCE/LIFE INSURANCE*
- 4.13 *HEALTH INSURANCE FOLLOWING SEPARATION (COBRA)*
- 4.14 *WORKERS' COMPENSATION*
- 4.15 *UNEMPLOYMENT COMPENSATION*
- 4.16 *RETIREMENT PLANS*
- 4.17 *SICK LEAVE BUY BACK POLICY*
- 4.18 *SICK LEAVE BANK*
- 4.19 *SICK LEAVE CONVERSION AT RETIREMENT/RESIGNATION*

#### **4.00 Sick Leave**

- A. A regular full-time employee may request sick leave for absences resulting from illness as described below, provided they follow the policy outlined in this Section. Sick leave may be requested for the following reasons:
1. Illness or injury of the employee or a member of his immediate family requiring the employee's personal care and attendance;
  2. Exposure of employee or a member of his immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
  3. Medical, dental, or optical examinations or treatment of an employee or a member of his immediate family;
  4. Pregnancy, childbirth, and/or related medical conditions; or
  5. Any other reason that would fulfill the requirements of the Family and Medical Leave Act.

For purposes of this policy, the "immediate family" is defined as only: mother, father, mother in-law, father in-law, brother, sister, child (including step-child), spouse, grandparent, grandchild, legal guardian or other person who stands in the place of a parent, or other person with the approval of the City Manager.

- B. The City maintains the right to investigate any employee's absence. Employees may be required to furnish proof of illness as evidenced by a physician's statement, or other satisfactory written statements of the employee as required by the City Manager or designee.
- C. Full-time employees accrue sick leave at a rate of 1-¼ work days with pay for each month worked.
- D. Accrued but unused sick leave shall not be paid upon separation from employment, except as specifically provided in Section 4.18 "Sick Leave Conversion at Retirement."
- E. Part-time, seasonal, student, temporary, or other non-permanent employees do not accrue sick leave.
- F. Any employee requesting sick leave must inform his supervisor of the fact at least 1 hour before the start of his work period. The employee must give the reason for his sick leave and location of convalescence, if different than the home address, and must indicate when they believe they will be able to return to work. Failure to do so may result in denial of sick leave for the period of absence. The employee will submit to such medical examination, nursing visit, or other inquiry which the City Manager deems necessary. If

it is believed that the employee is going to be off for an extended period of time, the supervisor should advise the employee that they may need a medical certification.

- G. In non-FMLA situations, sick leave longer than 3 working days is permitted subject to availability of accrued sick leave time and a statement from a licensed and actively practicing physician or nurse practitioner which certifies the nature of the illness and that it prevents the employee from working. Such statement must be received by the Human Resources Manager not later than 6 working days after the onset of the illness. In-patient admission to a local hospital will qualify as medical notice. In FMLA situations, employees will receive FMLA paperwork that is required to be completed and returned to the Human Resources Manager prior to approval of the time requested.
  - 1. If an employee sought medical attention for any authorized use of sick leave, as set forth in subsection (A) of this policy, he/she must submit to the Human Resources Manager, a medical practitioner's statement indicating the date and nature of the visit. In FMLA situations, the employee must have his physician complete certain medical paperwork.
  - 2. Sick leave requests for the scheduled workday immediately before or after, or on a holiday or immediately before or after vacation may be thoroughly investigated and only approved with satisfactory documentation or an exemplary attendance record.
- H. Vacation leave and personal leave (if applicable) may be used for sick leave purposes after sick leave is exhausted, at the employee's request and with the written approval of the City Manager. Employees who are unable to return to work after exhausting such leave may apply for a leave of absence or may be eligible for Family Medical Leave.
- I. Payment:
  - 1. Sick leave shall be charged in minimum amounts of 2 hours.
  - 2. Employees absent on sick leave shall be paid at the same basic hourly, daily, or biweekly rate as when they were working.
  - 3. If sick leave is denied and as a result the employee has been overpaid, such overpayment shall be deducted from the employee's next paycheck.
- J. Abuse:
  - 1. Altering a physician's certificate or falsification of a written signed statement shall be grounds for immediate discharge.
  - 2. An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action or discharge in accordance with policies outlined in this manual.

#### **4.01 Vacation**

##### **A. Eligibility and Accrual:**

Only full-time employees are eligible for vacation leave. Vacation shall not be scheduled or paid prior to the completion of 6 months of service.

1. Employees shall be granted vacation according to the following schedule, which is based upon 40-hours of work in a 7-day work period. Any employee whose schedule is different will be granted vacation pay that is prorated accordingly:

January 1 following date of hire: 2 weeks of vacation prorated to portion of year worked (e.g., July 1 hire date = 1 week)

Each subsequent January 1 up to completion of 5 years of service: 2 weeks

Each January 1 following completion of 5 years of service: 3 weeks

Each January 1 following completion of 10 years of service: 4 weeks

Each January 1 following completion of 20 years of service: 5 weeks

2. Vacation leave shall not be carried over from one calendar year to another except in unusual cases as determined and approved, in writing, by the City Manager.
3. The City Manager may take into consideration prior service of newly hired employees and place them accordingly on the above scale.

##### **B. Scheduling and Approval:**

1. Vacation scheduling is subject to the approval of the employee's supervisor and/or the City Manager and is also subject to the operational needs of the various departments/divisions of the City, with regard for seniority and the employee's preferences. The City Manager shall determine the timing and sequence of vacations should the employee's supervisor fail to do so.

While the City will consider an individual employee's preference, the City's needs in scheduling workloads shall be the controlling factor.

Leave requests for 1 day must be submitted for approval at least 3 days before vacation is taken. Leave requests of 2 or more days must be submitted for approval at least 1 week before vacation is taken. Department Heads and the City Manager have the authority to approve or deny any vacation requests.

2. Vacation leave is to be taken in minimum units of ¼ day and must be requested and approved on the “Vacation Request” form or through the City’s leave request system prior to the time being taken.
3. Employees eligible for 3 or more weeks of vacation per year shall not take more than 2 weeks of vacation at any one time except with prior written permission from the City Manager.

**C. Payment for Unused Vacation Leave:**

An employee who resigns, retires, or dies, is eligible for compensation at his current rate of pay, for a maximum of 2 weeks unused and available vacation leave at the time of separation, provided the following has occurred:

1. The employee has successfully passed any applicable probationary period.
2. The employee is not dismissed for cause.
3. The employee was given proper notice of termination.
4. The employee has returned all City property.

**4.02 Holidays**

**A. Holidays:**

The following days shall be holidays for which full-time employees shall receive their regular compensation:

New Years Day	Veteran’s Day
Martin Luther King, Jr. Day	Thanksgiving Day
President’s Day	Friday after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Christmas Eve
Labor Day	

- B. If the holiday falls on a Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.
- C. If a full-time employee is granted the day off on which the holiday is observed, he shall be paid holiday pay at his regular rate for the number of hours he is normally scheduled to work, and no vacation leave or sick leave shall be deducted from the employee’s accrued balance.
- D. If a holiday occurs while an employee is on vacation, such holiday day will not be charged against his vacation leave.

- E. An employee scheduled to return from leave without pay on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday, and will not receive compensation for the holiday unless the City Manager has specifically authorized pay.
- F. Non-exempt employees may not request to work during holiday hours. If the Department Head determines that the employee needs to work because of work load, the employee may be scheduled to work that day. Employees scheduled to work or called into work on a holiday shall be given compensatory time off equal to the number of hours worked on that holiday, at the convenience of the City. Exempt employees may request to work holidays but are not entitled to compensatory time off. Department Heads may request City Manager approval to vary an exempt employee's work schedule for the week the holiday occurs.
- G. Employees must be in active paid status on the day before and day after the holiday in order to be eligible for pay on the above holidays. Employees who are absent due to illness on the day before, on or after a holiday may be required to furnish proof of illness by a physician's statement or other satisfactory written and signed statement, or shall forfeit the holiday pay. (For the purposes of this policy, the day before refers to the last regularly scheduled work day, and the day after refers to the next regularly scheduled work day after the day on which the holiday is observed.)
- H. The City will attempt to accommodate the special needs of an employee wishing to participate in the observance of his religious holiday.
- I. For holidays occurring on or after Veterans Day to New Year's Eve, holiday compensatory time earned for such days may be carried over beyond the end of the calendar year, but not later than the following March 31 for full time employees holding the position of Clerk/Dispatcher I, Clerk/Dispatcher II, and Dispatcher II. At the end of such carryover period, any remaining carried over time, not to exceed 40 hours, may be converted to cash, provided the Employee has made his best efforts to schedule such time off.
- J. With the prior written approval of the Department Head and City Manager, employees are permitted to substitute the within approved holidays for Columbus Day, Good Friday, and/or New Year's Eve.

The Department Head must ensure proper staffing on those days the City offices are open. Requests for exchange of holiday leave must be in writing and submitted to the City Manager's office on or before December 15 of the year prior to the holidays occurring.

#### **4.03 *Personal Days***

Full-time employees are granted 2 paid personal days per year.

Personal Leave shall be approved by the employee's supervisor. The granting of personal leave requests shall be subject to the scheduling needs of the City. Personal leave shall not accumulate and may not be carried over from year to year. Personal days are intended to provide employees an opportunity to conduct personal business during regular working hours. Personal days shall not be coupled with scheduled vacation days. Personal Leave shall be charged in the minimum amount of 2 hours. There shall be no pay out of personal leave at the time of resignation or retirement.

#### **4.04 *Funeral Leave***

- A. Any regular full-time employee may request and be granted usage of funeral leave, upon approval of the City Manager, for a maximum of 5 days for work time lost in order to make arrangements for and/or to attend the funeral of an immediate family member. For purposes of this policy, the "immediate family" is defined as mother, father, mother-in-law, father-in-law, child (including step-child), spouse, grandparents, siblings, grandchildren, stepparents, stepchildren, step siblings, or legal guardian or other person who stands in place of the employee's parent.
- B. Any regular full-time employee may be granted usage of funeral leave, upon approval of the City Manager, for a maximum of 3 days for work time lost in order to make arrangements for and/or to attend the funeral of the following family members: brother-in-law, sister-in-law, daughter-in-law, son-in-law, aunt or uncle.
- C. One day of funeral leave may be granted by the City Manager or designee for work time lost in order to make arrangements for and/or to attend the funeral of any legal relative or member of the employee's household other than those listed above.
- D. Additional days may be granted by the City Manager or designee to the days provided above. Additional days approved shall be deducted from the employees sick leave balance.

#### **4.05 *Court Leave***

- A. If an employee is called for court jury duty or subpoenaed to testify in a court of law, during any portion of the employee's regular scheduled working day, all compensation for such duty must be reimbursed to the City.

The Employee will be expected to report for work following jury duty, if 3 or more hours remain during his scheduled work day.

- C. If an employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his regularly scheduled working hours, all monies received as compensation for such court service shall be retained by the employee.
- D. Employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases, such as traffic court, divorce proceedings, custody hearings, etc., when the case is being heard in connection with the employee's personal matters. Such absences

shall be considered leave without pay, personal leave, or vacation leave, at the employee's option, as scheduled in advance with approval of the City Manager.

- E. Employees appearing in court in connection with their official capacity with the City shall receive their appropriate rate of pay.

#### ***4.06 Military Leave***

The City will grant employees called into military service an unpaid leave of absence and reemployment rights as provided by the laws of the United States and the State of Ohio, including but not limited to the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. Employees may use accrued paid time off during a military leave of absence, but are not required to do so. The City will require the employee to provide satisfactory evidence of his actual performance of military service.

#### ***4.07 Personal Leave of Absence Without Pay***

After all permissible absence with pay is exhausted, and upon written application to the Department/Division Head (which will be forwarded to the City Manager for review and consideration purposes), leaves of absence or renewals thereof without pay for personal (non-medical) reasons may be granted by the City, at its discretion, to full-time employees who have completed 12 consecutive months or more of employment. The application must be submitted at least 60 calendar days prior to the requested start date (in foreseeable situations) and in a reasonable period of time in all other non-foreseeable situations – generally no later than 1 or 2 work days before the requested start date. If granted, the initial leave of absence request shall be for a period of no less than 5 consecutive work days. Any renewal, in increments of 5 consecutive work days, must be requested prior to the expiration of the leave then in effect. The duration of each leave of absence and any renewals thereof shall be specifically stated in the written request and in the granting of the leave. No such leave will be granted for a total or continuous period or periods which exceed 30 work days. Additionally, only one such personal leave of absence may be granted to an employee over a continuous (rolling) 24 month period.

Approved personal leave of absence without pay means that time previously worked for the City is not lost in computation of length of service and the benefits dependent thereon. However, time spent on personal leave will not be credited toward the calculation of any applicable paid time off. Moreover, an employee on approved personal leave will not be eligible for any holiday falling within this unpaid leave period.

#### ***4.08 Family and Medical Leave***

**Family Medical Leave Act (FMLA).** The FMLA requires the City to provide up to 12 work weeks of unpaid, job-protected, leave to eligible employees in a designated 12-month period for certain family and medical reasons: birth of a child; placement of a child for adoption or foster care; care for a spouse, child, or parent who has a Serious Health Condition (defined below); a Serious Health Condition that prevents the employee from performing his job; or certain military family reasons – discussed below.

**Eligibility Requirements.** An employee must have worked for the City for at least 12 months (can be non-consecutive), for at least 1,250 hours over the previous 12 months, and must work at a location where there are 50 or more City employees within 75 miles. The employee also must complete certain forms or certifications.

**Serious Health Condition Definition.** A Serious Health Condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of his job, or prevents a qualified family member from participating in school or other daily activities. The “continuing treatment” requirement may be met by a period of incapacity of more than three consecutive calendar days that also involve: a) in-person treatment two or more times with a healthcare provider within 30 days of the first day of incapacity; or b) in-person treatment at least one time which results in a regimen of continuing treatment under a healthcare provider’s direction. “Continuing treatment” also includes any incapacity due to a pregnancy or a chronic condition, as well as other specified conditions.

**Military Family Leave.** Eligible employees with a spouse, child, or parent in the Armed Forces (regular or reserve) may use their 12 work weeks of FMLA leave for certain “qualifying exigencies” – when the covered military member is on covered active duty in a foreign country or is called to covered active duty in a foreign country. Qualifying exigencies may include attending military events, childcare and school arrangements, financial and legal arrangements, attendance at counseling sessions, rest and recuperation, parental care (the “parent” of the military member), or post-deployment reintegration briefings. Additionally, eligible employees who are the spouse, child, parent, or next of kin of a covered service member, may take up to 26 work weeks of leave during a single 12-month period to care for a covered service member or covered veteran who has a serious injury or illness incurred in the line of duty and is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disabled retired list.

**Employee Responsibilities.** When the need for FMLA leave is foreseeable, an employee must provide at least 30 days’ advance notice to the Human Resources Manager or authorized designee. When not foreseeable, the employee must provide notice as soon as practicable. He must comply with the City’s call-in procedures. The employee also must provide sufficient information (including timing and duration) so the City can determine if the leave qualifies under the FMLA. The employee must tell the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. If eligible, the employee will need to have his healthcare provider complete a certification form. Generally, the employee has 15 days (from receipt) to return it. Unless the employee has a good reason for not returning it within 15 days, FMLA leave may be delayed or denied. The City, on occasion, may require a second and/or third medical opinion after receiving the employee’s certificate. Additionally, the employee may be required to provide periodic recertification(s) to support his need for continued leave.

**The City’s Responsibilities.** When an employee requests leave, the City will inform him whether he is eligible for FMLA leave as well as notifying the employee of his rights and responsibilities. If the employee is not eligible, he will be provided the reason(s) why. When the City receives the completed certification from the employee’s healthcare provider, it will decide

whether the leave will be designated as FMLA-protected leave and the amount of leave counted against his 12 work week (or 26 work week) entitlement. You will be notified of the City's designation decision.

**Use of FMLA Leave.** Except for "covered service member" leave, the City uses a 12-month period measured forward from the date of any employee's first FMLA leave as period for calculating FMLA leave. An employee does not have to take FMLA leave in one continuous block. When medically necessary, and in certain situations, he may take it on an intermittent or reduced leave basis. The employee must make reasonable efforts to schedule leave for planned medical treatment so it does not unduly disrupt the City's operations. An employee cannot utilize FMLA leave to work at other jobs (for himself or others) without prior written authorization from the City Manager. Violation of that rule will result in termination. The FMLA does not protect employees who fraudulently obtain FMLA leave.

**Substitution of All Paid Time Off.** An employee must exhaust all unused and applicable paid time off (vacation, sick, personal days, compensatory time) while taking FMLA leave. In doing so, the employee must comply with the City's paid time off policies. FMLA leave also will run concurrently with applicable workers' compensation absences. Although this leave is unpaid, time spent on FMLA leave also shall be charged concurrently under any applicable short-term and/or long-term disability pay policy.

**Employee Spouses.** An employee's entitlement to a Family Leave for the birth or placement (adoption/foster care) of a child ends 12 months after the date of the birth or placement. When both spouses are the City employees ("employee spouses"), the maximum total amount of time available to both employee spouses for a Family Leave for the birth, care after birth, or placement of a child or care after placement (set forth above) or for the care of the employee's parent (not parent-in-law) with a Serious Health Condition is a combined 12 work weeks during the 12-month period as defined above. Where the employee spouses both use a portion of the total 12 work week FMLA leave entitlement for the reasons set forth above, each employee spouse may use the difference between the amount he has taken individually and the 12 work weeks of FMLA leave for other applicable reasons.

