

# **City of Oakwood Personnel Regulations**



**Revised  
March 2024**

Dear Employee:

Transmitted herewith is the most recent edition of the city of Oakwood Personnel Regulations. The regulations are designed to provide employees with general information as it pertains to various aspects of employment. These regulations are not intended to be inclusive or to address all possible applications of, or exceptions to, the general policies and procedures described herein. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, please address your questions to your supervisor and then, if necessary, to the Personnel Officer.

The city of Oakwood takes great pride in the myriad of services provided to our citizens. For that reason, employees are expected to provide these services in a conscientious and courteous manner. These regulations set forth standards of conduct employees are to follow with respect to their interaction with the public as well as fellow employees.

Each employee is responsible for being familiar with the policies, procedures, and guidelines contained in the manual. From time to time, amendments may be made to the regulations. These changes will be made available to you and should be inserted as indicated. No supervisor or representative of the City, except the City Manager, has any authority to make any agreement that is inconsistent with the provisions in these regulations.

To the extent these regulations may conflict with negotiated contracts or state or federal law, the terms and conditions of that contract or law shall prevail. Likewise, all existing ordinances or Charter provisions shall supersede these regulations. In all other cases, these policies shall apply. If any section, subsection, sentence, clause, or phrase of these rules and regulations is found to be illegal, such findings shall not affect the validity of the remaining portions of these rules and regulations.

If after reviewing the regulations you have any questions, please contact the Human Resources Department.

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# **CITY OF OAKWOOD MISSION STATEMENT**



**OUR MISSION IS TO DELIVER  
CONSISTENTLY SUPERIOR  
MUNICIPAL SERVICES TO A  
VERY SPECIAL COMMUNITY!**

## **ARTICLE 1 - PREFACE & AMENDMENT OF RULES**

It is the purpose of these Personnel Regulations to implement the provisions of the City Charter and personnel ordinance by establishing standards and procedures and to provide detail to existing personnel-related Charter provisions or personnel ordinances. These regulations provide administrative direction, conformity and continuity in the workplace when a situation occurs which is not specifically considered in the City Charter, the personnel ordinance, or specifically modified by an applicable labor contract.

Amendments to these Personnel Regulations may be made at any time by the City Manager.

All full-time and regular part-time employees of the City shall be given a copy of these regulations. All newly appointed employees shall be given a copy of these regulations at the time of their appointment. Any amendment to these regulations shall be made available to employees through means deemed appropriate by the Personnel Officer. It shall be the obligation of each employee to read and be familiar with these rules and to keep his or her copy of these regulations up to date by inserting amended pages. Failure to be familiar with these rules shall not be an excuse for failure to comply with them.

Nothing contained in these rules shall prohibit the promulgation of department work rules, standing orders, general orders, or other instructions either written or oral. To the extent that contractual obligations exist, these Personnel Regulations shall provide details where said documents are silent but shall not supersede negotiated contractual obligations or legal requirements relating to personnel regulations and practices. Contractual obligations shall apply to the appropriate bargaining unit only.

In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

The City specifically reserves the right to repeal, modify or amend these policies, practices and benefits at any time. None of these provisions shall be deemed to create an employment contract or a guarantee of employment for any specific duration between the city of Oakwood and its employees nor to limit the power of the City Manager or City Council to repeal or modify these rules or to take personnel actions it deems appropriate under the circumstances.

## ARTICLE 2 – DEFINITIONS

**Section 2.1. Abolishment of Position.** Elimination of any particular position or classification from the personnel structure of the City.

**Section 2.2. Allowances.** Consist of monetary reimbursement by the City for activity which involves an extraordinary expense to the employee, e.g. meal allowance, private automobile allowance. All such allowances must be authorized in advance by the Department Head and approved by the City Manager for payment.

**Section 2.3. Calendar Year.** Twelve-month period beginning January 1 and ending December 31 of each year.

**Section 2.4. City.** Shall mean the City of Oakwood.

**Section 2.5. Classification.** The assignment of an individual position to an appropriate job title given to all city positions possessing the same general type of work with relatively the same duties and levels of responsibility.

**Section 2.6. Department Head.** Appointed by the City Manager as being administratively in charge of a department of the city and includes any employee serving as an acting or interim Department Head.

**Section 2.7. Eligibility List.** A list of potential employees who are ranked by the Personnel Officer based on their comparative standing.

- A. Original eligibility list. A list of potential employees who are ranked by the Personnel Officer according to their scores on the employment examination.
- B. Promotional eligibility list. A list of employees who are ranked by the Personnel Officer according to their scores on the promotional exam for the position which the employees have applied.
- C. Reappointment eligibility list. A list created by the Personnel Officer in which the employees shall be ranked in inverse order of their layoff.

**Section 2.8. Fiscal Year.** Same as calendar year.

**Section 2.9. Full-time Employees.** Employees scheduled to work at least forty (40) hours per week throughout the year shall be considered full-time employees and shall have all rights, benefits and obligations as determined in these Personnel Regulations. Employees in this category may be salaried or paid by the hour.

**Section 2.10. Layoff.** A reduction in the work force of the City as determined by the City Manager.

**Section 2.11. Leaves.** An authorized paid or unpaid absence or vacation from duty or employment for a specified period of time.

**Section 2.12. Personnel Appeals Board.** A three-member board created by the City Charter, the members of which are appointed by the City Council for the purpose of hearing appeals by City employees in the classified service who are not part of a grievance procedure under a labor contract, and who have been suspended, demoted in position or compensation, or discharged.

**Section 2.13. Probation.** That period of time which begins immediately after a person becomes a full-time employee of the City. All full-time appointees shall serve a minimum probationary period of one year unless specified to the contrary in the current applicable collective bargaining agreement.

**Section 2.14. Regular Part-time Employees.** Employees working twenty-nine (29) hours or fewer per week on a year-round basis. Employees in this category shall be paid by the hour and shall not be entitled to any benefits outlined in the Personnel Schedule or the Personnel Regulations, except for pro-rated sick leave, vacation, and holiday benefits.

**Section 2.15. Resignation.** Voluntary withdrawal of employment from the City. Employees resigning from the service of the City shall not be entitled to compensation for accumulated sick leave.

**Section 2.16. Retirement.** To withdraw from active duty with the City of Oakwood subject to the applicable rules, regulations and statutes of the State of Ohio and after attaining the age and length of service (or disability status) necessary to immediately qualify and receive a pension in accordance with the rules of the Ohio Public Employees Retirement System or the Ohio Police and Fire Pension Fund.

**Section 2.17. Temporary or Seasonal Employees.** Employees hired to complete a specified project or task and who normally work less than 1,250 hours per year. Said employees in this category shall be paid by the hour and shall not be entitled to any benefits outlined in the Personnel Schedule or the Personnel Regulations, except for holidays which may occur during their employment.

**Section 2.18. Work Year.** A period of twelve consecutive months beginning on the first day of employment for any individual. All benefits shall accrue from date of employment.

### **ARTICLE 3 - MERIT SYSTEM**

Pursuant to Article VIII, Section 8.01, of the Charter, except as modified by Section 8.02, the merit system of employment shall prevail. Seniority shall be one factor in the determination of merit, but in no case shall seniority be deemed to supersede the application of merit employment principles. This principle of merit employment shall apply to hiring, promotion, in-grade increases and to the continued employment of any employee. It shall also be deemed to require employees to acquire and maintain the

necessary skills, abilities and certifications to fulfill properly and completely the duties of the classification in which they are employed.

**Section 3.1. Appointing Authority.** The City Manager is the appointing authority for the City by authority of the City Charter.

**Section 3.2. Exempt Classifications.** Classifications specifically exempted from competitive examinations by the City Charter are:

- A. Members of Council;
- B. Clerk of Council;
- C. City Manager;
- D. Assistant/Deputy City Manager;
- E. Directors of the Departments;
- F. Secretary to the City Manager;
- G. Assistant to the City Manager;
- H. Members of boards and commissions appointed by the Council and Advisory Committees appointed by the City Manager;
- I. Temporary employees with exceptional, professional or scientific qualifications engaged as consultants;
- J. General Service Workers; and
- K. Seasonal and part-time employees.
- L. Council may act by ordinance to designate other positions which may be filled (by original appointment or by promotion) without the necessity of such examinations. The positions of utility clerk, city engineer, engineering technician, secretary to the Director of Public Safety, secretary to the Director of Engineering and Public Works, secretary to the Director of Leisure Services, Assistant Public Works Director, Public Works department foreman, account clerk II in the finance department, account clerk II in the income tax department, leisure services program supervisor, water plant superintendent and custodian have been designated by ordinance as ones which may be filled without the necessity of merit system examination.

The positions of Public Safety Captain and Major are also ones which may be filled without the necessity of merit system examination. The unique duties and administrative responsibilities of the position require that professional education, experience and training be used as the selection criteria in making an appointment. While the City may use a written examination as part of the selection process, the results of the examination will not serve as the primary basis for appointment to this position.

**Section 3.3. Non-exempt Classifications.** Employees not specifically exempt by the Charter of the City of Oakwood or by Council ordinance are sometimes referred to as non-exempt employees. Such non-exempt or classified employees shall be employed under the classified service of the City. Appointment to the classified services of the City shall be determined on the basis of open, competitive examinations except when there is only one qualified candidate.



**Section 3.4. Classified Employees.** Same as non-exempt employees.

## **ARTICLE 4 - EMPLOYEE SELECTION AND EMPLOYMENT PRACTICES**

**Section 4.1 - Equal Employment Opportunity Policy.** The City of Oakwood is an Equal Opportunity Employer. As an Equal Opportunity Employer, the City will hire, compensate, promote, demote, transfer, train and terminate in accordance with Federal, State and Local laws and regulations. This commitment includes a mandate to offer equal treatment and services to all citizens, employees and City representatives, and to assure equal employment opportunity without regard to race, color, religion, sex, marital status, age, national origin, ethnic heritage, sexual orientation, military status or the presence or perception of a mental or physical disability which cannot be reasonably accommodated. Personnel decisions will fairly and equitably be based upon an employee's occupational qualifications and job performance.

The City of Oakwood fully complies with the requirements of the Americans With Disabilities Act and is committed to equal treatment of individuals with disabilities. Reasonable accommodations will be made for qualified individuals as long as the accommodation does not impose an undue hardship on City finances or operations. The City Manager, or Deputy City Manager will consider requests for accommodation of disabilities and will determine what, if any, accommodation will be made.

It is the policy of this City that employees engaging in discriminatory actions will be disciplined. Such disciplinary action may include discharge from employment.

**Section 4.2 – Citizenship.** All natural or legal citizens of the United States and those who are otherwise eligible to work in the United States in accordance with all applicable federal and state laws are provided equal employment opportunity. All employees hired for any position with the city shall complete an Employment Eligibility Verification Form (I-9).

**Section 4.3 - Announcements of Examinations.** Examinations for classified positions shall be publicly announced either in a newspaper of general circulation, the City Newsletter, and/or by such other means deemed desirable by the Personnel Officer. The Personnel Officer shall also publicize the examination in any other means as may be appropriate to comply with State, Federal, and Local guidelines regarding hiring practices. The announcement shall include the type, time, and place of examination. It shall also supply information regarding method and deadline for filing applications, minimum qualifications, if any, and other information deemed pertinent by the Personnel Officer.

The announcement of examination as required by these Personnel Regulations shall appear in a newspaper of general circulation at least once in each of the two weeks prior to the deadline for submission of application and may be published by legal notice, except as may be modified by permanent exemption approved by Council. Nothing herein shall prohibit the use of classified advertisement to supplement the required legal notice. Such legal notice and/or classified ad shall include the statement announcing that the City is an Equal Opportunity Employer.

Exempt employees may be appointed by the City Manager without need of competitive examination, advertisement, or the creation of an eligibility list.

**Section 4.4 - Applications.** Applications shall be made on forms prescribed by the Personnel Officer. Such forms shall comply with City, State, and Federal guidelines for employment applications and shall state that the City is an Equal Opportunity Employer. Applications for classified positions shall be kept on file by the Personnel Officer for a period of six months. Upon receipt, the Personnel Officer shall review applications for completeness and compliance with any minimum qualifications as may be predetermined.

Applicants for the position of Public Safety Officer must be at least twenty-one (21) years of age at the time of employment and must be at least a high school graduate or equivalent and shall be capable of performing all duties of a Public Safety Officer. No person under eighteen (18) years of age will be employed in any regular full-time position.

If, upon review, the Personnel Officer has reason to believe that -

1. An applicant for any position, excluding Public Safety Officer, is not at least 16 years of age, or
2. An application contains information which is misleading, deceitful or not accurate or complete, or
3. An applicant does not possess the minimum qualifications as may be required by the Personnel Officer.

The applicant may be required to submit written proof regarding age or any other statement made on the application form.

The Personnel Officer may make inquiry of employers, educational institutions, and character references to verify statements made on the application. In addition, the Personnel Officer, upon approval from the Appointing Authority, may reject an applicant for submitting misleading, incomplete or false information. The Appointing Authority may dismiss an employee if later on it is discovered that his or her application and/or resume contained misleading, incomplete or false information.

**Section 4.5 - Employment Requirements.** Employees may be required to pass a post-conditional offer physical examination, stress test, polygraph, drug test and/or other employment requirements and maintain such physical and mental capabilities necessary to perform all essential job duties. Such examinations shall, as necessary, comply with any Federal, State, or City laws regarding employment application and shall recognize those laws in regard to the specific classification.

**Section 4.6 - General Examinations.** As a general rule, all examinations shall be open and competitive. In case of a vacancy in the classified service where exceptional qualifications with scientific, managerial, professional, or educational character are

required, and upon satisfactory evidence that competition in such special case is impractical and that the position can best be filled by the selection of a person with the recognized qualifications, the Personnel Officer may, with the concurrence of the City Manager, suspend these regulations requiring an examination.

Examinations for classified positions shall consist of a test or a series of tests as selected by the Personnel Officer. Such tests shall be designed to test the relative capacity and qualifications of all applicants to discharge duties of the classification for which the examination is given. The Personnel Officer shall determine the nature of the examination and the weight and scoring method to be attributed to each part. The Personnel Officer shall grade the examinations, taking care to preserve the anonymity of the competitors in the written portion, until grading is complete. The Personnel Officer shall be responsible for evaluation of test results and determination of the qualifications of any applicant. Should any applicant be deemed unqualified by the Personnel Officer, that applicant will be informed that he or she is no longer under consideration for the position. The Personnel Officer may also require applicants to submit proof of eligibility to legally work at the time of the examination.

