



**CITY OF PATASKALA
LICKING COUNTY, OHIO**

**EMPLOYEE HANDBOOK
& POLICY MANUAL**

ORDINANCE NO. 2016-4254



*Office of the
City Administrator*

Benjamin J. King
Administrator

April 26, 2016

Dear Employee,

Transmitted herewith is an updated edition of the City of Pataskala *Employee Handbook & Policy Manual*. The regulations contained herein are designed to provide you with general information as it pertains to various aspects of your employment with the City. These regulations and policies are not intended to be all 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, the Finance Director or myself.

It is your responsibility, as an employee, to be familiar with the regulations. 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 Administrator, 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 ordinance or Charter provisions shall supersede these regulations. In all other cases, these policies shall apply.

If after reviewing the regulations you have any questions, please let us know.

Sincerely,

Benjamin J. King
City Administrator

James M. Nicholson
Finance Director

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Article I INTRODUCTION

Section 1.01 Purpose and Coverage

- (a) The purpose of this Employee Handbook is to set forth personnel policies for the employees of the City of Pataskala. Many of the rights and responsibilities outlined in this Handbook are based on provisions contained in the Ohio Revised Code. When a direct conflict exists between a collective bargaining agreement, or Federal and State law and these policies, such agreement or Federal and State laws shall prevail.
- (b) The City cannot foresee all personnel issues and concerns that may arise. The City of Pataskala reserves the right, to revise, modify, amend, or delete any policy, procedure, benefit, or regulation when necessary. An amendment affects only the specific policy it modifies and does not affect the enforceability of the remainder of this Employee Handbook.
- (c) The City intends for all departments and personnel to adhere to this Employee Handbook in a consistent and uniform manner. Nothing contained in these rules shall prohibit the promulgation of department work rules, standing orders, general orders, or other instructions, whether written or oral. Departments may implement a policy supplement with regard to work rules, policies and procedures which do not conflict with the provisions of this Employee Handbook, and which may be necessary due to the unique nature of the individual office or department, so long as such supplement is approved by the Administrator, or the Mayor in the case of the Police Department.
- (d) Words contained within the Employee Handbook, whether in the masculine or feminine gender, shall be construed to include both genders. The use of the masculine or feminine gender is for convenience only and is not to be construed as discriminatory by reason of sex.
- (e) Employees are expected to read, understand, and comply with the guidelines set forth in this handbook.
- (f) The City has the power to hire, compensate, discipline and discharge employees. The City adheres to the doctrine of employment “at will”, unless or except as modified by applicable statute. Employment with the City is not offered, contracted, or promised for any specific length of time. Employees voluntarily enter into the employment relationship, and are free to terminate their employment at any time – with or without reason. Just as employees are free to terminate their employment at any time with or without a reason, the City reserves the same right, on the same basis, to terminate their employment.
- (g) Should any provision in this employee handbook be found to be unenforceable and invalid, such a finding does not invalidate the entire employee handbook, but only the subject provision. Nothing in this handbook is intended to infringe upon employee rights under Section Seven (7) of the National Labor Relations Act (NLRA) or be incompatible with the NLRA.
- (h) The provisions of these regulations are declared to be severable. If any rule, section, sentence, clause or word of these regulations is held to be invalid or unenforceable, that decision shall not affect the validity of the remaining regulations. All other rules shall remain in full force and effect.
- (i) **THE PROVISIONS OF THIS HANDBOOK ARE NOT TO BE INTERPRETED AS A PROMISE OF CONTINUED EMPLOYMENT, A GUARANTEE OF INSTITUTIONAL DUE PROCESS, OR A COMMITMENT TO EXISTING OR PREVAILING**

COMPENSATION. THE POLICIES ARE SUBJECT TO CHANGE AT THE DISCRETION OF THE CITY ADMINISTRATOR AND COUNCIL.

Section 1.02 Effective Date of this Handbook

- (a) This handbook replaces all prior effective human resource policies, practices, verbal communications, and written memos that may have been issued on the subjects herein.

Article II GENERAL PROVISIONS

Section 2.01 Equal Employment Opportunity

- (a) The City is an equal opportunity employer. It is the City's policy to make all employment decisions without regard to a person's creed, political affiliation, race, color, religion, national origin, disability, age, gender, military veteran or disabled veteran, and all other categories protected by Federal and state, laws. No appointing authority, supervisor or other employee may discriminate against a person with respect to the terms and conditions of employment.
- (b) All City employees shall be treated fairly and equitably based upon the person's merit, fitness, and occupational qualifications.
- (c) The "Complaints," "Retaliation," and "False Complaints" sections of the City Harassment Free workplace policy set forth in Article III of this document shall apply with equal force and effect to the City Equal Employment Opportunity policy.

Section 2.02 Americans with Disabilities Act (ADA)

- (a) The Americans with Disabilities Act (ADA), 42 U.S.C. ** 12101 et seq. prohibits discrimination in hiring, promotions, transfers or any other benefits or privilege of employment of any qualified individual with a disability. To be considered a qualified individual, the employee must satisfy the required skills, experience, education, and other job-related requirements of the position held or desired and must be able to perform the essential functions of the position, with or without a reasonable accommodation. The City shall reasonably accommodate a qualified employee with a disability unless the accommodation would pose an undue hardship to the City. Decisions as to whether an accommodation is reasonable shall be made on a case-by-case basis. Employees who believe they are in need of a reasonable accommodation are responsible for making their supervisor aware of this need.
- (b) The "Complaints," "Retaliation" and "False Complaints" sections of the City's Harassment Free Workplace policy, as set forth in Article III of this document, shall apply with equal force and effect to this ADA policy.

Section 2.03 Organizational Structure

- (a) For all organizations it is necessary to establish a framework of the organizational structure and define the necessary hierarchy of authority. The City personnel structure includes positions which are created by the City Charter, and positions which are created by City Council.
- (b) The City Administrator shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided in the Charter. The Department of Police Services shall be under the general direction and supervision of the Mayor. The Administrator and/or designated representative will appoint persons to fill vacancies which occur as a result of death, resignation, removal, or disability of any officer, supervisor, or employee in any department, except for those enumerated above. For further information relative to Administrative Departments and employees of the City, please refer to Article VI of the Charter.

- (c) The Organizational Chart of the City (Appendix B) illustrates the structure of the organization and defines the lines of authority of the City.

Section 2.04 Weather Emergencies / Dismissal From Work

- (a) The City Administrator is responsible for determining if a weather emergency exists, and if employees must report to work as scheduled. Emergency and other essential employees may be required to report to work, even when a weather emergency has been declared
- (b) In the event employees are discharged early, or directed not to report, employees will be required to use paid leave (e.g., comp time, vacation, etc.) in order to be paid for those unworked hours.
- (c) In the event of extreme weather conditions (e.g. Licking County Level 3 snow emergency), the City Administrator may order non-emergency and other non-essential employees not to report as scheduled, and may direct the Finance Director to pay such employees as if they had reported to work. Emergency and other essential employees, who report to work as scheduled during the emergency declaration, will not be entitled to any additional compensation for their hours worked during the emergency.

Section 2.05 Confidentiality of Information

- (a) All personal information, personal identifying information, account applications and account information collected of vendors, citizens, or employees associated with the City shall be confidential record of the City, and shall not be subject to disclosure unless otherwise required by the State of Ohio or Federal Law. Additionally, any employee with access to private and confidential information, account applications, or account information shall be required to execute and abide by a confidentiality and non-disclosure statement of the City (see Appendix C - *Use of Confidential Information by Employee Disclosure Statement*).

Section 2.06 Solicitation and Distribution Policy

- (a) It is the policy of the City to prohibit solicitation and the distribution of literature on its premises by non-employees, and to permit solicitation and the distribution of literature by employees, subject to the restrictions of this Article. This policy does not supersede any provision in an applicable collective bargaining agreement that directly conflicts with this policy.
- (b) The City limits solicitation and distribution on its premises as those activities can interfere with the City's operations, reduce employee efficiency, annoy customers, and pose a threat to security. Individuals not employed by the City are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any solicitation, distribution, or similar activity on City premises.
- (c) The City may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist these drives; however, participation is entirely voluntary.
- (d) The following restrictions apply when employees engage in permitted solicitation or distribution

of literature for any group or organization, including charitable organizations:

- (i) The distribution of literature, solicitation and the sale of merchandise or services is prohibited in work areas.
- (ii) Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized lunch or rest periods or other times when the employee is not required to be working.
- (iii) Distributing literature in a way that causes litter on City property is prohibited.

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Article III UNLAWFUL DISCRIMINATION AND HARASSMENT.

Section 3.01 Purpose

- (a) The policy of the City of Pataskala is to provide its employees with an environment free of unlawful employee discrimination, including harassment. Unlawful discrimination or harassment is discrimination or harassment based on an employee's race, color, religion, sex, national origin, age, ancestry, disability or military status. Discrimination or harassment based upon an employee's membership in the protected classifications set forth above is inappropriate and illegal and will not be tolerated. Unlawful discrimination and harassment interferes with the well-being and productivity of employees and the efficiency of the City, negatively affecting morale, motivation and job performance. The City, in the commitment to eliminating this inappropriate behavior, has established the following policy.

Section 3.02 Legal Definition

- (a) Any reference to a specific form of discrimination or harassment, such as "sexual" discrimination or harassment, is used solely for ease of reference. When this policy references "sexual" discrimination or harassment, all other forms of unlawful discrimination or harassment as set forth herein are equally applicable. Unlawful discrimination can occur when an individual's terms, conditions, benefits, or privileges of employment are negatively impacted due to that person's membership in a protected classification. Unlawful harassment is a form of discrimination which is an "unlawful employment practice" and which is prohibited by state and federal law. Sexual harassment is generally defined as unwelcome sexual advances, comments or requests. Sexual harassment can exist when employment decisions are based on sexual conduct or when the work place is so permeated with conduct of a sexual nature that the conduct alters the terms and conditions of employment, creating an abusive and hostile environment.

Section 3.03 Harassment/Bullying

- (a) Harassment is any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's sex, color, race, ancestry, religion, national origin, age, disability, military status, or other protected group status. It also includes, but not limited to, conduct that demeans or shows hostility or aversion toward an individual because of his status and/or relatives or associates.
- (b) Bullying is defined as "Any actual or threatened physical, verbal or nonverbal abuse occurring either inside or outside of the organization that can create an internal atmosphere where administration or management believes the reasonable person in the community would feel intimidated or threatened to the point they would not be able to function properly."
- (c) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, and is a violation of Federal and State laws. Offensive and unwelcome sexual behavior has no place in the work environment. Unwelcome sexual comments, gestures, and jokes, are prohibited. Prohibited conduct includes, but is not limited, to suggestions, leering, pats, squeezes, or other similar contact, posting of sexual pictures, cartoons, photos, or other graphics in the workplace or on personal clothing.

- (d) Unlawful harassment may also extend beyond the confines of this organization. Conduct that occurs off-duty and off-premises against a City employee may also be subject to this policy.
- (e) Both harassment and bullying are destructive to the City. Therefore, it is everyone's responsibility to ensure that such disruptive behavior is addressed when it occurs.
- (f) All managers and supervisors are responsible for:
 - (i) Implementing the City policy on harassment, which includes, but is not limited to, sexual harassment and retaliation;
 - (ii) Ensuring that all employees they supervise have knowledge of, and understand, the City policy;
 - (iii) Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policy; and
 - (iv) Conducting themselves in a manner consistent with the policy.

Section 3.04 Complaints

- (a) An employee, who is involved in, observes or experiences harassment of any kind by a fellow employee, supervisor, or other individual otherwise affiliated with the City, including delivery persons or vendors, is encouraged to inform the alleged harasser of the unwelcome or offensive conduct. Such employee is encouraged to immediately submit a written report of the harassment to his supervisor, City Administrator or the City's Law Director, but the fact that a complaint is verbal will not prevent the City from investigating. The alleged incident will be investigated, which may include private interviews with the complainant, the alleged harasser, as well as any and all witnesses. Information will be kept as confidential as possible. All employees are required to cooperate in any investigation of a harassment complaint. When the investigation determines that this policy has been violated, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken. This may include discipline up to and including discharge of any person whose conduct is in violation of this policy. Any employee who has knowledge of harassing conduct, and who allows the conduct to go un-addressed, may also be subjected to disciplinary action.
- (b) Late reporting of complaints will not, in and of itself, preclude the City from taking remedial action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to report complaints promptly.

Section 3.05 Retaliation

- (a) The City, its Directors and Department heads and/or designees, and all City employees shall in no way retaliate against an individual for filing a complaint, reporting harassment or bullying, or participating in an investigation related to a potential violation of this policy. Any employee who believes that he has been subjected to retaliatory conduct as a result of actions taken under this policy must immediately report such conduct to his supervisor, City Administrator or the Law Director. Written complaints are strongly encouraged, but the fact that a complaint is verbal will not prevent the City from investigating. Any person found to have retaliated against an individual for engaging in activity protected by this policy, will be subject to disciplinary action up to and

including discharge. Disciplinary action for the filing of a false complaint shall not be considered a retaliatory act.

Section 3.06 Enforcement – All managers and supervisors are responsible for:

- (a) Implementing the City policy on harassment, which includes, but is not limited to, sexual harassment and retaliation;
- (b) Ensuring that all employees they supervise have knowledge of and understand the City policy;
- (c) Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policy; and;
- (d) Conducting themselves in a manner consistent with the policy.

Section 3.07 False Complaints

- (a) Although legitimate complaints made in good faith are strongly encouraged, false complaints made in bad faith will not be tolerated. Failure to prove a violation of this policy will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who intentionally makes a false complaint will be subject to disciplinary action.

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Article IV EMPLOYEE SELECTION AND EMPLOYMENT PRACTICES

Section 4.01 Recruitment

- (a) The City of Pataskala has established its personnel system on the basis of merit, whereby employees of the City are recruited, selected and advanced under the assurance of equal opportunity and competition on the basis of merit, without regard to political or other affiliation.
- (b) It is the policy of the City of Pataskala to recruit and select the most qualified persons for service with the City. All persons must complete a standard City application form during a recruitment period to be considered for employment. Each Department Head and/or designee shall develop and conduct a recruitment program to meet City staffing needs.