The aggregate number of work weeks of leave to which employee spouses may be entitled for covered service member leave is limited to 26 work weeks during the single 12 month period if the leave is for covered service member leave or a combination of covered service member leave and any other FMLA-qualifying leave. If the leave taken by the employee spouses includes leave for the birth or placement of a child or to take care of a parent (as described above), that particular type of leave is limited to a combined 12 work weeks.

**Benefits.** While on FMLA leave, the employee remains covered by any applicable group health insurance plan on the same basis as if he had continued to work. To maintain coverage, the employee must make the same premium contributions as he would if the employee continued to work. Failure to do so may result in termination of coverage. Upon return to work, employees will be responsible to reimburse any employee-portion of the insurance premiums paid by the City during the unpaid FMLA leave. In certain circumstances, the employee may be financially responsible for any health insurance premiums paid by the City during an unpaid FMLA leave if

he fails to return to work after taking FMLA leave. Unused and applicable employment benefits not exhausted during the FMLA leave will not be lost.

**Return from FMLA Leave.** With certain exceptions, upon return from FMLA leave, the employee will be restored to his current or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. If the employee's (non-intermittent/reduced leave) FMLA leave was based on his own Serious Health Condition, the employee will be required to provide a Fitness-For-Duty Certification ("FDC") from his healthcare provider that states he is able to resume work. That FDC also will address the employee's ability to perform the essential functions of his job. Failure to provide that FDC will result in termination. The employee's right to reinstatement also may be affected if he is determined to be a "key employee" – as defined by the FMLA. The employee will be notified of that designation when he requests FMLA leave or when it starts, if earlier.

**Purpose of Policy.** The City recognizes the right of eligible employees to take leave as provided by the FMLA. The interpretation of terms and the resolution of disputes are governed by the FMLA. The City will not interfere with, restrain, or deny the exercise of any right provided by the FMLA. It also will not take any adverse action against any employee because he opposes any practice made unlawful by the FMLA or is involved in any FMLA proceeding. Enforcement procedures include complaints to the U.S. Department of Labor and civil court actions.

#### **Unpaid Medical Leave of Absence for Employees Not Eligible for FMLA Leave**

Upon written application to the Human Resources Manager, leaves of absence or renewals thereof without pay may be granted to each City employee, not eligible for FMLA leave, who is absent from work and unable to work because of his medically diagnosable condition (including pregnancy-related medical conditions). To receive approval, the employee shall submit all required medical documentation (e.g., cause and duration of the absence; the employee's inability to perform his job; any restrictions; status reports; and the employee's ability to resume employment). The City may refer an employee to a health care provider of its choice to obtain information concerning a period of absence. If granted, the initial leave of absence, which, under certain extenuating circumstances, may be requested orally but then must be reduced to writing, shall be for an initial period of 1 work week and any renewal must be requested in writing prior to the expiration of the leave then in effect. The duration of each leave of absence and any renewals thereof shall be specifically stated in the request and in the granting of the leave.

Medical leaves of absence (including any renewals) may be granted for a total or continuous period or periods of up to 12 work weeks in a 12- month period measured forward from the date of any employee's first medical leave of absence. Unless otherwise prohibited by law, failure of an employee to report for work at the time at which he is regularly scheduled to report at the conclusion of the medical leave of absence will result in termination of employment. An employee will be required to provide a fitness for duty certification from his doctor confirming that the employee is able to return to work and perform the essential functions of his job (with or without a reasonable accommodation) or only can return to work with certain suggested job limitations or restrictions.

The employee shall submit his written request for an unpaid medical leave of absence to the Human Resources Manager at least 30 calendar days prior to the requested leave start date (in foreseeable situations) and in a reasonable period of time in all other situations – generally no later than 1 or 2 work days before the start of the leave.

Please consult the Human Resources Manager for information concerning the continuation of any applicable group medical insurance coverage during an approved medical leave. The employee must apply any applicable and unused paid time off (vacation, sick, personal day, compensatory time) toward an unpaid medical leave of absence. Moreover, a leave of absence without pay for medical purposes means that time spent while on the leave and time previously worked for the City will not be lost in computation of length of service and the benefits dependent thereon. However, time spent during the unpaid portion of such a leave will not be credited toward the calculation of any applicable paid time off hours. An employee on this medical leave also will not be eligible for any paid holiday falling within this medical leave of absence period – unless the applicable portion of the medical leave is covered by any applicable paid time off hours. The up to 12 work weeks unpaid medical leave of absence period shall run concurrent with any applicable workers' compensation absence. Although this leave is unpaid, time spent on a medical leave of absence also shall be charged concurrently under any applicable short-term and/or long-term disability pay policy.

### **Ohio Military Family Leave**

**Amount of Leave.** Once per calendar year, Ohio law permits eligible employees to take up to 10 workdays or 80 hours (whichever is less) of unpaid leave when that employee is the parent, spouse, or legal custodian (current or former) of a uniformed service member who is called into "active duty" (as defined by Ohio law) for a period greater than 30 days or is injured, wounded, or hospitalized while serving on active duty.

**Eligibility.** The eligible employee must: be employed for at least 12 consecutive months, have worked at least 1,250 hours in the 12 months immediately before the start of the leave; and not have any other available leave to use except sick or disability leave.

**Notice.** Notice must be given at least 14 calendar days before the leave start date if the leave is taken due to a call to active duty. Notice of at least two calendar days must be given where the leave is due to a covered family member's injury, wound or hospitalization. In critical or life-threatening situations, notice must be given as soon as practicable. The leave request dates must occur no more than two weeks prior to or one week after the covered family member's deployment date.

**Miscellaneous Provisions.** Eligible employees will be required to provide certification from the appropriate military authority to support his leave request. Eligible employees will continue to receive applicable benefits (other than salary or wages) during the leave. They will, however, be responsible for their share of any applicable benefit costs – in place before the leave. After the leave, the eligible employee will be restored to his prior position or one with equivalent seniority, benefits, pay, and other terms and conditions. Eligible employees may utilize Ohio Military Family Leave without interference or fear of retaliation.

### **General Leave of Absence Provisions**

- Unless otherwise prohibited by law, there shall be no obligation on the City's part to provide work for an employee prior to the expiration of that employee's leave of absence.
- Unless otherwise prohibited by law, failure of an employee to report for work at the time at which he is regularly scheduled to report at the termination of a leave, or to secure an approved extension of the leave from the City in advance, will result in termination of employment.
- Misrepresentation or omission of facts to obtain a leave of absence or to secure an extension of a leave of absence will result in termination of employment.
- Unless specifically authorized in writing by the City or with respect to military duties performed pursuant to a military leave of absence, a leave of absence will not be granted to engage in employment elsewhere (or to perform services for himself or another person or entity) and any employee who engages in employment (including self-employment) or performs services elsewhere while on a leave of absence will be deemed to have voluntarily quit his City employment.
- Requests for an extended (non-FMLA) medical leave of absence without pay must be directed to the Human Resources Manager at least 7 calendar days prior to the expiration of the initial medical leave of absence.

#### ***4.09 Inclement Weather/Emergency Department Closings***

This policy sets forth the City's policy for payment or non-payment of employees for time not worked due to weather emergencies or severe weather conditions.

This section excludes safety force personnel.

- A. In the event a weather emergency is declared and the City Manager closes City departments/divisions, employees will be compensated for the number of hours for which they were scheduled to work during the emergency period.
- B. The City recognizes that on certain days it may be difficult or impossible for a scheduled employee to come into work, due to excessive snow, ice, or other inclement weather. The City encourages its employees to come into work on such occasions, only if in the employees' judgment they are able to do so in a safe manner. If, in the opinion of the City Manager, such inclement weather conditions exist, the following policy specifies the guidelines for payment of wages on such days.
- C. Scheduled employees who are able to come into work on such inclement days shall be paid at their regular wage for actual time worked. Those employees who are not able to come into work due to inclement weather shall have the option of receiving an excused day off without pay or using unused and available vacation, accrued compensatory time off, or personal leave. Inclement weather is not a valid reason for the use of sick leave.

- D. Employees who actually report to work and then are sent home prior to the end of their regular shift due to inclement weather will receive payment for the remaining portion of their shift.
- E. Employees not scheduled to work because of scheduled vacation, prior approved sick leave, personal leave, or leave of absence will be charged for the leave during the period of any declared emergency or order to close. Those employees will be eligible for payment of unused and available sick leave, vacation leave, or personal leave which had already been requested.

#### ***4.10 Doctor and Dentist Appointments***

Employees should schedule medical and dental appointments outside of their normal work schedule. Excessive medical/dental appointments, in the opinion of the City Manager, are not excusable absences and are not valid reasons for use of applicable sick leave unless approved by the City Manager.

#### ***4.11 Unauthorized Leaves***

Any City employee who is absent from duty without authorized leave and notice to the City Manager or designee, shall be subject to disciplinary action up to and including termination and/or may be considered to have constructively resigned where the situation warrants.

#### ***4.12 Health Insurance/Dental Insurance/Life Insurance***

All full-time employees of the City are eligible for life, dental, and health insurance as authorized by City Council. Any employee with questions concerning coverage or premiums should contact the City Manager or designee.

The terms and conditions of these various plans including eligibility, employee premium contribution levels, open enrollments, waiting periods, co-payments, participation, coverage, benefit levels and limitations, exclusions, and other requirements and provisions are set forth in, and governed by, the formal plan documents and insurance policies of the respective plans. Employees may not rely on this manual or any other representations regarding their terms and conditions. Please refer to the summary plan descriptions and/or consult Human Resources Manager for further information.

#### ***4.13 Health Insurance Following Separation (COBRA)***

- A. Generally speaking, an employee who is covered under the City's group health care insurance or certain related group insurance, and who loses coverage due to a reduction in hours or a termination of employment (for other than gross misconduct), is entitled to purchase continuing coverage at his own expense. The City Manager or designee shall see that the employee is informed of his right to continue coverage under the health insurance group after cessation from payroll through the assumption of premium costs by the employee. The employee's spouse and/or dependents may also be eligible.

- B. Questions and/or requests for more information should be referred to the City Manager's Office.

#### **4.14 Workers' Compensation**

City employees are covered under Ohio's Workers' Compensation Act. The City makes regular payments to purchase this insurance for the employee's protection against injury or illness incurred in the course of, and arising out of, the injured employee's employment. Eligibility for said benefits, of course, is governed by the Act's rules and regulations. Employees must report at once to their supervisor any injury incurred on the job, no matter how slight.

Pursuant to applicable Ohio law, if an employee is injured, dies, or contracted an occupational disease in the course of and arising out of his employment, then the result of a qualified chemical test to detect the presence of alcohol or a controlled substance not prescribed by the employee's physician (at or above certain levels and within certain time frames) or an employee's refusal to submit to such a test may affect his eligibility for compensation and/or benefits under Ohio's Workers' Compensation Law. 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 proximate cause (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 proximate 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. In addition to possibly affecting his eligibility for compensation and/or benefits under Ohio's law, the employee's conduct also will result in disciplinary action, up-to and including termination. Employees should contact the Human Resources Manager for further information.

- A. Should an employee be injured during the course of employment with the City, he shall report the incident to his supervisor within 24 hours or soon thereafter. A First Report of Injury shall be completed, regardless of the apparent seriousness of the injury, and regardless whether medical attention is required, by the supervisor immediately upon receiving notice of the incident. An employee injured in a work-related accident may be required by the Department/Division Head to see a physician. (See Section C below regarding immediate reporting of serious accidents.)
- B. In the event of serious injury, the injured employee's supervisor shall notify the Department/Division Head and City Manager's office immediately so that, if necessary, an investigation may be initiated.
- C. The City Manager's office must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing their expected date of return to work (if known).
- D. Any documents received from the injured employee, his physician, hospital, or the State, regarding a Workers' Compensation claim must be immediately forwarded to the City Manager or designee.

- E. Employees who are injured in the line of duty and must leave work before completing their workday period shall be paid at their regular compensatory rate for the balance of time left in their scheduled work day.
- F. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers' Compensation.
- G. Failure to use safety equipment made available to the employee may result in disciplinary action.
- H. Salary continuation shall be subject to the discretion of the City Manager. Such salary continuation shall not exceed 13 weeks. Agreement to pay salary continuation does not mean the City has certified the claim or has relinquished appeal rights. The injured worker is not required to accept salary continuation wages. Salary continuation shall be for the regular (full) salary/wages including any regular benefits and shall not include any overtime pay. If an injured worker ceases employment with the City, salary continuation is no longer payable by the City. To the extent that an employee is charged with sick leave for a period in which he has been approved to receive salary continuation, the sick leave will be reinstated.

#### **4.15 Unemployment Compensation**

City employees may be covered under the Ohio's Unemployment Compensation Act and may apply for this benefit in accordance with the Act's rules and regulations. The cost of unemployment compensation is paid by the City.

#### **4.16 Retirement Plans**

- A. All employees of the City except for those specifically exempted by statute are required to participate in the Ohio Public Employees Retirement System or the Police and Fire Disability and Pension Fund. If employees have any questions regarding their retirement plans, they should contact the applicable pension office.
- B. The City has adopted a deferred compensation plan for full-time employees. Information regarding the plan is available from the City Manager's office.

#### **4.17 Sick Leave Buy Back Policy**

- A. An employee who acquires 800 hours of sick time may on an annual basis sell back hours in excess of 800 hours, subject to the following conditions:
  - Only 120 hours may be sold back annually;
  - Hours will be paid back 2 to 1;
  - Buy back must be requested by December 1 annually;
  - Employees will be paid in the first pay period in January; and
  - This program is voluntary.

#### **4.18 Sick Leave Bank**

- A. Employees may experience a personal crisis or family emergency and need additional time off in excess of their available and used sick leave. To assist employees in these situations, eligible employees may donate sick leave from their unused balance to co-workers pursuant to the policy set forth below. This is strictly voluntary.
- B. Employees who donate sick leave must be employed with the City for a minimum of one year.
- C. Employees requesting to receive donated sick leave from their co-workers must meet one of the following:
  - 1. Critical or catastrophic illness or injury of the employee or immediate family member that poses a threat to life and/or requires inpatient or hospice health care; or
  - 2. A personal crisis that affects the employee such as a natural disaster impacting the employee's primary residence such as a fire or severe storm.
- D. Employees donating sick leave must donate a minimum of 4 hours, no more than 40 hours, and no more than 50% of the current balance. Employees donating sick leave shall not be permitted to exhaust their balances in the event they may experience their own personal need for time off.
- E. Employees who are on approved leave of absence cannot donate sick leave.
- F. Employees receiving donated time cannot receive more than 480 hours within a 12 month rolling period.
- G. Employees requesting donated sick leave shall be required to complete a request form as established by the City Manager. Such form shall include authorization to present the request to employees of the City for the sole purpose of seeking donations. Employees donating sick leave to a co-worker must also complete a donation form as established by the City Manager.
- H. All requests for donation shall be approved by the City Manager.
- I. Employees may only receive donated sick leave after they have exhausted all other accrued leave.

#### ***4.19 Sick Leave Conversion at Retirement/Resignation***

All applicable employees, at the time of their retirement or resignation in good standing, with 10 or more years of full time service with the City, shall receive payment based on the Employee's rate of pay at retirement or resignation for available and unused sick leave up to the following maximum amounts. Employees resigning in good standing, with 10 or more years of full time service with the City may request a letter reflecting their balance as of the date of their resignation rather than receiving payment.

One-fourth of the Employee's accrued but unused sick leave, up to a maximum accrual of 600 hours.

One-third of the accrued but unused sick leave in excess of 600 hours.

In no event shall sick leave be permitted to be converted into amounts greater than 800 hours. (Example: 800 hours,  $(600/4) + (200/3) = 217$  hours.)

Available but unused sick leave shall not be paid upon separation from employment except as specifically provided in this Section.

# Chapter 5 Employee Conduct

- 5.00 *ETHICS OF PUBLIC EMPLOYMENT*
- 5.01 *LATE ARRIVAL*
- 5.02 *ABSENTEEISM, TARDINESS, AND NOTIFICATION POLICY*
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- 5.30 *OFF-DUTY CONDUCT*
- 5.31 *WORKPLACE VIOLENCE*
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## **5.00 *Ethics of Public Employment***

- A. All City employees must maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio, and other rules and regulations as may be set forth by the City. Conduct that interferes with normal office operations, brings discredit to the City, is illegal, or is offensive to the public or fellow employees, will not be tolerated.
- B. Note that the compensation of employees is paid mostly through taxes. Therefore, each City employee assumes the responsibility of serving the public in an honest, effective, and positive manner.
- C. Any employee who has had force or an unlawful threat used against him to attempt to prohibit the lawful discharge of his duties, shall report such action immediately to the City Manager.
- D. An employee shall not use his position for personal gain nor engage in any transaction, business, or any other interest which is in conflict with the proper discharge of his official duties.
- E. The City shall provide new employees with a copy of R.C. Chapter 102 and R.C. 2921.42 within 15 days of hire, and shall require the employees to acknowledge receipt in writing.
- F. No employee shall disclose confidential or proprietary information concerning the property, government, or affairs of the City without proper legal authorization. Such unauthorized disclosure may subject the employee to disciplinary action.
- G. No employee shall accept any gift of value in the form of service, loan, item or promise from any person, firm or organization which maintains an interest in any business dealings with the City, or that may tend to influence a municipal employee in the proper discharge of official City duties. An employee who is offered something of substantial value shall report the offer to his supervisor as soon as possible after the incident.
- H. An employee shall not engage in any matter which represents a conflict of interest with the City, or undermines the integrity of Monroe Government.
- I. No employee is expected to endure personal attacks or unlawful behavior from the public. If such personal attacks or unlawful behavior is directed toward the employee, promptly notify the City Manager.
- J. Employees who have any doubt regarding possible violations of the ethical standards set forth herein are advised to consult with their supervisor or the Department/ Division Head prior to engaging in any potentially affected activity.