The Personnel Officer shall assign value to the various tests used when more than one test is used. The applicant shall be made aware of the requirements for successful completion of an examination prior to taking such examination.

Each person who participates in any such examination shall be given written notice as to the success or failure in the completion of the examination and shall be made aware of his or her status regarding potential employment with the City.

Each person participating in an examination may review that person's own examination document, but may not examine any other document. Such review shall only be done on appointment with the Personnel Officer and in his or her presence.

No person who has failed to pass an examination shall be re-examined for the same class or position within six (6) months of the date of such failure except at the discretion of the City Manager and the Personnel Officer.

There shall be no credit for prior military service. There may be a fee charged to take any examination.

The City may choose to participate with other governments in cooperative examination procedures.

**Section 4.7 - Lateral Entry.** The Personnel Officer, upon approval from the City Manager, shall have authority to dispense with written examination questions for lateral entry positions requiring previous experience and training and may instead insist on completion of an application, submission of proof of experience and training as is deemed a requirement for the position, evaluation of that prior experience and training, an oral interview, and such other selection devices as the Personnel Officer may determine are appropriate.

Matters relating to starting compensation, prior public sector work experience credit for vacation accrual purposes and other benefits for lateral entry hires shall be at the sole discretion of the City.

**Section 4.8 - Promotional Examinations for Classified Positions.** Whenever, in the judgment of the City Manager and the Personnel Officer, vacancies in classified positions above the original entry level should be filled by promotion, a promotional examination shall be given. A deadline for filing an application shall be announced. Such examination may be either written, oral, or a combination of all of these. If no one applies for such tests or if less than two are qualified, promotions may be filled through outside eligibles or through opening the next lower classification at the discretion of the City Manager.

Eligibility for promotional examinations in all departments shall be determined by the City Manager and the Personnel Officer after consideration of qualifications and merit rating. For the Department of Safety, eligibility shall include a minimum of eighteen months service in the next lower rank, unless waived by the City Manager.

**Section 4.9 - Eligibility Lists.** There shall be three types of eligibility lists within the personnel service of the City. These lists are defined in Article 2, Section 2.5.

Eligibility lists shall be maintained as deemed necessary by the Personnel Officer for the classified service. Such lists, in order to be valid, shall be certified by the Personnel Officer to the City Manager. No eligibility lists are required for General Service Workers.

All eligibility lists shall have a duration of six (6) months with an option on the part of the Personnel Officer to extend such an eligibility list for one additional six (6) month period provided that the list shall not be extended more than once without the written approval of the City Manager, and in no event shall said list be extended more than three times.

Eligibility lists shall rank in order the relative merit of each applicant for any classification. Such ranking shall be made on the basis of merit as determined by competitive examinations where applicable in the case of original appointment lists and promotional eligibility lists. Eligibility lists for the purpose of re-employment shall also be based on merit as determined by prior service, including seniority.

Whenever a vacancy is to be filled in the classified service, the Appointing Authority shall make a requisition upon a form prescribed by the Personnel Officer for the certification to him or her of the name of an eligible applicant. A separate requisition shall be filed for each vacancy.

Any individual whose name appears on an eligibility list and who declines appointment when offered shall be removed from that eligibility list. When such list contains only two names, the Personnel Officer may recommend appointment of one of those two individuals or may recommend to the City Manager that the examination process for the classification in question be begun again.

An individual whose name remains on an eligibility list after the list expires may have his or her existing score placed in relative position to the scores of other applicants on the next eligibility if the testing process is within 12 months and is identical to that used during creation of the previous eligibility list. If the testing process is different, the individual shall be permitted to re-apply and begin the process over again. An individual may have his scores placed on the new eligibility list only once and thereafter will be required to retake the entire testing process regardless of whether the process has changed.

It is incumbent upon any applicant to make the Personnel Officer aware of any address changes during the time that any individual is on the eligibility list. In attempting to locate an individual, the Personnel Officer shall only be required to mail a certified letter to the last known address of the applicant. The applicant shall have ten (10) days from the mailing of said certified letter to contact the Personnel Officer. If such contact is not made, the applicant's name may be removed from the eligibility list.

**Section 4.10 – Reference Checks.** The City may conduct personal reference and criminal conviction checks on applicants. Background checks shall verify job-related information on the written application, statements made during interviews, and other facts deemed appropriate. If a background, medical, or subsequent investigation discloses misrepresentations made by an applicant, he or she may be refused employment or, if already employed, may be terminated.

**Section 4.11 - Appointment.** After the creation of an eligibility list, and in order to appoint an individual from that list to a classification within the City, the Personnel Officer shall certify to the City Manager that a vacancy exists in the classified service of the City. The Personnel Officer then may recommend to the City Manager that any one of the top three individuals be appointed to fill that classification. Such recommendation shall take into account the overall fitness of a candidate as determined through the evaluation process.

The City Manager as Appointing Authority may select any one of the top three candidates and need not accept the recommendation of the Personnel Officer. When the appointment is made, the Personnel Officer shall inform the Finance Office, the Department Head in question, and the appointee. If the Personnel Officer does not receive a written acceptance of such appointment from the appointee within six (6) days of the date the City mailed to him or her the written notice of appointment, such appointment may be voided, at the discretion of the Appointing Authority. In this case, the Personnel Officer shall certify one additional name to the Appointing Authority. Such additional names may be taken from the remaining names on the original appointment list for the position involved.

**Section 4.12 - Temporary Appointments.** Whenever circumstances exist that require that a vacancy be filled at once in order to maintain public services, the Appointing Authority may appoint any qualified person temporarily to perform the duties of the position. However, no such appointment shall be for a period longer than six (6) months unless the need is of greater duration than six (6) months, in which case the appointment may be renewed for six (6) months and may continue to be renewed until the need has passed.

**Section 4.13 - Provisional Appointments.** In the event a vacancy exists in a position for which no current eligibility list has been created, the Personnel Officer shall so inform the Appointment Authority. If the Appointing Authority determines that the best interest of the City requires a prompt appointment to the vacancy, the Personnel Officer shall submit the application of any person or persons deemed by him to be suitable for non-competitive examination. If, on review, the applicant is found to possess the minimum qualifications established by the Personnel Officer for the position to be filled, the Appointing Authority may authorize his or her appointment as a provisional employee. A provisional appointment shall remain in effect until an eligibility list is created by the Personnel Officer and an appointment has been made and accepted therefrom. The process of creating such a list shall begin within six (6) months from the existence of a vacancy and shall be completed within nine (9) months. The provisional employee shall not be precluded from becoming a candidate for full-time employment in the same or any other position. Appointments from the eligibility list shall be on a competitive basis except where the Personnel Officer finds that there are an insufficient number of applicants to justify competition. In such a case, the provisional employee may be appointed as a full-time employee on a non-competitive basis.

**Section 4.14 - Employment of Relatives.** The City shall not appoint individuals into exempt classifications who have relatives who are employees in the exempt classifications of the City. Exempt employees are defined in Section 3.2. Persons involved in husband/wife, parent/child, parent/child-in-law, first cousins, siblings, aunt-uncle/niece, aunt-uncle/nephew, grandparent/grandchild relationships, shall be considered relatives for the purpose of this regulation. No distinction shall be made as between adopted and natural children, which shall be treated the same under this regulation. Applicants must disclose such relationships at the time of application and also at the time any appointment is offered to them.

A person who is a relative of a city employee may not be appointed, employed or promoted to a position in any department, if the related employee is, or would be the person's supervisor or would exercise any authority or control over or otherwise regulate the duties and responsibilities of the person, or if the person would supervise or exercise any authority or control over or otherwise regulate the duties and responsibilities of the related employee.

If existing employees become relatives with one another or a related employee changes to a job classification which conflicts with this policy after commencement of employment, the City shall allow a choice as to who will resign. However, in the case where such a decision is not voluntarily made by the employees, the City shall choose the employee with the greatest seniority to remain employed by the City.

**Section 4.15 – Probation.** Upon appointment by the City Manager, all appointees, except Department Heads, shall serve a minimum probationary period of one year unless specified to the contrary in a current collective bargaining agreement. During this one-year period, the employee shall be considered a probationary appointee. Department Heads are “at will” employees and serve no probation period as they serve at the pleasure of the City Manager.

The probationary period is designed to give the employee time to learn the position and to allow the Supervisor sufficient opportunity to evaluate the employee's performance. The probationary period may be extended, upon approval by the City Manager, a maximum of one year in addition to the original twelve months.

Probationers may be removed, demoted or disciplined at any time during the probationary period by written notice to the employee by the Appointing Authority or Department Head indicating that his or her services are unsatisfactory or on the basis of other reasons deemed sufficient by the City. Such removal or demotion shall not be subject to appeal. Copies of all such notices involving removal or demotion shall be filed with the Personnel Officer and Finance Director.

**Section 4.16 – Performance Evaluations:** In cooperation with the Appointing Authority and Department Heads, the Personnel Officer may establish a system of service ratings based upon standards of performance. Such standards shall measure the quantity and quality of the work performed, the manner in which such service is rendered, the faithfulness of the employee to his or her duties, initiative, reliability, attendance, judgment, conduct, and other such characteristics or results as may measure the value of the employee to the municipal service. Service ratings shall be considered in determining salary increases and decreases within the fixed limits of the compensation plan, as a factor in determining order of layoff, and as a factor in determining the promotion, demotion or dismissal of an employee.

The Supervisor and employee shall meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the rating period ahead. The employee shall be given the opportunity to examine the evaluation and make written comments within 10 days. The employee and Supervisor should then sign and date the evaluation and forward it to the Personnel Officer for placement in the employee's personnel file.

## **ARTICLE 5 - PAY PLAN**

**Section 5.1 - Classification Plan.** The City of Oakwood has established and maintains a classification plan consisting of a comprehensive inventory of full-time and regular part-time positions with the City. The City Manager will make necessary amendments to the classification plan in the form of new positions or classes, revisions of existing positions or classes, and the abolishment of positions or classes no longer required. The existence of a position or class or the establishment of a new position or class does not require that said position or class be filled, however. No city employee shall be classified or paid at a wage rate not established in either a collective bargaining agreement or the Personnel Schedule.

**Section 5.2 – Job Descriptions.** Each classification within the City shall have a job description which will describe the duties, responsibilities and essential functions of the work. Each job description is illustrative in nature and does not limit a supervisor's ability to assign or direct an employee to perform, as part of his or her job, additional tasks or

duties of the same general nature or related to or growing out of the matters discussed in the job description.

**Section 5.3 – Pay Steps.** Salaries, remunerations, and any extra compensation shall be outlined in ordinances of the City, together with any amendment, or as determined by the City Manager.

For each classification there is assigned a number of steps or ranks of pay. Consideration for advancement in the range or classification is given each employee after having served in that step for a period indicated in the following schedule and is applicable to the first pay period after the anniversary or effective date of employment. Any increase shall be based upon merit as determined by an employee's overall job performance. Once an employee reaches the maximum pay for his or her classification, any future increases will be governed either by contractual obligations or by an amendment to the Personnel Schedule as approved by City Council. Employees hired prior to January 15, 2001 shall be eligible for step (Z) twelve (12) months after completion of 42 months of employment with the City. Employees hired after January 15, 2001 and before November 17, 2004 shall be eligible for step (Z) twelve (12) months after completion of fifty-four (54) months of employment with the City. Employees hired after November 17, 2004 shall be eligible for step (Z) twelve (12) months after completion of sixty (60) months of employment with the City. Examples of the schedules of pay steps within a classification are as follows:

<b><u>Pre-January 15, 2001</u></b>		<b>January 15, 2001 through <u>November 16, 2004</u></b>		<b><u>Post November, 17, 2004</u></b>
Step A	Starting Wage (6 Months)	Step A	Starting Wage (12 Months)	Starting Wage (12 Months)
Step B	Six Months	Step B	Six Months	Six Months
Step C	Six Months	Step C	Six Months	Six Months
Step D	Twelve Months	Step D	Six Months	Twelve Months
Step E	Twelve Months	Step E	Twelve Months	Twelve Months
Step F	Top	Step F	Twelve Months	Twelve Months
Step Z		Step G	Top	Top
		Step Z		

Decisions on advancement from step to step within the pay range are not automatic and shall be made by the City Manager taking into consideration merit, fitness, seniority, change in responsibilities of the position, and any other factors in the judgment of the City Manager which may be pertinent in determining individual advancements and compensation. Increases less than the maximum for a particular step may be granted at



any time. The City Manager shall consult with the Personnel Officer with respect to such factors and shall consider any recommendations of the Personnel Officer thereon. Advancement in rates of compensation ordinarily shall be to the next higher step, but in exceptional circumstances may be made to any higher step in the City Manager's discretion. In addition to the steps set forth in this Article, the City Manager may set intermediate steps and rates of pay applicable thereto. The Personnel Officer may recommend to the City Manager that new employees with previous experience enter the pay schedule at a rate other than Step A. The above schedule does not apply to temporary or part-time employees.

**Section 5.4 - Pay Schedules.** All city employees are paid on a bi-weekly basis.

Deductions for Federal, State and Local income tax, state retirement systems, and Medicare (for those employees hired after March 31, 1986) will be made from your paycheck, where applicable. Deductions will also be made for other purposes including, but not limited to: health and dental insurance contributions, garnishments, voluntary deductions, etc.

**Section 5.5 – Direct Deposit.** All employees are required to have their bi-weekly pay directly deposited into accounts at financial institutions designated by the employee. The city will make deposits into a maximum of three accounts. The city has no responsibility or liability for the deposits once they are made to the designated account(s).

**Section 5.6 – Pay Statements.** Bi-weekly pay statements will be provided to all employees via e-mail. Employees are required to provide the Finance Department with an e-mail address.

**Section 5.7 - Time Sheets/Cards.** Each employee is responsible to report correctly and accurately the hours he or she worked each day by completing a time sheet/card. The time sheet/card shall include: employee's name, pay period; hours to be compensated broken down on a daily basis into hours worked (except for salaried employees), holiday time, sick leave, vacation, other leave, etc.