Section 4.02 Selection

- (a) The selection process shall maximize reliability, objectivity and validity through a practical assessment of the applicant's attributes and characteristics. The selection process could consist of: written tests, individual and group oral examinations, performance tests, rating of training and experience, physical/psychological examinations, background and reference checks and drug testing. In determining the ranking of candidates, the examination parts will be appropriately weighed. Selection and appointment shall follow the rules of the Personnel Board of Review.

Section 4.03 Nepotism

- (a) The existence of a familial relationship between an applicant and a City employee will not necessary prevent the City from hiring the applicant. The City's selection process, however, will screen for the following four (4) situations, which shall prevent the City from hiring a relative of a current employee:
 - (i) If one relative would have supervisory or disciplinary authority over another;
 - (ii) If one relative would audit the work of another;
 - (iii) If a conflict of interest exists between the relative and the employee, or the relative and the City; or
 - (iv) If the hiring of relatives could result in a conflict of interest with clients.

Section 4.04 Immigration Law Compliance

- (a) All individuals hired by the City will be required to establish and certify their identity and right to work in the United States. Each individual employed by the City will be required to produce, within one (1) day, proof of their identity and eligibility to work in the United States. Employees will be required to complete a Form I-9 for this purpose.

Section 4.05 Appointment

- (a) After the City Administrator and the Department Head and/or designee have reviewed and

evaluated the results of the candidate examinations, a list of the top ten (10) eligible candidates will be compiled. The City will choose the candidate it deems to be the most desirable candidate among the top ten (10) compiled to offer the position. If the City's top choice is unable to accept the position, the next-preferred individual on the top ten (10) list will be contacted and so on. If fewer than ten (10) candidates take and/or pass the appropriate examination, the City may pursue the hiring process without regard to the eligible list. Selection and appointment shall follow the rules of the Personnel Board of Review.

Section 4.06 Introductory Period

- (a) A newly hired classified employee's initial introductory period shall be twelve (12) months in length, and may be extended by the City Administrator for an additional six months should circumstances warrant such extension. Non-classified employees are considered to be 'at will' employees, and not subject to such introductory period.
- (b) A promotional introductory period shall be for six (6) months. A promoted employee may be placed back into his former position (e.g., demoted) at any time during the introductory period without the right of appeal if the City Administrator, or the Mayor in the case of the Police Department, considers the employee unsuitable for the intended position. The hiring authority will provide the Personnel Board of Review (PBR) with a reason for the employee's demotion.
- (c) In the event an employee experiences a break in service during their introductory period, such as medical disability or military leave, the introductory period will also be suspended, and will resume upon the employee's return to work. Upon the employee's return, the introductory period will pick up at the point
- (d) The introductory period of time is provided for the City to assess the employee's suitability in the new position, as well as for the employee to determine whether he or she wishes to continue in the position. As during an employee's regular employment, the employee and the City each have the right to terminate employment during this orientation period without prior notice or cause.
- (e) Two (2) written evaluations of the employee's performance will generally be conducted by the Department Head and/or designee during the introductory period. The first (mid-term evaluation) will be conducted approximately one hundred (100) days from the date of the employee's initial appointment. This mid-term evaluation will address the employee's progress in meeting the job requirements, and the employee will be given a written copy of the evaluation. The relative performance of the employee will be identified in this written evaluation, and any weakness considered to be unacceptable will be identified. If such weaknesses exist, a plan for improvement will be developed by the employee's supervisor and given to the employee at the time of the evaluation. Another evaluation will generally be given approximately thirty (30) days prior to the end of the six (6) month introductory period.

Article V HOURS OF WORK AND GENERAL EMPLOYMENT POLICIES

Section 5.01 Appointing Authority

- (a) The City Administrator is the appointing authority for all positions within the City that are not either: (1) charter position appointments, such as the Law Director and Finance Director, which are the responsibility of the Mayor and City Council; or (2) Police Department appointments, which are the responsibility of the Mayor.

Section 5.02 Employee Files

- (a) A personnel file shall be established for each employee. Personnel files are public records as defined by ORC 149.43, except as otherwise protected by Ohio Law. Records are maintained in the Finance Office, and shall be released in accordance with law. Pursuant to current law, all medical records, employee banking and insurance information shall be maintained in a separate file, and are not considered to be public records.
- (b) Each employee shall have the right, upon written request and with reasonable notice, to examine his or her personnel file. Such examination shall be made on non-work time, or at some other mutually agreed upon time.
- (c) If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in his file, he may submit a written request to the appointing authority requesting that they investigate the current status of the information. The appointing authority or designee will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file, and will notify the employee of the results of the investigation and any plans the appointing authority has to take action with respect to the disputed information.
- (d) Employees are not permitted to alter, add or remove documents or other information contained in their personnel files without express written authorization from the Mayor. An employee who alters, adds, or removes documents of information from his personnel file or who has another party do so on their behalf, without prior approval, may be subject to disciplinary action up to, and including, termination.

Section 5.03 Employee Classifications

- (a) **Exempt Employee** - An employee, whose job classification is exempt, is exempt from the Fair Labor Standards Act Wage-Hour Laws. Exempt employees are generally employed to work full-time for the City and spend sufficient amount of time performing exempt duties in an executive, administrative, professional or management capacity in accordance with the Fair Labor Standards Act. An exempt employee is not entitled to receive overtime pay for hours worked over 40 in a work week; although, he or she may be entitled to all other benefits for full time employees of the City of this chapter.
- (b) **Non-Exempt Employee** - A non-exempt employee is generally employed by the City on an hourly basis and has not been deemed an exempt employee, in accordance with the Federal Labor Standards Act, Wage-Hour Laws. A non-exempt employee is entitled to receive, by law overtime

pay in the amount of 1½ times the regular hourly rate for all hours worked over 40 hours in a work week.

- (c) **Regular Full-Time Employee** – Employees hired to, normally scheduled to, and typically working, the City’s normal, full-time forty (40) hour workweek on a regular basis.
- (d) **Regular Part-Time Employee** – Employees who actually work less than forty (40) hours per week on a regular basis. Employees in this category are unclassified, and are not eligible for paid leave benefits (sick, holiday or vacation hours), and do not qualify for participation in the City’s health and life insurance programs, subject to any requirements of the Affordable Care Act (ACA).
- (e) **Seasonal Employee** – Those employees in the classified service whose services are required only during certain periods of each year, with such service being broken in nature. Seasonal employees serve at the pleasure of the employer, and may be terminated at will. Employees in this category are unclassified, and not eligible for benefits.
- (f) **Temporary Employees** – Employees engaged to work full-time or part-time for the City for a specified period of time, for a specific assignment, or one who is replacing a regular employee on leave. Employees in this category for a period not to exceed six (6) months. Temporary employees are at will and may be terminated at the discretion of the employer or on their own recognizance. Employees in this category are unclassified, and are not eligible for benefits.
- (g) **Provisional Employees** – Those employees temporarily filling a position without competition pending the establishment of an eligibility list. A provisional employee must take, and pass, any applicable eligibility examination given during his first two (2) years of employment to become certified. Failure to take and pass such examination may result in termination of employment.
- (h) **Intermittent Employees** – Those employees hired to work an irregular schedule, and less than one-thousand (1,000) hours per year. Employees in this category are unclassified, and are not eligible for benefits. Intermittent employees Are at will and may be terminated at the discretion of the employer or on their own recognizance.

Section 5.04 Job Vacancies

- (a) The City Administrator shall determine when a vacancy exists. The Administrator shall also determine if a vacancy shall be filled, and the method for filling such vacancy in accordance with the law. The Mayor shall be similarly responsible for vacancies in the Police Department.

Section 5.05 Job Assignments

- (a) Employees are expected to perform the specific duties set forth in their job descriptions, as well as any other duties assigned by their supervisor. All employees shall be required to perform any and all temporarily assigned duties for which they are capable, regardless of their usual or customary duties or job assignments.

Section 5.06 Temporary Job Assignments

- (a) A temporary assignment may be used:

- (i) To fill a vacancy caused by an employee's absence due to sick leave or other approved leave of absence; or
 - (ii) To provide vacation relief scheduling; or
 - (iii) To meet an emergency situation; or
 - (iv) To fill an open position, pending appointment; or
 - (v) To replace an employee who is temporarily incapacitated from working; or
 - (vi) For any other reason as determined by the City Administrator.
- (b) An employee temporarily assigned to substitute in a different job classification with a **lower** rate of pay shall receive the regular rate of pay as his normal assignment.
- (c) An employee temporarily assigned to a position with a **higher** rate of pay shall receive the higher rate of pay corresponding to the temporary assignment, provided that the difference between the permanent rate of pay and temporary rate of pay cannot exceed five percent (5%) of the employee's permanent rate of pay.

Section 5.07 Outside Activities

- (a) Employees shall not engage in outside activities which are inconsistent with, or which conflict with, their position as a public employee. This may include work activities and voluntary activities. As a public employee and as a representative of the City of Pataskala workforce, employees are expected to refrain from activities that may compromise their ability to adequately carry out their duties as a City employee. Outside employment must not in any way conflict with or compromise an employee's ability to perform his or her job with the City. Classified employees should reference the Personnel Board of Review (PBR) rules and regulations for further information.

Section 5.08 Promotions

- (a) Promotional selection shall be open to all regular City employees who meet the minimum qualifications for the position. Promotions shall be based upon demonstrated capability, quality, and length of service. Length of service shall not be the compelling criteria. Classified employees should reference the PBR rules and regulations for further information.

Section 5.09 Performance Evaluations

- (a) The City believes it is important for employees to receive feedback regarding job performance, and areas of improvement. Consistent with this goal, the City will attempt, subject to business demands, to evaluate an employee's performance on an ongoing basis, and to provide employees with periodic written evaluations
- (b) All employees, during the introductory period, shall be evaluated twice. All other City employees shall be evaluated at least once each calendar year.
- (c) All performance evaluations shall be prepared on a uniform form authorized by the City

Administrator, and will be based upon overall performance in relation to job responsibilities. Such evaluation will also take into account an employee's conduct, demeanor, and, when appropriate, record of attendance and tardiness

- (d) In addition to the regular performance evaluations described above, special written performance evaluations may be conducted by the Department Head and/or designee at any time to address performance or disciplinary problems. Every performance evaluation will also provide an opportunity for response or feedback from the employee.
- (e) Prior to reviewing the evaluation with the employee, a draft copy shall be provided by the employee's supervisor for review and approval. No performance evaluation shall be provided to the employee prior to receiving authorization from the City Administrator.
- (f) Each supervisor shall review and discuss the performance evaluation with each of his employees. The employee shall sign a copy of the performance evaluation, acknowledging that a review was conducted. The employee shall receive a copy of the performance evaluation; and if he chooses, may submit a separate written response, which will be attached to the evaluation and placed in employee's personnel file.
- (g) Signed copies of the performance evaluation shall be placed in the employee's personnel file in the Finance Department.

Section 5.10 Lactation Accommodation

- (a) In recognition of the well documented health advantages of breastfeeding for infants and mothers and as part of our family-friendly policies and benefits, the City provides a supportive environment to enable breastfeeding employees to express breast milk during work hours for up to one (1) year following the birth of a child. Accommodations under this policy include a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public which may be used by an employee to express breast milk. Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

Section 5.11 Attendance and Hours of Work

- (a) For payroll purposes the workweek begins on Sunday at 12:01 AM and ends on Saturday night at midnight.
- (b) For other than Police Officers, the workweek currently consists of forty (40) hours based upon five (5) consecutive eight (8) hour workdays, Monday through Friday and two (2) consecutive days off, Saturday and Sunday. The normal work hours are currently 8:00 am to 4:00 pm, but may be amended contingent upon approval by the City Administrator.
- (c) For Police Officers, the workweek currently consists of forty (40) hours based upon four (4) consecutive ten (10) hour days, with three (3) consecutive days off. The Police Chief and Deputy Chief shall establish and maintain a regular, recurring schedule that provides adequate coverage during each shift.
- (d) Non-salaried employees shall be provided with two (2) fifteen (15) minute breaks each workday. Such break period shall never interfere with the proper performance of work responsibilities of the

department. These breaks will be considered as part of the employee's work time. Breaks may typically be taken at the work site, but any travel time to and from the work site is part of the fifteen (15) minute break period. Breaks shall not be part of, or connected to, starting time or ending time without prior approval of the Department Head or designee. Break time is not cumulative and shall be scheduled by the supervisor.

- (e) Employees working a regular shift of either eight (8) or (10) hours shall be permitted to take a non-paid thirty (30) minute meal break during their shift if the present workload permits. Employees on a meal break are subject to immediate recall should conditions warrant. Employees are not entitled to compensation or overtime resulting from the inability to take a meal break.
- (f) Employees working a regular shift of eight and one-half (8½) hours, are to be provided with a paid thirty (30) minute meal break during their shift. If the workload doesn't permit the employee taking such a break, the Department Head or designee can authorize the employee to: (1) leave 30 minutes prior to scheduled departure time; or (2) receive payment for the additional thirty (30) minutes worked. The employee shall have the option to select the desired treatment.
- (g) Employees who are working during the semiannual Daylight Saving change will either earn an extra hour of wages during the fall time change, or work one (1) less hour during the spring time change. Employees must replace the missing hour with either accrued compensatory time or vacation leave in order to be paid for a 40-hour workweek.
- (h) Unless otherwise advised by their Department Heads and/or designee, employees shall report all absences from work prior to the start of their regularly scheduled workday or within fifteen (15) minutes after the start of the workday to their Department Head and/or his designee, or be prepared to offer a valid excuse for not notifying their Department Head and/or their designee within that time frame.
- (i) If an employee is unable to report to work because of illness or emergency, the employee must speak with the Department Head and/or designee as far in advance as possible prior to his scheduled shift time, or in the event of an emergency, as soon as practicable. If the Department Head and/or designee are unavailable, the employee shall verbally notify either the City Administrator or Finance Director. Such notification should include a reason for the absence or tardiness, as well as an indication of when the employee can be expected to report to work. The absent employee is responsible for ensuring that proper advance notice of the absence or late arrival is given to the employee's Department Head or designee.
- (j) Employees who are calling in sick or with a personal emergency, are expected to actually speak with their Department Head and/or designee set forth above. Absent an emergency, messages left on voicemail are not acceptable. Similarly, messages left with co-workers or other employees referenced above are not acceptable. Failure to provide proper notification of an absence or lateness, unexcused absences, late arrivals or early departures from work may result in disciplinary action, up to and including termination.