### **5.01 *Late Arrival***

- A. Late arrival on a regular basis is inexcusable and will not be tolerated. Late arrival is defined as any situation where an employee reports to work after his scheduled starting time. Whenever a covered, nonexempt employee is late, that employee shall be subject to a reduction in pay corresponding to the amount of time he was late, unless he offers to the supervisor a written reason for being late which is deemed acceptable by the supervisor.

In addition, if an employee is late, that employee may be subject to appropriate disciplinary action, unless he offers to the supervisor a written reason for being late which is deemed acceptable by the supervisor.

- B. Employees shall be responsible for reporting to work at the place designated by their supervisor.
- C. Employees shall not leave their work area or quit working prior to their scheduled quitting time.
- D. Although exempt employees shall not suffer any loss of pay under this policy, every exempt employee is required to report to work promptly at his scheduled starting time. Exempt employees who are late will be subject to appropriate disciplinary action.

### **5.02 *Absenteeism, Tardiness, and Notification Policy***

#### **Purposes:**

1. To identify the proper procedure for reporting absences and ensure consistent treatment of absences, late arrivals, and early departures.
2. To convey to employees that the City's sick pay plan is intended as a salary continuation plan for employees who are unable to work because of sickness or injury rather than as a grant of discretionary paid time off; and
3. To convey to employees that occurrences of absenteeism are disruptive to operations of the City and to set forth reasonable procedures for reducing occurrences of absenteeism while preserving the sick leave benefits of the sick pay policy for employees who suffer from illnesses or injuries resulting in the need for time off work.

#### **Policy:**

1. All employees shall report to work as scheduled and to work their scheduled hours and required overtime, if any. Employees will be charged with an absence occurrence when they fail to report for their scheduled work hours. Employees will be considered tardy and charged with a partial absence occurrence when they report to work past their scheduled starting time. Similarly, employees who leave early may be charged with a partial absence occurrence. Two such partial absence

occurrences will equal one occurrence.

Absences may be scheduled or unscheduled

**Scheduled:** Absences are scheduled in advance for such events as vacation, medical appointments, military service, family activities, jury duty, funerals and other circumstances which cannot be scheduled outside of regular work hours.

**Unscheduled:** Absences and late arrivals are considered unscheduled for such events as illness, family emergencies, transportation emergencies, family member illness and/or death, and household emergencies such as flooding.

Absences are excused or unexcused

**Excused:** Absences are discussed and excused in advance of the absence, by the supervisor, for such events as vacation, medical appointments, military service, family activities, jury duty, funerals, and other happenings which cannot be scheduled outside of regular work hours.

**Unexcused:** Absences are not discussed and excused in advance, by the supervisor, for such events as illness, family emergencies, transportation emergencies, family member illness and/or death, and household emergencies such as flooding.

For the purpose of use of sick leave, an occurrence shall occur for all unscheduled and unexcused valid uses of sick leave.

A sick occurrence is charged when an employee reports off by contacting their supervisor prior to the beginning of their regularly scheduled work shift and after their last regular shift. Sick leave will not be considered an occurrence if the absence is planned, discussed with and approved by the employee's supervisor during a normal work shift prior to the absence, as long as it is not the same work shift.

It is the supervisor's responsibility to document if the sick leave requested is a valid use of sick leave and thus excusable. The Human Resources Manager can address any questions about the validity of sick leave.

An employee that is sent home by his supervisor due to a valid use of sick leave will not be charged with a partial occurrence. An employee who leaves prior to the end of their shift due to illness without being excused by their supervisor will be charged with a partial occurrence. This should be noted on the leave form.

2. An occurrence will not be charged for use of contractually permitted personal days or FMLA absences as determined by the City. Absences of several consecutive days duration will be treated as one occurrence. Absences that will not result in an occurrence charge include those involving jury or military duty, recuperation from work-related injuries and the use of authorized bereavement

leave. In certain situations, the City can require employees to submit a medical statement or undergo a physical examination to verify a claim of illness or injury.

3. Employees must personally notify their supervisor in advance when possible (and in no case later than 60 minutes prior to their starting time) of their inability to report to work as scheduled. If a supervisor cannot be reached, workers should personally inform their department head as soon as possible that they will not be able to show up for work. If neither can be personally reached, the employee must personally contact the Human Resources Manager and leave message if necessary. In providing this notification, employees should give a reason for their absence and an estimate of when they will return to work. Upon return to work, employees must complete the necessary electronic or written documentation for the absence. The employee must be available to receive a follow-up call and promptly respond to such call.
4. An employee who is more than 30 minutes late for his scheduled starting time without notifying his supervisor or department head will be subject to discipline and may be sent home and considered absent for the day.
5. An employee who is absent for the entire work period without notifying his supervisor or department head will be considered to have resigned from employment with the City. This includes those employees who fail to return to work from any authorized leave.
6. Once employees have accumulated a total of 5 occurrences in a 12-month rolling period, his supervisor or designee will discuss with the employee the reasons for his absences and the City's need for regular attendance by all employees. The accumulation of 1 more occurrence within the 12-month period will result in a verbal reprimand. The accumulation of one more occurrence within the 12-month period will result in a written reprimand.

The 7th occurrence will result in a suspension from work, without pay, during which time the employee will be interviewed and counseled by the City Manager, during which interview(s) the employee will be advised that one more occurrence will result in termination from employment.

Employees who are charged with 8 occurrences within any rolling 12-month period will be discharged.

7. In dealing with attendance problems the department will consider all the facts and circumstances of a particular case, including the employee's overall attendance and performance records, reasons for missing work, and prospects for future improvement and maintenance of an acceptable attendance record. The department may make exceptions to the disciplinary procedures. However, the failure to exhaust accumulated yearly or total allotment of paid sick leave days will have no effect on the penalties provided by this policy.

8. Occurrences will not be charged to employees who have a current accrual balance of sick leave over 600 hours, unless a pattern of abuse is suspected and documented.

### **5.03 Appearance**

- A. The City may issue appropriate dress and grooming standards. Some departments may have uniform or name tag requirements in addition to the rules in this manual.
- B. All employees of municipal government are expected to reflect their professional work in their manner of dress. Generally, neat and clean attire, hygiene, and personal grooming are required. Hair is to be neat, clean, and styled; facial hair neatly trimmed.

### **5.04 Solicitation and Distribution**

This policy on Solicitation and Distribution is designed to protect the interests of the citizens of Monroe by ensuring that only official City business is transacted in the several work areas during employee work time.

- A. Non-employee Solicitation and Distribution: There shall be no solicitation and/or distribution by nonemployees at any time on any City premises or in any work area. This section does not apply to vendors as defined in the Definitions Section of this policy.
- B. Employee No Solicitation/Distribution Rule: There shall be no solicitation or distribution by employees of any other employee or non-employee during their work time. Employees may solicit other employees during their non-work time in work areas, and during their non-work time in non-work areas. There shall be no distribution during their work time or non-work time in work areas. Employees may distribute goods and written materials during non-work time and in non-work areas.
- C. For the purposes of this policy the following definitions shall apply:

City - means the City of Monroe, Ohio.

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

Employee - means any person in the employ of the City in any status.

Non-Work Area - means any area on or off an Employer's premises not designated as a work area.

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

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

Vendor - means any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the City, which goods, materials, or services are utilized in the conduct of public business.

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

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

## **5.05 Use of Vehicles**

### **A. Use of City-Owned Vehicles:**

1. City-owned vehicles are to be used for official business only. No one (including animals), except City employees, should ride in public vehicles, unless for authorized City business. Employees required to retain vehicles overnight shall not use such vehicles for private purposes.
2. City vehicles will be furnished for or used as transportation between work and employee's place of residence only when a determination has been made by the City Manager, in writing, that such use is necessary in extraordinary conditions.
3. Before employees will be permitted to operate a City vehicle, they will be required to have a current valid Ohio operator's license and, where necessary, a CDL license. Failure to retain this license for any reason must be reported to the employee's supervisor immediately. Employees who fail to retain a required license may be subject to discipline, including termination.
4. Employees operating City vehicles shall observe all traffic laws and Ordinances. Violation of the rules adversely affects public opinion of the Municipal Government. City employees who demonstrate disregard of traffic regulations may be charged with improper conduct under the discipline section of this manual.
5. Before employees will be permitted to operate a City vehicle, they will be required to submit to a Motor Vehicle Records check (MVR). Such MVR shall be re-evaluated every year. Four traffic incidents appearing on the MVR will be considered a questionable driving record, and such information will be reviewed and discussed with the respective employee and may lead to the employee being disqualified to drive a City vehicle. The uninsurability of an employee by the

City's motor vehicle carrier will result in termination where driving is a job requirement.

**B. Use of Passenger Vehicles by Officials:**

1. Council may designate certain Officials who are on call 24 hours a day to drive a City-owned or leased car to and from their residence, and for uses which are primarily for government business. From time to time, Council may, by contract or other action, determine rules for such use by Officials and other incidental drivers. In the absence of Council action, the City Manager may determine additional rules for such use, if necessary.

**C. Use of Private Vehicles:**

1. The City, upon recommendation of the Department/Division Head, must approve the use of an employee's private vehicle for official City business. If an employee is required to use his car in the performance of official duties for the City, he will receive either a monthly car allowance or be paid mileage for the use of his car on official City business. Other arrangements at lower levels of reimbursement may be necessary to meet particular situations. Agreements should be reached in advance, and must be approved, in writing, by the City.
2. All employees who operate privately-owned vehicles for official City business must possess automobile insurance in amounts which satisfy Ohio financial responsibility laws.
3. Failure to possess personal automobile insurance will subject the employee to the loss of driving privileges until adequate insurance coverage is purchased. Loss of insurability due to poor driving performance will also result in suspension of driving privileges until the situation is reconciled and may be considered cause for termination if driving is an essential function of the employee's position. In either case, delays in securing necessary insurance may subject the employee to disciplinary procedures pursuant to this manual.

**D. Accidents with City-Owned Vehicles:**

1. The City may investigate any vehicular accident involving City-owned vehicles, apparatus, or public safety vehicles being operated by an employee of the City.
2. Anytime a City vehicle is involved in an accident, the unit shall be returned to the City for inspection, whether or not the driver believes there is any damage. Any exception to this requirement shall be with the specific written approval of the Department Head.
3. Every vehicular accident shall be reported immediately to the driver's Department Head or supervisor. Any person failing to immediately report an accident

involving a City vehicle, or any damage to a vehicle, shall be subject to disciplinary action up to and including termination.

4. In the event of an accident, the City Manager should be notified as soon as possible. A written report shall be submitted to the City Manager within 24 hours.
5. The Department Head shall designate a City management representative to initiate the gathering of information, statements, and other documentation pertaining to the incident at the earliest possible time after occurrence.
6. When involved in a vehicular accident, the driver or supervisor shall notify a Monroe dispatcher and request any assistance deemed necessary. In the event of a serious emergency where time is a critical factor, a public safety employee shall remain at the scene and the unit should continue on the response.
7. When traffic is blocked due to an accident, personnel shall cooperate to the fullest extent with the police officer in clearing the street to reduce the potential for further damage to the apparatus or equipment.
8. If an emergency vehicle, or apparatus, is determined to be out of service, the supervisor shall make arrangements for a reserve unit, where applicable.
9. A written statement shall be obtained and submitted by all employees in or around the vehicle or apparatus at the time of the accident.
10. It shall be the responsibility of the supervisor to gather all written statements, reports, and any other documentation concerning the accident and to submit a completed report to the Department Head within 24 hours of the incident.
11. Any person sustaining an injury as a result of the accident shall complete a personal injury report as required by City policy.
12. In consideration of the type of incident, the City officials may initiate a special investigation as to the causative factors concerning the incident and to request a written recommendation for corrective action to be initiated as a preventative measure.
13. An incident report shall be completed any time damage has occurred to a City vehicle.

#### **5.06 Tools, Supplies, Equipment (Vehicles), and Telephones**

- A. When tools, supplies, equipment (vehicles), and telephones needed to perform job duties are provided by the City, it is the responsibility of supervisors to confirm they are properly used and maintained.

- B. Misuse, neglect, theft, and/or abuse of tools, supplies, vehicles, equipment, or telephones is prohibited. Accidents involving misuse or abuse of tools, vehicles, equipment, or telephones will result in disciplinary action. Loss of tools or damage to vehicles or equipment may require payment by the employee for those items lost or damaged, at the discretion of the City. Excessive use of telephones and/or long distance calls for other than business purposes without prior written supervisory approval shall result in disciplinary action. The City may request that an employee having personal long distance phone calls pay for such calls, and failure to reimburse the City for personal long distance phone calls will result in discipline.
- C. All tools, supplies, vehicles, equipment and telephones utilized by the employee in the performance of his job are subject to prior approval of the City.
- D. The City Manager or designee shall promptly report damaged or stolen equipment or vehicles to the City's insurance company, in order to make a claim under any applicable insurance policies.

#### **5.07 Use of Telephone/Personal Mail**

- A. Excessive use of telephones for other than business purposes without prior written supervisory approval shall result in disciplinary action.
- B. Employees shall not use the addresses of the Municipal Building or other City-owned facility for receipt of personal mail. Use of the City's address, stationary, or other document with the name, address, or other identifying information for personal use shall result in disciplinary action.

#### **C Cell Phone Use Policy**

1. An employee who uses a City-owned cell phone or a City-owned vehicle is prohibited from using a cell phone while driving, whether the business conducted is personal or City-related, unless using an approved hands-free device. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose. Employees are required to stop the vehicle in a safe location so that you can safely use your cell phone. Use of a City-supplied device for personal use is prohibited. Calls made to 4-1-1 or any other directory assistance is prohibited and employees using this shall be responsible for charges incurred.
2. When at work and on duty, mobile phone calls are to be made and received only for City business and for personal emergencies. The term "personal emergencies" will be interpreted in a reasonable manner to account for differences in employees' families, circumstances, and lifestyles. The City will endeavor to accommodate emergency calls for critical quality of life issues, so long as such calls do not become unreasonable in length or frequency. To avoid misunderstandings regarding personal emergency calls, it is always advisable to

alert a supervisor in advance regarding the circumstances of the call. Beyond personal emergencies, the City encourages its employees to conduct their personal business on their own time off from work. Employees who are in violation of this policy are subject to disciplinary action up to and including discharge.

3. The City has adopted the following general policies with regard to personal cell phone calls, which may be modified from time to time:
  1. During normal business hours, personal cell phones must be set on “vibrate” mode in order to avoid audible ring tones.
  2. Personal mobile phone use is strictly prohibited during certain Public Safety Department activities, including Fire/EMS runs, Police runs, emergency vehicle operation, inspection, tours, and training classes.

#### **5.08 *Bulletin Boards***

- A. The City maintains all facility bulletin boards and an intranet site as a means of communicating information to employees. All material on City bulletin boards shall be posted and removed by the facility-designated representative of the department/division in which the bulletin board is located. No notices shall initially be posted on any municipal office door, or such notice(s) shall be discarded.
- B. All agency, federal, and state required notices and other legally required notices shall be posted in an area visible to all employees. Information of a general public interest may be posted after prior approval by the City Manager if the information does not contain the following:
  1. Personal attacks upon any employee or public officer;
  2. Scandalous, scurrilous, or derogatory attacks on the City Council, administrators, supervisors, or other personnel;
  3. Comments regarding candidates for public office.
- C. Any material posted in violation of this policy shall be removed from the facility bulletin board.
- D. Violators of this policy shall be subject to disciplinary action.

#### **5.09 *Gambling***

- A. The City does not permit gambling in any form by its employees during work time. For the purpose of this policy, work time includes regular working hours, lunch periods at the work place, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

### **5.10 Drug-Free Workplace**

The City is committed to provide a safe and productive work environment and to the elimination of drug and/or alcohol use and abuse in the workplace. This policy applies to all employees and applicants for employment of the City. The Human Resources Manager is responsible for the administration of this policy.

- A. Employees shall report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This does not prohibit the lawful use and possession of prescribed medications. Employees shall consult with their physician about any medications' effect and their ability to work safely and promptly disclose any work restrictions to their supervisor. Prescribed medication must be carried in the container labeled by a licensed pharmacist or be prepared to produce it if asked by the City Manager, Human Resources Manager or Department Head.
- B. Offers of employment to applicants are subject to the applicant passing a drug test. Refusal to submit to testing will result in disqualification of further employment consideration.
- C. Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. The City Manager or designee must be consulted before sending an employee for reasonable suspicion testing.
- D. Employees are subject to testing when, in the opinion of law enforcement and/or the supervisor, they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property and/or result in injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within 2 hours following the accident, if not sooner.
- E. Employees testing positive or otherwise violate this policy are subject to discipline up to and including dismissal. The City may offer the employee the opportunity to return to work on a last-chance basis, which could include follow-up drug testing for a minimum of one year and a maximum of two years. If the employee does not complete a rehabilitation program or tests positive they shall be immediately discharged from the City's employment.
- F. Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided shall be kept confidential to the extent required by law and maintained in a secure file separate from normal personnel files.