**Section 5.8 – Responsibility to Notify.** Each employee is responsible for reporting changes in family status and other factors affecting payroll withholdings or benefits. Appropriate forms are available through the Finance and Personnel Departments.

## **ARTICLE 6 - DISCIPLINE, PERSONNEL APPEALS BOARD**

The tenure of every officer or employee in the classified service of the city shall be during good behavior and efficient service, but any such employee may be removed or disciplined for incompetency; inefficiency; dishonesty; being under the influence of or consuming alcoholic beverages while at work; use or possession of mind altering drugs; possession of firearms unless duly authorized in writing; substance abuse; immoral conduct; insubordination; discourteous treatment of the public; neglect of duty; misuse or abuse of city property; workplace harassment; violation of the ordinances of the city or the laws of the State of Ohio or of the United States of America; violations of these Personnel Regulations, any other failure of good behavior or any act of misfeasance, malfeasance,

and/or nonfeasance. Nothing in this section shall be construed to limit the right of the City to lay off or separate from the service any officer or employee in the event his or her position is abolished or the employee is laid off as a reduction in the work force.

**Section 6.1 - Types of Discipline.** The City practices a policy of progressive discipline to provide employees an opportunity to correct deficiencies in their performance by providing notice, setting goals and providing feedback. Progressive disciplinary action shall consist of one or more of the following, subject to the appropriate collective bargaining agreement:

- a) informal reprimands which do not constitute a part of the employee's record;
- b) formal written reprimands which become a part of the employee's record;
- c) suspension from duty without pay;
- d) suspension from duty with pay;
- e) reduction in salary;
- f) demotion; and
- g) discharge.

The above list is not intended to present a required sequence of disciplinary actions. The City may administer any of the above listed disciplinary actions as initial discipline and may skip levels of discipline as circumstances warrant.

The head of the department concerned shall be primarily responsible for the discipline of employees within the department, and may take disciplinary action as provided in (a) and (b) immediately above. In addition, the head of the department shall be primarily responsible for disciplinary action as provided in item (c) above if that suspension entails five or fewer eight-hour work days, with the condition that any suspension must be approved in writing by the City Manager prior to it becoming final and enforceable. Any such disciplinary action taken by a Department Head shall be promptly reported to the Personnel Officer.

The Personnel Officer may also recommend to the City Manager that any disciplinary action in steps (a) through (g) be taken as to an employee. The City Manager as appointing authority shall have the ultimate duty to take disciplinary action under all the above numbered items. He or she shall be the final judge of the necessity of discipline up to and including suspension from duty without pay for a period of five days or less. As to discipline greater than suspension for a period of five days without pay, the City Manager shall have the right to take such action subject to the review by the Personnel Appeals Board as hereinafter provided.

**Section 6.2 – Disciplinary Action.** Before executing a reduction in salary, a demotion, or discharge, the employee shall be advised in writing of the alleged behavior and that disciplinary action is being contemplated. A meeting between the department head and employee shall be scheduled as soon as possible following the event and issuance of the written notice of contemplation of disciplinary action. The employee may have a

representative present if he or she desires. Upon completion of the investigatory phase and if discipline is declared appropriate then the disciplinary action will proceed.

### **Section 6.3 - Personnel Appeals Board.**

1. The Personnel Appeals Board shall hear appeals from City employees in the nonexempt, classified service who are not part of a grievance procedure under a labor contract and who have been suspended, demoted in a position or compensation, or discharged. In all cases of suspension, demotion or discharge, the City Manager as appointing authority shall furnish the employee with a copy of the order of suspension, demotion or dismissal together with the reasons for such action. This written order must be supplied prior to the effective time of the discipline, and copies thereof shall be filed with the Personnel Officer and with the Personnel Appeals Board. The order may be made effective immediately or from a later time and date set forth in the order. It shall explain that the employee has five (5) days from his receipt of the written order in which to make and file with the Personnel Officer and with the Personnel Appeals Board a written explanation of the situation. This written explanation shall be for informational purposes only, and the effective date of any such disciplinary action shall not be affected by the filing date of such written explanation.
2. Any employee who wishes to appeal to the Personnel Appeals Board under paragraph 1 immediately above may do so by written request. Such request must be filed with the clerk of the Personnel Appeals Board or the Personnel Officer or with a member of said board within five (5) calendar days from the date when such officer or employee is given a written order of suspension, demotion or dismissal.
3. The Personnel Appeals Board shall, as soon as practicable, set a date and time for a hearing on such an appeal. At that hearing the appellant may appear in person or by counsel, and the City Manager, Personnel Officer and/or Department Head may likewise appear in person or by counsel. Evidence which is competent, relevant and material may be presented to the board at this hearing. Upon conclusion of the hearing, the Personnel Appeals Board may affirm, disaffirm or modify the judgment of the appointing authority as to any disciplinary action involving suspension without pay for more than five (5) days, demotion or dismissal. As to any disciplinary action involving suspension without pay for five (5) days or less or involving any lesser disciplinary action, the authority of the Personnel Appeals Board shall not include the power to modify and instead shall be limited to the power to affirming or disaffirming the disciplinary action. The decision of the Personnel Appeals Board shall be final.

## **ARTICLE 7 - HOURS OF WORK AND OVERTIME**

**Section 7.1 – Hours of Work.** The standard work week for employees, other than as provided in a current collective bargaining agreement, shall be forty (40) hours per week. The normal workday may range from eight (8) hours to ten (10) hours with an unpaid

meal period. The meal period will be scheduled to allow the continuous staffing of all functions. City administrative offices generally shall be open daily except Saturday, Sunday, and legal holidays as defined herein. The Public Safety Department shall be open at all times. The City Manager may alter the work schedule to provide a flexible schedule, however, all work schedules shall remain in compliance with current Labor Agreements, Fair Labor Standards Act (FLSA), and other Federal or State laws. A flexible schedule arrangement may be cancelled or suspended by the City Manager at any time.

Hours for part-time employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Head or Personnel Officer, with the concurrence of the City Manager.

**Section 7.2 – Overtime.** Employees covered by the Fair Labor Standards Act are eligible for overtime compensation. If you are authorized to work in excess of your normally scheduled weekly hours, these hours are considered overtime. If you work in a position that is covered by the FLSA, you will receive compensation at a rate of 1 ½ times your normal rate of pay. If your position is exempt from FLSA (supervisors and exempt professionals), you will not receive extra compensation if you work in excess of your normally scheduled weekly hours.

Holidays, vacation, personal leave days and sick leave shall be considered time worked for the purpose of determining eligibility for overtime pay for hours worked beyond forty (40) hours per week.

An employee needs the prior approval of his or her immediate supervisor or Department Head before working overtime. Overtime work required to meet an emergency situation does not require advance approval.

The Department Head or supervisor is responsible for authorizing, approving and submitting overtime hours on an employee's timesheet.

**Section 7.3 – Reporting Absences.** Employees are required to be at work during prescribed hours unless on authorized leave as determined herein. Should employees be unable to report for work, it will be incumbent upon the employee to report that inability to their immediate supervisor at least 30 minutes prior to commencement of the regular work shift giving as much reasonable notice as practical. Employees shall notify the City immediately when they are able to return to work.

#### **Section 7.4 – Remote Working**

A. Purpose: The purpose of this policy is to establish requirements and guidelines for employees who have been authorized or instructed to work remotely. "Remote working" is a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite other than the location from which the employee normally reports to work.

Remote working may be approved or ordered for those employees who are able to

perform job duties remotely without utilizing a city facility workspace. The primary purpose of remote working is to maintain all City service operations, particularly under those circumstances where operating from the normal workspace is problematic. Remote working is not leave from work duties; it is working remotely to continue to fulfill the essential duties of your job.

B. Scope: This policy applies to all employees specifically authorized or instructed by the City Manager to work remotely. Not all positions in the City are appropriate for remote working. The determination of which employees may or should engage in remote working is at the sole discretion of the City Manager. The City Manager may rescind any authorization or instruction to work remotely at any time.

C. Requirements:

1. Location for Remote Working.

- a. The workspace must be safe and free from hazards.
- b. The workspace must be reasonably free from interruptions and distractions that would affect optimal work performance.
- c. The workspace must allow for the employee to preserve the confidentiality of sensitive or non-public information.
- d. The workspace must be quiet and allow for professional communications for employees who verbally communicate with others as part of their job duties.
- e. Employees working remotely shall not meet with the public or City clients in their home workspace in any official capacity or connected with City business without the consent of the City Manager.
- f. The City is not responsible for any loss to the Employee's property whether caused by physical damage, a computer virus or other intrusions over the internet.
- g. Employees utilizing City equipment while working remotely must protect the equipment from damage and use the equipment consistent with all City policies.
- h. All Employees working remotely must have a working internet connection and internet access available at their workspace that will allow for the successful connection to the City internet server.

2. Hours of Work.

- a. Non-Exempt Employees are authorized to work remotely during their normally scheduled workdays and hours or on other days/times pre-approved by their supervisor. Non-Exempt Employees may not work outside those days and hours without prior supervisor approval. Non-Exempt Employees are responsible for accurately reporting their time worked each day.
- b. Any Employee assigned or permitted to work remotely shall be remotely connected and available throughout the entire workday and subject to all employment and conduct rules as if they were working in their normal workspace at the City.

3. Reporting for Work: Employees must communicate with their supervisor via e-

mail when beginning the workday, when leaving and returning from lunch and at the end of the workday.

Employees who do not work for all or a portion of a workday when they are working remotely must use appropriate leave when not working. The City is not responsible for paying employees who are working remotely if they are unable to perform work due to operational or technological issues such as an adequate internet connection unless the matter relates to a problem caused by the City's system or network.

4. Communication: While working remotely, employees must be reachable by the City during their normal working hours, and any other days/times pre-approved and designated by their supervisor or the City Manager. If the Employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they must immediately notify their supervisor.

5. Security and Confidentiality: While working remotely, employees must take steps to preserve the security and confidentiality of City information. Employees must keep confidential documents, records and materials in secure locations. Employees must maintain password protection to the same extent as required at the normal City workspace. If working on personal devices, employees must have valid up-to-date anti-virus software and appropriate computer and internet security installed and activated. Any suspected hacks or breaches of security must be reported to the City immediately.

6. Supplies: Before beginning to work remotely, Employee should obtain from the City any office supplies needed to perform their job including, but not limited to, copy paper, City letterhead, and any other essential tools to use in their remote workspace for City purposes only. All Employees who are working remotely shall ensure they have the most recent copy of the City directory, emergency phone list or contact list so they can reach any City employees needed to perform their job.

7. Public Records: Employees must preserve and not destroy any public records generated while working remotely consistent with state and federal law and the City Records Retention Policy.

8. Remote Work during FML: Employees requesting remote work approval while on FML for their own serious health condition must provide a release to work from the employee's health care provider.

D. Policies: This remote working arrangement does not change the basic terms and conditions of employment, including rate of pay and benefits. Employees are expected to comply with all Employer policies, procedures, and performance standards.

E. Duration: This policy may be revoked at the sole discretion of the City Manager at any time without notice.

## ARTICLE 8 – LEAVES

**Section 8.1 - Holidays.** Except as otherwise provided in a current collective bargaining agreement, the following twelve (12) days shall constitute legal holidays for employees of the City of Oakwood: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Juneteenth Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Day and the employee's birthday.

Each full-time, part-time and seasonal employee who attends work on the scheduled work day prior to and the scheduled work day immediately following the above-mentioned holidays, or who are on an authorized leave with pay prior to and following the above holidays, shall be paid compensation as normally would have been earned had that employee been in attendance at work on that day. A holiday that occurs on a Saturday or Sunday will generally be observed on either the preceding Friday or the following Monday.

Employees wishing to observe religious holidays not listed herein shall, at their option, be given time off without pay or have the time charged to their vacation. Such requests must be submitted to a supervisor at least two weeks in advance.

### **Section 8.2 – Vacation**

All eligible full-time and regular part-time employees, excluding seasonal and temporary employees, shall accrue vacation according to the following, except as otherwise provided in a current collective bargaining agreement.

Vacation leave shall be accrued based on payroll periods and shall begin on the date of hire for each employee. Unless approved by the City Manager, no employee will be permitted to use vacation leave which has not been accrued.

#### **Full-Time Employees:**

LENGTH OF SERVICE	MAXIMUM ANNUAL VACATION LEAVE
1 - 72 Months (≤ 6 Years)	12 Days (96 Hours)
73 -132 Months (After 6 years but equal to 11 years)	14 Days (112 Hours)
133 - 192 Months (After 11 years but equal to 16 years)	18 Days (144 Hours)
193 - 240 Months (After 16 years but equal to 20 years)	20 Days (160 Hours)
241 - 300 Months (After 20 years but equal to 25 years)	22 Days (176 Hours)
301+ - (After 25 years)	25 Days (200 Hours)

#### **Regular Part-Time Employees:**

All eligible regular part-time employees shall accrue vacation leave on a pro-rated basis for actual hours worked.

#### **Eligibility and Accumulation of Vacation:**

Vacation days are not cumulative and are lost if not taken within one year of the anniversary date in which it was earned, except for employees in these classifications who have completed five full-service years. Employees who have completed five full-service years shall be entitled to carry over up to eight (8) vacation days (sixty-four vacation hours) beyond the one-year period of time within which accrued vacation must be taken so long as any such vacation carried over is used within the next 12-month period, or unless a further extension is approved by the City Manager.

The City Manager may establish a separate policy for vacation accumulation and vacation buy-back for department heads. Eligibility should be determined in accordance with the current policy, if any.

Vacation leave will not accrue while an employee is on a leave of absence without pay or unpaid suspension, except as otherwise provided in a current collective bargaining agreement. Accrued vacation may be used to supplement sick leave if the employee has exhausted accrued sick leave benefits.

#### Scheduling and Approval:

The scheduling of vacation leave shall be at the discretion of the Department Head, taking into account the operational needs of the various departments of the City. While due consideration for individual employee convenience may be given, the needs of the City in scheduling workloads shall be the controlling criterion.

Leave requests should be filed with the Department Head, or the City Manager in the case of his/her direct report employees before vacation is taken. Employees should follow proper notice requirements as designated by the department's rules and regulations.

Department Heads are responsible for managing the vacation schedules in their departments and for administering the provisions of this policy.