Section 5.12 Overtime

- (a) Each Department Head and/or designee will establish the scheduled work hours for each department, depending on the nature of the work, work practices and custom. Employees not

exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) shall not work prior to, subsequent to, or outside their regularly scheduled hours unless authorized in advance to do so by their supervisor or in emergency situations. Employees shall receive reasonable posted notice of any change in regular work hours when practicable.

- (b) Employees may be entitled to a paid or unpaid lunch period, as determined by the Department Head and/or designee. Employees who are not exempt under the FLSA, and who receive a paid lunch period, shall not work during their lunch period, except with the approval of their supervisor, or in emergency situations.
- (c) Generally, employees not exempt from the overtime provisions of the FLSA shall be considered to be working overtime for all hours actually worked in excess of forty (40) hours in any one (1) work week, regardless of the employee’s regularly scheduled work day. A partial overtime exemption, or differing work schedule, may apply to certain employees, consistent with FLSA provisions.
- (d) For purposes of calculating FLSA “hours worked”, any hours the employee actually performs work, as well any as supervisor-approved vacation and sick leave shall be considered “hours worked” for purposes of overtime compensation. Personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation.
- (e) Whenever an employee is required to report for overtime work, including necessary court appearances the employee shall be compensated at least two (2) hours “show up time”. Such “show up time” is to be paid consistent with the provisions for this section. In order to receive the minimum “show up time” compensation, the employee must be in actual work status. At the request of the employee, and with the permission of his supervisor, the employee may terminate his work status but the employee shall be compensated only for the hours actually worked.
- (f) Employees exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The City Administrator or his/her designee shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature. If approved by the appointing authority, a bona fide executive, administrative or professional employee may receive compensatory time off, at the rate of one (1) hour for each hour of overtime.
- (g) The City intends to comply with all provisions of the FLSA. Each Department Head and/or designee is responsible for reviewing the exempt status of his employees and classifying his employees appropriately. Improper deductions (deductions not in accordance with the FLSA) from employees’ salaries are prohibited. Any deduction that is later determined to have been improper shall be reimbursed properly and promptly. Similarly, any employee who has been inappropriately classified as non-exempt will be re-classified promptly and, if applicable, compensated accordingly. Any employee who believes he has received an improper deduction, or has been improperly classified under the FLSA, shall submit a complaint in writing to the Department Head and/or designee, City Administrator or Law Director.
- (h) The Department Head and/or designee, City Administrator, or Law Director has the duty to investigate, consult with other appropriate officials, and see that a written response is provided in a timely manner to ensure a good faith effort to comply with the FLSA.

Section 5.13 Compensatory Time

- (a) At the election of the employee, overtime may be compensated with compensatory time off in accordance with the provisions of the Fair Labor Standards Act. Such compensatory time off shall be equal to one and one-half (1 & 1/2 times) for each one (1) hour of overtime worked.
- (b) Elections to convert overtime to compensatory time must be made in thirty (30) minute increments. Employees must complete and submit an *Overtime Designation Form*, a copy of which is provided in Appendix D. The maximum number of accumulated compensatory hours permitted in an employee's compensatory bank at any point in time shall be one hundred twenty (120). After an employee's maximum compensatory time bank has been reached (120 hours), all additional overtime for such employee shall be paid at the appropriate overtime rate.
- (c) The use of compensatory time off must be scheduled through, and approved by, the employee's Department Head and/or designee. At the discretion of the City Administrator, and due to the operational needs of each department, the practice of utilizing compensatory time may be halted during an emergency.
- (d) Upon separation from employment, all accumulated compensatory time shall be paid at the then current rate of compensation.
- (e) An employee shall be permitted to cash out compensatory time once per year, such request must be submitted to the Finance Department prior to the processing of payroll for the next to last payroll of the year. Requests must be submitted on the *Compensatory Time Cash-Out Request Form*, a copy of which is provided in Appendix E.

Section 5.14 Reductions in Work Force

- (a) An employee may be laid off due to lack of work, lack of funds, reorganization and/or the abolishment of a position. At least fourteen (14) days' notice will be given to an employee prior to layoff. Layoffs shall not be considered disciplinary actions. An employee who is laid off may be recalled to work at any time within one (1) year provided he remains qualified to perform the duties of the position. The City shall comply with all applicable local rules and state and federal laws whenever a layoff is implemented.

Section 5.15 Medical/Fitness for Duty Examinations

- (a) **Medical/Fitness for Duty Examinations** - Employees may be referred for a Fitness for Duty examination if the City has a reasonable belief, based on objective evidence, that the employee's ability to perform the essential job functions is impaired by a medical condition, or the employee poses a direct threat due to a medical condition. In any situation where the City initially sends an employee for a medical, psychological or other physical examination, the City shall pay the cost of the examination, and shall also pay the employee for the time expended in taking such examination. Referrals will be made for reasons that interfere with the employee's ability to satisfactorily perform his duties. In the event an employee is referred for a Fitness for Duty examination, and is determined to be unfit to perform the essential functions of his job by a

physician, or other healthcare or fitness professional, the employee may be placed on unpaid medical leave status for a period of six (6) months after the exhaustion of all paid leave benefits.

If the employee does not agree with the decision of the initial examining physician, he may (at his own expense), seek an examination from a second physician. If the decision of the second physician is different than the City physician, a third opinion may be sought. The cost of the third physician is to be split evenly between the employee and the City. The City and employee agree that the decision of the third physician is final, and shall be binding upon both parties.

Prior to the expiration of the six-month unpaid medical leave period, the employee shall have the option to schedule an appointment with the attending physician to see if any conditions have changed the original determination. If the determination of the physician is that the employee continues to be unfit for the position for which he had been hired and is unable to perform their job, the City will work with the employee to determine if there are any other positions available for which he is capable, or if the employee should pursue disability or retirement benefits. If there are no positions currently available for which the employee would be able to meet all of the requirements of the position, the employee will be given the opportunity to resign or apply for a disability retirement through the appropriate pension system. If such employee refuses to resign or is not able to retire in the pension system, they City shall terminate their employment.

Section 5.16 Employee Information Update

- (a) Employees are responsible, at all times, for maintaining updated information with the City regarding their home address, phone number, emergency contact information, banking information, and/or family status with the Finance Department.
- (b) IRS-qualifying events that result in a changes in an employee's family status, such as marriage, birth or adoption of a child, etc. and which would affect their level of participation in the City's health insurance program (e.g., single, employee and spouse, employee and children or family coverage), must be communicated within 30 days of the qualifying event. If such information is not communicated within that period of time, the employee will be prohibited from making a change in insurance coverage until the next open enrollment period.

Section 5.17 Employee Reimbursements

- (a) Employees who purchase an item, outside of normal working hours with their own funds to be used for City purposes, shall submit a receipt for such items with a purchase order attached, signed and approved by their Department Head or designee. Employees shall make every effort to purchase necessary items during normal working hours with a purchase order on either a vendor account or a City-issued credit card. Employees will not be reimbursed for expenses which do not meet a proper public purpose (e.g., alcohol, tobacco, sales tax, etc.), or for items which would not directly benefit the employee in performing their assigned job responsibilities.
- (b) Employees who are approved by their Department Head or designee to use their personal vehicle for City purposes shall be reimbursed at the then-current IRS mileage rate. Employees should submit approved mileage for reimbursement using the City's *Mileage Reimbursement Form*, a

copy of which is attached as Appendix F. Employees are discouraged from using their personal vehicle whenever a City-owned vehicle is available.

Section 5.18 Dating

- (a) A romantic relationship between any two employees is prohibited when either employee's conduct interferes with the workplace, regardless of whether the employees are in different -departments.

Section 5.19 Relative in Chain of Command

- (a) An employee is not permitted to work in a position where his supervisor or any person above him in his established chain of organizational command is a relative.
- (b) If such a situation is created through promotion, transfer or marriage, one of the effected employees must be transferred or discharged.

Section 5.20 Marriage in Course of Employment

- (a) If two employees were to marry, they will be subject to the same rules listed above as other relatives, unless state or case law dictate otherwise.

Section 5.21 Definitions

- (a) **Abolishment of Position** - Elimination of any particular position or classification from the personnel structure of the City.
- (b) **Allowances** - Consist of monetary reimbursement by the City for activity which involves an extraordinary expense to the employee, e.g. meal allowance, cell phone allowance. All such allowances must be authorized in advance by the Department Head and approved by the City Administrator for payment.
- (c) **Calendar Year** - Twelve month period beginning January 1 and ending December 31 of each year.
- (d) **Eligibility List** - A list of potential employees who have been reviewed and approved by the Personnel Board of Review (PBR). Until exhausted, the list shall be used from which to select potential employees.
- (e) **Full-time Employees** - Employees normally scheduled to work, and who typically 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.
- (f) **Layoff** - A reduction in the work force of the City as determined by the City Administrator.
- (g) **Leaves** - An authorized paid or unpaid absence, or vacation from duty or employment for a specified period of time.
- (h) **Payroll Year** - As differentiated from a calendar year (see Section 5.21 (c) above), is defined as the time period commencing with the first day of the first pay period with a pay period ending date

(PPE) in the calendar year, and concluding with the last day of the last pay period with a PPE date in that same calendar year.

- (i) **Personnel Board of Review (PBR)** - A five-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.
- (j) **Introductory Period** - That period of time which begins immediately after a person becomes a full-time employee of the City. All full-time hires shall serve a minimum introductory period of one year, unless specified to the contrary in the current applicable collective bargaining agreement. The initial introductory period can be extended by an additional 6 months.
- (k) **Regular Part-time Employees** - Employees who normally work less than thirty (30) hours per week. Employees in this category shall be paid by the hour and shall not be entitled to any benefits outlined in the Employee Handbook and Policy Manual.
- (l) **Resignation** - Voluntary withdrawal of employment from the City.
- (m) **Retirement** - To withdraw from active duty with the City 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 (OPERS) or the Ohio Police and Fire Pension Fund (OP&F).
- (n) **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 Employee Handbook and Policy Manual.

Article VI WORKPLACE STANDARDS

Section 6.01 Ethics in Employment

- (a) City employees hold a position of trust and are expected to maintain the highest of ethical standards. The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of government structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code Chapter 102 and Sections 2921.42 and 2924.43 prohibit public employees from using their influence to benefit themselves or their family members. All employees shall abide by the following standards regarding conflicts that confront public employees. They are not, however, intended to represent the entire scope of conflicts of interest or ethics issues.
 - (i) Using his or her official position for personal gain, or having a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
 - (ii) Disclosing confidential information concerning the property, government, or affairs of the City, its' residents or vendors; using such information to advance the financial or other private interest of the employee or others.
 - (iii) Accepting any gift of value (Ohio Ethics Commission Bulletin February 21, 2013), whether in the form of service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City; accepting any gift, favor, or item of value that may tend to influence the employee in the discharge of his duties, or granting any improper favor, service, or item of value in the discharge of the employee's duties. Any employee offered a gift or favor, and is not sure if its acceptance is in violation of Ohio Ethics Commission rules, regulations or guidelines, should immediately inform his supervisor of the gift offer
 - (iv) Representing private interests in any action or proceeding action against the interest of the City in any matter in which the City is a party.
 - (v) Engaging in, or accepting private employment or service, that is incompatible with the proper discharge of official duties, or would tend to impair independent judgment or action in the performance of his official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance, and faithful performance of his assigned job duties.
 - (vi) State law prohibits City employees and officials from having a financial interest in companies that do business with the City, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult a private attorney. .

Section 6.02 Employee Conduct

- (a) Orderly and efficient operation of the City requires that employees maintain proper standards of conduct and observe certain procedures. In addition, employees are entitled to work in a safe, well-organized and harassment-free environment and to be treated with respect. To maintain such

a workplace it is necessary that everyone control his or her own behavior. Common sense is frequently the best guide to what is proper behavior, but some guidelines will help employees to understand how common sense principles of social behavior are applied in the workplace. These guidelines are provided for informational purposes only, and are not intended to be all-inclusive. Nothing herein is intended or shall be construed to change or replace, in any manner, the 'at-will' employee relationship between the City and the employee. Nothing herein is intended to infringe upon employee rights under Section Seven (7) of the National Labor Relations Act (NLRA). The City views the following as inappropriate behavior:

- (i) Theft, misappropriation or unauthorized possession or use of property, documents, records or funds belonging to the City or employee; removal of same from City premises without authorization.
 - (ii) Changing or falsifying City records, including personnel and pay records; recording work time for another employee, or having time recorded to or by another employee; or falsifying of one's employment application, including past employment and educational history.
 - (iii) Use of possession of intoxicating beverages or illegal use or possession of narcotics, marijuana or drugs (under state or federal laws), on City premises during working hours, or reporting to work under the influence of intoxicants or drugs as to interfere with job performance, or having any detectable amounts of drugs in an employee's system..
 - (iv) Insubordination or refusing to follow instructions or direction from a supervisor or manager; refusal or unwillingness to accept a job assignment or to perform job requirements.
 - (v) Unauthorized possession of a weapon on City premises.
 - (vi) Illegal or online gambling on City premises.
 - (vii) Use of abusive language.
 - (viii) Failure to observe scheduled work hours, failure to contact a supervisor or manager in the event of illness or any absence within thirty (30) minutes of the scheduled start of work; failure to report to work when scheduled; unauthorized or excessive use of sick leave or any other leave of absence.
 - (ix) Leaving the workplace during scheduled work hours without permission; unauthorized absence from assigned work area during regularly scheduled work hours.
 - (x) Sleeping or loitering during regular working hours.
- (b) All City employees are required to:
- (i) Conduct the affairs of the City in a manner that best serves the residents, businesses and City employees;
 - (ii) Give a full day's work in a job to which they are assigned;
 - (iii) Maintain a professional demeanor, avoid any offensive or abusive language or conduct, and respect the rights of other employees;
 - (iv) Be appropriately dressed and groomed for the job;
 - (v) Wear and use designated safety articles where required, and follow all safety rules at all times;

- (vi) Take care of City property, tools and/or equipment;
- (vii) Not interfere with the work performance of other employees;
- (viii) Maintain confidentiality, and do not use the position to obtain confidential information that is not necessary to an employee's particular job;
- (ix) Not engage in horseplay, fighting, or the agitation of others; and.
- (x) Control his/her temper and not yell in anger or in defiance of instructions or directives.