#### **DEFINITIONS:**

Alcohol: means the intoxicating agent in beverage alcohol, ethyl alcohol, or other lower molecular weight alcohols including methyl and isopropyl alcohol.

**Controlled Substance:** means any controlled substance continued in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812); or as defined in R.C. 3719.01.

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

**Criminal Drug Statute:** means a criminal statute which states that a person may not manufacture, distribute, dispense, use, possess, provide, or administer any controlled substance.

**POLICY:**

1. Any employee convicted of any federal, state, or municipal criminal drug statute must notify the Employer of that fact within 5 calendar days of the conviction. Notification of the employee does not excuse that employee from possible disciplinary action under the City's Personnel Policy Manual.
  2. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances or the abuse of legal substances will be subject to disciplinary action or discharge. Any decision to take such action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
  3. Any employee convicted of a drug offense, who fails to report the conviction as required by the above, will be:
    - a. Terminated from employment; and
    - b. Forever barred from future employment with the City.
- G. Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all managers/supervisors will be trained to recognize drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

Reasonable suspicion of drugs and/or alcohol must be established by two supervisory staff members of the City who are not required to be of the same Department as the subject employee. When reasonable suspicion has been established and an employee is subject to testing, the employee shall be placed on administrative leave with pay until the results of the test(s) is received. The employee subject to a reasonable suspicion test(s) must be taken to the testing site by a supervisor.

H. Post-accident testing will be conducted. The City considers an accident an unplanned, unexpected, or unintended event that occurs on our property, during the conduct of our business, or during working hours, or which involves one of our motor vehicles that is used in conducting City business, or is within the scope of employment and results in any of the following:

1. Damage to a City-owned vehicle, City property, or the vehicle or property of another.
2. A fatality of anyone involved in the accident;
3. Any injury to the employee and/or another person.
4. Vehicular or property damage estimated in excess of \$2,000.00.
5. As a result of the collision, a citation has been issued to the operator of the City-owned vehicle.

When such an accident results in any of the above items 2 through 5, the employee(s) involved in the accident shall be tested for drugs and /or alcohol use.

When a test is required, the employee(s) must be taken to the testing site by a supervisor.

An accident described in H(1) above shall be handled under the reasonable suspicion section of this policy. The employee(s) supervisor shall be required to document any accident involving a City-owned vehicle and prepare a written report and photographs detailing the incident. The reports should have any witness statements, if any, attached. All departments are encouraged to involve the Department of Police to investigate vehicle accidents. When reasonable suspicion has not been established the employee's supervisor can waive the testing for incidents described in H (1) above.

Post-accident alcohol testing must be performed within two hours of the accident. In the event a test cannot be performed within two hours, attempts to test shall cease and a written record stating the reasons the test was not performed shall be prepared by the Department Head or designee and submitted to the City Manager.

Post-accident drug testing must be performed within twenty four hours. In the event a test cannot be performed within twenty four hours, attempts to test shall cease and a written record stating the reasons the test was not performed shall be prepared by the Department Head or designee and submitted to the City Manager.

#### Follow up Testing after Return-to-Duty from Assessment or Treatment

This test occurs when an employee has previously tested positive and the decision is made to not terminate the employee. A negative return-to-duty test is required before the employee will be allowed to return to work. If the employee fails this test, this will lead to termination of employment. Once an employee passes the drug and/or alcohol test and returns to work, City management may choose to conduct additional unannounced tests for as long as it deems necessary. Any employee with a second positive test result will be terminated.

**I. Failure Or Refusal To Submit To Testing:**

An employee who adulterates, attempts to adulterate or substitutes a specimen or otherwise manipulates the testing process will be terminated. A refusal to produce/provide a specimen is considered a positive test unless there is a verifiable medical reason that the specimen could not be produced.

**J. Storage Of Test Results And Right To Review Test Results:**

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. Access is limited to designated City officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated City officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy may review and/or receive a copy of their own test results. An employee may make a written request to the Human Resources Manager for their test results

**K. Positive Test Results:**

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause". The City can release or disclose this information, if relevant, in response to an employee's request for unemployment, workers' compensation or other related benefits.

**L. Policy Distribution:** Each employee will receive annually (or such information will be posted on the City Employee Intranet) an information package containing:

1. Information concerning the dangers of drug abuse in the workplace;
2. A current copy of the City's published statement;
3. A current copy of the City's Drug Free Workplace Policy;
4. A current copy of the City's Drug Testing Policy;
5. Information concerning any available drug counseling, rehabilitation, and employee assistance programs;
6. Information concerning the penalties that will be imposed for the breach of the City's Drug Free Workplace Policy;
7. Notice to the employee that any work-related conviction of any federal or state criminal drug statute must be reported in writing to the Employer within 5 calendar days after such conviction.

**M. Training:**

1. All employees and supervisors will receive training annually in the dangers of drug abuse.
2. All supervisors and managers will receive training in the enforcement of this policy.

**5.11 CDL Drug and Alcohol Testing**

**A. Introduction**

1. The purpose of this policy is to comply with all applicable federal regulations adopted by the Federal Highway Administration (FHWA) that mandate alcohol and drug testing and establish testing standards for covered, “safety-sensitive” employees that operate “commercial motor vehicles.” This policy supplements, but does not replace or change, all existing policies and agreements concerning the use of, and testing for, alcohol and drugs, unless otherwise required by law or regulation.
2. The City Manager or his designee is the person designated to: (a) answer questions about these materials and the implementation of the FHWA regulations; (b) to receive confidential information regarding alcohol and drug testing results; and (c) receive confidential information from substance abuse professionals.
3. The public expects our services to be delivered in the safest and most conscientious manner possible. Involvement with drugs and alcohol can adversely affect job performance and employee safety. The presence of drugs or alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with our objective or maintaining a drug and alcohol-free workplace.
4. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek assistance from the Employee Assistance Program. While we will be supportive of those who seek help voluntarily, the City Manager will be equally firm in identifying and disciplining those who are, or continue to be, substance abusers and who do not seek help.

**B. Covered Employees**

This policy applies to all employees who operate a commercial motor vehicle to carry out their job duties or who are required as a condition of employment to possess and maintain a commercial driver’s license (CDL). Participation in the Alcohol and Drug Testing program is required for these employees and is considered to be a condition of employment. A” commercial motor vehicle” is a vehicle that:

1. Has a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport sixteen (16) or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

**C. Safety-Sensitive Functions**

The FHWA alcohol and drug rules apply to employees when performing safety-Sensitive functions. “Safety-sensitive” functions under these rules include any of the following:

1. All time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All time driving a commercial motor vehicle;
4. All other time spend in or on any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent dealing with a commercial motor vehicle accident; and
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

**D. Prohibited Conduct**

The FHWA regulations include the following rules on prohibited conduct:

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration 0.04 or greater;
2. No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment;
3. No employee shall use alcohol while performing safety-sensitive functions;
4. No employee shall perform safety-sensitive functions within 4 hours after using alcohol;
5. No employee shall use alcohol for 8 hours following an accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first;
6. No employee shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or follow-up alcohol or drug test; and
7. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drug, except when the use

is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

#### **E. Supervisor Responsibilities**

Supervisors must not permit an employee to perform safety-sensitive functions if they have actual knowledge that the employee:

1. Has a blood alcohol concentration of .02 or greater;
2. Has alcohol in his possession;
3. Is using alcohol on the job;
4. Has used alcohol within the past 4 hours;
5. Refused to submit to an alcohol or drug test required by this policy;
6. Has used a controlled substance; or
7. Tested positive for illegal drugs.

#### **F. Alcohol and Drug Testing**

In addition to alcohol, the substances for which the employee will be tested include the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

Testing for alcohol concentration will be through the evidential breath testing procedure. Testing for controlled substances will be accomplished through urine sampling. The employee may be required to sign an authorization form permitting the medical facility to conduct the test and release the results to the Medical Review Officer and the City Manager. An employee is subject to FHWA mandatory testing for alcohol and drugs under the following circumstances:

##### **1. Pre-Employment/Pre-duty Testing**

An applicant or newly hired employee must be tested for drugs before the first time the driver performs any safety-sensitive functions. In order to return to duty involving safety-sensitive functions, the driver must test negative for controlled substance use.

##### **2. Post-Accident Testing**

An employee must be tested for alcohol and drugs as soon as practicable following an accident involving a commercial motor vehicle if:

- a. The employee was performing a safety-sensitive function with respect to the vehicle, and the accident resulted in the loss of a human life (whether or not the driver caused the accident), or

- b. The employee receives a citation under state or local law for a moving violation arising out of the accident, if the accident involves bodily injury to any person requiring medical treatment away from the scene or if 1 or more vehicles incurs damage requiring the vehicle to be transported from the scene by town truck or another vehicle.

In the case of post-accident testing for drugs, the driver must: (1) immediately notify the City Manager of the accident (513-539-7374); and (2) remain readily available for testing. The City Manager shall administer the tests as soon as possible, but not more than 8 hours after the accident in the case of alcohol testing, and not more than 32 hours after the accident in the case of controlled substance testing. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test shall be deemed to meet the requirements of this policy and the City Manager may choose to use this type of test instead of performing one of its own.

### 3. Random Testing

Employees will be randomly selected for unannounced alcohol and drug testing. The minimum annual percentage rate for random alcohol testing is set annually by the FHWA and is currently 10% of the average number of driver positions. The minimum annual percentage for random drug testing is set annually by the FHWA and is currently 50% of the average number of driver positions. Employees will be selected on a random basis which assures that all drivers have an equal chance of being tested. The dates for testing will be spread out throughout the calendar year and will be unannounced. A driver shall only be tested while, just prior to, or just after performing safety-sensitive functions.

An employee must be tested for alcohol or drugs if there is reasonable suspicion that a driver has violated the rules on the use of alcohol or drugs. Reasonable suspicion will be based on specific, current, describable, observations concerning the appearance, behavior, speech or body odors of the employee made during, just preceding, or just after the period of the work day that the employee is performing a safety-sensitive function. The observation and determination that a reasonable suspicion exists will be made by a supervisor, manager or other City official trained in detecting the symptoms of alcohol and drug use. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

### 5. Return-to-Duty Testing

An employee must be tested for alcohol and/or drugs before returning to any safety-sensitive duties following a violation of the FHWA alcohol or drug rules.

6. Follow-up Testing

An employee who has been identified by a substance abuse professional as needing assistance in resolving problems with alcohol or drugs and who has returned to duty is subject to a minimum of 6 follow-up alcohol or drug tests over the first 12 months following the return to duty. The substance abuse professional may require the employee to undergo additional alcohol or drug testing for up to sixty (60) months.

All alcohol and drug testing done under the FHWA rules will comply with 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. These procedures require separate screening and confirmation tests and a number of other procedures which are intended to protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.

**G. Refusal to Submit to Alcohol or Drug Test**

1. The FHWA rules mandate that an employee submit to the alcohol and drug tests required by the FHWA rules. A refusal to submit is itself a violation of the FHWA rules.
2. A refusal to submit to an alcohol or drug test includes any of the following conduct:
  - a. Failure to provide adequate breath for alcohol testing, without a valid medical explanation, after the driver has received notice of the requirement for alcohol testing under the FHWA rules;
  - b. Failure to provide adequate urine for drug testing, without a valid medical explanation, after the driver has received notice of the requirement for drug testing under the FHWA rules;
  - c. Engaging in conduct that clearly obstructs the testing process; and/or
  - d. Failure to remain readily available for testing following an accident involving a commercial motor vehicle.
3. A refusal to take an alcohol or drug test required by the FHWA rules will have the following minimum consequences:
  - a. An applicant who refuses a pre-employment/pre-duty test will not be hired;
  - b. An employee who refuses a return-to-duty test will not be returned to duty; and

- c. An employee who refuses a post-accident, random, reasonable suspicion, or follow-up test will be disciplined.

An employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tempering, contamination, adulteration, or substitution, shall be removed from duty immediately and subject to discipline up to and including dismissal. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

#### **H. Employees Who Violate the FHWA Rules On Alcohol or Drugs Will:**

1. Be removed from all safety-sensitive functions and placed on an unpaid leave of absence, unless otherwise determined by the Manager;
2. Be referred to and evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol or drugs;
3. Not be returned to work unless the driver passes a return-to-duty alcohol test (if the violation involved alcohol) or a return-to-duty drug test (if the violation involved drugs) and has properly followed any rehabilitation program prescribed by the substance abuse profession; and
4. Be subject to FHWA-mandated unannounced follow-up drug and alcohol testing, including a minimum of 6 tests during the first 12 months following the driver's return to work.

These are the minimum consequences mandated by the FHWA rules. The Manager may take additional disciplinary action, up to and including dismissal, for conduct which violates work rules or policies.

#### **I. Alcohol Test Result Between .02 and .04**

A positive alcohol test is defined by the FHWA rules as a test finding an alcohol concentration of .04 or greater. However, if a driver's alcohol test finding is between .02 and .04, the driver must be removed from duty until the driver's next regularly scheduled duty period, but not less than 24 hours following the test.

#### **J. Employee Requested Confirmation Testing**

An employee who questions the results of a required drug test may request that an additional test be conducted at a different DHHS-certified laboratory. The test will be conducted on the split sample that was provided at the same time as the original sample.

The cost of the second test will be borne by the employee, unless the second test invalidates the first.

The method of collecting, storing and testing the split sample is as prescribed by the procedures in 49 CFR Part 40. The employee's request for a split sample test must be made to the designated Medical Review Officer within 72 hours of notice of the initial test result. Requests after 72 hours will be accepted only if the delay was due to documentable facts that were beyond the control of the employee.

**K. Confidentiality**

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be secured in a separate confidential folder in the City Manager's office. The reports or test results may be disclosed to management on a need-to-know basis and to the tested employee upon request. The City Manager may also disclose confidential information pertaining to an employee to the decision makers in a lawsuit or administrative procedure initiated by the employee, and arising from the results of an alcohol and/or controlled substance test administered under FHWA rules, or from the City Manager's determination that the employee engaged in prohibited conduct. Results may also be released to an employee or subsequent employers in accordance with an employee's written authorization.

**L. FHWA-Mandated Alcohol/Drug Evaluation/Treatment**

Employees who test positive for the presence of alcohol or illegal drugs will be referred to, and evaluated by, a substance abuse professional (SAP). A substance abuse professional is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with, knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol-related disorders. The substance abuse professional will evaluate each employee to determine what assistance, if any, the employee needs to resolve problems associated with prohibited substance abuse or misuse of alcohol.

Under certain circumstances, including positive alcohol or drug tests, employees may be required to undergo treatment for substance abuse. If an employee is not discharged, but is allowed to return to duty after such evaluation and/or treatment, he must properly follow the rehabilitation program prescribed by the substance abuse professional, must pass the return to duty alcohol and drug tests) and be subject to unannounced follow-up tests for a period of 1 to 5 years, as determined by the substance abuse professional or as required by federal law. Any employee who refuses treatment when required, or fails to comply with the Individualized Treatment Plan prescribed by the substance abuse professional for treatment, aftercare, or return to duty, shall be subject to disciplinary action, up to and including discharge.

### **5.12 Alcoholism and Drug Abuse/Employee Assistance Program**

The City recognizes alcoholism and drug addiction as serious problems, and encourages those employees who may have a drinking or drug abuse problem to seek professional treatment assistance.

- A. For the purpose of this policy, a drinking or drug abuse problem exists, in the City's sole discretion, when an employee's alcohol consumption or drug use begins to interfere with his job performance.
- B. No employee with a drinking or drug problem will have his job security or promotional opportunities jeopardized by a voluntary and prompt request for treatment. This policy, however, does not excuse employees from discipline or corrective action initiated by the City for unsatisfactory performance or work-related misconduct. Rather, this policy is intended to help employees who voluntarily initiate requests for assistance – before work issues arise. The pertinent information and records of employees with substance abuse problems will be preserved in the same manner as all other medical records.
- C. It will be the responsibility of the employee to comply with the referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as for all other illnesses when job performance continues to be adversely affected.
- D. Implementation of this policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.
- E. The City and supervisors shall not attempt to diagnose alcoholism or drug addiction. A referral, initiated by the City or supervisor, for diagnosis and treatment should be based strictly on unsatisfactory or deteriorating job performance resulting from apparent medical or behavioral problems, whatever their nature.
- F. Employee Assistance Program (EAP):  
  
The City is committed to the total health and well-being of its employees and to appropriately address the issues and personal problems which could benefit from counseling. Therefore, the City believes that it is in the best interest of the employees, families of employees and the community to provide an Employee Assistance Program (EAP). Employees and their families are encouraged to seek assistance from the EAP as needed.
- G. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or with the City Manager without fear of reprisal.

### 5.13 *Media and Community Relations*

- A. The media (including online social media) is one of the most effective tools to disseminate accurate and timely coverage of City policies, programs, and events to residents and other stakeholders. It is important to use these tools wisely to ensure the City’s message is accurate and consistent.

This Media Relations Policy will guide elected and appointed officials and the Administration in developing a successful working relationship with the media.