#### Payment for Unused Vacation Leave:

All eligible full-time and regular part-time employees, excluding seasonal and temporary employees, shall be paid for unused vacation according to the following, except as otherwise provided in a current collective bargaining agreement.

An employee who leaves the employment of the City by reason of resignation, retirement, or death is eligible for compensation at his or her current rate of pay, for any unused vacation leave to his or her credit at the time of separation, provided all of the conditions have been met:

- The employee has successfully completed any applicable probationary period.
- The employee was not dismissed for cause.
- The employee gave proper notice of resignation.
- The employee has returned all City property.



### Prior Service Credit:

For full-time employment, the City will recognize prior service with the federal government, the State of Ohio, or any of its political subdivisions, for the purpose of computing vacation accrual, except as otherwise provided in a current collective bargaining agreement. Prior service in other organizations may be considered at the discretion of the City Manager.

For regular part-time employment with the City, prior service credit may be considered, at the discretion of the City Manager.

It is the employee's responsibility to provide sufficient documentation of prior service to the Human Resources Department to be considered for credit for prior service.

**Section 8.3 - Personal Leave Days/Extra Days Off.** All full-time employees, with the exception of those covered by a collective bargaining agreement, shall be entitled to three (3) days of paid personal leave annually. A request for use of personal leave days must be submitted to the Department Head or supervisor at least seven (7) calendar days prior to the use of such leave, except under extenuating circumstances. Such requests are subject to approval by the Department Head or Supervisor in consideration of availability and staffing requirements. Likewise, personal leave days for Department Heads must be approved by the City Manager prior to such leave. Personal leave days and extra days off are not cumulative and are lost if not taken within the calendar year in which they were earned.

### **Section 8.4 - Military Leave.**

- A. Short-Term Military Leave: All full-time and regular part-time employees who are members of the Ohio National Guard, the Ohio Military Reserve, the Ohio Naval Militia or members of other reserve components of the US Armed Forces are entitled to a leave of absence to perform military duty for a period of one month in any calendar year. For purposes of this policy, one month shall be interpreted to mean: a.) twenty-two (22) 8-hour work days; or b.) one-hundred seventy-six (176) hours. While on leave, the employee shall receive his or her regular pay upon presentation to the City of military pay. If an employee chooses to keep his or her military pay, the employee forfeits his or her city pay. During the first month of any such military service, the City shall continue to provide the employee health, vision, dental (optional) and life insurance benefits so long as the employee continues making direct payments of the employee's share of the monthly insurance premiums. An employee shall be reinstated into his or her former position immediately upon being released from uniformed services.
- B. Active Duty: Full-time employees and regular part-time employees who are called to active service for a period to exceed the timeframe provided for under Paragraph A of this Section, pursuant to an Executive Order issued by the President of the United States, an Act of Congress or by an Order of the Governor, shall be entitled to the following benefits.

1. For a period not to exceed 24 months, an employee shall be eligible to receive the difference between his or her regular wages and the sum of his or her gross military pay, subject to satisfactory evidence of military pay.
2. An employee may elect to continue health insurance coverage and related benefits for up to twenty-four (24) months at the employee's own expense, which shall be 100% of the entire health insurance and related benefit premium costs. Such coverage may be subject to restrictions imposed by the insurance carrier.
3. An employee who is returning from uniformed service of 31 to 180 days must apply for reinstatement within fourteen (14) days of completing service; employees on leave for more than one hundred eighty (180) days must apply within ninety (90) days of completing uniformed service.
4. Except where reinstatement is impossible or would impose an undue hardship on the City, an employee on a leave for less than 180 days shall be reinstated into his or her former position. Employees on leave in excess of 180 days may be placed in any position of equivalent status, seniority and pay.

C. Federal Military Leave Protection: In addition to the rights and benefits described in Paragraphs A and B above, full-time and regular part-time employees shall be entitled to all rights and benefits provided by the Uniformed Service Employment and Reemployment Rights Act of 1994 ("USERRA"), subject to all eligibility and other requirements prescribed by USERRA. This federal statute generally provides for unpaid leave of absence for uniformed service of up to five (5) years. Employees, who are not eligible for Short-term Military Leave or Active Duty Leave, shall contact the Personnel Officer to determine eligibility for an unpaid leave of absence pursuant to USERRA. Employees who continue on active duty past the 24-month Active Duty Leave period will automatically be placed on an USERRA leave of absence, subject to all regulations, benefits and requirements of that statute.

**Section 8.5 - Civil Leave.** Any employee who is called to serve on a jury in the county in which they reside shall be compensated at regular pay for the work time lost while on jury duty. In order to receive such compensation, said employee must give their supervisor a copy of the summons to serve and remit to the City that amount, if any, received by the employee for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his or her supervisor immediately. The City reserves the right to request that an employee who is called for jury duty be excused if their absence will create a hardship on the operational effectiveness of the department to which they are assigned. An employee on jury duty is expected to appear for work whenever the court releases the employee before noon on a scheduled work day.

**Section 8.6 - Injury Leave.** Any employee injured on the job, no matter how minor, is required to complete and return to their supervisor, a signed Accident Report Form. It will be the responsibility of the employee and employee's Supervisor to make sure the form has been filled out completely and correctly. The signature of the Supervisor is required at the bottom of the form. Except under extraordinary circumstances, the form should be turned into the Personnel Officer within 24 hours of the accident. In the event an employee is absent from work as a result of a job-related injury (as determined by the Bureau of Workers' Compensation) that employee may use accumulated sick leave

during the time of his or her absence. Should the employee so desire, any accumulated vacation may be rescheduled so that the employee may use vacation in lieu of sick leave during the time of the absence.

Except as otherwise provided in a current collective bargaining agreement, if the Bureau of Workers' Compensation deems the injury to be work related and if the Bureau of Workers' Compensation provides payment to the employee for time lost from work as a result of this injury, sick leave utilized by that employee during the time of the absence shall be reinstated. Such reinstatement shall only occur upon receipt by the City of all such compensation received by the employee from the Bureau of Workers Compensation. Employees who have missed work time as the result of a work-related injury shall be required to obtain a release from their attending physician before returning to work.

**Section 8.7 - Bereavement Leave.** Except as otherwise provided in a current collective bargaining agreement, upon the death of an immediate family member or a relative living in the same household, full-time and regular part-time employees may be granted up to three (3) concurrent days of paid leave for bereavement purposes. Immediate family shall be defined as spouse, parent, child, sibling, step-child, step-parent, grandparent, grandchild, and parent-in-law. One day's leave shall be granted for the attendance at the funeral or memorial service of a brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any aunt or uncle who is a blood relative of the employee. In situations where travel distances are such as to require additional time, the City Manager may extend funeral leave, upon recommendation from the department head, up to a maximum of five (5) days. Requests for funeral leave for individuals not defined as immediate family shall be made to the City Manager. The City Manager shall review such requests and approve or disapprove on an individual basis based on the circumstances in each instance.

Vacation or personal leave may be taken if an employee wishes to attend a funeral of someone other than family members described above.

**Section 8.8 - Maternity Leave.** All full-time and regular part-time female employees shall be entitled to maternity leave consistent with the following provisions.

Upon knowledge of the pregnancy, the employee shall notify her Supervisor or Department Head of the approximate birth date. The employee will continue to perform her full-time duties as long as she is able to do so as recommended by her doctor and concurred in, if necessary, by a physician advising the City.

The employee shall be entitled to all applicable benefits under this section, including the right to return to her regular duties at the end of the pregnancy leave provided that she notifies the City Manager in writing of her intent to return to work.

Sick leave, vacation and personal leave may be used for the actual birth of the child and a subsequent period of six (6) weeks after the birth. An employee will be expected to return to work within twelve (12) weeks following the commencement of maternity leave in accordance with the Family Medical Leave Act as defined herein. During the period between the time at which the employee leaves full-time employment and the birth,

unless certified by a physician as being medically necessary, the employee shall first use any accrued vacation leave and will be on leave without pay once all vacation benefits have been exhausted until the birth at which time sick leave goes into effect as described previously. Likewise, all leave time beyond the six (6) week period following the birth may not be charged to sick leave unless a physician certifies that the leave is medically necessary.

### **Section 8.9 - Sick Leave.**

All eligible full-time and regular part-time employees, excluding seasonal and temporary employees, shall accrue sick leave according to the following, except as otherwise provided in a current collective bargaining agreement.

#### **Eligibility and Accrual:**

1. All full-time employees shall accrue sick leave at a rate of one and one quarter (1  $\frac{1}{4}$ ) days (10 hours) per month.
2. Regular part-time employees shall accrue sick leave on a pro-rated basis for actual hours worked.
3. Sick leave shall accrue each pay period and is effective from the date of employment.
4. An employee's accumulated accrual may not exceed 150 days (1200 hours) as of their employment anniversary date in any particular year.

#### **Use of Sick Leave:**

All eligible employees may utilize sick leave for the following reasons, except as otherwise provided in a current collective bargaining agreement.

1. Illness or injury of the employee or of a member of the employee's immediate family where the employee's attendance is reasonably necessary;
2. Exposure of an employee or a member of his or her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
3. Healthcare appointments of the employee or of a member of the employee's immediate family where the employee's attendance is reasonably necessary;
4. Pregnancy, childbirth, and/or related medical conditions; and
5. Any other reason that would fulfill the requirements of the Family and Medical Leave Act.
6. For purposes of this policy, the "immediate family" is defined as the spouse, domestic partner, mother, father, parent-in-law, child, stepchild, foster child, or

other people who stand in place of a parent or any individual permanently residing in the same household or another person with the approval of the City Manager.

7. Vacation leave may be used for sick leave purposes with approval from the Department Head and the City Manager. Employees who are unable to return to work after exhausting all paid leave may request an unpaid leave of absence in accordance with the City ordinances and the Personnel Regulations.

An employee may be required to submit a physician's certificate of the employee's ability to perform the essential functions of the position prior to returning to work. The City reserves the right to require an employee to remain on sick leave until such time as the employee is fully released to perform all of his/her essential functions. If sick leave is exhausted during such time, it is the employee's responsibility to request an unpaid leave of absence or request that another form of paid leave be used in accordance with the City ordinances and the Personnel Regulations. Return to limited or light duty will be permitted only upon recommendation from the Department Head and approval by the City Manager or designee. The duration of such limited duty shall be subject to the discretion of the City Manager or their designee.

#### ABUSE:

The City maintains the right to investigate any employee's absence. Should the City determine that an employee has not used sick leave in accordance with the rules and regulations, disciplinary action may be taken. The City may require an employee to submit a medical provider's certificate stating the reasons and duration of any absence or the City may require that an employee be examined by a physician to be named by the City.

1. Abuse of sick leave or dishonesty in connection with sick leave may be grounds for disciplinary action, up to and including termination.
2. Altering a medical provider's certificate or falsification of a written signed statement shall be grounds for immediate termination.
3. An employee fraudulently obtaining or utilizing sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action or termination in accordance with the policies.

Employees shall not be permitted to engage in any employment or business outside of their regular city duties from the time they give notice of absence due to illness or injury until they have returned to work.

#### SICK LEAVE CONVERSION:

All eligible full-time and regular part-time employees, excluding seasonal and temporary employees, may convert sick leave according to the following, except as otherwise provided in a current collective bargaining agreement.

Employees who have, on the anniversary date of their employment, accumulated sick leave in excess of ninety (90) days (720 hours) shall be entitled during the ensuing work year to trade three (3) days (24 hours) of sick leave so accumulated in excess of ninety (90) days (720 hours) for one additional day (8 additional hours) of vacation. Such three (3) days (24 hours) shall be deducted from the accumulated sick leave for that employee.

No employee shall receive in excess of five (5) additional vacation days (40 additional vacation hours) by reason hereof, and such additional vacation days or hours may not be accumulated from year to year. For those employees who have accumulated between 150 and 165 days of sick leave as of their anniversary date, conversion to vacation days shall take place automatically.

#### SICK LEAVE TRANSFER:

The City will credit eligible full-time employees with sick leave accrued while with a previous public employer up to a maximum of 150 days (1200 hours), except as otherwise provided in a current collective bargaining agreement. For regular part-time employees, credit for sick leave accrued while with a previous public employer may be considered at the discretion of the City Manager.

It is the employee's responsibility to provide sufficient documentation of accrued sick leave while with a previous public employer to the Human Resources Department in order to be considered for accrued sick leave credit.

#### SICK LEAVE PAYMENT UPON RETIREMENT:

Any employee who retires under the provisions of the Ohio Public Employee's Retirement System, the Ohio Police and Fire Pension Fund, or any other public retirement plan of the State of Ohio and has accumulated sick leave of sixty (60) days (480 hours) or more, will be compensated upon the basis of one day's (8 hours) pay for every three (3) days (24 hours) of accumulated sick leave at the rate of employee's current pay. If an employee has accumulated one hundred twenty (120) days (960 hours) of sick leave or more, the employee, or his or her beneficiary, will be compensated at retirement or death at one day's (8 hours) pay for each two (2) days (16 hours) of accumulated sick leave, on the same terms as outlined above, but in place of the formula outlined above.

**Section 8.10 - Administrative Leave.** The City Manager may place an employee on administrative leave, with or without pay, for an indefinite period of time. Administrative leave may be used in the best interests of the city during a pending investigation or other administrative proceeding.

**Section 8.11 - Donated Sick Leave.** The purpose of this policy is to assist full-time employees and regular part-time employees when they have exhausted all paid leave benefits, and as result of a catastrophic illness or injury to themselves or their immediate family (i.e. spouse and children who live in the same household), and need additional time off from work. This program is not intended to supersede nor replace other retirement or disability programs.

In order to request the use of donated sick leave, an employee, immediate family members, or other employees acting on behalf of an injured or ill employee, must complete a Sick Leave Donation Request Form available from the personnel department. The request must include: 1) the nature of the illness or injury; 2) medical documentation of the illness or injury; 3) estimated duration of the condition; and, 4) a specific number of hours requested from the sick leave bank.