Section 6.03 Searches

- (a) The City owns the furniture, fixtures, supplies, lockers, file cabinets, files, computer equipment, vehicles, and other materials and equipment used by and/or located in City offices. City employees are permitted to use City property only to promote the efficient conduct of City business. As owners of the property used to conduct City business, the City reserves the right to replace, repair, or remove such property as it deems necessary. In addition, the City may conduct searches of any portion of City-owned property including, but not limited to, desks, file cabinets, offices, lockers, vehicles, and computer systems. Employees shall have no expectation of privacy in relation to their use of City property.

Section 6.04 Workplace Violence

- (a) **Zero Tolerance Policy** - The City of Pataskala is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the City enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect City employees, or which occur on City property, will not be tolerated. City employees who are found to have committed acts of workplace violence will receive discipline, and possible criminal prosecution, depending on the nature of the offense.
- (b) **Prohibited Acts of Violence** - Prohibited acts of workplace violence include, but are not limited to, the following:
 - (i) Hitting or shoving an individual;
 - (ii) Threatening to harm an individual or his family, friends, associates, or property;
 - (iii) Intentionally destroying or threatening to destroy City property;
 - (iv) Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications, including e-mail;
 - (v) Intimidating or attempting to coerce an employee into doing wrongful acts, as defined by applicable law, administrative rule, policy, or work rule;
 - (vi) Willfully, maliciously and/or repeatedly following of another person, also known as "stalking";
 - (vii) Suggesting or otherwise intimating that an act to injure persons or property is "appropriate"; and,

- (viii) Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.
- (c) **Warning Signs and Risk Factors** - The following are examples of warning signs, symptoms and risk factors that may indicate an employee's potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if he witnesses any of the following behaviors:
 - (i) Hinting or bragging about a knowledge of firearms;
 - (ii) Making intimidating statements such as: "You know what happened in Oklahoma City," "I'll get even," or "You haven't heard the last from me.";
 - (iii) Keeping records of other employees the individual believes to have violated departmental policy;
 - (iv) Physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech;
 - (v) Acting out violently either verbally or physically;
 - (vi) Excessive bitterness by a disgruntled employee or an ex-employee;
 - (vii) Being a "loner", avoiding all social contact with co-workers;
 - (viii) Having a romantic obsession with a co-worker who does not share that interest;
 - (ix) History of interpersonal conflict;
 - (x) Domestic problems, unstable/dysfunctional family; and,
 - (xi) Brooding, depressed, strange behavior, a "time bomb ready to go off."

Section 6.05 Weapons in the Workplace

- (a) **Policy** - Employees, while on duty as an employee of the City, are prohibited from carrying, using, displaying, possessing, or discharging weapons (concealed or otherwise) at any time unless it is a requirement of the job. Police Officers are specifically excluded from this order. Any violation of this policy may result in disciplinary action, up to and including termination.
- (b) **Conceal Carry** - This policy addresses various issues concerning the provisions of House Bill 12, Ohio's "Concealed Carry" statute. The Concealed Carry statute authorizes individuals, who meet certain licensing requirements, to carry a concealed firearm as defined in the statute. The Concealed Carry statute exempts certain areas, including public buildings, from the scope of this law. In addition to the specific restrictions in the Concealed Carry statute, the City of Pataskala has adopted this policy to address issues pertaining to employment and the application of this statute. Employees are expected to comply with this policy, in addition to the specific provisions of the Conceal Carry statute.

Pursuant to O.R.C. Section 2923.1212, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance unto the property of the

City or any other property that is owned, operated or controlled by the City or any other City entity. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises. Law Enforcement Officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon. The employer reserves the right to inspect City-owned property at any time.

Employees of the City are prohibited from carrying firearms any time they are working for the City or acting within the course and scope of employment. These situations include, but are not limited to, attending training sessions or seminars, wearing a City identification badge, and working in resident's homes or other sites off City premises. In addition, no employee or member of the public may carry a concealed weapon in a City-owned vehicle.

Employees who possess a valid license to carry a concealed weapon are discouraged from storing a weapon in their personal vehicle while at work. An employee possessing a valid license to carry a concealed weapon may bring their weapon with them onto the City parking lot. However, the employee must leave the weapon in his vehicle. Employees are neither permitted to remove their weapon from their vehicles while in the City parking lot nor are they permitted to bring a concealed weapon into City buildings. The employee's weapon must be stored in the vehicle in accordance with the storage provisions of the Concealed Carry statute. The weapon must be in a locked vehicle either in the glove compartment, a lock box or trunk.

Employees shall immediately contact their Department Head or designee if they suspect an employee or member of the public is carrying a concealed weapon on the premises of the City, or if they suspect an employee to be carrying a concealed weapon at any time while they are working for the City, acting within the course and scope of employment, or acting as a City representative.

Section 6.06 Political Activity

- (a) **Policy** - Employees in the classified civil service are prohibited by Ohio law from engaging in "political activity". The purpose of this Section is to provide examples of activities that are permissible and prohibited under the law. An employee who has a question regarding permissible and prohibited activity shall contact his immediate supervisor prior to engaging in the activity.
- (b) **Permissible Activities** – The following is a non-exhaustive list of examples of permissible political activities for employees in the classified civil service:
 - (i) Registration and voting;
 - (ii) Expression of opinions, either oral or written;
 - (iii) Voluntary financial contributions to political candidates or organizations;
 - (iv) Circulation of non-partisan petitions or petition stating views on legislation;
 - (v) Attendance at political rallies;
 - (vi) Signing nominating petitions in support of individuals;
 - (vii) Displaying political materials in the employee's home or on the employee's property;

- (viii) Wearing political badges or buttons, or displaying political stickers on private vehicles; and
- (ix) Serving as a precinct election official under Section 3501.22 of the Ohio Revised Code.
- (c) **Prohibited Activities** – The following is a non-exhaustive list of examples of prohibited political activities for employees in the classified civil service. Any classified employee who engages in any of the following activities is subject to discipline:
 - (i) Candidacy for public office in a partisan election;
 - (ii) Candidacy for public office in a non-partisan election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
 - (iii) Filing of petitions meeting statutory requirements for partisan candidacy for elected office;
 - (iv) Circulation of official nominating petitions for any candidate participating in a partisan election;
 - (v) Service in an elected or appointed office in any partisan political organization;
 - (vi) Acceptance of a party-sponsored appointment normally filled by partisan election;
 - (vii) Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
 - (viii) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
 - (ix) Solicitation for the sale, or actual sale, of political party tickets;
 - (x) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
 - (xi) Service as a witness or challenger for any party or partisan committee;
 - (xii) Participation in political caucuses of a partisan nature; and
 - (xiii) Participation in a political action committee that supports partisan activity.

Section 6.07 Other Employment

- (a) **Employment Conflicts** - Under no circumstances shall an employee have another employment which conflicts with the employee's specific job description. In addition, employees shall not become indebted to a second employer whose interest might be in conflict with those of the City office in which they work. Should the City determine that an employee's outside employment is adversely affecting the employee's job performance, the Administrator may recommend that the employee refrain from such employment or resign from the City. Any violation of this section may result in discipline up to and including discharge.
- (b) **Charity Work** - With the permission of the City Administrator, City employees may discretely, and on their own time, pursue charitable or community activity sales so long as such activities are totally minor (for example, charitable candy sales during lunch time), asking only voluntary

participation or contribution, and are to be carried out in a discreet manner. The City may, at its absolute and sole discretion, prohibit or terminate any such activities for any reason.

Distributing literature during work time by the employee making the distribution to employees to whom it is being distributed is prohibited. The term “work time” does not include an employee’s authorized lunch or break or other times when the employee is not required to be working.

It is not permissible to attach literature to vehicles on City property, or to distribute literature in any way that causes litter on City property.

Section 6.08 Use of City Property and Vehicles

(a) Policy

- (i) The City’s policy is to provide its employees with the materials and services necessary to promote an efficient and productive workplace. Use of City-owned property by employees shall be limited to uses that effectively and appropriately utilize the resources provided for the furtherance of City business.
- (ii) Any unauthorized or improper use of City property by an employee may be considered theft and may result in disciplinary measures. In addition, the City may refer instances of employee theft or destruction of property or other act in violation of applicable local, state, or Federal law to the Police Department for investigation or to the Prosecutor for prosecution.
- (iii) **The following guidelines apply to City property:**
 - 1) The City owns most of the furniture, fixtures, supplies, lockers, files cabinets, computer equipment, vehicles, tools, and equipment used and/or located in City offices or City buildings. Employees are permitted to use City property only to promote the efficient conduct of City business.
 - 2) The City reserves the right to replace, repair, or remove its property, as it deems necessary.
 - 3) The City may conduct searches of any portion of the City-owned property including, but not limited to desks, file cabinets, offices, lockers, vehicles, communications system and computer systems. Employees shall have no expectation of privacy in relation to their use of City property.
 - 4) Employees shall not use City property for personal or private reasons unless otherwise allowed by the City policy.
 - 5) Upon separation from employment, employees shall remove any furniture, objects of art, equipment or tools they have loaned to the City, and they shall return all City property, including but not limited to keys, pagers, cellular telephones, ID badges, tools and uniforms prior to or upon completion of their final day of work.

(b) Department Equipment

- (i) Employees are responsible for all keys and other equipment assigned to them. Employees may be required to pay for lost equipment.

- (ii) Lost City property must be reported immediately to the Department Head or designee.
 - (iii) The use of City equipment, machines and property for purposes other than City business is strictly prohibited unless otherwise allowed by City policy. This includes, but is not limited to, the use of computers, typewriters, copying machines, bulletin boards, facsimile machines and telephones.
 - (iv) If City equipment and/or supplies are removed from the City offices, the individual responsible for their return (the supervisor) must make note of when they were removed, when they will be returned, and the individual responsible for their return.
 - (v) Employees are required to maintain the security of their work area by locking drawers and files. Employees are expected to secure confidential files in the appropriate areas, put supplies and equipment away, lock doors on City vehicles, and set security systems on a routine basis.
- (c) **Use of City-Owned Vehicles**
- (i) **Policy** – The use of any City-owned vehicle shall conform to the highest standards of responsibility. Persons driving City vehicles are expected to drive courteously, to drive in a manner consistent with minimum fuel consumption, and to exhibit responsible behavior which reflects favorably upon the City of Pataskala and the individual employee.
 - (ii) **Requirements** - Any City employee who is required to operate a City-owned motor vehicle, as defined by state law, in the course of employment must be at least eighteen (18) years of age, possess a current valid driver's license that covers the type of vehicle to be operated, follow all applicable motor vehicle laws and regulations, and shall be subject to the following conditions and restrictions:
 - 1) Periodic (at least annually) record checks from the Bureau of Motor Vehicles;
 - 2) Use of seat belts by all drivers and passengers;
 - 3) Immediately notification of employee's supervisor of any moving violations, arrests, convictions, or the loss, suspension or revocation of his driver's license; and
 - 4) Reassignment or other appropriate personnel action including layoff, suspension, or termination of employment in the event of a license revocation, suspension or traffic offense conviction while driving on City time.
 - (iii) **Non-Employee Use** - City-owned vehicles may be operated by Members of the City's Boards, Committees, or volunteers associated with the Parks and Recreation Association, upon the specific approval of the City Administrator, and contingent upon the following criteria being met:
 - 1) Written authorization from the City Administrator allowing use of a City-owned vehicle which will be operated by Members of the City's Boards, Committees, or volunteers associated with the Parks and Recreation Association.
 - 2) Authorization for the City to conduct a background check related to the non-employee. This will be submitted to the City's liability insurance carrier.
 - 3) Copy of the non-employee's driver's license which will be submitted to the City's liability

insurance carrier.