*The media, as referred to throughout this policy, includes (but is not limited to) local, regional, national, and international:*

- *Print publications (e.g, daily/weekly newspapers; professional and commercial magazines; journals.)*
- *Radio and television stations*
- *Wire services (e.g., Associated Press, Reuters)*
- *Web-based media services and online social networking sites (e.g., Twitter, Facebook)*

#### **Community Relations**

- B. The City Manager’s office is the City’s primary liaison with the media and is responsible for ensuring information released by the City is accurate, consistent, and distributed to appropriate outlets in a timely manner.

In instances where media coverage is required or anticipated, or for any issue that could impact the City’s public image, Department Heads shall notify the City Manager’s office at the earliest opportunity.

Employees shall refer to the Personnel Policy Manual before communicating with any media representative about official City matters. To ensure consistency and accuracy of messages, the City Manager’s office will help identify the proper spokespeople for any given subject, determine key messages, and prepare employees for media interviews and public presentations where the media may be present. The City Manager will determine when it is appropriate to contact City Council regarding information released to the media.

#### **Timeliness of response**

Staff shall give priority to information requests received from the media. Reasonable efforts shall be made to determine and honor media deadlines.

All media inquiries shall be responded to with accuracy as soon as practical; however, **factual accuracy is more important than providing a quick answer to a question.**

When unsure of a response to an inquiry, it is acceptable to tell the media representative facts must be confirmed and that you will return the call in a prompt fashion.

## **Spokesperson**

In some circumstances, the City Manager will designate a single spokesperson to respond to an issue of major significance to ensure information is disseminated swiftly, accurately and consistently to all interested media sources. When such a designation is made, the City Manager will notify elected and appointed officials and Staff to forward all inquiries to that spokesperson.

## **Evaluating media activities**

The City Manager's office provides ongoing review and evaluation of the City's press information efforts. In addition to providing daily reports of relevant news stories to key elected officials and staff, the City Manager's office maintains a media release file (a record of press releases distributed by the City of Monroe).

## **Emergency Operations Center/NIMS**

The City Manager (or his designee) is the primary public information contact when the emergency operation center is activated.

## **City Council and Board and Commission members**

The Mayor is usually the official spokesperson for City Council. The chair of a Board or Commission usually serves as that group's spokesperson. In this capacity, the official spokesperson's statements should reflect the actions taken by the group – not personal opinion.

City Council, Board and Commission members respond to media inquiries at their own discretion with the knowledge that their responses reflect on the community and the City. If speaking with a representative of the media, members of Council and its Boards and Commissions are encouraged to explain if their response is on behalf of the entire Council, Board or Commission, or if they are expressing their individual views. However, there is no guarantee the media or public will make that distinction when the comments are printed, posted, or broadcast.

City Council members and appointed officials are asked to notify the City Manager if they have been contacted by the media, particularly if the inquiry relates to a controversial, potentially controversial or unusual topic.

As a courtesy, members of City Council and its Boards and Commissions are encouraged to notify other members if they plan to write an editorial or letter to the editor or post information online. They are asked to provide the City Manager advance copies.

Unless otherwise notified, Council, Board and Commission members' contact phone numbers and e-mail addresses may be given to the public and media.

### **Responding to Council actions**

Staff shall not make judgmental comments regarding individual members of or actions by Council, Boards and Commissions. They shall also refrain from offering personal opinions on official City policy when responding to media inquiries. Staff shall not anticipate an action or position that has not formally been taken by City Council.

### **Public meetings**

Every effort should be made to encourage accurate media coverage of City Council, Board and Commission meetings, actions and decisions.

### **Distribution of Agenda Packets**

The Agendas for all City Council, Board and Commission meetings shall be posted on the City's Web site at least 24 hours before the meeting. Preparation of the Council agenda is the responsibility of the Clerk of Council. City administrative staff members prepare the other agendas.

The Sunshine Law requires the City to provide 24 hours advance notice to those media contacts who have requested notification of public meetings. Such notification must also include the purpose or agenda for the meeting.

### **Media Attendance at Meetings**

Media representatives are encouraged to attend and report on actions taken at City Council/Council Committee meetings, work sessions and regularly scheduled Board and Commission meetings. Reasonable accommodations will be explored to facilitate their coverage (e.g., a media table, access to outlets for laptops, space for TV cameras, etc.) provided this does not distract or disrupt the proceedings as determined by the Mayor or meeting chair.

### **Recordings, Photos of Meetings**

Recordings and photography at City Council and Board and Commission meetings are allowed provided they do not disrupt the proceedings in progress as determined by the Mayor or meeting chairperson. Anyone wishing to record a City Council, Board or Commission meeting must notify the Clerk of Council prior to the meeting to ensure appropriate accommodations are available.

### **Community Relations as primary media contact**

The City Manager's office manages media relations activities for all departments, including preparation of City news releases, response to media inquiries, and promotion of programs, events and policies.

Staff members shall consult with the City Manager's office before talking to the media. If the inquiry involves policy issues, the staff member may respond only after direction to do so from his Department Head and the City Manager.

Often, a staff member's job-related knowledge makes that individual the most logical respondent to a media inquiry. This is often the case with routine factual information relating specifically to an employee's job functions. That does not preclude contacting the City Manager's office prior to talking to the media.

When interacting with the media, staff members shall bear in mind they represent the City. Staff appearing on camera for TV interviews or photos should dress and comport themselves accordingly.

***Scope of response*** – Staff members shall not respond to media inquiries that are not directly related to their professional responsibilities. Such questions should be referred to the appropriate Department Head.

***Inaccurate information*** – The media shall not be intentionally misled or provided inaccurate or incomplete information by a staff member.

***Personnel*** – Do not discuss staff members or personnel actions. These requests shall be directed to the City Manager's office.

## **Department of Police**

In releasing information about police investigations and operations, the City will comply with the Ohio Revised Code.

Media requests for information regarding a police policy matter or specific field incident shall be referred to the Chief of Police. Certain investigations, incidents or events involving police activities could be jeopardized with early or inappropriate release of information. In these situations, information may be released only by the Chief of Police or his designee. If possible, the Department of Police shall contact the City Manager's office immediately when a fast-breaking story occurs and be called in to assist in responding to press inquiries when necessary.

## **Legal matters**

Staff members shall neither respond to media inquiries regarding an issue involving City litigation nor offer legal opinions on City policies or activities. Media inquiries regarding filed cases should be referred to the City Manager's office, which will work with the City Law Director on an appropriate response.

## **Election issues**

Staff members shall not offer personal opinions to the media on Monroe City Council elections or other City-related election issues.

## **Factual discrepancies**

It is the responsibility of the City Manager's office to contact the media when a story has been published or aired containing a factual error that significantly impacts the public's perception. Depending on the nature of the error, the request for correction could be made by written letter, e-mail or a phone call.

## **Information written by staff**

The City encourages staff to write articles for newspapers, magazines, trade journals, scholarly journals, Web sites, social media or other outlets on innovative City programs and services as a means of enhancing personal development and highlighting City achievements.

If authorship is related to their work or otherwise reflects upon the City of Monroe, staff members wishing to submit articles and information intended for publication shall have such work (including the publication title and projected publication date) reviewed by their Department Head and City Manager before submission for publication.

It is the responsibility of the Department Head to forward a copy of the published article to the City Manager for review and approval purposes.

## **Letters to the editor**

When appropriately presented, letters to the editors of newspapers and electronic media may be effective tools in clarifying a misconception of City policies and programs and for correcting inaccurate information that has been reported by the press. Elected and appointed officials and Department Heads who believe a City letter to the editor is warranted should discuss their concerns with the City Manager, who will determine if a response is appropriate and who should prepare and sign the letter.

Any letters to the editor or other opinion-based written materials created by employees in their official capacities or that will reflect upon the City must be approved by the City Manager before submittal.

## **Responding as private citizens**

The following guidelines should be followed for those staff members or employee groups who choose to contact or respond to City-related news stories as private citizens.

*Letters may not be prepared on City time, distributed on City stationery, mailed at City expense or sent from City computers.*

*Telephone contact may not be made on City time using City telephones or other devices.*

*Use of City facilities or supplies is prohibited.*

*Staff members should avoid including their official title or intimate that the response is on behalf of the City. If the staff member is identified as a City employee, they must include language that states the opinions set forth in their communication do not necessarily represent the views or position of the City.*

## **Social media**

This portion of the media relations policy refers to tools existing on the implementation date of this plan and developed afterward.

Technology has made it easy to post information and opinions on the Internet via Facebook, Twitter, blogs, other social media and other information sharing systems. While the City recognizes and encourages innovative ways to use these technology tools to communicate with its customers, enhance its services and provide benefits to the organization, such use must be part of a comprehensive approach to communication. When employees wish to communicate messages about the City, they shall start the process with their Department Head. The City Manager's office will maintain a list of approved users and account holders, and coordinate exchange of news, internal links and information.

Authorized Employees using any social media for work-related functions are bound by the City's Technology Use Policy. Staff using an account for official City/work purposes must identify themselves as a City employee in all instances.

On work-related and personal sites, employees are bound by applicable personnel policies, including, but not limited to, Sections 5.00 and 5.31 of the Personnel Policy Manual "Ethics of Public Employment" and "Off-Duty Conduct." City employees who hold personal accounts are expected to know and understand the content and information posted to these accounts can be and easily connected to an individual's employment with the City. Therefore, personal accounts may be viewed in some capacity as a reflection on the City by nature of their public accessibility.

On both personal and work sites, employees shall ensure their online content is consistent with the ethics and acceptable behavior of the City. They may not post information or opinions that portray the City, Monroe's elected and appointed officials, or other employees in a negative light.

Further, posting proprietary information, content or confidential and/or sensitive information related to the City is prohibited on employees' personal pages.

Because of the necessity for open records and transparency of government, City employees using social media to communicate City messages may only do so using City accounts. Employees shall be aware that posting information to personal sites during work hours is discouraged and may be subject to public record laws.

Employees using these tools and whose conduct on or off the job negatively affects job performance or job performance of other employees, or the image or reputation of the City, will be subject to disciplinary actions, up to and including dismissal.

The City discourages use or updates to personal social networking sites with City equipment and/or on City time.

### **Media Interviews/Media Inquiries**

Interviews with reporters are usually held over the phone or in person during a pre-scheduled interview. Before being interviewed, it is important to determine the focus of the story and the specific information desired by the reporter. It is acceptable to ask the reporter from what angle he is approaching the story. During the interview, always assume all your statements will be made public, even if you believe the conversation is “off the record.” The reporter may also ask to record the interview.

Depending on the story, a photographer may accompany the reporter or schedule a follow-up session. The photographer will appreciate any assistance you can provide in appropriate photographs, which could enhance the story. Staff members may decline to be photographed.

**Video** – Television is a visual medium. Television reporters will be most interested in interviewing a staff spokesperson on camera or recording an activity with high visual appeal.

When interviewed on-camera, wear bright colors and simple patterns. Avoid light (pale) colors (white, yellow) as they do not photograph well. All interviews are subject to editing by the media before airing.

**Audio** – Radio and podcast interviews are usually pre-recorded in-person or over the phone. When interviewed over the phone, most reporters will ask permission before recording. All interviews are subject to editing by the media before airing.

### ***UNSCHEDULED MEDIA INTERVIEWS***

**Television Inquiries** – Television crews that arrive in the City with no pre-arranged interview appointment should be directed to the City Manager’s office for assistance. If a television crew requires footage with no interview (commonly referred to as a B-roll), the Department Head or designee should accompany the videographer.

## ***PREPARATION AND DISTRIBUTION OF INFORMATION***

### **Media Releases and Other Communications Tools**

Information in news releases and other communications tools shall be written and distributed only, after notification of the City Manager's office. Departments desiring news releases should contact the City Manager.

All news releases distributed by the City of Monroe shall be on official City letterhead or e-mailed in such a way that the City of Monroe is clearly identified as the source of information. The release shall include the date and the name of the City staff person who can serve as a media contact for inquiries or additional information. The City Manager's office maintains an updated media list.

### **Media Conferences**

A media conference can only be convened at the direction of the City Manager.

### **Public Records Requests**

Employees shall alert the City Manager's office regarding any public records request by the media. They should use their best judgment about alerting City Manager's office to potentially controversial public records requests from other individuals or organizations.

### **Determining Whether a Record May be Disclosed**

In situations where there is a discrepancy or uncertainty on the part of a City employee regarding release of an official record to a member of the media, the City Manager's office should be contacted. They will determine whether attaining legal opinion is necessary. Specific categories of records may be exempted by the Public Records Act.

The City Manager shall be made aware of all information prior to release to any news source.

#### ***5.14 Employee Conviction in Court of Law***

- A. The conviction of any employee for breaking a federal, state, or local law outside work may be grounds for discipline, including suspension or dismissal, depending on the nature and date of the conviction as it relates to the position held by the employee. Consideration will be given to the effect the conviction has on the reputation and operation of the City and any of its programs.
- B. Violating any federal, state, or local law while at work may be grounds for dismissal depending on (1) the severity of the infraction; and (2) the overall status of employee performance and past conduct on the job.

### **5.15 Identification Cards**

Employees may be furnished City identification cards. Department/Division Heads or the City Manager shall be responsible for collecting and destroying any issued identification cards of employees upon their separation from City employment.

### **5.16 Garnishments**

- A. A court-ordered legal claim against the wages of a City employee by a creditor for nonpayment of a debt and served by the constituted legal authority is a garnishment and must be recognized and executed by the City. Repeated garnishment on the wages of an employee can result in disciplinary action.
- B. When a garnishment is received for an employee, the following procedure of notification will apply:
  - 1. The City will schedule a conference with the employee and his supervisor to discuss the garnishment.
  - 2. The City will determine whether or not the employee has had previous garnishments of wages.
- C. If the garnishment is the first one received by an employee, the following procedure will apply:
  - 1. The employee will be advised by the City Manager or designee of the consequences of further garnishments.
  - 2. The employee will be counseled to seek an appropriate agency in order to assist him in working out his financial difficulties.
- D. If a second garnishment is received within a 12 month period for a separate debt of the employee:
  - 1. A meeting will be arranged between the employee and the City.
  - 2. The City will refer the employee to a credit counseling agency or other appropriate agency for assistance.
- E. If a third garnishment is received within a 12 month period for a separate debt of the employee:
  - 1. The City and the employee will meet with a legal advisor to discuss the consequences of the garnishment notice.
  - 2. The City will determine if the employee sought assistance from a credit counseling agency or other appropriate agency.
  - 3. Depending upon the circumstances, the employee may be subject to disciplinary action consistent with the policy.

- F. No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve his financial problems.

### **5.17 *Outside Employment***

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives, and operations of the several offices of the City. In addition, an employee shall not become obligated through employment to a second employer whose interests might be in conflict with those of the City office in which he works. Employees shall supply information on additional employment to their City Manager's Office in order for the City Manager to document any possible conflicting employment obligations.
- B. Employment "conflicts," as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his position.
- 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," shall be a concern to the Employer only if it adversely affects the job performance of the employee's City job. Two common employment conflicts which may arise are:
  - 1. Time Conflict - defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the City, or when the demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality of the employee's job performance with the City.
  - 2. Interest Conflict - defined as when an employee engages in "outside employment" which tends to compromise his judgment, actions, and/or job performance with the City.
- E. Should the City determine that an employee's outside employment is adversely affecting the employee's job performance, it may recommend -- but may not demand -- that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment will subject the employee to discipline or discharge.
- F. If a police officer's outside employment is related to law enforcement or security in any way, he shall follow the guidelines set forth in the Police Department Policy Manual.

### **5.18 *Personnel Files: Maintenance and Inspection***

- A. The City shall maintain official personnel files for all municipal employees. Such files shall include, but may not be limited to: individual employment data; payroll information; work item schedules; records of additions or deductions paid; application

forms; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, etc. Personnel files access is governed by R.C. 149.43 and R.C. Chapter 1347.

- B. Nothing herein shall prevent the dissemination of impersonal statistical information.
- C. An employee may inspect his official personnel file at reasonable dates/times.
- D. Employees must advise the Employer of any change in: name, address, marital status, telephone number, number of exemptions for tax purposes, citizenship, selective service classification, or association with any government military service organization.
- E. Nothing in this policy shall prohibit the City from maintaining 2 sets of files on each employee, one for strictly City use and one for non-confidential information accessible to the public. The public-accessible file may contain documents with confidential information in them, as long as the documents are redacted to keep such information confidential. The Ohio Public Records Law, R.C. 149.43, requires that the public must have access to any records that are not either: specifically listed as confidential under that law; or records whose release is prohibited by some other state or federal law.
- F. Nothing prohibits the City from charging a reasonable fee for the preparation of copying of data for public use.
- G. The City maintains a personnel file on each employee that includes the job application and related hiring documents, training records, performance documentation, salary history, and other employment records. Personnel medical records will be kept in a separate file.
- H. A request, with reasonable notice by an employee, can be made to inspect their personnel file, provided such requests have not been made more than one time in any 30 calendar day period. The following requirements govern such requests:
  - 1. Personnel file access by current employees and former employees upon request to the Human Resources Manager will be permitted. Personnel files are to be reviewed in the Human Resource Manager's office and may not be taken outside of that office.
  - 2. If you object to any item in the personnel file, you may provide written clarification or explanatory response for inclusion in the file; and
  - 3. You may request copies of items in your personnel file.
- I. If under the public records act, a person other than the employee, supervisor, department manager, or the City Manager makes a request to inspect an employee's personnel records, the employee will be notified of the date and time of the inspection and given an opportunity to review the file or information prior to inspection.
- J. Employee files are maintained by the City Manager's office. Department heads and supervisors may only have access to personnel file information on a need-to-know basis.