Recipients:

1. All full-time and regular part-time employees are eligible to make application for the use of donated sick leave.
2. A qualified employee may not receive donated sick leave benefits unless they have exhausted all other accrued leave benefits, including vacation.
3. For non-life threatening illnesses, an employee will be eligible for a maximum of 800 hours of donated sick leave. For a potentially terminal illness or injury, an employee will be eligible for up to 400 hours of donated sick leave.
4. If approved, donated sick leave days may be used retroactively to cover unpaid regularly scheduled work days.
5. The City Manager or his or her designee shall be responsible for making a determination on a request to use donated sick leave. The City Manager or his designee may: 1) deny the request; 2) approve the request at a lesser number of hours than requested; or, 3) approve the request in full.
6. In considering a request, the City Manager or his or her designee shall take into account the following factors; 1) length of employment; 2) previous sick leave usage; and, 3) the circumstances of the current illness or injury.
7. Employees entitled to and receiving injury leave benefits shall not be permitted to receive donated sick leave. If an employee is receiving Workers' Compensation benefits, that employee may be eligible to receive pro-rated sick leave, to the extent necessary to be provided with full pay.
8. An employee will not accrue vacation or sick leave while receiving donated sick leave.
9. Donated sick leave cannot be converted to cash by an employee's estate.
10. Sick leave hours donated will be paid at the regular hourly rate of the employee receiving the donation.
11. Any unused leave from an approved request will be returned to the sick leave bank, and its use will require another determination by the City Manager.

12. If an employee uses all donated hours requested, another Sick Leave Donation Request Form can be filed with the City Manager for a determination. However, under no circumstances can an employee's donated sick leave usage exceed 800 hours for a non-life threatening illness or injury, or 400 hours for a terminal injury or illness.

Donors:

1. In January of each year, eligible employees will be notified and will have an opportunity to voluntarily contribute sick leave hours to the sick leave bank. Accumulated leave benefits in the bank shall not exceed a total of 3500 hours at any time. No additional donations to the account will be permitted or solicited as long as this total is maintained. Notices may be sent out under circumstances where the total hours in the sick leave bank fall below 1000 hours.
2. Employee contributions to the sick leave bank will be limited to a maximum of 120 hours of sick leave per donation period. Employees wishing to donate sick leave and/or vacation leave must do so in eight (8) hour increments. Employees with less than 160 hours of accrued sick leave during a donation period may not contribute more than 16 hours of sick leave.
3. A sick leave donation is voluntary and permanent and cannot be returned to the donating employee.

**Section 8.12 - Family and Medical Leave.** The City of Oakwood recognizes that there will be occasions where employees need to take a leave for reasons covered by the Family and Medical Leave Act of 1993 (FMLA). Employees eligible under the FMLA will be entitled to take such leaves under the following conditions:

1. Eligible employees who have been employed by the city of Oakwood for at least twelve (12) months, and who have worked at least 1250 hours during the twelve (12) months preceding the request for a leave of absence, may take a maximum of 12 weeks of FMLA leave in a rolling 12-month period. FMLA leave generally is unpaid. Any FMLA leave taken will reduce an employee's remaining available leave entitlement.
2. Whenever foreseeable, an employee must provide at least 30 days advance notice before taking FMLA leave. Failure to give the required notice may result in denial of leave until 30 days after appropriate notice is given.
3. FMLA may be taken because of the employee's, or a spouse, parent, or child's, serious health condition, or care for a newborn or newly adopted or newly placed foster care child. Medical certification must be completed by a health care provider. Certification should be provided prior to an employee's leave, and must be provided no later than 15 days after an FMLA leave request. Failure to provide the required certification may result in denial of leave until the certification is provided. At its expense, the City may require a second (and possibly third) health



care provider's opinion certifying the existence of a serious health condition. Recertification may be required at 30-day intervals, or more frequently in the event of a change of circumstances.

4. Employees on FMLA leave will be required periodically to report on their status and intent to return from leave.
5. Intermittent or reduced scheduled FMLA leave will be permitted only where medically necessary. The City may temporarily alter the position or work assignments of an employee on such leave, or may require an employee on such leave to transfer temporarily to an alternative position, in order to better accommodate an employee's need for such leave.
6. Accrued vacation and other paid leaves may be substituted for and applied toward any FMLA-qualified leave consistent with existing leave policies.
7. While on FMLA leave, employees who are enrolled in the health insurance and/or the dental insurance program will be required to continue paying their portion of the monthly premium(s). If the FMLA leave is substituted paid leave, premiums will be deducted as usual. If the FMLA leave is unpaid, the employee must remit payment on or before the 5<sup>th</sup> day of each month. If the employee fails to make the required payments, the employee will remain responsible for the amount of the employee's share paid by the City, and the City will take action to recover such monies.
8. Before being restored to employment, any employee who has taken an FMLA leave that was in any part attributable to the employee's serious health condition must submit to the City a medical certificate that the employee is fit for duty.
9. If an employee is enrolled in the health insurance and/or the dental insurance program and fails to return from an unpaid FMLA leave for reasons other than a serious health condition or circumstances beyond the employee's control, the employee is indebted to the City for the amount of premiums paid by the City to continue the employee's health insurance and/or dental insurance coverage(s) during the leave. The City may take legal action against the employee to recover such monies. If the employee is unable to return from FMLA leave because of a serious health condition, medical certification substantiating the condition will be required.
10. Employees returning from FMLA leave will be reinstated to their former, or an equivalent, position.
11. Disciplinary action may be taken against employees who violate any of their obligations contained in this Notification or in the FMLA.
12. The City reserves the right to amend this Notification unilaterally at any time following notice to our employees.

**Section 8.13 – Leave of Absence Without Pay.** A leave of absence is not a right, but a privilege. Any leave without pay request must be approved by the City Manager, upon

recommendation of the Department Head and Personnel Officer. Approval shall indicate the terms and conditions under which the leave may be granted or cancelled. No leave without pay may exceed one year.

An employee requesting a leave of absence, other than those that qualify as family or medical leave, shall submit a written request to his or her supervisor at least thirty (30) days in advance, unless circumstances make such advance notification impossible or impractical. The request shall specify the reasons for the leave. In reviewing leave requests, the City shall consider the following:

1. Employee's past and present job performance and attendance record; and
2. Any undue hardships the City could experience because of the authorized leave of absence.

Employees who are granted leave without pay shall not accrue vacation and sick leave benefits and shall be required to pay all health insurance and/or dental insurance premiums during the leave.

Failure to return at the end of the agreed-upon length of leave shall be considered abandonment of one's position and grounds for termination.

**Section 8.14 - Leave of Absence with Pay.** Leaves of absence with pay for the good of the service may be granted by the City Manager upon recommendation of the Department Head and the concurrence of the Personnel Officer. Such leaves may be granted when it is determined that it will result in significant, positive results for the department in which that employee is assigned, and/or for the City, and/or the citizens of the community and only when it is determined by the City Manager that such positive results are unattainable in any other existing approved manner.

Prior to allowing an employee to return to work from a leave of absence, the City Manager may, if he or she deems it necessary, require any employee granted a leave of absence to submit to an examination by a physician(s) or other qualified person(s) selected by the City to determine the fitness of such employee to fulfill his or her duties to the City.

**Section 8.15 – Absence Without Leave.** An absence of an employee from a scheduled work day, including any absence for a single day that is not authorized by a supervisor, shall be deemed to be an absence without leave. Any such absence shall be without pay and may subject the employee to disciplinary action.

The absence of any employee from work for three (3) consecutive scheduled work days, without notice to his or her Department Head of the reason for such absence and his or her intention to return, shall be considered a voluntary resignation without notice.

**Section 8.16 – Workers' Compensation.** Employees are eligible for Workers' Compensation benefits for injuries or occupational illness arising out of or in the course of his or her employment. In the event of a job-related injury or occupational illness, the following guidelines shall apply:

1. If an employee is injured on the job, he or she should complete an Accident Report within 24 hours of an accident, except under extraordinary circumstances. A copy of the Accident Report should be forwarded to the Personnel Department immediately.
2. To ensure proper treatment, employees who are injured on the job and require immediate medical attention should be referred to the city's occupational medical provider.
3. Employees who miss work as a result of a work-related injury shall be responsible for keeping their supervisor apprised of their recovering status and an expected return to work date.
4. Any documents received by the employee related to a work-related injury should be forwarded immediately to the Personnel Department.

**Section 8.17 – Temporary Light Duty.** During those situations where, as a result of an illness, injury or other condition, an employee may be limited to the type of work they can perform, there may be temporary light-duty on a full or part-time basis under the following conditions:

1. Any employee desiring to be considered for temporary light duty must have an attending physician's statement specifically outlining the conditions and limitations placed on the duties the employee can perform. In addition, the statement should also include an estimated length of time in which the limitations will continue.
2. A physician may be appointed by the City to examine the employee. If the physician concurs with the limitations placed on the employee, the City will then ascertain if it has temporary light duty work available.
3. Light duty work shall be assigned only within the employee's department and only if in the opinion of the Department Head such work is available and of value to the City.
4. All temporary light duty must be approved by the City Manager upon recommendation by the Department Head and the Personnel Officer.

This policy does not obligate or require the City to provide an employee with light duty. It merely provides a framework within which a determination can be made on whether or not an employee would be eligible for temporary light duty work.

**Section 8.18 - Other Absence.** Employees who are going to be absent from work on a non-scheduled basis shall notify their immediate supervisor at least thirty (30) minutes prior to the start of the normally scheduled work period. Any unauthorized absence shall be without pay, as allowed by law, and may result in suspension, termination, or other disciplinary action. An employee who is absent without leave for three (3) consecutive

working days will be considered as having voluntarily resigned, in accordance with other applicable state and federal laws.

## **ARTICLE 9 – ALLOWANCES**

**Section 9.1 - Car Allowance.** Whenever a City employee uses his or her private automobile in the conduct of official City business, the employee shall receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance. Such use must be authorized in advance by completing a Mileage Reimbursement Form which must be signed by the Department Head and the City Manager before being forwarded to the Finance Department. City owned vehicles may not be driven home without previous authorization and may not be used for personal business unless otherwise exempted in writing by the City Manager. Use of all City owned vehicles shall be according to rules approved by the City Manager under Administrative Policies and Procedures. It will remain the employee's responsibility to comply with reporting requirements of various state and federal regulating agencies, including the IRS.

Employees who drive a City vehicle must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and maintain the security of the vehicle and its contents.

Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or other impairments.

**Section 9.2 - Uniform Allowance.** Any non-bargaining unit officer of the Safety Department assigned to plainclothes duty by the City Manager shall receive a uniform allowance as prescribed by Ordinance No. 2357 and as amended or superseded.

**Section 9.3 - Other Uniform Allowance.** The City Manager shall have the authority to make other uniform allowance arrangements when special circumstances warrant.

## **ARTICLE 10 - INSURANCE BENEFITS**

**Section 10.1 - Health, Vision and Dental Insurance.** - The City presently provides health and vision care insurance benefits for all probationary (except part-time probationary) and full-time employees as outlined in explanatory booklets available from the Personnel Officer. An optional dental program is also available to all full-time employees. Employees participating in the City's health and dental insurance program(s) are required to contribute towards the cost of the monthly premiums. The amount of the monthly deduction(s) will be determined by the City Manager, unless such amounts are specified in an applicable labor contract, and will be made from each paycheck to cover employee contributions. Eligible employees choosing to enroll are required to apply for entrance into the health insurance program by signing the appropriate enrollment card within 10 days of eligibility. The effective date of coverage under these plans for those who timely enroll will be the first day of employment. Employees choosing not to enroll in

the health insurance program are required to complete a waiver form and shall be entitled to compensation equal to 25% of the annual insurance premium which would have been paid by the City on behalf of the employee.

**Section 10.2 – Confidentiality.** The Health Insurance Portability and Accountability Act (HIPAA) requires that the City keep all employee personal health information, to include injury claims, medical exams, drug tests and other medical information confidential. In other words, only the City Manager and the Personnel Department shall have medical records/information on City employees.

**Section 10.3 - Continuation Coverage.** Under COBRA, employees and their spouses and dependent children have the opportunity for a temporary extension of group medical, dental, and or vision coverage (called “continuation coverage”) at group rates in certain instances where coverage would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law. Each person (employee, spouse, or dependent child) to whom this notice is addressed should take the time to read it carefully.

***If you are an employee*** of the City of Oakwood (the “City”) and are covered under the City’s group medical, dental, and/or vision plans (called the “plan”), you are a “qualified beneficiary” and have a right to choose continuation coverage if you lose your group coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part) (both called “qualifying events”).

***If you are the spouse*** of an employee covered by the plan, you are a “qualified beneficiary” and have the right to choose continuation coverage for yourself if you lose group coverage under the plan for any of the following four reasons (“qualifying events”):

1. The death of your spouse;
2. A termination of your spouse’s employment (for reasons other than gross misconduct) or a reduction in your spouse’s hours of employment;
3. A divorce or legal separation from your spouse, if you or your spouse tells the plan about the divorce or separation within 60 days after the official determination; or
4. Your spouse becoming entitled to Medicare.

***In the case of a dependent child*** of an employee covered by the plan, he or she is a “qualified beneficiary” and has the right to continuation coverage if group coverage under the plan is lost for any of the following five reasons (“qualifying events”):

1. The death of an employee parent;
2. The termination of an employee parent’s employment (for reasons other than gross misconduct) or a reduction in an employee parent’s hours of employment with the City;
3. The employee parent’s divorce or legal separation, if the employee, spouse, or child tells the plan about the divorce or separation within 60 days after the official determination;

4. The employee parent becoming entitled to Medicare; or
5. The dependent ceasing to be a “dependent child” under the plan, if the employee, spouse, or child tells the plan about the event within 60 days of when he or she ceases to be eligible.

***Separate right to elect.*** Each employee or family member who is eligible to choose continuation coverage in accordance with the above rules has a separate right to elect that coverage, even if other family members do not elect that coverage. However, an election form filed by one family member will apply to other family members if they do not make separate elections, and only the persons listed on that election form as being covered by continuation coverage will be covered.

***Additional dependent children.*** A child who is born or placed for adoption with a covered former employee during a period of continuation coverage is a “qualified beneficiary” who has the same rights to continuation coverage as a child born to the employee or placed for adoption with the employee before the employee’s qualifying event. Such children can be added for coverage subject to any late enrollment or preexisting condition rules that otherwise apply under the plan.