- (iv) **Vehicle Operations** - Employees shall use assigned City vehicles only for authorized purposes. No passengers will be permitted in City vehicles unless required for City business. Reimbursement for necessary emergency road service and repairs, parking and highway-related tolls require appropriate receipts for reimbursement. Employees will be responsible for promptly paying any parking tickets or fines related to the operation of a City vehicle.
- (v) **Vehicle Maintenance** - Employees who use City vehicles are required to timely report any concerns regarding any unsafe conditions or maintenance issues. Employees are responsible for submitting their vehicle to the City for all regularly scheduled and/or necessary maintenance.
- (vi) **Vehicle Accidents** - City employees involved in an accident while driving or riding in a City vehicle shall report the accident to their supervisor immediately and shall complete an incident report. The supervisor shall forward this report to the Finance Director within twenty-four (24) hours, barring extraordinary circumstances. Employees involved in an accident involving a City vehicle (regardless of fault or citation) shall be subject to undergo post-accident drug screening pursuant to the City's drug free workplace policy.
- (vii) **Passenger Restrictions** - Persons other than City employees may be passengers in City-owned vehicles in the following circumstances, and with the knowledge of the City Administrator/Department Head or Chief of Police responsible for such vehicles provided that:
 - 1) When such persons are official guests of the City or guests of the employee responsible for the vehicle, and the vehicle is being used for purposes relating to City business. The City considers official guests to be any individual other than direct or indirect family members of City employees.
 - 2) Unless specific authorization has been granted by the City Administrator or Police Chief, employee family members will be prohibited from riding in City vehicles regardless if the employee is providing a service to the City. The City may take disciplinary action against any employee who does not obtain proper authorization for any family members riding in City vehicles.
 - 3) When required for the conduct of official City business.
 - 4) In any case when specific approval is granted in advance by the City Administrator.
- (viii) **Overnight Storage** - All City vehicles will normally be kept overnight on City property such as the Public Service Department, Utility Department, Parks and Recreation Department, and City Hall, except when otherwise approved by the City Administrator.
- (ix) **Taking Vehicle Home** - Employees who are scheduled to be 'on call' may be authorized to take a City-owned vehicle to the employee's residence for the City's convenience in responding to potential emergency calls. Such employees are subject to the following terms and conditions:
 - 1) **Authorization** - Formal authorization shall be obtained each day a vehicle is driven home from work. In situations where the employee clearly has an identifiable need to drive the vehicle home after work for an extended period of time, written authorization for such use

must be granted by the Department Head with prior approval from the City Administrator. A record of such authorization shall be maintained by each department.

- 2) **Vehicle Security** - Employees should ensure that the vehicle is parked in a safe and secure manner.
 - 3) **Non-Exempt Usage** - Non-commuting mileage should be kept to a minimum while taking a City vehicle home. Employees are required to maintain mileage logs to monitor usage. All other use in excess of the commute to/from home and work will be termed non-exempt. The employee may elect to use the simplified \$3.00 per round trip in such case, and the employee must provide the Finance Department with documentation as to the frequency of commuting use (dates and mileage) on a monthly basis.
 - 4) **Taxable Fringe Benefit** - Failure to follow these guidelines may cause the usage of a City vehicle to be a taxable fringe benefit, and shall subject the employee to IRS taxation regulations and guidelines.
- (x) **Responsible Vehicle Operations** - City-owned vehicles are to be operated in a safe and responsible manner at all times. Any indication of irresponsible use may result in revocation of use of the vehicle, or disciplinary action, and possible dismissal. Irresponsible action may include, but not be limited to:
- 1) speeding
 - 2) reckless operation
 - 3) discourteous use of the vehicle
 - 4) discourteous action of an employee while in a City vehicle
 - 5) drinking alcoholic beverages and operating a City vehicle or any relationship whatsoever with alcoholic beverages
 - 6) under the influence of drugs, regardless of whether or not prescribed, over the counter, or illegal
 - 7) violation of any City or State vehicle or traffic regulation
 - 8) smoking, or the use of tobacco-related products while operating City owned vehicles
- (xi) **Garage Restrictions** - The City's Public Service garages are places where the employees provide maintenance and repair to the City owned vehicles. Private vehicles are not permitted in the garage at any time. Violation of this may result in disciplinary action, up and including dismissal.
- (xii) **CDL Requirements** - Employees whose job descriptions require that they possess a valid commercial driver's license (CDL) are governed by State requirements concerning CDL license-holders. The CDL requirements are in addition to, not in lieu of, the above-listed requirements for the use of City vehicles.

Section 6.09 Communication Systems Usage

- (a) The City's policy is to provide, or contract for, communication services, and for the equipment

necessary to promote the efficient conduct of City business. Communication equipment and services include, but are not limited to mail (e.g., US Postal Service), electronic mail (e-mail), courier services, facsimiles, telephone systems, personal computers, file servers, computer networks, internet access, computer files, video equipment, tape recorders and recordings, pagers, cellular phones, social media sites, and bulletin boards.

- (b) All City communication services and equipment, including the messages transmitted or stored by City communication services, are the sole property of the City.
- (c) The supervisor is responsible for instructing their employees in the proper use of communication services and equipment used by the City for both internal and external business-related communications.
- (d) The City may access and monitor employee communications and files as it deems appropriate. Employees shall have no expectation of privacy in relation to their use of any of the City's communications equipment.
- (e) Employees shall not use the City's communication services and equipment for personal purposes unless otherwise allowed by City policy. All outgoing messages, whether by mail, facsimile, e-mail, internet transmission or any other means may be public records and must be accurate, appropriate, and work-related.
- (f) No employee shall tamper with, alter or sabotage any City computer hardware or the information maintained on it.
- (g) Employees may not use the City address for regularly receiving personal mail, or use City stationery or postage for sending personal mail. Only the City may issue personalized stationary or business cards. Infrequent deliveries of personal packages requiring a signature may be permitted, provided that such delivery doesn't interfere with the efficient operations of the City.
- (h) The City maintains various communication systems to communicate City-related information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, electronic mail, voice mail, telephones, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature.
- (i) Only persons authorized by the City Administrator, or his designee, may place notices on, or take down, material from bulletin boards. Bulletin boards authorized by approved collective bargaining agreements are exempt from this requirement.
- (j) The unauthorized use of the communication systems or the distribution or posting of notices, or other materials on any City property is prohibited. An employee may personalize his or her immediate workspace with a modest display of personal photographs that do not interfere with the workplace and subject to approval of the City Administrator or his designees. Employees who violate this policy are subject to discipline up to and including discharge.

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Article VII EMPLOYEE WAGE PAYMENT POLICIES AND PROCEDURES

Section 7.01 Payroll Processing

- (a) **Electronic Payment Requirement** - All City employees, elected officials and members of Boards and Commissions are required to be paid via ACH direct deposit into their personal account at their financial institution. Employee pay statements, which provide the breakdown of earnings, deductions and net pay, are provided electronically to every employee, elected official and members of Boards and Commissions each payday
- (b) **Payroll Schedule** - Earnings are paid on a bi-weekly basis, on the Friday following the end of each pay period. If a scheduled payday falls on a City-observed holiday, employees will be paid on the preceding weekday.

Section 7.02 Employee Timesheets

- (a) **Timekeeping Requirement** - All non-exempt employees are required to record their starting time, any unpaid breaks, quitting time and total hours worked for each workday on the City's timekeeping system maintained by the City's Finance Department. Exempt employees may record their hours worked using the City's timekeeping system; however, they are not required to do so.
- (b) **Early Clock-In** - For their convenience, employees may clock-in up to fifteen (15) minutes prior to their scheduled start time. Unless directed by their supervisor to clock in early, however, such early clock-in time will not be considered 'hours worked'. Employees are expected to clock in at their scheduled start time, and to clock out at their scheduled quitting time. Any exceptions to this policy must be approved by the employee's supervisor, prior to such exception occurring. Time worked by employees outside their scheduled hours, that was not approved or directed by their supervisor, will be paid to the employee, and appropriate disciplinary action may be taken up to, and including, termination of employment.
- (c) **Timecard Rounding Policy** - The City's timekeeping system records hours worked on a quarter-hour, or fifteen (15) minute basis. It uses a '7 down – 8 up' rounding basis in its calculations, which means that it rounds down to the nearest quarter hour whenever an employee clocks out between 1-7 minutes before or after their shift ends, and it rounds up to the nearest quarter hour whenever an employee clocks out between 8-14 minutes before or after their shift ends. Employees who are directed by their supervisor to clock out between eight (8) or fifteen (15) minutes after the end of their scheduled shift shall have their timecard rounded up to the nearest quarter hour, and will receive payment for such time. Employees are prohibited from intentionally clocking out eight (8) or more minutes after their scheduled quitting time for the intent to receive an additional quarter hour, or fifteen (15) minutes of pay.
- (d) **Timecard Approval** - Department heads and supervisory staff are required to electronically approve their employees' time cards by noon (12:00 pm) on the Monday following the end of each pay period. Any required timecard adjustments, requested conversion of overtime to compensatory time, or other adjustments are to be submitted to the Finance Manager by that deadline as well. If adjustments to an employee's timecard are required, they shall also be documented on the Employee Timecard Adjustment Form and submitted to the Finance

Department with any other payroll documentation for that pay period. A copy of the adjustment for is provided in Appendix G. In the event that the Monday falls on a City-observed holiday, approvals shall be submitted by the next day.

Section 7.03 Payroll Deductions

- (a) **General** – Deductions are made from an employee’s paycheck as required by law, in accordance with the employee benefit plan, or as requested by the employee. These deductions are itemized on the employee’s biweekly pay statement. The following are explanations of some of the deductions employees may see on their paychecks.
- (b) **Payroll Taxes** – Federal and state laws, local ordinances and school districts, require that taxes be withheld from wages. Employees are required to file a completed withholding tax certificate (W-4) for Federal and State deductions, upon initial employment and to inform the Finance Manager of any exemption changes whenever they occur.
- (c) **Pension System Contributions** - Membership in the Ohio Public Employees Retirement System (OPERS), or the Ohio Police and Fire Pension Fund (OP&F) (for full time police officers) is compulsory upon being employed with the City, with the exception of those employees specifically exempted under the provisions of ORC Sec. 145.03. Members of City boards and commissions do not qualify for participation in OPERS, and will have Social Security deducted in lieu of contributions to OPERS. State law requires that employees contribute to OPERS or OP&F rather than Social Security, and establishes the rate of deduction for the employee’s contribution to the pension systems. At the time of hire, employees shall acknowledge in writing that their employment with the City does not qualify for future social security benefits.
- (d) **Exempt Employee Payroll Deductions** - The City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA) and does not make improper deductions from the salaries of exempt employees. Exempt employees are those employed in a *bona fide* executive, administrative or professional capacity, and who are exempt from the FLSA’s overtime pay requirements.
 - (i) **Permitted Deductions** - There are certain circumstances where deductions from the salaries of exempt employees are permissible. Such circumstances include:
 - 1) When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability; or
 - 2) When an exempt employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; or
 - 3) To offset amounts received as witness or jury fees, or for military pay; or
 - 4) For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; or
 - 5) The City is not required to pay the full salary in the initial or terminal week of employment; for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act, if applicable; or for penalties imposed in good faith for infraction of safety rules

of major significance. In these circumstances, either partial day or full day deductions may be made.

- (ii) ***What to do if an improper deduction occurs*** – Employees who believe that an improper deduction has been made, should immediately report this information to their direct supervisor, or to the person responsible for payroll processing. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made at the next regularly scheduled payroll processing.

- (e) **Miscellaneous Deductions** – Other deductions may include, but are not limited to:

- 1) Health insurance co-pay
- 2) Child support
- 3) Court-order garnishments or bankruptcy
- 4) Union dues
- 5) Sec. 457 or deferred compensation programs
- 6) Medical flexible spending arrangement (FSA)

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Article VIII EMPLOYEE BENEFITS, VACATION, SICK AND OTHER LEAVES

Section 8.01 Group Insurance Benefit Program

- (a) **Health Insurance Program** - The City's group insurance benefit program includes a medical plan, a dental plan, a vision plan, and group term life insurance. Employees must be considered a full-time employee with the City, and who are normally scheduled to work, and who typically work, forty (40) hours or more per week are eligible for these group insurance benefits. Additional information, including summary plan descriptions explaining benefits coverage, is available in the Finance Department.
- (b) **Medical Insurance** - The City's medical insurance plan is a high deductible health plan (HDHP) to which both the City and the employee contribute a portion of the employee's annual deductible. The program is currently configured as follows, but is subject to change:
 - (i) **Employee Only Coverage** - The plan has a \$1,500 annual deductible, with the first \$600 of the deductible being funded by the City. The next \$500 is paid by the City as well, but the employee is required to earn credits in the City's wellness program in order to qualify for this amount. After the end of the year, any unearned credits, against which medical claims were made, would need to be repaid to the City. The final \$400 of the deductible is the responsibility of the employee.
 - (ii) **All Other Coverages** - These coverage levels (Employee & Spouse, Employee & Children or Family coverage) have a \$3,000 annual deductible, with the first \$1,200 of the deductible being funded by the City. The next \$1,000 is paid by the City as well, but the employee is required to earn credits in the City's wellness program in order to qualify for this amount. After the end of the year, any unearned credits, against which medical claims were made, would need to be repaid to the City. The final \$800 of the deductible is the responsibility of the employee.
- (c) **Group Term Life Insurance** - The City currently offers \$100,000 in group term life insurance to all City employees. The plan provides for double indemnity (\$200,000) in the event of an employee's accidental death, and triple indemnity (\$300,000) for a Law Enforcement line of duty death. It also provides spousal and dependent children death benefits. Employees are encouraged to update their beneficiary designations whenever a significant event occurs (marriage, death, divorce or birth of child).
- (d) **Plan Documents** - The actual plan documents are the final authority in all matters relative to the benefits described in this Manual or the summary plan descriptions, and will govern in the event of any conflict. The City reserves the right to change or eliminate benefits at any time in accordance with applicable law. Modifications to co-payments and/or deductibles under the City shall not be deemed a modification of coverage.
- (e) **Employee Contribution** - All employees are required to contribute, through payroll deduction, to the monthly premium for the health plan in an amount established by the City. The current contribution rate is ten percent (10%) of the City's total cost of the plan. Employees shall be notified in advance of any modifications in premium contributions.