- K. A department head or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it.

### **5.19 Political Activity**

- A. City employees shall not take an active part in political campaigns which involve candidates for any City offices, other than to cast a vote in an election or to express privately their views and opinions as a citizen. Political activities in regard to State and National offices, are not prohibited, but such activities must be confined to non-working hours and shall not take place on City property or while using City property.
- B. Employees of the City are to serve all City residents equally. The political opinions or affiliations of any resident shall in no way affect the amount or quality of service received from the City.
- C. Certain specific political activities are legally permitted or prohibited to all classified City employees, including classified employees on authorized leave of absence from their positions. Unclassified employees are substantially less restricted, except those unclassified employees subject to Federal Merit Standards. Employees who are subject to Federal Merit Standards are generally those paid with federal funds distributed directly or by the State of Ohio.
- D. All employees are encouraged to exercise their constitutional rights to vote. References in this policy to politics and political activity refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates. The following are examples, but the lists are not necessarily all-inclusive:
- E. Activities Prohibited to All Employees (including Unclassified Employees Not Subject to Federal Merit Standards):
  - 1. Soliciting a contribution from any person while the soliciting employee is performing his official duties.
  - 2. Soliciting a contribution while the soliciting employee is in those areas of a public building where official business is transacted or conducted.
  - 3. Soliciting a contribution from a public employee while that employee is performing his official duties.
  - 4. Soliciting a contribution from a public employee while that employee is in those areas of a public building where public business is transacted.
  - 5. Coercing, intimidating, or causing harm to another person or threatening to do so, because that person makes or does not make a contribution to a candidate, campaign committee, political party, legislative campaign fund, or political action committee.
  - 6. Knowingly soliciting a contribution at the direction of or with the authorization of a City elected officer or his campaign committee from:
    - a. A City employee whose Appointing Authority is the City elected officer;

- b. A City employee whose Appointing Authority is authorized or required by law to be appointed by the City elected officer;
    - c. A City employee who functions in or is employed in or by the same public agency, department, division, or office as the City elected officer.
  - 7. Knowingly soliciting a contribution at the direction of or with authorization of a candidate for City elected office or his campaign committee from:
    - a. A City employee whose Appointing Authority will be the candidate, if elected;
    - b. A City employee whose Appointing Authority will be appointed by the candidate, if elected;
    - c. A City employee who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected. .
- B. Activities Permitted to Classified Employees and Unclassified Employees Subject to Federal Merit Standards:
- 1. Registering and voting.
  - 2. Expressing opinions, either orally or in writing, but not political campaigning.
  - 3. Voluntarily financially contributing to political candidates or organizations.
  - 4. Circulating nonpartisan petitions or petitions stating views on legislation.
  - 5. Attending political rallies. Employees may attend political rallies that are open to the general public.
  - 6. Signing nominating petitions in support of individuals.
  - 7. Displaying political pictures in the employee's home(s) or on the employee's property.
  - 8. Wearing political badges or buttons or displaying political stickers on their private vehicles.
  - 9. Participating as a precinct election official. (However, although participation is allowed under R.C. 124.57,3501.22, and 3501.26, as of the effective date of this policy, the issue remained unresolved whether an employee paid directly or indirectly by federal funds could participate as a precinct election official. Therefore, the Employer should discourage such participation by affected employees).
- C. Activities Prohibited to Classified Employees and Unclassified Employees Subject to Federal Merit Standards:
- 1. Participating as a candidate for public office in a partisan election or 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.
  - 2. Filing petitions meeting statutory requirements for partisan candidacy to elective office.

3. Circulating official nominating petitions for any candidate participating in a partisan election.
4. Holding an elected or appointed office in any partisan political organizations.
5. Accepting party-sponsored appointment to any office normally filled by partisan election.
6. Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for partisan elective office.
7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription either monetary or in-kind for any political party or political candidate.
8. Soliciting the sale of, or selling, political party tickets, materials, or other political matter.
9. Engaging in partisan activities at the election, such as soliciting votes, or transporting or helping get out the voters on election day.
10. Engaging in political caucuses of a partisan nature.
11. Participating in a political action committee which supports partisan activity.

## 5.20 *Safety*

- A. **City Responsibility:** The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of each employee to ensure that all safety equipment is used and all safety procedures/practices are observed.
- B. **Supervisor Responsibility:** All employees, particularly supervisors, are charged with the responsibility of promptly reporting the existence of any hazardous condition or practice in the workplace. Supervisors who do not require or control the use of prescribed safety equipment are subject to disciplinary action, including termination.
- C. **Employee Responsibility:** All employees who operate equipment improperly or are found to be negligent, and if such operation results either in damage to the equipment or an accident, shall be disciplined.

Any employee who intentionally operates equipment improperly shall be subject to immediate termination, if such operation results in either damage to the equipment or an accident, shall be subject to immediate termination.

All employees who drive City vehicles will maintain the appropriate speed limits. Violators are subject to disciplinary action, including termination.

- D. Each employee will abide by established safety procedures, and fully cooperate in the investigation of all on the job accidents and assist in making the work environment safe for himself and co-workers.
- E. **Accident Reporting:** All accidents (e.g., employee injury, third party, property damage, etc.) must be reported to the City Manager or designee immediately by telephone, or in

person. At no time is the reporting of an accident to be delayed, withheld, or mailed. Such accidents shall be reported to the City Manager no more than 24 hours after the accident.

- F. The City may adopt health and safety policies and procedures that are beyond the scope of this manual.

### **5.21 *Records Retention***

Certain records must be maintained for a period of time designated by law or regulation. Employees should consult their supervisor and/or the appropriate department/division heads for guidance on the maintenance of business records. Destroying official records/documents without authorization will be grounds for disciplinary action or discharge.

### **5.22 *Records Falsification***

Falsifying any public records (e.g., application forms, time sheets, travel vouchers, purchase orders, client record information, etc.) will be grounds for immediate discharge.

### **5.23 *Personal Property***

- A. Employees may bring personal property into their offices/departments to augment furniture and fixtures provided by their offices/department, such as lamps, small shelves, tables, fans, etc., so long as said property does not interfere with City operations. All personal property should be labeled as belonging to the employee, and must comply with all safety and health regulations. Failure to label personal property may cause the office/department to include the item or items in its inventory roster.
- B. Employees bringing personal property into the office/department must assume the risk of its theft or destruction.

### **5.24 *Personal Visitors***

Visits to an employee during working hours that are of a personal nature are discouraged. However, we realize that uninvited personal visitors may occasionally drop in unexpectedly, or a personal visitor may be necessary due to unusual circumstances. Employees are to use good judgment in spending time with non-business related visitors. Excessive use of work time to visit with personal friends, relatives, etc., may be grounds for disciplinary action.

### **5.25 *Building Utilization***

- A. Buildings are used for implementation of municipal programs. They shall not be used for any other purpose without the prior written approval of the City.
- B. There is an inventory control of all equipment in buildings by location. If any equipment, large or small, is moved from one location to another in the building for more than a brief

few hours of temporary usage, there must be prior written approval of the Department/Division Head or his designee.

- C. When leaving your office at the end of the day, please turn out all office lights, approved fans, approved heaters, and other approved electrical appliances.

#### **5.26 *Smoking/Tobacco Policy***

1. The City is committed to providing a healthy environment for its employees.
2. Smoking shall be prohibited in every City-owned building and vehicle and within 30 feet from any entrance to a City-owned building.
3. Employees violating this policy shall be subject to disciplinary action.
4. For purposes of this policy, “smoking” is defined as the carrying or holding of a lighted cigarette, e-cigarette, cigar, pipe, or any other smoking equipment or material, or the inhalation or exhalation of smoke or other vapors from any smoking equipment or material. “Tobacco use” includes the use of any cigar, cigarette, pipe, weed, plant, or other smoking equipment in any form, or any smokeless tobacco product.

#### **5.27 *Tape Recordings***

- A. Employees of the City of Monroe are prohibited from tape recording an administrator, a supervisor, another department/division representative, or a fellow employee, except as approve, in writing, by the City Manager, and except where provided for by law, ordinance, City policy and/or procedure, or by specific departmental policy and/or procedure. Before any form of tape recording may begin, the individual desiring to tape record a conversation must request consent to record the conversation from the person(s) being recorded. Such consent must be granted in written form and signed by the individual(s) granting consent prior to the recording of the conversation.
- B. Any violation of the restrictions set forth in Section 5.27(A) above may result in discipline, up to and including discharge.

#### **5.28 *No Expectation of Privacy***

All property belonging to the City, including its buildings, is subject to inspection at any time without notice. Accordingly, employees have no expectation of privacy in any City property including offices, desks, or other work or storage areas. Personal property on or in City property, secured or unsecured, is subject to inspection at any time by authorized personnel, which may include law enforcement officers, whenever reasonable cause exists. Except in emergency circumstances, the affected employee shall be offered the opportunity to be present during any such search. Personal vehicles of employees will not be subject to warrantless searches by the City. Employees having personal property they do not wish to be subject to inspection should not bring it onto City property.

## 5.29 *Technology Use Policy*

**Purpose.** The purpose of this Technology Use Policy is to establish a policy for the approved use of technology and any work-related processes with the Information Technology Manager. It is the intent to establish and communicate reasonable standards designed to protect the City from unwarranted and unauthorized technology usage. This Policy will provide a structure in which technology can be most effectively used and prevent occurrences of abuse. Questions regarding this policy should be directed to the Information Technology Manager or the City Manager's Office.

**Applicability.** This policy shall be applicable to all City employees, (Full Time, Part Time, Temporary, Seasonal) as well as temporary employees provided by outside temporary employment agencies and independent contractors who are provided access to the City's technology systems. This policy, however, shall not be applicable to the LEADS/NCIC interface, which is governed by the State Highway Patrol.

The technology systems include, but not limited to, personal computers, network servers, networking equipment, laptop computers, printers, modems, keyboards, microphones, monitors, any other associated device, and all related software. The systems would also include any application program(s), document, spreadsheet, calendar, data base information or Internet utilization, information sharing applications, messaging applications, or any other information or a system, which resides in part or in whole on any City electronic equipment. City technology system resources are intended to support City objectives. All such technology systems are the property of the City.

Employees are hereby advised that failure to comply with this policy may result in disciplinary action, including suspension and/or dismissal.

**Purchases/Services/Budgeting.** All technology systems equipment, software, and any consultant services that impact the technology systems must be approved and requisitioned by the Information Technology Manager.

Department desires must be requested each year through the budget process determined by the Finance Department. All technology related budgeted items that are approved by Finance, will be moved to line items in the Information Technology budget.

Implementation of technology acquisitions and services will be coordinated by the Information Technology Manager with the appropriate department.

**Work Requests.** All work requests for any technology related matter must be entered into the I.T. helpdesk software application by requester unless unable to do so.

Some work requests, if of a significant or complex matter, might require the approval of the requesting Department Head. The need for Department Head approval will be determined by the Information Technology Manager.

**Implementation and Use of Technology Systems.** The technology systems include, but are not limited to, personal computers, network servers, networking equipment, laptop computers, printers, modems, keyboards, microphones, monitors, any other associated device, and all related software. The systems would also include any application program(s), document, spreadsheet, calendar, data base information, or Internet information sharing applications, messaging applications or any other information or systems which resides in part or in whole on any City electronic equipment.

**Implementation of Hardware and Software.** The Information Technology Manager shall determine configuration of equipment. Installation or removal of any equipment or software must be approved by the

**Information Technology Manager.** Software installation would include, but not limited to, screen savers and games.

Only City licensed software and City acquired hardware shall be permitted. Duplication of software is prohibited. Equipment may not be attached to or detached from the network without the permission of the Information Technology Manager. Equipment cannot be moved without the approval of the Information Technology Manager. Information Technology Manager may reconfigure systems and delete any unauthorized software and data that may be discovered.

**Database Applications.** All desired database applications must be initially approved by the Information Technology Manager prior to any software vendor contact or database design. This includes Access database, spreadsheets used as a database, or any other database development software.

**Use.** Computers are not to be used to play games during the employee's working hours except as part of formal training programs.

Users are responsible for ensuring that backups of critical data files are made to network server locations as designated.

Limited personal use of the City computer system by City employees is permissible provided that such use is appropriate, does not violate any City policy, and does not, in the opinion of the City or the employee's supervisor, interfere with the employee's job performance or others' job performance, or with City objectives. Written permission must be obtained from a department supervisor prior to such use.

**Property.** The City's technology system is the property of the City and, therefore, City management may monitor and review all usage of the system. System usage will be monitored for specific reasons, including evaluating the effectiveness and operation of the system, diagnosing system malfunctions and failures, investigation of criminal acts, investigation of inappropriate usage and technology use policy violations, and security breaches. In general, the City will refrain from monitoring individual employee system usage, unless the reasons for doing so are consistent with the City's need for supervision, control, and efficiency in the workplace.

**Privacy.** All City employees are hereby advised that there is no right or reasonable expectation of privacy in the use of the City's technology system.

**Future Technology/Development/Use.** The City will continue to develop and implement the use of technology for the efficiency of City operations. Therefore, employees are hereby advised that electronic and/or computer technology that is developed and implemented in the future, which may not fall within the ordinary definitions of current technology (including but not limited to e-mail, messaging, information sharing systems and internet usage), will be regarded by the City as City property and employees should not have right or reasonable expectation of privacy in the use of City technology.

**Technology Use Apart from City Property.** Employees shall not be permitted to copy programs from City owned systems for use at home. Employees shall not be permitted to take City owned systems or any electronic media containing sensitive information from a City building without the approval of their Department Head and the Information Technology Manager.

**Messaging, Information Sharing Systems.** Messaging and information sharing systems (including but not limited to e-mail, text messaging, social media (i.e.: Facebook, MySpace, Twitter, blogs and wikis)) is provided by the City for employees to conduct City business. Communication with these systems is encouraged when it results in the most efficient and/or effective means of communication. The sender of messages or information must retain the primary responsibility for seeing that the communication is received by those intended. Refer to the Media Relations and Social Media Policy for regulations.

**Public Record.** Electronic mail (both internal and Internet) and digital information sharing content may be a public record subject to disclosure in the same way that information of similar substance contained in or upon media are defined as public record pursuant to applicable law. Employees should, therefore, exercise care regarding the content of their message and information sharing transmissions.

**City Property.** All messages and digital information sharing content are a part of the City's technology system and therefore, are considered City property. City management may review all communications made by City employees in regards to use of the City's technology system. This information will be monitored for specific reasons, such as evaluating the effectiveness and operation of the pertaining systems, finding lost messages or information, investigation of suspected criminal acts, breach of security or other policies, and recovery from system failures. The City will refrain from accessing an employee's messages or digital information sharing content, unless reasons for doing so are consistent with the City's need for supervision, control, and efficiency in the workplace.

**Privacy.** All City employees are hereby advised that there is no right or reasonable expectation of privacy in the use of the City's messaging or information sharing systems.

**Retention.** Generally, records transmitted through E-mail systems will have the same retention periods as records in other formats that are related to the same program function or activity.

Employees may comply with the retention requirements of the public records law by doing one of the following:

1. Print the E-mail and store the hard copy in the relevant subject matter file as you would any other hard-copy communication. Printing the E-mail permits you to keep all information on a particular subject matter in one central location, enhancing its historical and archival value. You must also determine if incoming E-mail must be printed before being deleted from your system.
2. Electronically store your public record E-mail according to the conventions of your E-mail system and retain it electronically pursuant to the City's retention schedule.
3. Routine back up of electronic mail will occur as part of the system maintenance performed by the Information Technology Manager. Any separate E-mail Retention policy will supersede these retention instructions.

**Acceptable Use.** The use of the networks must comply with the rules appropriate to that network. Transmission of any material in violation of any US or state regulation is prohibited.

It is not acceptable to interfere with or disrupt other users. Such interference or disruption includes, but is not limited to; distribution of unsolicited advertising, propagation of computer worms or viruses and using the network to make unauthorized entry to other communications devices or resources.

- **Etiquette** --- You are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:
  1. Be polite. Do not get abusive in your messages to others.
  2. Use appropriate language. Do not swear; use vulgarities or any other inappropriate language.
  3. Do not reveal your personal address or phone numbers of colleagues.
  4. Do not use the network in such a way that you would disrupt the use of the network by other users. It is also inappropriate to use the network in a manner that interferes with your productivity or the productivity of others.
  5. Prohibited uses of electronic systems and information include, but are not limited to: illegal activities, conduct violative of the City's EEO, workplace harassment/discrimination, and workplace violence policies, political endorsements, commercial activities, chain letters, copies of documents in violation of copyright laws or trade secrets, any breach of confidential information that may be detrimental to the City, any legal actions against the City, and any use that may compromise the integrity of the City in any way.
  6. Once the message or digital information content has left the sender, the sender relinquishes a domain over it and the recipient(s) may do with it as they wish. Employees must also be aware that no message or digital information content is anonymous in nature and the transmission, or its content, may ultimately be traced back to the author or original sender.

## ***PASSWORD POLICY***

**Overview.** All employees and personnel that have access to organizational computer systems must adhere to the password policies defined below in order to protect the security of the network, data integrity, and computer systems.