***Your responsibility to notify the plan.*** Under the law, the employee or a family member has the responsibility to inform the plan representative named at the end of this notice of: (i) a divorce, legal separation, or a child losing dependent status under the plan, or (ii) a determination that an employee, spouse, or dependent child has been determined to be disabled for Social Security purposes. You must provide this notice within 60 days of such an event. Failure to notify the plan representative in a timely manner of the event will result in the loss of the right to elect or extend continuation coverage, as applicable. An employee, spouse, or dependent child who has been determined to be disabled must notify the plan representative within 30 days of a final determination that he or she is no longer disabled. The City has the responsibility to notify the plan representative if the applicable event is the employee’s death, termination of employment or reduction in hours, or Medicare entitlement.

***When the plan will provide further notice of COBRA rights.*** When the plan representative is notified that a divorce, a legal separation, a child losing dependent status under the plan, the employee’s death, the employee’s termination of employment (other than for gross misconduct), or the employee’s reduction in hours has happened, the plan representative will, in turn, notify you that you have the right to choose continuation coverage. Under the law, you have at least 60 days from the date you would lose coverage because of one of the events described above to inform the plan representative that you want continuation coverage. ***If you do not choose continuation coverage, your group medical, dental, and/or vision coverage will end.***

***Type of continuation coverage available.*** If you choose medical, dental, and/or vision continuation coverage, the plan is required to give you coverage which, as of the time coverage is being provided, is identical to the medical, dental, and/or vision coverage provided at that time under the plan to similarly situated employees or family members.

**Maximum duration of coverage.** The law requires that you be afforded the opportunity to maintain continuation coverage for up to 3 years after the event which is the reason for the loss of coverage unless you lost group coverage because of a termination of employment (other than for gross misconduct) or reduction in hours of the applicable employee. In that case, the required continuation coverage period, for both the employee and any eligible family members of the employee, is up to 18 months.

**Multiple qualifying events.** The initial 18-month period (if it applies) may be extended for a spouse or dependent child (but not for an employee) for up to an additional 18 months if another event which would otherwise cause a loss of coverage for the spouse or dependent child (for example, a divorce, legal separation, death, or a dependent child ceasing to qualify as such) occurs during the initial 18-month period. However, the employee, spouse, or child must notify the plan representative of the divorce, legal separation, or dependent child ceasing to qualify as such within 60 days of when that event occurs, or the right to extend for the additional 18-month period is lost.

**Effect of Medicare entitlement before qualifying event.** The initial 18-month period (if it applies) also may be extended if the employee becomes entitled to retirement benefits before he or she has a termination of employment (other than for gross misconduct) or reduction in hours. In that case, the employee's spouse and dependent children who are entitled to continuation coverage (but not the employee) are eligible for a continuation period beginning with the termination of employment or reduction in hours and ending at the later of: (i) up to 18 months from the date of the termination of employment or reduction in hours, or (ii) up to 36 months from the date the employee becomes entitled to Medicare. The employee is only eligible for up to 18 months of continuation coverage after a termination of employment (other than for gross misconduct) or reduction in hours.

**Effect of qualifying for disability.** The initial 18-month period (if it applies) may also be extended for an individual (and for other persons in his or her family who are entitled to elect COBRA because of the same termination of employment or reduction in hours) for an additional 11 months if he or she is determined to be disabled as of any time within 60 days after the initial termination of employment or reduction in hours which causes the loss of coverage, but only if he or she notifies the plan representative of that determination within whichever is earlier: (i) 60 days after the determination is made, or (ii) the end of the 18-month period starting with the termination of employment or reduction in hours.

**Events causing continuation coverage to end early.** However, despite the above rules, your continuation coverage will be cut short and terminate for any of the following five reasons (whichever occurs first):

1. The City no longer provides group health coverage to any of its employees;
2. A required payment for your continuation coverage is not made on time;
3. You become covered (as an employee, a dependent, or otherwise) under another group health plan which does not contain any exclusion or limitation with respect to any pre-existing condition of yours (except for an exclusion or limitation which does not apply to you or is satisfied because of certain federal laws);
4. You become entitled to retirement benefits; or

5. You extended coverage for up to 29 months due to disability and there is a final determination that you (or the applicable family member who was disabled) are no longer disabled.

**Verification of eligibility.** The City reserves the right to verify eligibility for continuation coverage from time to time, and to terminate continuation coverage retroactively if it is determined that any person is not eligible or continuation coverage was obtained through a misrepresentation. If continuation coverage is canceled for these reasons, you will be responsible for re-paying any benefits provided for any person for whom you elected continuation coverage but who is not eligible for continuation coverage.

**Paying for coverage.** You do not have to show that you are insurable to choose continuation coverage. However, under the law, you generally will have to pay the full cost or premium for your continuation coverage including any portion of the cost or premium which is covered by the City for active employees and their families, plus a 2% administrative fee. (Persons who are covered for 29 months instead of 18 months because of disability must generally pay 150% of the cost or premium for the extra 11 months of coverage.)

**Individual conversion policy.** The law also says that, if your continuation coverage goes to the very end of the 18-month, 29-month, or 3-year continuation coverage period, whichever applies, you must be allowed to enroll in the individual conversion health policy then provided under the plan, if any then exists.

**For more information.** If you have any questions about continuation coverage, or if you have changed marital status, or, you or your spouse have changed addresses, please contact **the Personnel Officer**.

**Section 10.4 - Life and Accidental Death and Dismemberment Insurance.** Unless otherwise modified by an applicable labor contract, life insurance and accidental death and dismemberment insurance are provided to all probationary and full-time employees six (6) months after the date of hire, and may be provided at an earlier date upon direction from the City Manager in a written memorandum to the Personnel Officer and the Finance Director. The amounts of term life insurance provided to each employee will be determined by the City unless such amounts are designated in an applicable labor contract.

Should it be deemed appropriate, the City Manager may authorize the purchase of insurance for new employees which is equal in value to that currently provided for similar classifications.

**Section 10.5 - Death Benefits.** If an employee dies while in the employment of the City of Oakwood, the employee's spouse or beneficiaries may be entitled to certain benefits through the City of Oakwood, State of Ohio pension system and certain private groups or organizations. Survivors are encouraged to contact City representatives to ascertain what benefits are available.



Benefit privileges will vary depending on the department in which the employee worked. City representatives will be able to advise survivors what benefits are applicable and what if any benefits may be available in addition to the benefit package provided by the City. Listed below are those benefits available to departmental employees. In many cases, benefits are contingent upon an employee's years of service.

#### Department Heads and Office Staff

- Death benefits through the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F). (Benefits based on years of service.)
- Conversion of sick leave benefits are available for employees with 60 days or more of accrued sick leave consistent with the formula outlined under Section 8.9 of the Personnel Regulations.
- Term life insurance benefits available through policies provided and paid for by the City of Oakwood.

#### Public Works Personnel

- Death benefits through the Ohio Public Employees Retirement System (OPERS) (benefits based on years of service).
- Conversion of sick leave benefits are available for employees with 60 days or more of accrued sick leave consistent with the formula outlined under Section 8.9 of the Personnel Regulations.

#### Safety Department Personnel

- Death benefits through the Police and Fire Pension Fund (OP&F) (benefits based on years of service).
- Conversion of sick leave benefits are available for employees with 60 days or more of accrued sick leave consistent with the formula outlined under Section 8.9 of the Personnel Regulations.
- Life insurance benefits in the amount stipulated in labor contracts between the Oakwood FOP and OPBA, and the City of Oakwood.
- Dependents may be eligible for additional benefits through local, state or national police and fire organizations.

City staff is available to answer any questions regarding benefits to which the spouse or beneficiaries may be entitled. City staff will assist in any way we can to expedite the payment of monies to which the employee's spouse or beneficiaries may be entitled.

## **ARTICLE 11 - GENERAL BENEFITS**

**Section 11.1 – Employee Assistance Program.** The City of Oakwood recognizes that employees sometimes must cope with a wide range of problems that can interfere with job performance and productivity. To assist employees in doing so, the City has established an Employee Assistance Program (EAP) to provide employees with professional counseling services to help them deal with personal difficulties.

Employees who need counseling or other help in dealing with personal problems (including but not limited to alcoholism, drug abuse, financial, emotional, mental or family concerns) are encouraged to contact the EAP provider. There are no charges for visits to EAP counselors.

All inquiries to or contacts with EAP personnel are kept strictly confidential by that organization. No specific client information may be disclosed to the City, except that State Law requires the EAP provider to disclose an employee/client's intention to take someone's life or instances of child abuse.

In some instances, a supervisor may refer an employee to the EAP provider if the employee is experiencing performance or behavior problems that indicate such help may be needed. To the extent a problem is identified, the employee may be required to attend further counseling sessions until such time as the EAP provider releases the employee.

If the EAP provider recommends that specialized care or counseling beyond that available through this program is necessary, coverage for the cost of such extra services may be available through the City's health insurance program.

**Section 11.2 - Cafeteria Plan.** Regular full-time employees are eligible to participate through payroll deduction in a Section 125 Cafeteria Plan after completing six (6) months of employment. The Plan provides medical reimbursement and dependent care accounts in which employees can use pre-tax dollars to pay for qualified medical and dependent care expenses. The amounts set aside in the accounts are not subject to Federal income tax withholding. Additional information and enrollment forms are available through the Personnel Department.

**Section 11.3 – Deferred Compensation Plan.** Regular full-time and part-time employees may participate through payroll deduction in available deferred compensation plans which offer an array of investment and tax savings opportunities. Details may be obtained through the Personnel Department.

**Section 11.4 – Service Awards.** In order to formally recognize the faithful service of long-term employees, the City has a Service Award Program to commemorate certain longevity milestones. Awards are provided in 5-year increments and are presented during a biennial luncheon.

## **ARTICLE 12– SEPARATION**

**Section 12.1 – Resignation:** An employee may resign (as defined in Section 2.13) from the City in good standing at any time by addressing a letter of resignation to the City

Manager with a copy to his or her immediate Supervisor, Department Head and the Personnel Officer at least two (2) weeks prior to his or her departure. The City Manager may authorize the resignation of an employee with fewer than two (2) weeks' notice if there are justifiable reasons to waive this requirement. Department Heads should, except under extraordinary circumstances, provide the City Manager at least four (4) weeks notice prior to his or her departure.

Employees who comply with this provision will be entitled to receive payment for any unused accumulated vacation on the basis of one day's pay for each day of vacation so accumulated.

There shall be no compensation for sick leave accumulated by an employee who resigns from employment with the City.

On the last day of employment, the resigning employee shall be required to return all City issued equipment including "symbols of authority," uniforms, I.D. cards, keys, etc.

**Section 12.2 - Layoff/Recall:** Should a layoff or reduction in the work force of the City of Oakwood be necessary, that layoff or reduction shall occur in the manner described as follows.

The City Manager shall determine those classifications which shall be reduced in number. Such reduction will take place solely in those classifications as determined by the City Manager. Employees shall be laid off at the time and in the number specified by the City Manager in inverse order of seniority with the City but with that seniority ranking being modified by consideration given to past performance and overall work record. Within each impacted class, all part-time employees shall be laid off before probationary employees and all probationary employees before full-time employees who have completed their probationary period.

In situations involving a full-time or regular part-time employee, notice of layoff shall be given to the employee within reasonable time, generally at least five (5) working days before the effective date.

The name of individuals laid off in accordance with this section shall be placed on a recall eligibility list which shall be valid for a period of one year from the effective date of the layoff. Such recall eligibility list may be extended by the City Manager for an additional six (6) month period. The order of that list shall be in inverse order of the order in which the layoff occurred.

No vacation or sick leave benefits shall be accrued during a layoff.

Those employees who have been laid off shall be called back to work in the order as indicated on the recall eligibility list. Should an employee be unavailable to return to work in a period of time as deemed reasonable by the Personnel Officer, or refuse to return to work, that employee's name shall be removed from the re-employment eligibility list. Removal from the recall list terminates all job rights the employee may have. Employees who fail to keep a current home address on record with the Personnel Department will lose their recall rights.

**Section 12.3 – Reinstatement:** A non-probationary employee who resigns from the classified service of the City in good standing may be reinstated upon approval of the City Manager at any time within one year from the date of resignation. A probationary period may be required, and all individuals who return to the city in a position other than their original position are considered new hires.

All benefits to be provided to the employee will be agreed upon prior to reinstatement. A copy of the agreement, signed by the employee and the City Manager, will be placed in the employee's personnel file.

All employees being considered for reinstatement will be required to pass a physical examination and any other tests deemed appropriate by the City before reinstatement.

**Section 12.4 – Service Retirement.** All full-time, part-time, seasonal/temporary employees are required by State law to participate in either the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F). Employee contributions towards the retirement systems, vesting privileges and purchase of service credit are determined by the individual retirement systems. Those employees hired after March 31, 1986 are also required to contribute 1.45% of their earnings towards Medicare.

Any employee of the City of Oakwood eligible to retire and to receive retirement benefits under the applicable rules, regulations, and statutes of the State of Ohio may do so provided such retirement is in accordance with the rules of the Ohio Public Employees Retirement System or the Ohio Police and Fire Pension Fund, as applicable, and consistent with the City of Oakwood Personnel Rules and Regulations.

City vacation earned by an employee and unused shall be paid to the employee on the basis of one day's pay for each day of accumulated vacation.

Should an employee have sick leave accumulated in excess of sixty (60) days, that employee will be compensated on a ratio of one day's pay for each three (3) days of sick leave. If an employee hired on or before December 31, 2011 has accumulated one hundred twenty (120) days of sick leave or more, his or her beneficiary will be compensated at retirement or death at one day's pay for each two (2) days of sick leave on the same terms as outlined above, but in place of the formula outlined above. Such appropriate vacation conversion and sick leave conversion shall be paid at the time of retirement. If an employee hired after December 31, 2011, and who has accumulated sixty (60) days of sick leave or more, the employee, or his or her beneficiary, will be compensated at retirement or death at one day's pay for each three (3) days of accumulated sick leave.

Eligible employees who actually retire must file a resignation letter with the Personnel Officer at least four weeks prior to the actual effective date of the resignation, or else the City shall have the option of delaying payment of the vacation and/or sick leave conversion for up to thirty (30) days after the effective date of the resignation.

**Section 12.5 – Disability Retirement.** Any employee of the City who desires to apply for disability retirement through the Ohio Public Employees Retirement System, the Ohio Police and Fire Pension Fund, or any other retirement system which may be mandated by the state or federal government, may be required to submit to an examination by a physician advising the City.