Section 8.02 Insurance Program Eligibility & Participation

- (a) **Eligibility** - Employees shall be eligible for health insurance coverage after completion of the waiting period, if any, established by the health insurance plan, and the employee meeting full-time employment status. Employees who have a spouse employed by the City and who would otherwise be eligible for coverage, shall be eligible for family or dual (two person) coverage under the plan, or as otherwise allowed by the City plan. The coverage will be designated for one employee of the City as primary under the City health plan.
- (b) **Qualifying Events** - Certain circumstances will allow employees to make a new health plan election upon a qualifying event occurring during the medical plan year. An employee may make a new health plan election by completing and submitting the required medical insurance forms within thirty (30) days of the qualifying event. The coverage change must be consistent with the following IRS qualifying events:
 - (i) Marriage or divorce
 - (ii) Termination or commencement of spouse or dependent employment resulting in loss of, or participation in, another insurance program
 - (iii) Birth or adoption of child
 - (iv) Death of the participant's spouse or child
 - (v) Unmarried dependent satisfies/ceases to satisfy health plan eligibility requirements
 - (vi) Participant/spouse taking an unpaid leave of absence in excess of 31 days;
 - (vii) A change in place of residence or work of the employee/spouse/dependent resulting in loss of coverage due to PPO service area restrictions
- (c) **Open Enrollment** - Unless an IRS-qualifying event as defined above occurs, the participating employee's next opportunity to receive coverage under the City's health insurance plan would be the next general open enrollment period.

Section 8.03 Opting Out Provisions

- (a) **Overview** - Opting out of insurance coverage provides an employee who has coverage under another medical plan (for example coverage under a spouse or domestic partner's medical insurance), with the opportunity to receive a cash payment instead of the City's medical coverage
- (b) **Benefit Taxability** - The amounts offered for the opt-out program are considered taxable wages to the employee. The amounts shall be based upon the level of coverage foregone, and include: Family, Employee/Spouse, Employee/Child, and Employee Only. The City Administrator shall set such rates of payment annually, and are subject to change. Employees participating in this program shall receive one-twelfth (1/12) of the stipend each month that they are in active status at the first pay period of the month.
- (c) **Proof of Coverage** - City employees must provide proof of other medical coverage (for instance – a copy of the health plan's identification card), and sign a waiver of coverage form in order to participate in the opt-out program.

- (d) **Revocation of Election** - In the event an employee, who previously opted out of the City's insurance program, experiences an IRS-qualifying event (e.g., marriage, divorce, birth, death, adoption, loss of coverage, etc.) and notifies the Finance Department within thirty (30) days of such event, the employee would be eligible to participate in the insurance benefit program. Any payment made to the employee in exchange for opting out of the program would have to be repaid by the employee to the City. The amount of the repayment owed by the employee would be calculated by the Finance Department, and approved by the Finance Director. In the event the employee does not have sufficient funds to repay the City, a payment plan **may** be approved by the Finance Director, and the pro-rated amount will be repaid no later than three (3) months after enrollment in the City's insurance program. In no case, however, shall the repayment amount and any repayment plan cross over the insurance plan year into the next plan year.

If an employee who opted out of the City's insurance program requests that they be enrolled in the insurance program, and does not meet any of the IRS-qualifying events, that employee will be ineligible for coverage under the City's existing plan until the next open enrollment period.

- (e) **Termination of Employment** - In the event that an employee participating in the opt-out program voluntarily or involuntarily leaves employment with the City during the year, any payment made to the employee in exchange for opting out of the program would have to be repaid by the employee to the City. The amount of the repayment owed by the employee would be calculated by the Finance Department and approved by the City Administrator. It would be based upon the pro-rata number of months the employee will not have City insurance coverage during that insurance year. Such repayment would need to be made prior to, or concurrent with, the employee's final pay with the City.

Section 8.04 Continuation of Benefits

- (a) **Policy** - Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), employees may be allowed to continue their health insurance benefits, at the employee's expense, for up to 18 months after experiencing a qualifying event.
- (b) **Qualification Requirements** – In order to qualify for COBRA continuation coverage, an employee must have a qualifying event that causes the employee to lose group health coverage. The following are qualifying events for:
- (i) **Employees:**
- 1) Voluntary or involuntary termination of employment, for reasons other than gross misconduct; or
 - 2) Reduction in number of hours worked
- (ii) **Spouses:**
- 1) Loss of coverage by the employee because of one of the qualifying events listed above;
 - 2) Covered employee becomes eligible for Medicare;
 - 3) Divorce or legal separation of the covered employee; or

4) Death of the covered employee.

(iii) **Dependent Children:**

- 1) Loss of coverage because of any of the qualifying events listed for spouses; or
- 2) Loss of status as a dependent child under the plan rules. .

Section 8.05 Vacation

- (a) **Vacation Eligibility** – Full-time regular employees who are normally scheduled to work, and typically work at least forty (40) hours per week shall be entitled to vacation leave. Employees who are part-time, seasonal, interim, or intermittent do not accrue vacation leave.
- (b) **Vacation Accrual** - Full-time employees shall accrue vacation on a bi-weekly basis over twenty-six (26) bi-weekly pays at the annual rates listed in the table below. Changes in hours earned each bi-weekly pay, based on changes in length of service accumulation, shall take effect from the employee's anniversary date (hire date) with the City. An employee who is not in active pay status for a portion of a bi-weekly pay period shall earn a pro-rated amount of vacation time for that period.

<u>Length of Service Accumulation</u>	<u>Hours Earned Each Bi- Weekly Pay</u>	<u>Hours Earned Per Year</u>	<u>Maximum Accrual Balance</u>
0-5 Years	3.076 hours	80	120
6-11 Years	4.615 hours	120	160
12-19 Years	6.154 hours	160	200
20 – 25 Years	7.693 hours	200	240
26+ Years	9.230 hours	240	280

- (c) **Scheduling and Approval** – Employees must submit, in advance, all requests for vacation leave through the City's online Human Resources (HR) system. All vacation leave shall be scheduled through, and authorized by, the employee's Department Head and/or designee. Vacation leave taken shall be charged in increments of a two (2) hours, subject to any collective bargaining requirement requiring a higher increment amount. Employees are not permitted to take their vacation leave balance into a negative balance, with the only permitted exception being when an employee earns enough leave in the immediately following pay period to return the balance to a positive amount. When a request for vacation time has been approved, such approval will not be rescinded except in the event of an emergency. Once vacation leave is scheduled and granted, it must be taken as vacation time, an employee may not use compensatory time, sick leave or other paid leave for part of their time off. For purposes of this Section, an emergency includes those instances where the Mayor or City Administrator declares a present emergency, or those verifiable instances of serious injury or illness to an employee or his family as defined in Article XVIII, Section 8.05. Specific department rules may be established by the Department Head and/or designee of individual departments regarding management of employee leave requests, including prioritization of employee vacation leave requests and periods of time where no vacation leave

shall be granted.

- (d) **Vacation Pay Upon Separation** – Upon termination of employment, an employee shall be entitled to compensation at his current rate of pay for all accrued and unused vacation leave to his credit. Should an employee die while employed by the City, any accrued but unused vacation leave shall be paid in lump sum to the estate of the deceased.
- (e) **Annual Vacation Conversion** – An employee may convert up to forty (40) hours of vacation leave to cash on a 1:1 ratio of leave to cash. Employees must submit a request for conversion prior to the last pay period of the year. Any conversion of compensatory time described in Section 5.13. Any such conversion will be paid to the employee on, or after, the first pay period of the subsequent year, and will be made only if both of the following occurred in the prior year:
 - (i) The employee utilized less than forty five (45) hours of sick leave during the payroll year;
 - (ii) The employee has taken a minimum of forty (40) consecutive hours of vacation leave during the payroll year.
- (f) **Transfer of Vacation Leave from Other Employers** – Upon a new employee being hired by the City, the City will not accept unused vacation balances from any other employer, which includes the Federal government, state and local governments, or corporations.

Section 8.06 Sick Leave

- (a) **Sick Leave Eligibility** – All full-time regular employees (employees who are subject to work 2,080 hours per year) shall be eligible for paid sick leave. Employees who are part-time, seasonal, interim, or intermittent do not accrue sick leave.
- (b) **Sick Leave Accrual** - All full-time employees of the City shall accrue sick leave at the rate of 3.076 hours per pay period worked, or 80 hours per year. No sick leave shall accrue during any period of unpaid leave, and sick leave shall not be advanced prior to its being earned. Employees may accumulate sick leave up to a maximum of nine hundred sixty (960) hours.
- (c) **Use of Sick Leave** - Sick leave taken shall be charged in increments of a quarter (1/4) hour, or fifteen (15 minutes), subject to any required minimum. An employee may use sick leave, upon approval of his Department Head and/or designee, for absence due to:
 - (i) employee's personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees; or
 - (ii) illness or injury in the immediate family or member of the employee's household; or
 - (iii) obtaining necessary medical, psychological, dental or optical consultation or treatment for the employee and/or a member of their immediate family when the same cannot be obtained during off duty time; or
 - (iv) death of a member of the employee's immediate family whereby sick leave may be used to supplement any bereavement leave provided.
- (d) **Definition of Immediate Family** - The employee's immediate family is considered by the City to include the employees' mother or father, biological or adopted children, spouse, domestic partner,

brother or sister, grandparents or grandchildren, legal guardian, stepchildren, or other persons who stand in place of parent. Domestic partner means an adult engaged in a spouse-like relationship, characterized by mutual caring and respect. Sick leave requests for other “family-based relatives” such as brother in-law or sister in-law will be reviewed on a case-by-case basis, and may be granted based upon current City operational needs and requirements.

- (e) **Sick Leave Verification** – In the event of a planned sick leave event (e.g., scheduled medical procedures, etc.), employees are required to submit a sick leave request through the City’s online Human Resources (HR) system. For an unplanned leave request, an employee on sick leave shall, prior to their scheduled start time, inform his Department Head and/or designee of the fact, except in the case of provable inability to make a telephone call. Employees who call in sick are expected to speak with their Department Head and/or designee; a voicemail message is insufficient notice. Except for an emergency, the employee may not have family members or friends make the call for the employee, or leave voice mail messages or messages with co-workers in lieu of speaking with the supervisor. In the event that an employee is unable to reach their Department Head, they may contact either the City Administrator or Finance Director. Employees are not permitted to take their sick leave balance into a negative balance, with the only permitted exception being when an employee earns enough leave in the immediately following pay period to return the balance to a positive amount.

Except in cases of suspected abuse, an employee will not be routinely required to furnish upon returning to duty, a physician’s certificate evidencing that the absence was for one of the reasons set forth in Subsection C; above, for absences of two (2) consecutive days or less. A satisfactory certificate from a licensed healthcare practitioner will be required in each case when an employee has been absent for three (3) or more consecutive days. The certificate must be signed personally by the treating practitioner, and must verify the specific reason that the employee was unable to work during the period in question and that the employee is able to resume all the duties of his position. The practitioner’s certificate must be submitted to the supervisor upon the employee’s return to work. This certificate shall be maintained in the employee’s personnel file in the Finance Department. Absences of more than 3 days may qualify an employee for leave under FMLA. (See FMLA Section). Employees shall be required in all cases to furnish a written, signed statement upon appropriate department form to justify the use of sick leave.

- (f) **Abuse of Sick Leave** - An employee who fraudulently obtains sick leave, who falsifies sick leave requests, documentation, or records, who misrepresents the grounds for a sick leave request, or who uses sick leave for improper purposes, shall be subject to discipline. Further, an employee may be disciplined for excessive sick leave use in appropriate cases, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave. Misuse of sick leave may result in both discipline and denial of the leave. The employer may investigate any use of sick leave. Intentional misuse of sick leave will be considered theft of public funds and just cause for termination.

Grounds for suspicion of abuse shall include, but are not limited to, information received by the City that the employee is, or was, during any time for which sick leave is claimed:

- (i) Engaging in other employment;

- (ii) Engaging in strenuous physical exercise or recreation, including work around the home, other than as ordered or recommended by a physician;
 - (iii) Absent from home or place of confinement or convalescence when called or visited by representatives of the City, except in cases where employee can produce verification (such as hospital or medical clinical admissions or treatment slip or a receipt for the purchase of medicines from a pharmacy) that their absence was for reasons directly related to the treatment of their illness or injury;
 - (iv) Consistent pattern of call-ins;
 - (v) Extension of scheduled vacation time as sick leave;
 - (vi) Employees with extended employment who have small amounts of accrued sick leave; or,
 - (vii) Other activities, whether or not paid, that are inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family.
- (g) **Sick Leave Credit on Return Service** – An employee who is laid off, or is on unpaid disability leave will, upon reinstatement to service, be credited for any unused and uncashed out sick leave existing at the time of his layoff or leave.
- (h) **Sick Leave Conversion** - Employees at the time of their separation from employment with the City in good standing, or upon the death of an employee in active service, shall receive payment for one-fourth (1/4) of an employee's accrued but unused sick leave, up to a maximum of two hundred forty (240) hours at the employee's current straight-time rate of pay. No employee shall be entitled to payment in excess of one-fourth (1/4) of the employee's accrued but unused sick leave, or in excess of one-fourth (1/4) of nine hundred sixty (960) hours, whichever is less. In the case of the death of an employee, such conversion shall be paid to the employee's estate. Payments made under this section shall eliminate all sick time credit accrued by the employee. Employees subsequently rehired will receive no prior sick time credit, and are ineligible for any future payment of unused sick time under this policy. Eligible City employees, retiring from active service shall request such payment in writing in order to initiate the payment process
- (i) **Transfer of Sick Leave from Other Public Employers** - Pursuant to ORC 124.38, employees who transfer employment from another public agency to the City of Pataskala may request that their accrued and unpaid sick leave be transferred to their credit at the City. The City will limit a transfer to nine hundred sixty (960) hours. It is the employee's responsibility to request a letter from their prior employer certifying their ending sick leave balance with that agency. Hours transferred from another agency shall not be subject to the sick leave conversion policy in Section H above to the extent that the employee has not earned and accrued an equal amount while employed by the City.
- (j) **Catastrophic Sick Leave Donation Program** - A catastrophic sick leave program is established to assist employees who are placed on a leave of absence due to a non-job related accident, injury or long-term illness, and who will exhaust all other available paid leave. This program is available for use for illness or injury of only the employee, and is not available for any desired absence for illness or injury of an employee's family members. This program neither supersedes nor replaces other disability programs.