**Purpose.** This policy is designed to protect the organizational resources on the network by requiring strong passwords along with protection of these passwords, and establishing a minimum time between changes to passwords.

**Scope.** This policy applies to any and all personnel who have any form of computer account requiring a password on the organizational network including but not limited to a domain account and e-mail account.

1. Never write passwords down.
2. Never send a password through email.
3. Never include a password in a non-encrypted stored document.
4. Never tell anyone your password.
5. Never reveal your password over the telephone.
6. Never hint at the format of your password.
7. Never reveal or hint at your password on a form on the internet.
8. Never use the “Remember Password” feature of application programs such as Internet Explorer, your email program, or any other program.
9. Don’t use part of your login name in your password.
10. Be careful about letting someone see you type your password.

### **Password Requirements.**

1. Minimum Length - 6 characters recommended
2. Maximum Length - 14 characters
3. Minimum complexity - Passwords should use three of four of the following four types of characters:
  - a) Lowercase
  - b) Uppercase
  - c) Numbers
  - d) Special characters such as: !@#\$\$%^&\*(){}[]
4. Passwords are case sensitive and the user name or login ID is not case sensitive.
5. Password history - Require a number of unique passwords before an old password may be reused. This number should be no less than 12.
6. Maximum password age - 60 calendar days
7. Minimum password age - 1 calendar day
8. Account lockout threshold - 5 failed login attempts

9. Reset account lockout after - The time it takes between bad login attempts before the count of bad login attempts is cleared. This means if there are 5 bad attempts in 30 minutes, the account would be locked.
10. Account lockout duration – 15 minutes

Password protected screen savers should be enabled and should protect the computer within 10 minutes of user inactivity. Computers should not be unattended with the user logged on and no password protected screen saver active. Users should be in the habit of not leaving their computers unlocked. they can press the CTRL-ALT-DEL keys and select “Lock Computer” or windows key-L to lock the system.

**Enforcement.** Since password security is critical to the security of the organization and everyone, employees that do not adhere to this policy may be subject to disciplinary action up to and including dismissal.

**Internet.** Internet access is available through the City’s network. The Internet offers vast, diverse and unique resources to everyone. Employees are encouraged to use the Internet as much as necessary to perform their job and/or enhance effectiveness in the workplace.

**Access.** All employees serving in full time and part-time positions who are eighteen years of age or older shall be permitted access to the internet in the performance of their job duties subject to the limitations of the City’s Information Technology system to provide such access. Individual exceptions to this access may be requested by Department Head and such requests will be evaluated on a case-by-case basis. Employees younger than 18 years of age shall have access to the internet in the performance of their job duties at the discretion of their Department Head and only with the written approval of their parents or guardian. Access to the Internet may be revoked by the employee’s Department Head in the event an employee abuses his privilege to use the internet by violating this policy in any manner or by excessive use of the internet for non-work related activities. A determination of “excessive use” shall be in the sole discretion of the Department Head.

**Appropriateness of Information.** With access to computers and people all over the world also comes the availability of material that may not be considered appropriate. On a global network it is impossible to control all materials and an industrious user may discover controversial information. The valuable information and interaction available on the worldwide network far outweighs the risk that users may procure material that is not consistent with the goals of the City. However, employee usage of the internet via the City’s technology system must at all times be appropriate. Prohibited uses of the internet, via usage of the City’s technology system, include illegal activities, conduct violative of the City’s EEO, workplace harassment/discrimination policy, and workplace violence policies, viewing pornographic, obscene, sexually-oriented, racially offensive, gambling, or any other websites which, from a community standards viewpoint, would be considered inappropriate or offensive. (Prohibitions on the use of the internet to view pornographic, obscene, sexually oriented, racially offensive, gambling or other inappropriate websites shall not be applicable to legitimate law enforcement investigations conducted by the Department of Police.) Other prohibited uses also include

inappropriate e-mail use, involvement in political endorsements, or any transaction that would compromise the integrity of the City in any way.

1. The City has restricted access to some Internet sites deemed to be inappropriate in the workplace.
2. Any exceptions to Web access restrictions must be communicated to the Information Technology Manager with a clear explanation of the business need. The Information Technology Manager will review this request and respond, or seek approval from the City Manager if necessary.

**Privacy.** City employees are hereby advised that there is no right or reasonable expectation of privacy in using the internet via the City's technology system. City Management may review use of the internet via the City's technology system. Internet use through the City's technology system will be monitored for specific reasons, such as evaluating the effectiveness of the internet service, investigation of suspected criminal activity, and breach of security or other policies. The City will refrain from reviewing an employee's usage of the internet, via the City's technology system, unless the reasons for doing so are consistent with the City's need for supervision, control, and efficiency in the workplace.

**Laptop Security.** Staff members that use laptops are responsible for the security of the laptop and also for the information stored in the laptop. These users must take all precautions and necessary steps to protect against installation of any malicious or unlicensed software. Any software installation to the laptop must be processed by the Information Technology Manager.

Any questions pertaining to laptop security should be addressed to the Information Technology Manager.

#### Physical security

- Avoid leaving the laptop unattended in public places
- Any sensitive information displayed on the laptop screen should not be displayed in public places
- Physically secure the laptop when it has to be left unattended for a long period in public places
- Attach an ID tag, such as a business card, to your laptop so that someone that finds this equipment can easily return it
- Laptops should be carried on as hand luggage when traveling
- Laptops should be stored in the trunk or hidden compartment when left in a vehicle
- Laptops should be handled with reasonable care so that they are not damaged

#### Access

- The laptop screen should be password protected if it has to be left unattended in a public place
- Laptops containing sensitive information should not be given to unauthorized staff members or any person not employed by the City

#### Data Protection

- All sensitive data on the laptop should be password protected
- All data on the laptop should be saved to the network servers

#### Tracking / Recovery

- If the laptop is stolen or lost, it should be immediately reported to the Police and Information Technology Manager.

**Personal Conduct.** The City’s reputation for integrity and professional ethics should never be taken for granted. If the City finds that when using the tools of technology your conduct on or off the job negatively affects your performance, that of other employees, or the image or reputation of the City, you will be subject to disciplinary actions, up to and including dismissal.

### ***5.30 Off-Duty Conduct***

An employee’s misconduct off the premises can have a detrimental effect on the City’s reputation or business, or the off-duty conduct might lead to a refusal, reluctance or inability of other employees to work with the employee involved.

Therefore, the City wishes to notify all employees that the City will evaluate a number of criteria in determining whether to discharge or discipline an employee for off-duty conduct that is inappropriate. These include: (1) injury to the City’s business (including actual or potential loss and/or injury to the City’s reputation), (2) Inability to report for work, (3) unsuitability for continued employment, and (4) objectionability or danger to other employees.

### ***5.31 Workplace Violence***

#### **A. POLICY**

The City is committed to maintain a safe workplace in all respects, including protection, from violence, threats, or deliberate intimidation. As used in this policy, the word “violence” includes any act or threat involving harm or injury to persons, damage to personal or City property, or deliberate intimidation of a person by causing the person reasonably to fear of personal injury or damage to property. In order to safeguard the safety of both employees and members of the public, the following rules and provisions are in place:

No employee may bring a firearm or other weapon onto City property during working time contrary to applicable federal, Ohio, or local law, except in performance of his official duties, such as an armed law-enforcement officer. Any employee who violates this policy is subject to immediate discharge.

All employees are required to report to their supervisor or other management representatives any act of violence or threat to use violence, whether made by or directed toward a co-worker, supervisor, or member of the public. Failure to report such acts or threats of violence may result in appropriate disciplinary action.

Employees who engage in acts of violence or make threats of violence to officials, employees or agents of Monroe, or any member of the public, will be immediately terminated from employment, and discharge will be imposed as a penalty for the first offense.

Monroe may terminate services to and bar from City facilities and property any person, including customers and other members of the public, who engage in acts of violence or who make threats of violence to officials, employees, or agents of the City. Any person barred from City facilities who nevertheless comes on to City property is subject to removal from the property by law enforcement authorities and arrest for trespassing.

The City may, in its discretion, require employees, customers, and members of the public to pass through a metal detector or undergo a reasonable search as a condition of entering any City facility or any portion thereof.

In any case where an employee is under investigation for acts or threats of violence, or otherwise poses a risk of disruption of the workplace pending the outcome of a disciplinary investigation or hearing, the City may place the employee on administrative leave pending the conclusion of the investigation or proceedings.

Both management and employees should remember the availability of the employee assistance program as a means of assisting troubled employees and their family members.

The City may require any employee to undergo a medical examination, including a psychiatric or psychological evaluation, to determine the employee's fitness for duty and/or ability to perform the essential functions of his position.

### **5.32 *Workplace Weapons Policy***

#### **Purpose**

The purpose of this policy is to provide a safe environment for employees and guests.

#### **Policy**

City of Monroe prohibits all employees who enter its buildings from carrying a handgun, firearm, or weapon of any kind onto the property regardless of whether the person is licensed to carry the weapon or not.

This policy applies to all employees, contract and temporary employees, and contractors on the property, regardless of whether or not they are licensed to carry a concealed weapon. The only exceptions to this policy will be police officers, security guards, or other persons who have been given written consent by City of Monroe to carry a weapon on the property.

Prohibited weapons include all firearms or other weapons. If you have a question about whether an item is covered by this policy, please call the City Manager.

The City property covered by this policy includes, without limitation, all City-owned or leased buildings.

#### Violations

Failure to abide by all terms and conditions of the policies described above may result in discipline up to and including termination. **THIS POLICY SHALL NOT BE CONSTRUED TO CREATE ANY DUTY OR OBLIGATION ON THE PART OF THE CITY TO TAKE ANY ACTIONS BEYOND THOSE REQUIRED OF AN EMPLOYER BY EXISTING LAW.** If an employee becomes aware of anyone violating this policy, please report it to your supervisor immediately.

# Chapter 6

## Disciplinary Principles

- 6.00 *DISCIPLINARY PRINCIPLES*
- 6.01 *APPROPRIATE DISCIPLINE*
- 6.02 *GROUNDINGS FOR DISCIPLINARY ACTION AND PENALTIES*
- 6.03 *PRE-DISCIPLINARY CONFERENCE*
- 6.04 *COMPLAINT POLICY*
- 6.05 *COMPLAINT PROCEDURE*

## **6.00 *Disciplinary Principles***

- A. Any appointment to a position in the classified service which is specified as emergency, interim, seasonal, student, or temporary shall be considered non-permanent and shall be only for the duration specified at the time of the appointment. Non-permanent employment may be terminated at any time at the discretion of the City Manager.
- B. The discipline of Verbal Warning, Written Reprimand, and a suspension of 5 days or less shall not be appealable to the Monroe Personnel Board, and the City Manager's response will be final.

## **6.01 *Appropriate Discipline***

- A. Every employee has the duty and the responsibility to be aware of, and abide by, existing rules and policies. Employees also have the responsibility to perform his duties to the best of his ability and to the standards as set forth in his job description or as otherwise established.
- B. The City supports the use of appropriate discipline to address issues such as poor work performance or misconduct. This policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues.
- C. Outlined below are the steps of our discipline policy and procedure. The City may combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

**Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.

**Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.

**Performance improvement plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 calendar days. Within this time period, the employee must demonstrate an immediate and sustained willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the

performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

The City may determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion, and discharge.

- D. The City has adopted this discipline policy as a guideline for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the Employer's right to impose a different level of discipline, when circumstances warrant.
- E. This discipline policy provides standard penalties for specific offenses; however, the offenses given in any grouping are not all inclusive and merely serve as a guideline. The Appointing Authority may issue a fine or working suspension under certain circumstances, for example, to discipline an exempt employee without jeopardizing the employee's exemption, or to impose discipline when the City is short-staffed.
- F. The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant such penalties. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation should be noted in writing by the supervisor.
- G. The City may place an employee on Administrative Leave when it deems necessary. The length of the leave shall not exceed the length of the situation for which the leave is guaranteed. For example, in a disciplinary situation, such leave might extend until the Employer completes the predisciplinary process and takes action or decides not to do so. If an employee is compensated while on administrative leave, compensation for Administrative Leave shall be equal to the employee's base rate of pay.

#### **6.02 *Grounds for Disciplinary Action and Penalties***

- A. The examples of Group I, II, and III Offenses set forth below are characteristic of those offenses which are of such a nature as to warrant discipline, even on a first offense.
- B. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organization productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a minor adverse impact against the City unless such acts are compounded over time. Moreover, unless the offenses are willful and persistent such actions will not normally result in a long term suspension or termination, but may result in termination if the offense is recurring.
- C. Group II Offenses may be defined as those infractions which are of a more serious nature than 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 adverse impact against the City than Group I Offenses. Such offenses may result in an immediate suspension or if sufficiently serious, termination even if it is a first offense.

- D. Group III Offenses may be defined as those infractions which are of a very serious or possibly criminal nature, and/or which cause a critical disruption to the City in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may cause long lasting and critically serious adverse impact against the organization. Such offenses if sufficiently serious may result in immediate termination even if it is a first offense.
- E. Nothing in this section should be construed or interpreted to infringe upon the supervisor's ability to counsel employees informally during the normal course of work. In fact, such informal interaction is encouraged, and should not be considered part of the formal discipline program outlined herein.
- F. **Group I Offenses:**

Examples include, but are not limited to, the following:

1. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
2. Leaving the job or work area during the employee's regular working hours without authorization.
3. 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.
4. Leaving post of continuous operations position prior to being relieved by employee of incoming shift.
5. Neglect or carelessness in signing in or out.
6. Creating or contributing to less than serious unsanitary or unsafe conditions. More serious violations carry more severe penalties.
7. Distracting the attention of others, unnecessary shouting/demonstration, or otherwise causing disruption on the job.
8. Mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
9. Use of abusive language toward other employees.
10. Public use of indecent, profane, or harsh language while on duty or in uniform.
11. Soliciting and/or accepting personal rewards or presents of any kind for services rendered without the express permission of the City Manager.
12. Placing any decorations or advertisements on City property without the permission of the City Manager.
13. Smoking while riding in or driving City vehicles.
14. Smoking in City buildings.
15. Failure to cooperate with other employees as required by job duties.
16. Failure to use reasonable care of City property or equipment.

17. Use or possession of another employee's working equipment without authorization.
18. Neglect, failure, or refusal to report a violation of the rules and regulations of the City.
19. Failure to observe any City rules.
20. Obligating the City for any expense, service, or performance without authorization.
21. Failure to report minor accidents, injury, or equipment damage.
22. Disregarding job duties by neglect of work or reading or watching videos for pleasure during working hours.
23. Unsatisfactory work or failure to maintain required standard of performance.
24. Unauthorized use of telephone for other than City business purposes or failure to pay for personal long distance phone calls.
25. Excessive garnishments.

**G. Group II Offenses:**

Examples include, but are not limited, to the following:

1. Sleeping during working hours.
2. Reporting for work or working while unfit for duty (May be a Group III Offense for CDL holders).
3. Conduct violating morality or common decency.
4. Unauthorized use of City property or equipment.
5. Failure to sign in or out when required.
6. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
7. Failure to make required reports.
8. Solicitation on City premises without authorization.
9. Driving City vehicles or apparatus in such a manner as to injure the vehicles or property of citizens, or any other conduct whereby damage to citizens, or any property may result.
10. Disorderly conduct when on or off duty having a negative effect on the City or its Departments.
11. Insubordination or disrespect toward City management.
12. Continued absence from training sessions without permission or written excuse.
13. Removal or taking of any City property without the express written approval by the appropriate supervisor.
14. Removal of any property from public or private property, i.e. private property on or near which City work or services are being performed or from a fire or emergency scene if removal is not associated with or necessary for the proper investigation of a fire or emergency situation.
15. Using uniform or association with the City for indirect or direct personal gain.
16. No employee shall grant, approve or countenance the use of his affiliation with the City by any person, firm, or corporation for the purpose of influencing the sale of any goods, merchandises, commodities, real estate, stocks or bonds.

17. Leaving the work area or any duty without the permission of the Supervisor or the City Manager.
18. Unauthorized posting or removal of notices or signs from official bulletin boards.
19. Distributing or posting written or printed matter of any description on City premises unless authorized.
20. Unauthorized presence on City property.
21. Willful disregard of office and/or department/division rules.
22. Misuse of two-way radio or related equipment, abusive language over the airways, or interference with business-related transmission.
23. Improper or inappropriate use of on-line services.
24. Improper taping of conversations.
25. Unauthorized absence from work (except job abandonment, which is a constructive resignation and/or grounds for removal).
26. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices. Wanton or willful neglect carries more severe penalties.

**H. Group III Offenses:**

Examples include, but are not limited to, the following:

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any City property or equipment. Abusing or deliberately destroying City property, tools, or equipment, or the property of employees, in any manner.
2. Signing or altering another employee's time sheet, tampering with another employee's time card, or unauthorized altering of own time card.
3. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any City records, including work performance reports; giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentations in an attempt to obtain any City benefit.
5. Performing private work on City time or using City property or equipment for private gain.
6. Gambling during working hours.
7. Unauthorized possession of another's property, or similar misconduct, including destroying, damaging, or concealing any property of the City or of other employees.
8. Manufacturing, distributing, possessing, or using alcohol, or controlled substances (without a properly reported prescription) in the workplace.
9. Reporting for or being on duty when under the influence of alcoholic beverages or any other mind altering chemicals
10. Fighting or attempting to injure other employees, supervisors, or persons; engaging in altercations while on duty.