Upon determination by a physician advising the City that the employee is permanently and totally incapable of performing the necessary functions of his classification, that employee, with the assistance of the City, shall immediately begin processing application forms for a disability retirement.

Upon confirmation by the State that an injury or illness qualifies the employee for a disability retirement, the employee shall notify the City Manager immediately by letter of his or her intent to resign. The employee may receive compensation for all unused sick leave of sixty (60) days or more, on a ratio of one day's pay or each three days of sick leave. If an employee has accumulated one hundred twenty (120) days of sick leave or more, his or her beneficiary will be compensated at retirement or death at one day's pay for each two (2) days of sick leave, on the same terms as outlined above, but in place of the formula outlined above.

Any vacation earned by an employee and unused shall be paid to that employee at the time of a disability retirement on the basis of one day's pay for each day of accumulated vacation.

**Section 12.6 – Position Requirements.** An employee who becomes unable to meet the physical, licensing or certificate requirements of his or her position may be terminated from employment upon recommendation from the Department Head and approval of the City Manager.

## **ARTICLE 13 – GENERAL CONDUCT**

**Section 13.1 – Citizen Relations.** The goodwill and confidence of our citizens is essential to effective government and providing quality services. Therefore, all city employees are to:

- Deal fairly and honestly with all citizens.
- Handle citizen requests promptly.
- Exercise tact, patience and courtesy at all times.
- Protect each citizen's right to privacy and confidentiality.
- Ensure that each citizen receives full value in every service the city provides.

### **Section 13.2 – Attendance, Absence and Tardiness.**

1. Except for illness or emergencies, employees not on authorized leave are expected to be at work each scheduled workday. Any employee who is unable to report to work shall inform his or her supervisor at least 30 minutes prior to his or her scheduled starting time, unless circumstances make such reporting

impossible.

2. Any employee who does not report to work as scheduled and fails to notify his or her supervisor of an absence prior to his or her scheduled starting time shall be considered on an unauthorized absence and subject to disciplinary action, up to and including discharge.
3. An employee who reports to work after his or her scheduled starting time, returns late from lunch, or leaves early without permission will be considered tardy. Any non-exempt employees who are tardy may be subject to a reduction in pay corresponding to the amount of work time he or she missed, unless the employee provides a written reason for the tardiness which is acceptable to his or her supervisor. If an employee develops a pattern of tardiness, the employee may be subject to disciplinary action.

**Section 13.3 – Inclement Weather.** There is no provision for snow or other inclement weather leave and employees are expected to make it into work regardless of weather conditions. If an employee concludes it is too dangerous to travel, a vacation or personal day may be used.

**Section 13.4 – Outside Employment.** An employee may engage in outside employment, including self-employment, as long as the particular employment does not interfere or conflict with the best interests of the City of Oakwood. All employees, including part-time employees, must obtain prior approval from their Department Head before any outside employment or other work is actually undertaken. Each such employee is required to advise his supervisor of such outside employment. Permission may be denied or rescinded for outside employment for any of the following reasons:

1. It requires the employee to be late or to leave early or otherwise interferes with work.
2. There would be a real or perceived conflict of interest.
3. It interferes with the employee's job performance.
4. Creates a potential risk of liability on the part of the City
5. It is inconsistent, incompatible or in conflict with the employee's duties in city service.
6. In any other way it results in a disadvantage to the City.

If an employee is granted permission to engage in some particular outside employment and it is determined by his or her supervisor that such employment is interfering with his or her City job, the employee will be required to resign immediately from the outside employment. Employees are not permitted to use City issued uniforms, equipment, or vehicles while engaged in outside employment.

**Section 13.5 – Political Activity.** City employees serve all residents equally. The political opinion or affiliations of any resident shall in no way affect the amount or quality of service received from the City.

A. Employees shall neither be appointed nor retained on the basis of their political activity. To avoid undue influence of employees on the outcome of Oakwood municipal elections and to avoid undue influence on elected officials or candidates for municipal office or employees, the following restrictions shall apply:

1. No City employee shall be required or coerced to take part in political campaigns to solicit funds, to levy, contribute or solicit funds, or to support the campaign of any candidate for municipal office.
2. No City employee may solicit or receive contributions for a candidate for municipal office, although said employee may make individual contributions to such a campaign.
3. No City employee may wear municipal election campaign buttons nor distribute campaign literature at work or in a City uniform or in City offices or buildings.

B. In elections other than the municipal elections of the City of Oakwood, a City employee may not:

1. Use the prestige of a City position for any partisan candidates; or allow such participation to adversely affect work performance.
2. Actively support a candidate while working for the City or while wearing a City uniform.

C. City employees shall abide by all applicable state laws and regulations governing political activity engaged in by public employees.

**Section 13.6 – Anti-Harassment:** The City of Oakwood prohibits harassment of any kind of its employees. Such conduct may result in disciplinary action up to and including dismissal or other action as appropriate.

Harassment is a concern for everyone and maintaining a harassment-free workplace is everyone's responsibility. The city has a responsibility and legal obligation to ensure employees are not exposed to harassment in the workplace.

Department Heads and supervisors are responsible for ensuring a harassment-free workplace. This includes taking appropriate preventative action and ending any harassment of which they are aware.

Employees also have a responsibility to create and support a workplace that is free of harassment by complying with this policy and by ensuring their behavior meets acceptable standards. Employees who believe they have been harassed should immediately contact a supervisor.

Examples of harassment include, but are not limited to: unwelcome jokes, remarks, innuendos or taunts; display of objectionable material or pictures; unwelcome sexual advances, inquiries or comments about a person's sex life; inappropriate touching; threats, bullying and coercion; verbal or physical assault; malicious gestures or actions; or stalking.

The city will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking corrective action.

Retaliation is strictly prohibited against anyone who has reported harassment, filed a complaint, or participated in an investigation. Any signs of retaliation should be reported immediately to a supervisor. Retaliation conduct will be grounds for disciplinary action, up to and including discharge.

**Section 13.7 – Smoking Policy:** Medical evidence clearly shows that smoking is harmful to the health of smokers. In sufficient concentrations, secondhand smoke may be harmful to those with heart or lung disease. Therefore, this policy is designed to comply with State law by adopting regulations designed to protect the health of all employees as well as citizens visiting or using city owned, rented or leased facilities.

1. Smoking is prohibited in all areas of buildings owned, leased or rented by the City and used for any operations of the City. Further, employees who choose to smoke outdoors may not smoke near building entryways.
2. Smoking is prohibited in all city owned or leased vehicles.
3. Employees are expected to conduct their dealings with the public in a courteous and professional manner. As such, they are expected to refrain from smoking when dealing in an official capacity with a member of the public.

Employees violating the smoking policy will be subject to progressive discipline.

**Section 13.8 – Standards of Dress and Grooming:** Employees are expected at all times to present a professional image to the public. In order to project an appropriate public image, employees shall wear proper attire and have an appropriate, well-groomed appearance. At its discretion, the City may allow employees to dress in a more casual fashion than is normally required. Such deviations from normal dress standards shall be at the discretion of the City Manager and shall indicate appropriate standards.

Tattoos and body piercing, other than earrings worn in ears, shall not be visible and are unacceptable.

Those employees issued uniforms by the City shall keep the uniforms neat, clean and mended. City issued uniforms shall not be altered in any manner and may only be worn at work and while an employee is traveling to and/or from work, and shall be returned to the city at the end of their useful life or when no longer needed by the employee for the performance of his or her duties.



**Section 13.9 – Travel Policy:** The following regulations shall apply to all City employees attending training programs, meetings, seminars or conferences related to their job duties and paid for by the City.

Employees traveling at City expense are expected to exercise the same care in incurring expenses that a prudent person would exercise traveling on personal business and expending personal funds. Excess costs, circuitous travel routes, luxury accommodations and unnecessary services are not acceptable and employees will be held responsible for costs and additional expenses incurred for personal preference or convenience.

**Policies and Procedures:**

1. Attendance at meetings, conferences, seminars and training programs which require expenses covered by this policy must be approved in advance by the Department Head and/or the City Manager.
2. Except as authorized in advance by the City Manager, City vehicles shall be used for all travel within the State of Ohio or within three (3) hours driving distance from Dayton. No employee may use his or her personal vehicle for City related travel unless approved in advance by the Department Head. Reimbursement for mileage will be at the rate provided for under Section 9.1 of the Personnel Regulations.
3. A municipal credit card or direct billing to the city should be used for all conference registrations and travel-related expenses. Unless authorized in advance by a department head, personal credit cards should not be used for conference or travel expenses, except under exigent circumstances.
4. Employees attending the same event should arrange carpooling, if practicable.
5. Those employees who are traveling by air shall seek the best fare and routing for the destination. Any frequent flyer miles or other benefits earned by the employee while traveling on City business may not be used by the employee for personal benefit.
6. Lodging expenses will be based on what are normal and reasonable costs for the area. Proximity to the conference, seminar, training or meeting area will be taken into account. When reserving lodging accommodations for overnight travel, employees shall request government rates if offered by the hotel, assuming the government rate is lower than any other available rate.
7. Reimbursement of meal expenses will be based on what are normal and reasonable costs for the area. Employees are required to retain and submit receipts for all meals. Reimbursement of tips will be limited to 15% of the total meal cost. The City will not reimburse employees for the cost of alcoholic beverages.

8. Unless otherwise approved by the City Manager, reimbursement for cab fares and other miscellaneous travel related expenses shall only be provided if the employee submits a valid receipt.
9. The City will not reimburse an employee for any entertainment related expenses unless they are shown to provide a benefit to the City and approved in advance by the City Manager.
10. The City will not reimburse an employee for any travel, meal, lodging or entertainment related expenses incurred by a guest traveling with the employee.
11. While traveling out of town on City business, the City will **pay for or** reimburse the employee for one (1) personal call home per day.
12. Except under extraordinary circumstances approved in advance by the City Manager, all reimbursement requests must be submitted to the Department Head and City Manager for approval and to the finance office for processing within five (5) days of an employee's return to work. Employees shall use the City's Expense Reimbursement Form and attach all receipts to the form.

**Section 13.10 – Computer, Email and Internet Use.** The city provides electronic mail (e-mail) and Internet access capabilities to selected employees at city expense to further city business.

The purpose of this policy is to establish a framework for the proper use of city-owned computers, e-mail and the Internet. The regulations outlined herein apply to all city employees who use city-provided equipment and Internet services. Any employee who violates this policy will be subject to appropriate disciplinary action up to and including termination.

1. Use of computers and Internet services must be supportive of organizational objectives and be consistent with the mission of the city of Oakwood.
2. Users must abide by copyright, contract, and other local, state or federal laws and policies governing the use of Internet services. Employees should not duplicate or download any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property.
3. Computers and the Internet should be used to accomplish job responsibilities more efficiently and for business and work-related purposes only. Incidental and occasional personal use of e-mail and Internet access is permitted subject to the same policies, procedures and legal considerations that apply to any business-related e-mail and Internet use. Incidental and occasional personal use of e-mail and the Internet should occur on employee time such as work breaks or during lunch so as to avoid distraction or disruption of normal work activities. Personal use of e-mail and the Internet should likewise be very limited. The Internet may not be used for personal gain or profit or for any commercial activity. Use of city resources for illegal activity is grounds for immediate dismissal.

4. Resources of any kind, for which there is a fee, may not be accessed or downloaded without prior authorization.
5. Employees should have no expectation of privacy in both sending and receiving electronic messages and information on the Internet. Most, if not all electronic messages are subject to the Ohio Public Records Act. If you desire to transmit confidential information, do not use the Internet or E-mail.
6. This policy prohibits the use of e-mail or the Internet for sexually, racially, or ethnically offensive purposes or for comments, jokes, slurs, disparagement of, or threats to others. This policy specifically prohibits the use of computers (including Internet access) and the e-mail system in ways that are disruptive, offensive to others or harmful to morale, including sexually explicit messages, images and cartoons, ethnic slurs, racial comments, off-color jokes or anything that could be construed as harassment or shows disrespect for others, defames or slanders others, or otherwise harms another person or business.
7. Employees may not access the Internet to log onto any Web sites that contain any material, including any pornographic Web site, or any Web site that contains any discriminatory message, or disparages any group. Employees may not use computers or the e-mail system for commercial messages of any kind or for messages of a religious or political nature, chain letters, solicitations, gambling or other inappropriate usage. E-mail and Internet access should be used in such a way that all transmissions, whether internal or external, are accurate, appropriate, ethical and lawful.
8. Employees are prohibited from creating personal social media accounts with city names or logos unless otherwise approved in advance by the city manager. Social media can take many different forms, including, but not limited to: Internet forums, weblogs, social blogs, microblogging, wikis, podcasts, pictures, video and social bookmarking.
9. No employee may install any unauthorized equipment or programs which circumvent the city's security systems.
10. The city reserves the right to retrieve, read, distribute, duplicate, delete, recover or otherwise utilize the contents of any data or E-mail generated or stored on city-owned equipment. No person should expect that any message or its contents, or any record of use, whether for city business or a prohibited use, will be private, even when a personal password is used.
11. Department Heads, or their designated representatives, are responsible for enforcing the City's Computer, E-mail and Internet Use Policy.

Failure to abide by these regulations may result in termination of access to the Internet and e-mail system and may also result in disciplinary or legal actions as deemed appropriate by the city.

**Section 13.11 – Cellular Phone Use.** Cellular phones are provided to enable selected City employees to transact City business in the most efficient and cost-effective method possible. In general, cellular phones are to be used only when other more conventional means of communication are not readily available.

1. The assignment of a cellular phone to an employee shall be determined by the City Manager upon recommendation of a Department Head and such assignment may be withdrawn at any time.
2. Cellular phones are to be used in the conduct of official City business. However, the City recognizes that there may be instances where de minimis personal use of a cellular phone is appropriate. In those instances, the use of a City-issued cellular phone must be kept to a minimum and must not interfere with the conduct of City business.
3. All City-issued cellular phones remain the property of the City of Oakwood.
4. All users shall receive training in the proper use of a cellular phone.
5. Cellular phones lost or damaged through employee negligence shall be replaced or repaired at the expense of the employee.
6. The use of cellular phones to transmit or receive inappropriate communications is strictly prohibited and may result in disciplinary action. Inappropriate communications include, but are not limited to: discriminatory, hostile, obscene, harassing or otherwise inappropriate language and content.
7. By reviewing monthly schedules of cellular phone activity, Department Heads shall be responsible for making sure that cellular phones are being used in a manner consistent with this policy.
8. All city employees are expected to drive with safety as the first consideration. This includes driving safely while operating cellular telephones. Recommendations for safe handling of vehicle – based calling from the wireless connections industry include the following:
  - A. When driving, use voice-activated dialing, or have frequently called number pre-programmed into the device, or consider pulling off the road to dial (or ask a passenger to dial).
  - B. Do not use the wireless communication device at all if there are hazardous road or traffic conditions.
  - C. Avoid multiple tasks while driving, such as trying to take notes while using a wireless communications device.