The Catastrophic Sick Leave Donation program can be utilized only if all of the following conditions are met:

- (i) The Administrator has determined that the injury or illness is catastrophic. The Administrator has final determination, and such determination is subject to appeal.
- (ii) If determined appropriate by the Administrator, a City-approved doctor or other medical professional, may be required to certify that a long-term medical injury or illness exists.
- (iii) The injury or long-term illness must require the employee to take at least 30 days off of work, and must render the employee unable to perform the essential functions of the employee's position. Employees on maternity/paternity leave, or absent due family related illness or injury conditions are not eligible for this program.
- (iv) The employee must have worked for the City for at least one continuous year prior to the illness or injury.
- (v) The employee shall not have been previously disciplined for sick leave abuse.
- (vi) Prior to receiving a sick leave donation, the employee must have exhausted all paid time off, including sick leave, compensatory time, and vacation time with the following exception: one time bank designated by the employee (other than sick leave) may contain no more than twenty four (24) hours of time. Such time will be held in reserve to allow the employee to take some time off following the end of the catastrophic situation should such time be needed to attend to family or other personal matters.
- (vii) Sick leave hours received shall be recorded in the employee's sick leave bank on an hour for hour basis.
- (viii) Employees volunteering to donate accumulated sick leave to another employee, shall submit the request on the City's *Sick Leave Donation Form*, a copy of which is provided in Appendix H. Employees should be aware that employee sick leave donations are voluntary, and are irrevocable.
- (ix) An employee who is utilizing donated sick leave, and who also has any unused hours of FMLA leave, will be required to utilize those unused hours concurrently with the use of donated sick leave hours
- (x) Unless otherwise approved by the Administrator, up to 80 hours total per catastrophe can be donated by an employee. An employee receiving sick leave donations may receive a maximum of 240 hours of time for any one catastrophic illness or injury. The minimum amount of time which can be donated is eight (8) hours, and donors may bestow any amount of time in four (4) hour increments, up to the maximum permitted.
- (xi) Any donation of sick leave by employees shall not constitute a "use" of sick leave by the employee making the donation.
- (xii) An employee volunteering to donate sick leave hours to another employee, must maintain a post-donation minimum of eighty (80) hours accumulated sick leave to their credit.
- (xiii) Donated leave shall not count toward the completion of any required introductory period of an employee who receives donated leave during such a introductory period.

- (xiv) Employees who are on other State leave benefits, such as workers compensation and disability, shall be ineligible to participate in the City's Sick Leave Donation program.
- (xv) Employees using donated leave will be considered to be in active pay status, and shall accrue leave, and be entitled to any benefits to which they would otherwise be entitled. Such additional leave accruals shall be used prior to/in conjunction with the use of donated sick leave.
- (xvi) Donated leave shall be considered sick leave for payroll purposes; however, at no time will donated leave be converted into a cash benefit. This would exclude an employee, who would otherwise be able to cash out accumulated sick leave hours upon termination of employment, to make such a request pursuant to City policy.

Section 8.07 Holidays

- (a) **Observed Holidays** – The following days are declared to be holidays which will be observed by full-time employees:

New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day (Police employees only)	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving (excluding Police employees)	
Christmas Day	December 25

If any day designated in this section as a legal holiday happens to fall on Saturday or Sunday, then either the Friday preceding or the Monday following will be designated as the legal holiday.

- (b) **Holiday Pay** - All full-time employees shall receive holiday pay for each of the holidays as specified above. The rate of pay for each holiday will be equivalent to eight (8) hours of straight time pay, or ten (10) hours in the case of employees regularly scheduled to work a ten (10) hour work day.
- (c) **Holiday Work** - If an employee is required to work on a holiday, he shall receive holiday pay plus pay for time actually worked on the holiday. If the time actually worked on a holiday does not result in overtime, the employee's pay for the time worked shall be his regular straight-time rate. If the time actually worked on a holiday results in overtime, the employee's pay for the time worked shall be one and one-half (1 ½) times his regular straight-time rate.

Section 8.08 Other Paid Leaves

- (a) **Military Leave** – All employees who are members of the Ohio National Guard or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties, and to the difference between their regular rate of pay and their

military on field training or active duties for periods not to exceed a total of thirty-one (31) calendar days in one (1) calendar year. The maximum number of hours for which payment will be made in any one (1) calendar year under this provision is one hundred seventy-six (176) hours. Employees are required to submit to their supervisor an order or statement from the appropriate military commander of evidence of such duty. There is no requirement that the service be in one continuous period of time.

Employees who are members of those components listed in this Section will be granted emergency leave for mob, riot, flood, civil defense or similar duties when so ordered by the Governor to assist civil authorities. Such leave will be without pay if it exceeds authorized military leave for the year. The leave will cover the official period of the emergency.

Employees are entitled to all reemployment and reinstatement rights provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA) U.S.C. **4301 st seq. The Uniformed Service Employment and Reemployment Act of 1994, 38 U.S.C.A. 4301 e. Seq. (USERRA) prohibits discrimination or retaliation for an employee's membership (voluntary or involuntary) in the uniformed services concerning any aspect of employment.

- (b) **Bereavement Leave** - In the event of the death of an employee's parents (including spouse's parents), brothers, sisters, spouse, domestic partner, children, or grandchildren shall be allowed and limited to a maximum of five (5) working days. Domestic partner means an adult engaged in a spouse-like relationship, characterized by mutual caring and dependency. Additional days may be taken, subject to the approval of the City Administrator, and, if approved, charged to either sick leave, vacation leave or non-compensated time off.

In the event of death of grandparents, grandparents-in-law, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, or a legal guardian or the person who stands in the place of a parent shall be limited to a maximum of three (3) working days. Additional days may be taken, subject to the approval of the City Administrator, and, if approved, charged to either sick leave, vacation leave or non-compensated time off.

If a funeral is on a Saturday, it shall not be a paid bereavement day, unless that day was a regularly scheduled workday for the employee. A copy of the obituary shall be provided by the employee, and given to the Finance Manager to be retained in the employee's personnel file.

- (c) **Jury Duty/Court Appearance Leave** - An employee, while serving upon a jury in any court of record, will be paid his regular salary for each of his workdays during the period of time so served. An employee will be granted excused absence from work, without loss of pay, when:
 - (i) The employee is summoned for jury duty, or is subpoenaed to appear before any court or other legal body authorized to compel the attendance of witness, provided that the employee is not a party to the action.
 - (ii) The employee is a party to any action before the State Personnel Board of Review, provide that the employee is in active pay status at the time of a scheduled hearing.

Employees appearing before a court or other legal body in a matter in which the employee is a

party will apply for the use of paid leave (e.g., accrued compensatory time or vacation) or unpaid leave for that absence. Examples include criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of a juvenile. .

Employees who receive compensation from the court for serving on a jury, or as identified in sections (i) and (ii) shall be required to reimburse the city for any such compensation received. The reimbursement can be accomplished either by signing over the payment to the city, or by providing the city with a payment (check or cash), in an amount equal to the compensation. However, if any portion of the compensation received by the check is specifically identified by the court as reimbursement for mileage or parking, the reimbursement to the city can be reduced by the amount of such identified reimbursements.

Section 8.09 Unpaid Leave of Absence

- (a) Employees may request an unpaid leave of absence of up to six (6) months for personal reasons, including, but not limited to: maternity leave, disability, personal fulfillment and educational pursuits that are not in the course of, and required for, the employees position with the City.
- (b) The City Administrator, or the Mayor in the case of the Police Department, has sole discretion whether to grant the leave and/or the length of time the leave for which the leave is approved. Such decisions are final, and are not subject to appeal.
- (c) Employees on unpaid personal leave must keep the City Administrator and their Department Head informed of the status of their leave, and provide advance written notice of their intent to return to work.
- (d) Failure to return to work following an unpaid leave of absence may be cause for discharge. If the employee is unable to return due to a disability, a satisfactory certificate from a licensed healthcare practitioner will be required in each case. The certificate must be signed personally by the treating practitioner, and must verify the specific reason that the employee was unable to work during the period in question, and that the employee is currently unable to resume the primary duties of his position. The practitioner's certificate should also indicate if, and when, the employee is expected to be able to return to work. The certificate must be submitted to the employee's Department Head. This certificate shall be maintained in the employee's personnel file in the Finance Department.
- (e) An employee on unpaid leave status shall not accumulate sick or vacation leave, and shall not receive holiday pay. Except as provided in the FMLA section, unpaid leave shall not count for seniority purposes, and an employee on unpaid leave may elect to continue health insurance coverage (COBRA) and related benefits by paying all applicable premiums and processing fees.
- (f) The employee's approved unpaid leave of absence may be rescinded at any time by the party that initially approved the leave (City Administrator or Mayor) for business reasons, upon one week's written notice to the employee that the employee must return to work. Email communication with the employee shall be deemed written notice for this purpose. An employee on an unpaid leave of absence who is determined to be using the leave for purposes for other than for which it was granted may be ordered to return to work immediately. Failure to return to work, as instructed and in accordance with these policies may result in discipline, up to and including termination.

Section 8.10 Tuition Reimbursement Program

- (a) **Policy** – All employees may participate in the City’s Tuition Reimbursement Program upon the approval of the City Administrator. Under this program, each employee shall be eligible for assistance limited to 50% of the cost of tuition, books, and other necessary materials up to a maximum reimbursement of \$1,000 for an associate’s degree, \$1,500 for a bachelor’s degree, and \$2,000 for a master’s degree per calendar year. Courses of instruction eligible for reimbursement under this program shall include courses necessary for job-related programs. In addition, only coursework provided by a recognized institution (e.g. college, university, community college, post-secondary technical school, etc.) shall be eligible for reimbursement under this program. No reimbursement shall be approved for correspondence courses.
- (b) **Necessary Approval** - All coursework subject to reimbursement shall be transmitted, in advance and through the division/Department Head to the Finance Director for approval. The Division/Department Head shall provide a written recommendation concerning approval/disapproval of the request at the time of transmittal to the City Administrator. If practicable, an employee shall make application for approval of coursework at least thirty (30) days prior to commencement of the course study. The City Administrator shall evaluate the employee’s coursework/degree program or job-relatedness, and shall notify the employee, in writing regarding his approval or disapproval of such request. Approval for such coursework shall not be unreasonably withheld. An employee may receive blanket approval for an entire degree program or a continuing course of study if all courses with the program are identified. If all or part of the program is approved, the employee need not reapply for approval for each course within the portion(s) approved.
- (c) **Course Attendance** – Courses are to be taken on other than scheduled working hours, unless prior approval is obtained from the Department Head or their designee to take such courses on work time.
- (d) **Reimbursement Procedure** – Reimbursement shall be made upon successful completion of a course with the grade of “C+” (2.50) or better. The employee shall submit an official transcript or certificate demonstrating successful completion of the course, and a receipt from the institution confirming the employee has paid for the tuition, fees and required textbooks. Any financial assistance available to an employee shall be deducted from the amount of tuition reimbursement that would otherwise be payable. The employee shall not be reimbursed for incidental expenses such as paper or supplies, mileage, parking, meals or other expenses other than tuition, fees and required textbooks.

Article IX DISCIPLINE

Section 9.01 Tenure in Service

- (a) The classified and unclassified service shall be established by City Council. No employee in the classified civil service, upon completion of his introductory period, shall be disciplined other than for just cause. Classified employees may be reduced in pay or position, fined, suspended, removed from their job, or otherwise disciplined for: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of work rules, any other failure of good behavior including a violation of the ethics of City employment, any other acts of misfeasance, malfeasance, or nonfeasance, or felony conviction.

Section 9.02 Disciplinary Procedures

- (a) **Investigations** - Each Department Head and/or designee and/or the City Administrator has the right to investigate alleged disciplinary violations. All employees are required to cooperate during investigations. Employees appearing as a witness in an agency investigation have the right to be accompanied, represented, and advised by an attorney during formal investigatory meetings. Failure to respond, to respond truthfully, or to otherwise cooperate in an investigation shall be considered insubordination and will result in discipline.
- (b) **Administrative Leave with Pay** - If the employer determines that an employee's continued employment during an investigation or disciplinary procedure poses a danger to persons or property or a threat of disrupting operations, he may place the employee on administrative leave with pay. Administrative leave with pay is not considered to be a disciplinary action.
- (c) **Pre-Disciplinary Meeting** - The employer shall impose disciplinary action as appropriate. However, before imposing a reduction in pay, reduction in position, fine, suspension, or removal on a classified employee, the employer will comply with due process by engaging in certain pre-disciplinary procedures. Specifically, the Department Head and/or designee will present the employee with notice of the charges against him and an opportunity to respond to those charges.

Prior to the pre-disciplinary meeting, the Department Head and/or designee shall provide the employee with a brief summary of the allegedly improper conduct that is the subject of the disciplinary charges. Generally, this information will be provided to the employee at least twenty-four (24) hours before the pre-disciplinary meeting. The employee has the right to be accompanied at the pre-disciplinary meeting by one (1) chosen representative.

The pre-disciplinary meeting will be scheduled as promptly as possible by the Department Head and/or designee. The employer may impose reasonable rules as to the length of the pre-disciplinary meeting and the conduct of the participants. The employer and/or the employee or his representative may tape-record the pre-disciplinary meeting. The employee does not have the right to call, confront, or cross-examine witnesses. The Department Head and/or designee may prepare a written report after the pre-disciplinary meeting concluding whether the alleged conduct occurred. If such a report is prepared, it will be provided to the employee. Failure to attend a scheduled pre-disciplinary meeting will be considered a waiver of the opportunity to have a pre-

disciplinary meeting.