11. Carrying or possessing of firearms, explosives, or other weapons in City property contrary to federal, state, or local law at any time without prior authorization.
12. Knowingly concealing a serious, communicable disease (such as TB), which may endanger the lives of others, or the life of the employee, if the employee remains in the workplace.
13. Misusing or removing City records or information without prior authorization.
14. Instigating, leading, or participating in any unlawful walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other unlawful concerted curtailment, restriction, or interference with work in or about the City's work stations.
15. Carelessness resulting in injury to members, apparatus, or other property belonging to the City.
16. Neglect, failure, or refusal to properly perform the assigned duties, or to respond to an emergency location.
17. Immoral conduct or conduct unbecoming a responsible employee.
18. Continual violation of the rules and regulations of the City.
19. Using official letterhead, envelopes, or stationary for personal use.
20. 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; 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."
21. Insubordination, e.g., refusing to perform assigned work or to comply with written or verbal instruction of the supervisors, etc.
22. Committing safety violations.
23. Threatening, intimidating, or coercing employees or supervisors.
24. Engaging in unauthorized political activity.
25. Engaging in workplace discrimination, harassment, and/or retaliation.
26. Misusing LEADS or similar system.
27. Being convicted of a "felony" within the meaning of R.C. 124.34, even if prior discipline has been issued for the underlying conduct.
28. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the City, or its operations.
29. Refusing to give truthful and complete testimony when accidents are being investigated.
30. Giving false testimony during a complaint investigation or hearing.
31. Use of abusive language toward supervisors.
32. Discourteous treatment of the public.
33. Unauthorized disclosure of confidential or proprietary information without proper legal authorization.

### **6.03 Pre-Disciplinary Conference**

- A. Whenever the City Manager, department/division head, or a supervisor determines that a classified employee may be disciplined for cause to include suspension of more than 5 days, reduction, or termination, a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.
- B. Pre-disciplinary conferences will be conducted by the City Manager or designee.
- C. Not less than 24 hours prior to the scheduled starting time of the conference, the Employer will provide a “Notice of Pre-disciplinary Conference” to the employee outlining the charges which may be the basis for disciplinary action. The employee may choose to:
  - 1. Appear at the conference to present an oral or written statement in his defense.
  - 2. Appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or
  - 3. Elect in writing to waive the opportunity to have a pre-disciplinary conference.
- D. At the pre-disciplinary conference the individual conducting the conference will ask the employee to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully and completely may result in further disciplinary action.
- E. At the conference, the employee may present any testimony, witness, or documents which explain whether or not the alleged conduct occurred. The employee may be represented by any person he chooses. The employee shall provide a list of witnesses to the individual conducting the conference as far in advance as possible, but not later than 4 hours prior to the pre-disciplinary conference. It is the employee’s responsibility to notify witnesses that their attendance is desired.
- F. The employee or his representative will be permitted to question witnesses. A written report will be prepared by the individual conducting the conference concluding as to whether or not the alleged conduct occurred. The City Manager will decide what discipline, if any, is appropriate. A copy of the report will be provided to the employee within 5 working days of the hearing.

### **6.04 Complaint Policy**

- A. **Policy Providing for In-House Resolution of Complaints:** Employees’ questions, grievances, and complaints arising from misunderstandings and the application of policies, procedures, and work rules that will inevitably develop in the day-to-day activities of public service, are to be promptly heard, answered, and action taken to resolve or clarify the particular situation.

All employees, including probationary, shall have the right to file a complaint without prejudice. No employee shall be disciplined, harassed, or retaliated in any manner as a result of filing a complaint or testifying in a hearing, unless the employee gives false testimony – in which case he may be disciplined.

A complaint is defined as a disagreement between an employee and management as to the interpretation or application of official City policies, anything subject to applicable Ohio or federal law, department/division rules and regulations, or other disagreements relating to discipline, treatment, or other conditions of employment.

- B. **Election of Remedy:** Nothing in this policy is intended to deny employees any rights available at law to have redress to their legal rights, including the right to appeal to the Monroe Personnel Board, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body. The filing of an internal complaint may not affect required filing deadlines. The City may also stay the complaint procedure until resolution of the statutory proceeding.
- C. **Notification of Employee:** All employees shall sign a statement that they have seen and have knowledge of the complaint procedure.
- D. **Settlement:** Complaints are to be settled at the earliest possible step of the procedure. The employee must proceed through all steps of the complaint procedure in proper order and within the prescribed time limits, except as otherwise noted.
- E. **Group Complaint:** Where a group of employees desires to file a complaint involving a situation affecting each employee in the same manner, 1 employee selected by such group will process the complaint.
- F. **Waiver of Time Limits:** Time limits as set forth in the procedure may be extended by mutual agreement of the parties in writing.
- G. **Representation and Witnesses:** A complainant may have a representative (employee or non-employee) of his choosing present at any step of the procedure, except Step 1. Employees and employee representatives shall not lose pay or benefits for time spent in complaint hearings. The expense of any legal representative(s) shall be borne by the party utilizing them. Witnesses may be called by either party. Witnesses may be questioned by the person conducting the complaint hearing. Management maintains the right to schedule witnesses for hearings.
- H. **Forms:** All complaints filed under this procedure shall be in writing, and shall state the nature of the complaint, the date of the incident(s) giving rise to the complaint, the expected resolution, and the facts which affect the conditions of the complaint.

1. Definition of Working Days: For the purpose of counting time under the procedure “working days” as used in this procedure will not include Saturdays, Sundays, or holidays.

I. **Health and Safety Grievances:** Complaints relating to issues of health and/or safety shall be expedited through the steps of the procedure.

#### **6.05 Complaint Procedure**

A. In order to provide employees with an orderly process by which they may seek resolution of such differences, the City has established the following complaint procedure.

Step 1. Supervisor: An employee having a complaint shall file it in writing with his supervisor as outlined in the procedure for his work unit.

In order for a complaint to be recognized, it must be filed within 5 working days from the date of the incident giving rise to the complaint. The supervisor shall investigate the complaint and shall provide a solution or explanation in writing within 5 working days following the date on which the complaint was submitted. In those situations where the City Manager is the employee’s supervisor, the complaint shall be handled in Step 3 of the Complaint Procedure, and should be filed directly with the City Manager. Similarly, if the City Manager is next higher in the chain of command over the supervisor, the complaint will proceed directly from Step 1 to Step 3.

Step 2. Department/Division Head: If the aggrieved is not satisfied with the response from Step 1, the aggrieved may pursue the matter by presenting the original copy of the complaint and the solution or explanation from Step 1 to the Department/Division Head along with a copy of the Step 1 response, within 5 working days of receipt of the Step 1 answer. The Department/Division Head shall schedule a conference with the employee, supervisor, and Department/Division Head within 5 working days of receipt of the complaint. The employee may be accompanied by a representative of his choosing, but if an employee representative is chosen, the employee must notify the employee’s Department/Division Head in advance of the conference so that the employee representative may be relieved of duty to attend the hearing. The Department/Division Head, after review and investigation of all matters of fact relative to the complaint, shall issue his decision in writing, within 5 working days following the hearing.

Step 3. City Manager: Where the aggrieved is not satisfied with the Step 2 response, the aggrieved may submit the original complaint along with all responses to the City Manager within 5 working days of the receipt of the Step 2 answer. The City Manager will review the complaint and the responses within 5 working days following the day he received the complaint. If the City Manager determines that responses were adequate and proper, he will so inform the aggrieved by letter. The City Manager’s decision shall be final and binding on the parties, unless the issue involves an employee suspension of more than 5 days, demotion, or dismissal, where additional appeal lies with the Monroe Personnel Board in appropriate circumstances.

If the City Manager determines the responses to be inadequate or improper, or if sufficient evidence does not appear on its face to warrant a response, the City Manager may investigate further.

B. The following elements apply to the entire Complaint Procedure:

1. A complainant may have a representative of his choosing present at each step of the complaint procedure.
2. In the event of extenuating circumstances, a time limit may be extended by the mutual agreement of both parties in writing.
3. Complaints not processed to the next step of the procedure within the specified time limit or any written extension thereof, shall be considered to have been resolved on the basis of the decision at the previous step.
4. Any complaints not answered by a City representative within the prescribed time limit or extension thereof shall be considered to have been answered in the negative and may be advanced to the next step.

# Chapter 7

## Non-Disciplinary Separation

- 7.00 *LAYOFF/REDUCTION IN FORCE*
- 7.01 *DISABILITY/MEDICAL SEPARATION*
- 7.02 *EXIT INTERVIEW*
- 7.03 *RESIGNATION*
- 7.04 *RETIREMENT*
- 7.05 *RE-EMPLOYMENT*

## **7.00 Layoff/Reduction in Force**

- A. **General Policy:** If it becomes necessary to reduce staffing levels, the City Manager shall layoff employees by using a system which systematically considers length of service and work performance in order to determine the order of layoff. Layoffs may occur for any of the following non-exhaustive reasons;
1. Lack of work;
  2. Lack of funds;
  3. Abolishment of job.
- B. The head of the department/division concerned shall prepare and process for the City Manager's approval, a list of those employees to be laid off.
- C. An effort will be made to transfer employees to another department rather than lay them off. However, when the employee is not qualified to hold another position, Department/Division Heads will make their recommendations to the City Manager based on any or all of the following criteria:
1. Evaluation of work performance;
  2. Seniority;
  3. Skill and ability.
- D. An employee who is laid off as a result of a reduction in force will be given preference in filling any positions which subsequently open and for which the employee is qualified.
- E. **Pay Following Displacement:** Whenever an employee displaces to a lower classification as a result of layoff, effort shall be made not to reduce his pay; however, pay rates shall be established according to the following provisions:
1. If the lower pay range permits, the employee's rate shall be set at the same or most nearly the same pay level, without receiving an increase.
  2. If the employee's pay rate exceeds the pay range of the lower classification, it will be set at the top level of the lower pay range.
- F. **Appeals:** Employees may appeal their layoff to the Monroe Personnel Board. Such appeal must be in writing, and include reasons as to why the layoff or displacement was improper.

## **7.01 Disability/Medical Separation**

This section outlines the conditions under which Disability/Medical Separation may be granted, and procedures for administering its use. It is intended to outline the procedures to be followed after determining that no reasonable accommodation can be made.

- A. Voluntary Reduction: When an employee becomes physically unable to perform the essential functions of his position even with a reasonable accommodation, but is still able to perform the duties of a vacant lower level position, he or she may voluntarily request reduction to the lower level position (and associated wage rate). Such request shall be in writing, shall state the reason for the request, and, if approved by the Employer, will be attached to the implementing Personnel Action.
  
- B. Involuntary disability/medical separation may be applicable in the following cases:
  - 1. If an employee becomes unable to perform the essential job duties of the employee's position, subject to the Americans With Disabilities Act, and if the employee has exhausted all applicable and approved leave, the City may involuntarily separate the employee, except as provided by law.
  - 2. If an employee on approved leave is unable to return to work when the employee's approved leave is exhausted, then the City may involuntarily separate the employee if the employee cooperates under this procedure, or remove the employee for not-reporting-without-leave if the employee does not cooperate.
  - 3. If an employee is placed on leave of absence without pay and is subsequently separated due to the same disabling illness, injury, or condition, then the total combined time of absence due to the disability shall not exceed three (3) years for purposes of reinstatement rights under this section.
  
- C. Medical Examination: Employees may be required to submit to medical examinations in relation to involuntary disability/medical separation.

The refusal to submit to the examination, the unexcused failure to appear for an examination, or the refusal to release the results of an examination will subject the employee to removal.

- D. Right to Pre-Separation Conference: Rights of Appeal
  - 1. The City Manager shall institute pre-separation proceedings when it has received the results of a medical or psychological examination conducted as provided by this policy and initially determines that an employee is incapable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, and determines the employee is not eligible, or no longer eligible, for a leave of absence without pay due to a disabling injury, illness, or condition. Under those proceedings, a conference shall be scheduled, and advanced written notice shall be provided to the employee. If the employee does not waive the right to that conference, then at that conference, the employee has a right to examine the City's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

2. If the City Manager determines, after weighing the testimony presented and evidence admitted at the pre-separation conference, that the employee is capable of performing his essential job duties, then the pre-separation conference shall cease and the employee shall be considered to be fit to perform his essential job duties. After weighing the testimony presented and the evidence admitted at the pre-separation conference, that the employee is unable to perform his essential job duties, then the City Manager shall issue to the employee an order of involuntary disability/medical separation.
3. The City shall notify the employee, at the time of the involuntary disability/medical separation, of the required procedures to apply for reinstatement.

E. Right to Reinstatement; Rights of Appeal

1. An employee may make a written request to the Human Resources Manager for reinstatement from an involuntary disability/medical separation, which request shall be accomplished by substantial, credible medical evidence that the employee is once again capable of performing the essential functions of the employee's job, and which request shall be made not more than once every three (3) months and not later than three (3) years following an involuntary disability/medical separation or a leave of absence followed by an involuntary disability/medical separation.
2. When an involuntary disability/medical separation employee presents to the Human Resources Manager substantial, credible medical evidence that the employee is once again capable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, the City shall either reinstate the employee or require that the employee submit to the medical or psychological examination.
3. The City shall reinstate the employee after receiving the results of that examination if the City Manager determines that the employee is once again capable of performing the essential duties of the employee's assigned position with or without a reasonable accommodation.
4. The City Manager shall institute a pre-reinstatement proceeding if he initially determines that the employee remains incapable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation. Under these proceedings, a hearing shall be scheduled and adequate advanced written notice shall be provided to the employee. If the employee does not waive the right to that hearing, then at the hearing the employee has a right to examine City's evidence of continuing disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

5. If the City Manager determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is once again able to perform the essential job duties of the employee is assigned position, with or without a reasonable accommodation, then the City shall reinstate the employee. If the City Manager determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is not able to perform the essential duties of the employee's assigned position with or without a reasonable accommodation, then the he shall not reinstate the employee.
6. If approved for reinstatement, the employee shall be assigned to a position in the classification of the employee held at the time of involuntary disability/medical separation. If the classification the employee held at the time of involuntary disability/medical separation no longer exists or no longer is utilized by the City, then the employee shall be placed in a similar classification. If no similar classification exists, the employee may be laid off.
7. If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for up to five (5) years, except that a licensed practitioner shall be appointed by the public employee's retirement board and application for reinstatement shall not be filed after the date of service eligibility retirement.
9. An employee refused reinstatement as provided above shall be notified in writing of the refusal to reinstate and of the right to appeal.
10. An employee who fails to apply for reinstatement within three (3) years following an involuntary disability/medical separation, or a leave of absence followed by an involuntary disability/medical separation, shall be deemed permanently separated from service.

#### **7.02 *Exit Interview***

- A. Upon resignation, or otherwise voluntarily terminated employment, an employee is requested to complete an exit interview questionnaire, and to personally discuss the questionnaire with the City Manager or designee.
- B. The exit interview is an opportunity for the employee to offer constructive criticism and insights to the City Manager regarding the operation of the various offices/departments/divisions.

#### **7.02 *Resignation***

- A. Employees who plan to voluntarily resign are encouraged to notify their Department/Division Head at least 10 working days in advance of the effective date of separation. The Department/Division Head may consent to the employee leaving sooner.

- B. Any employee who resigns is encouraged to give his reasons for resigning and to discuss with his supervisor any working conditions which he feels are unsatisfactory.
- C. A formal letter of resignation is encouraged. The City hereby accepts resignations upon receipt, and will rely on having received them. Resignations may not, therefore, be revoked without permission. A copy of the letter of resignation shall be forwarded to the City Manager.
- D. Failure to give proper notification shall result in ineligibility for reinstatement and may become a matter of public record.
- E. When a dismissed employee has a pending appeal before the Monroe Personnel Board, the acceptance by a Department Division Head of a dismissed employee's resignation which is received before final action on the part of the Board will be considered a withdrawal of all charges before the Board. Further, the separation of the employee concerned shall be recorded as a resignation not in good standing, unless otherwise agreed and the proceedings shall be dismissed without judgment.
- F. When an employee subject to disciplinary action is provided the opportunity to resign as opposed to being terminated, such resignation shall be deemed as a resignation not in good standing. Said option shall be at the discretion of the City Manager, which shall be in the best interest of the City. The opportunity to resign shall not prevent or eliminate the prosecution of any criminal charges.

### **7.03 Retirement**

- A. Most employees are eligible to retire with PERS benefits, provided they meet the requirements of the PERS system, which are generally outlined in "Retirement Plan" of this manual. Other employees are included in the Police and Fireman's Disability and Pension Fund. Information on these retirement systems may be obtained from the City Manager.
- B. Employees are requested to notify the Employer in writing at least 60 calendar days prior to the effective date of their anticipated retirement.

### **7.04 Re-Employment**

- A. An employee who has resigned from City service and is subsequently re-employed will not be credited with prior City service for the purpose of computing vacation, sick leave benefits, or other benefits that may be in effect, unless specifically approved by the City Manager, or unless mandated by law.
- B. Any employee who resigns while disciplinary action is pending shall not be eligible for re-employment.

# CITY OF MONROE

## ACKNOWLEDGMENT OF RECEIPT

I have received a copy of the City of Monroe Personnel Policy Manual. I understand I am responsible for reading it.

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Employee Signature

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Employee Name (print)

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Date

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