9. Failure to comply with the provisions outlined herein may result in the temporary or permanent suspension of cellular phone privileges, or other appropriate disciplinary action.

**Section 13.12 – Confidentiality of Business Information.** Certain city employees may receive and have access to personal information regarding taxpayers, employees and officials that may be of a confidential or private nature. Employees are obligated to keep this information confidential at all times. This obligation exists during employment and continues indefinitely after employment with the city ends.

**Section 13.13 – Security.** City employees are issued keys, security combinations and passwords at the discretion of their department head. Accordingly, it is an employee's responsibility to safeguard such items and information and to secure city property. If an employee compromises the security of city property at any time, the employee shall immediately notify his/her department head.

**13.14 – Work Area.** Every employee is expected to maintain his/her workspace in a clean and neat manner. Confidential work should be protected as appropriate.

**13.15 – Auditor of State's Fraud Reporting System.** The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or through the United States mail.

**Auditor of State's Fraud Contact Information:**

Telephone: 1-866-FRAUD OH (1-866-372-8364)  
U.S. Mail Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)

**ARTICLE 14 - PERSONNEL FILES AND REFERENCES**

**Section 14.1 – Personnel Files.** The Personnel Officer shall create and maintain a personnel file for each full-time and regular part-time employee of the City. Such a file shall include the original application and the notice of appointment in addition to other information that may be pertinent. Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees in their department.

Any employee of the City may review their personnel file during normal working hours upon sufficient notice to and permission from the Personnel Officer. The Personnel Officer shall determine the location in which the file may be reviewed. Employees may copy, but not remove, documents in the file. Once an employee has finished reviewing their file, they must return it to either the Personnel Officer or his or her designated

representative. Under no circumstances may an employee remove their personnel file from the premises.

As provided for under the Ohio Public Records Act, all public requests for access to personnel files shall be made through the Personnel Department. Any person or persons wishing to access a personnel file should complete a Personnel File Request Form. No personnel file shall be made available to the public without the prior approval of the Personnel Officer or his or her designate. Anyone requesting a copy of information from an employee's personnel file shall be charged the City's current copying rate. An employee whose file is made available to a member of the public will be notified in writing of such request.

**Section 14.2 – Change of Personal Information.** Employees are responsible for keeping their personnel records up-to-date by notifying the Personnel and Finance Departments in writing of any personal information change. Failure to do so may delay or have adverse impact on the timely receipt of correspondence being mailed and insurance coverages.

**Section 14.3 – References.** Except as otherwise required by law, the City has a neutral reference policy concerning employment reference inquiries. Anyone requesting information pertaining to a present or former employee will be told only: 1.) the dates of employment; and 2.) position(s) held.

## **ARTICLE 15 - SAFETY AND SECURITY POLICY**

It is the policy of the City of Oakwood to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements established by the City or by Federal, State or Local regulations.

### **Section 15.1 - Job Performance.**

1. Each employee of the City will be responsible for performing his or her job in a safe and efficient manner. Employees will be issued and are required to wear appropriate safety devices when performing duties where the wearing of such safety apparel is required.
2. Employees who are aware of unsafe equipment or operating conditions must immediately report such conditions to their supervisors. Upon notification, the supervisor shall immediately, or as soon as practical, take action to correct the unsafe equipment or condition.
3. Employees who are on medication for treatment of an illness or health condition are required to report to their supervisor any potential side effects of such medication which may present an unsafe condition for the employee, for other City employees, or for the public.

4. When violations of safety policies occur, corrective action shall be immediate. Investigations into incidents or injuries shall be conducted immediately, or as soon as reasonably possible, by authorized personnel. Disciplinary action shall be warranted when an employee: causes injury to himself or herself or others; destroys or damages equipment; traffic regulations are violated, or by a demonstration of an attitude of indifference regarding safety.

**Section 15.2 - Seat Belt Requirements.** All employees operating or serving as passengers in City vehicles will be required to wear occupant restraining devices available in those vehicles. No City vehicle (except for refuse scooters which are classified as motorcycles) is exempt from this rule unless the vehicle does not presently contain occupant restraining devices.

**Section 15.3 – Motor Vehicle Accident Reporting.** Any employee operating a City vehicle or personal vehicle in the conduct of City business must report all accidents, property damage, or liability claims to his or her supervisor. Failure to report such accidents may result in disciplinary action.

Within 24 hours of the accident, the employee shall complete an accident report on the approved form and submit it to their supervisor, who in turn shall submit it to the Personnel Department.

Any employee involved in an accident shall cooperate with law enforcement officials and render assistance to others, if able or needed. Employees are not permitted to discuss an accident with any third parties other than law enforcement officers, nor are they permitted to admit fault or negligence or sign statements or releases of any kind.

**Section 15.4 – Use of City Vehicles.** Use of City vehicles obligates an employee to adhere strictly to State and Local traffic laws. Violations of any traffic law by a City employee while operating a City vehicle are subject to disciplinary action in addition to any fines or court costs arising from the improper use of the vehicle.

**Section 15.5 – Identification Cards.** All full-time and regular part-time city employees shall be issued identification cards. For those employees working in the Safety/City Building on Park Avenue, these cards must be used to gain entry to the building and into certain restricted areas.

Employees are responsible for maintaining their identification card, and must immediately notify their supervisor if a card is lost or stolen. Those employees working at the Safety/City Building shall be entitled to one replacement card per calendar year. Employees receiving more than one replacement card per year will be charged a fee.

## **ARTICLE 16 – TRAINING AND DEVELOPMENT**

**Section 16.1 - Training.** It is the policy of the City of Oakwood to provide for the necessary training of all employees on a planned and continual basis taking into consideration individual and organizational needs as well as budgetary constraints. Training programs and seminars are designed to provide growth and development

opportunities for professional, administrative and technical skill enhancement with the goal of improving productivity and the quality of an employee's work performance.

Department Heads shall be responsible for the training of employees in their departments. Employees must be given fair and equitable consideration for training without regard to race, color, religion, sex, sexual orientation, national origin, age or handicap.

When an employee is selected for training, a Department Head must complete an Employee Training Authorization Form to assure that the training is consistent with the goals and objectives of the City and that sufficient funds are available for the training. The Personnel Officer will then evaluate the request and promptly advise the Department Head on the status of the training request.

**Section 16.2 – Training Reimbursement Agreements.** From time to time employees are expected to attend training programs or seminars (as recommended by their Department Head and approved by the City Manager) of such duration and cost as to represent a significant investment by the City. These programs and seminars may include those necessary to obtain certification in a job function. In consideration of the funds expended by the City for such training, an employee may be required to sign an agreement under which the employee must reimburse the City for its expenditure if he or she resigns or retires within a specified time period.

The City Manager will determine any exceptions to this reimbursement rule. Among the criteria used in evaluating whether an employee will be exempted from completing a Reimbursement Agreement will be:

1. the cost of the training or seminar;
2. direct benefit of the training to the City;
3. longevity of the employee; and
4. meritorious service.

When the employee is required to complete a Reimbursement Agreement, the repayment to the City (if the employee leaves within the specified period of time) will be on a prorated basis based upon the date of termination of employment.

**Section 16.3 – Professional Societies.** Subject to the availability of funds and approval of the City Manager, the city will pay the annual dues and training expenses to technical and professional organizations for full-time employees when participation has been requested by the city.

## **ARTICLE 17 - CODE OF ETHICS**

The nature of Local government requires that appointed officials and employees serve for the benefit of the public. In recognition of this objective, the following ethical standards



shall govern the conduct of all such appointed officials and employees of the City of Oakwood, who shall:

1. Support and uphold the Constitution of the United States and the Constitution of Ohio; and, to carry out impartially the laws of the Nation and the State; and, enforce the provisions of the City Charter and Ordinances of the City of Oakwood;
2. Observe in their official acts the highest standards of morality and integrity and to discharge faithfully the duties of their office regardless of personal consideration;
3. Refrain from using City-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such services are available to the general public; and otherwise allowed in accordance with city regulations;
4. Refrain from granting special favors, consideration, treatment or other advantages to any citizens which are beyond those available to every other citizen;
5. Refrain from engaging in or accepting private equipment or rendering services for private interests when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties;
6. Refrain from using confidential information without proper legal authorization gained from the discharge of their public duties;
7. Refrain from accepting personal gifts, whether in the form of service, loan, thing, or promise, from any person, firm, organization or corporation which would tend to influence them or which might be perceived by others as an attempt to influence them in the discharge of their duties;
8. Refrain from appearing on behalf of private interests before any agency of the City and refrain from accepting any retainer of compensation that is contingent upon a specific action by a City agency;
9. Make known any substantial or controlling financial interest in any business entity, transaction, or contract with the City, or in the sale of real estate, materials, supplies, or services to the City in which they may be called to act in their official capacity.
10. Observe ethical standards set forth by the State of Ohio.

Any conflict or potential conflict of interest must be disclosed.

The violation of any provision of this Code as stated herein may constitute grounds for disciplinary action up to and including discharge.

## **ARTICLE 18 - SUBSTANCE ABUSE AND PHYSICAL EXAMINATION**

**Section 18.1 – Prohibitions and Requirements.** Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent to provide a work environment that is free from the effects of drug and alcohol abuse.

The manufacture, distribution, sale, possession, transfer, use or being under the influence of illegal drugs, controlled substances, narcotics, or alcohol during work time or on City premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including discharge, and may have legal consequences.

The city recognizes that the maintenance of a drug-free workplace is essential to the safety and welfare of employees. Normal use of prescription medication is not grounds for disciplinary action. An employee shall report to his or her supervisor any usage of over-the-counter or prescribed medication if the use might impair his or her ability to perform duties safely and effectively.

Employees must, as a condition of employment, abide by the terms of this policy and report any charge or conviction(s) for alcohol or drug offences occurring on or off duty. A report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988).

**Section 18.2 – Right to Search.** The City reserves the right to search all areas and property it fully controls or jointly controls with an employee. A search warrant may be obtained if it becomes necessary to search areas beyond the City's immediate control.

**Section 18.3 – Commercial Driver's License.** If your job requires a Commercial Driver's License (CDL), by law, you may be subjected to random drug and alcohol testing. If you are called for testing, you may not refuse to take the test. If you test positive for drugs or alcohol, you will be referred to a Substance Abuse Professional for treatment and will not be subject to discipline unless you fail to follow the Professional's treatment plan. If you have tested positive, you must enter into a Return-To-Work Agreement with the City, detailing the circumstances of your continuing employment with the City.

**Section 18.4 – Employee Assistance Program.** This city recognizes that personal and emotional problems, including, but not limited to alcoholism, drug abuse, marital and family difficulties, stress, anxiety, depression and other nervous and mental disorders, may affect any employee, and can contribute to declining job performance. In an effort to enhance the personal well-being of employees, the city has contracted with a local provider for counseling services. Employees needing help in dealing with personal and emotional problems are encouraged to seek out an EAP counselor for assistance and appropriate referral where necessary.

**Section 18.5 – Return to Duty Testing.** Any employee who is abusing drugs or alcohol may request a leave of absence under Article 8 herein to undertake rehabilitation

treatment. The employee will not be permitted to return to work until certification is presented to the Personnel Officer that the employee is capable of performing his or her job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other City policies.

**Section 18.6 – Physical Examinations.** Following a conditional offer of employment, an applicant may be required to take a physical exam to determine fitness to perform the essential functions of the position. Examinations may be required during employment if the city has reason to believe the employee is unable to perform the essential functions of the job; if the employee requests an accommodation; or if the city has reason to believe the employee may be a threat to himself or others.

## **ARTICLE 19 – WEAPONS AND VIOLENCE IN THE WORKPLACE**

**Section 19.1 - Weapons.** It is unlawful and against City policy for any person to carry a firearm into any building owned, leased, occupied, or controlled by the City. This prohibition applies to all firearms, whether concealed or unconcealed, licensed or unlicensed. This prohibition does not apply, however, to public safety officers or other persons authorized under state law and written consent of the City Manager.

Further, if an employee wishes to bring a properly licensed concealed firearm onto public property, the employee must notify his or her Department Head in advance. A license-holder (employee) who brings a handgun onto City property, such as a City parking lot, must leave the handgun in his or her own locked vehicle, either locked in a glove compartment, locked in the trunk, or locked inside a gun case. Such firearm may not be stored in a government owned or leased building, or a city-owned vehicle.

No employee may have in his or her possession an illegal weapon of any kind while acting within the scope of employment.

**Section 19.2 - Violence in the Workplace.** The City will not tolerate any acts of violence to either persons or property. An act of violence will be dealt with promptly utilizing administrative, managerial, and legal disciplinary actions to minimize risk to employees, citizens and property.

Aggressive or violent behavior will not be tolerated. Some examples of such behavior are: swearing at others; spreading harmful rumors; threatening others; damaging City property; vandalizing facilities; attacking or assaulting others; arson; sexual assault, etc.

If you witness an aggressive or violent act, you must report the incident promptly to a supervisor. All threats and aggressive incidents will be taken seriously and promptly investigated.

For the safety of co-workers, employees should make their supervisor aware of potential threatening or violent situations occurring in his or her personal life that may become problematic for the safety and security of the workplace.

Department Heads and supervisors are to ensure that any form of threat be immediately confronted, then documented and assessed. The City Manager and Personnel Officer

are to be informed immediately of any threats that have been made and the response that was taken.

There is confidential professional assistance available through the Employee Assistance Program (EAP). The program provides advice, assessments, and case review to help management develop intervention strategies and make decisions that will prevent violent incidents from occurring. The program can refer to outside professional agencies which can provide evaluations, diagnosis, and treatment plans.

Employees are responsible for reporting to their Department Head any threatening or dangerous situations occurring within the workplace.