At the pre-disciplinary meeting, the employee has the right to either:

- (i) Appear at the conference and present an oral/written statement in response to the charges.
 - (ii) Appear at the conference and have his chosen representative present an oral or written statement in response to the charges; or.
 - (iii) Elect to waive his opportunity to have a pre-disciplinary meeting.
- (d) **Discipline** - Upon completion of the pre-disciplinary meeting, the employer shall determine the appropriate discipline, if any. The employee will be notified of the disciplinary action in accordance with law. The City adheres to the principles of progressive discipline with respect to classified employees. However, certain offenses are serious enough to warrant suspension, demotion, or removal without regard to previous reprimands or discipline. The employer will comply with the rules of the Personnel Board of Review when imposing a reduction in pay or position, suspension of more than three (3) working days, fine in excess of three (3) days' pay, demotion, or removal, on a classified employee.
- (e) **Criminal Charges** - The filing or prosecution of criminal charges against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The employer may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending criminal charges. The disposition of criminal charges is independent of the disciplinary investigation and will not, in and of itself, be determinative of the decision to take disciplinary action or the appropriateness of the action taken.
- (f) **Unclassified Employees** - These provisions on discipline and removal do not apply to employees in the unclassified service. Unclassified employees serve at the pleasure of the employer and may be terminated at any time and for any reason not inconsistent with law.
- (g) **Resignation** - An employee who intends to resign his employment with the City is requested to provide at least two (2) weeks advance written notice to his supervisor. Failure to provide advance notice may affect subsequent re-employment consideration.

Article X FAMILY AND MEDICAL LEAVE ACT (FMLA)

Section 10.01 FMLA Leave Policy

- (a) **Policy** - City of Pataskala employees may request time off for family and medical leave of absence with job protection and no loss of accumulated service, provided the employee meets the conditions outlined in this policy, and returns to work in accordance with the Family and Medical Leave Act of 1993 (FMLA).

Section 10.02 Definitions

- (a) As used in this policy, the following terms and phrases shall be defined as follows:
 - (i) **Family and/or Medical Leave of Absence** – an approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - 1) upon the birth of an employee's child, and in order to care for the child;
 - 2) upon the placement of a child with an employee for adoption or foster care;
 - 3) when an employee is needed to care for a family member who has a serious health condition;
 - 4) when an employee is unable to perform the functions of his position because of the employee's own serious health condition.
 - (ii) **Per Year** – a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time the employee takes leave, the City will compute the amount of leave the employee has taken under this policy and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four weeks of FMLA leave beginning February 3, four weeks beginning June 2, and four weeks beginning December 1, 2014, the employee would not be entitled to any additional leave until February 3, 2015.
 - (iii) **Serious Health Condition** - - any illness, injury, impairment, or physical or mental condition that involves:
 - 1) Inpatient Care;
 - 2) Any period of incapacity of more than three consecutive calendar days that also involves:
 - a) two or more treatments by a health care provider, the first of which must occur within seven, (7) days of the first day of incapacity with both visits completed within thirty, (30), days; or
 - b) treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - 3) Any period of incapacity due to pregnancy or for prenatal care;
 - 4) A chronic serious health condition which involves all of the following:
 - a) periodic visits for treatment to a health care provider (at least two per year);

- b) continues over an extended period of time; and,
 - c) may be periodic rather than a continuing incapacity.
- 5) Any period of incapacity which is permanent or long term, and for which treatment may not be effective (e.g., terminal stages of a disease, Alzheimer's disease, etc.).
- 6) Absence for restorative surgery after an accident/injury, or for a condition that would likely result in an absence of more than three (3) days at a later date without medical intervention at the present time (e.g., chemotherapy, dialysis, etc.).
- (iv) **Licensed Health Care Provider** – a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists/ophthalmologists, psychiatrists, clinical psychologists, and others as specified by law.
- (v) **Family Member** – For purposes of this policy, family member is defined to include the employee's spouse, child, stepchild, grandparent or parent.
- (vi) **Covered Service Member** - a member of the armed forces, including a member of the national guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or on the temporary disability retired list, for a serious illness or injury.
- (vii) **Outpatient Status** - the status of a member of the armed forces assigned to:
 - 1) a military medical treatment facility as an outpatient; or,
 - 2) a unit established for the purpose of providing command and control of members of the armed forces receiving medical care as outpatients.
- (viii) **Serious Illness or Injury** – an injury or illness incurred by the member while on active duty in the armed forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

Section 10.03 FMLA Eligibility

- (a) In order to be eligible for leave under this policy, an employee must meet the following conditions:
 - (i) The employee must have worked for the City for at least twelve (12) months, or fifty-two (52) weeks (need not be consecutive); and,
 - (ii) The employee must have actually worked at least 1,250 hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
 - (iii) The entitlement to FMLA leave for a birth, adoption placement or foster care of a child shall expire twelve (12) months after the date of such birth or placement.
 - (iv) An employee may only take FMLA leave because of his own serious health condition if such condition renders the employee unable to perform the essential functions of the position.
 - (v) Spouses who are both employed by the City are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, or for the care of certain family members with serious health conditions.

Section 10.04 Concurrent Use of Leaves

- (a) **Policy** - Whether leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of twelve (12) weeks of leave per year under the FMLA. If an employee has accrued paid leave, such as sick leave, vacation leave, or compensatory time, the appointing authority may require the employee to use such accrued paid leave consecutively with all or part of the unpaid FMLA twelve (12) weeks. Employees will be required to use the type of paid leave that best fits the reason for taking leave, and must comply with all procedures for requesting the appropriate type of paid leave as stated in the relevant paid leave policy. Any FMLA leave remaining after appropriate accumulated paid leave has been exhausted shall be unpaid. For example, an employee who takes FMLA for placement of a foster child, may be required to use his vacation leave concurrently with his FMLA but may not be required to take sick leave as placement of a foster child is not an appropriate sick leave use.
- (i) **Birth of an Employee's Child:** The entitlement to FMLA leave for the birth of a child expires at the end of the twelve (12) month period beginning on the date of the birth. An employee who is taking leave for the birth of his child must use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. If the employee requests leave for their own serious health conditions as a result of the pregnancy, or a serious health condition of the baby, the employee will also be required to exhaust all of the employee's sick leave prior to using unpaid leave for the remainder of the twelve (12) week period.
- (ii) **Placement of a Child for Adoption or Foster Care:** The entitlement to FMLA leave for the placement for adoption or foster care of a child expires at the end of the twelve (12) month period beginning on the date of the placement. An employee who is taking leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation and compensatory time, but may not utilize sick leave, prior to using unpaid leave for the remainder of the twelve (12) week period.
- (iii) **Employee's Serious Health Condition or Serious Health Condition of a Family Member:** An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available accrued paid sick, vacation, and compensatory time prior to using unpaid leave for the remainder of the twelve (12) week period.
- (iv) **Service Member's Leave:** The spouse, parent, or child of a member of the U.S. Military service is entitled to twelve (12) weeks of FMLA leave due to the exigencies of the service member being called to active service. Examples include rapid deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, and post deployment activities. In addition, a spouse, child or parent of a service member is entitled to up to twenty-six (26) weeks of leave to care for a service member injured in the line of duty. In the event the injured service member does not have a spouse, child or parent, an employee who is the next of kin, (i.e., closest blood relative) may take leave under the FMLA to care for the injured service member. An employee who is taking leave due to a service member's being called to active duty must first use all available accrued paid vacation and compensatory time, but may not utilize sick leave, prior to using unpaid leave for the

remainder of the twelve (12) week period.

Section 10.05 FMLA Leave and Workers' Compensation

- (a) An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation. Regardless of whether an employee is on workers' compensation, the City may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, an employee is not eligible to use paid leave of any type (except as supplemental benefits), nor can the City require him to do so, while the employee is receiving compensation from such a program.

Section 10.06 Procedures for Requesting FMLA Leave

- (a) The City may designate applicable leave as FMLA leave regardless of whether the employee makes a formal request for FMLA leave. Employee requests for foreseeable FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the City receives notice. The employee must follow the regular reporting procedures for each absence.
- (b) Requests for FMLA leave should be submitted by the employee on a standard leave form prescribed by the City. The City will determine whether the leave qualifies as FMLA leave, designate it as leave that counts against the employee's twelve (12) week entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave.
- (c) When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's family which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of the City.

Section 10.07 Certification of Need for FMLA Leave

- (a) An employee requesting FMLA leave due to a serious health condition of himself or his immediate family must provide a health care provider's certification of the health condition. Such certification shall be submitted at the time FMLA is requested, or, if the need for leave is not foreseen, as soon as practicable thereafter. Employees requesting FMLA leave due to birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.
- (b) The City, in its discretion, may require the employee to sign a release of information so that a representative, other than the employee's immediate supervisor, can contact the employee's medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven, (7), calendar days to cure the deficiency.
- (c) The City, may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the City. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the City. If the first

and second opinions differ, the City, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the City and the employee. Failure or refusal of the employee to submit to, or cooperate in, obtaining either the second or third opinions may result in the denial of the FMLA leave request.

- (d) An employee who requests and is granted FMLA leave due to his own serious health condition or a serious health condition of his immediate family may be required to submit periodic written reports to the City in order to assess the continued qualification for FMLA leave. The City may request additional reports if the circumstances described in the applicable certification have changed significantly or if the City receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the City within fifteen (15) days absent extenuating circumstances. Any costs associated with the additional reports requested by the City shall be at the employee's expense.

Section 10.08 Intermittent/Reduced Schedule Leave

- (a) When medically necessary due to an employee's serious health condition or a serious health condition of his immediate family, an employee may take FMLA leave on an intermittent or reduced work schedule. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of a child, or upon the placement of a child for adoption or foster care. In all cases, the FMLA leave granted to any employee shall not exceed a total of twelve (12) weeks per year. Request for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or, if this is not possible, as soon as practicable.
- (b) To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification establishing the medical necessity for such intermittent or reduced schedule leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave must meet with his supervisor and/or the City Administrator to discuss the intermittent or reduced schedule leave.
- (c) An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the City.

Section 10.09 Employee Benefits

- (a) Except as provided below, while an employee is on FMLA leave, the City will continue to pay the employer portion of premiums for any life, medical and dental insurance benefits which the employee receives through the City, under the same terms and conditions as if the employee had continued to work throughout the leave. Employee contribution amounts when applicable are

subject to any change in rates that occurs while the employee is on leave.

- (b) The City will not continue to pay the employer portion of premiums for any life, medical and dental insurance benefits if the employee fails to pay his portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days.
- (c) If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the City may seek reimbursement from the employee for any amounts paid by the City for insurance benefits which the employee received through the City during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave, and not used by the employee as outlined in the section entitled "Use of Leave", will be retained by the employee.
- (d) FMLA leave will not constitute a break in service credit for City employees. Service credit shall continue to accrue during periods of paid FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits that are based on length of service. Paid leave benefits may not accrue during any period of unpaid FMLA leave.

Section 10.10 Reinstatement

- (a) An employee on FMLA leave must give the City at least two (2) business days' notice of his intent to return to work, regardless of the employee's anticipated date of return. Most employees who take leave under this policy will be reinstated to the same or similar position upon return from leave. However, an employee on FMLA leave has no greater right to reinstatement or other benefits and conditions of employment than if the employee had been continuously employed during his FMLA leave period.
- (b) Upon request for reinstatement, if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility and authority and which carries equivalent status, pay, benefits and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The City will determine if a position is an "equivalent position".
- (c) An employee will not be laid off due to his exercising his FMLA rights. However, the employer will not reinstate an employee who has taken FMLA leave if, as a result of layoffs within the City, the employee would not otherwise be employed at the time reinstatement is requested.
- (d) An employee on FMLA has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave.
- (e) Prior to reinstatement, an employee who takes FMLA leave based on his own serious health condition shall provide certification from the employee's health care provider of his ability to resume work. The return to work certification must specifically address the employee's ability to perform the essential functions of the position.

Section 10.11 Records

- (a) All records relative to FMLA leave will be maintained by the City as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular

personnel file. To the extent permissible by law, medical records related to FMLA leave will be kept confidential.

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Article XI DRUG AND ALCOHOL POLICY

Section 11.01 Purpose

- (a) The City's policy is to ensure that its employees are free from the effects of alcohol and/or illegal drugs at all times while on duty. The City's goal is to reduce accidents, injuries and fatalities resulting from drug and alcohol abuse, and to ensure that employees are drug and alcohol free while serving the needs of the City. The City recognizes alcoholism and drug addiction as treatable diseases, and encourages those employees who suspect that they have an alcohol or drug problem to seek professional treatment and assistance. This provision does not prohibit the City from taking appropriate disciplinary action against employees for inappropriate behavior. Additionally, this provision does not affect or alleviate any additional requirements concerning drug and alcohol testing under regulations or City policies promulgated regarding receipt and maintenance of a Commercial Driver's License (CDL).

Section 11.02 Use of Alcohol and Controlled Substances Prohibited

- (a) No City employee shall report for duty, or remain on duty with any evidence of alcohol use. No City employee shall report for duty, or remain on duty while using, or while under the influence of, any controlled substance, except when the use is prescribed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his job duties. An employee who tests positive for the use of alcohol or a controlled substance in connection with a workplace accident or injury may be found ineligible to receive workers compensation benefits.

Section 11.03 Conditions Resulting in Employee Drug and/or Alcohol Testing

- (a) **Testing** - All City employees may be subject to drug and/or alcohol testing conducted under any of the following conditions:
 - (i) **Pre-Employment Drug Testing** – As a part of the City's employment procedures, all applicants selected for an offer of employment for a safety-sensitive position, as defined by existing case law (e.g., law enforcement, use of hazardous materials, operators of heavy equipment and power tools, etc.), shall be required to undergo a pre-employment drug screen/test that is conducted by a third-party facility designated by the City. Any offer of employment is contingent upon, among other things, satisfactory completion of this screening, and the determination by the City that the applicant is capable of performing the responsibilities of the position that has been offered. Candidates for positions that are not considered to be safety-sensitive shall not be subject to such pre-employment testing.
 - (ii) **Reasonable Suspicion of Drug and/or Alcohol Use** - Whenever the City has reasonable suspicion to believe that an employee is affected by the use of alcohol or a controlled substance, the City may require such employee to submit urine, or other sample, for alcohol and/or controlled substance testing. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Where an employee has been ordered to undergo reasonable

suspicion testing, he shall be immediately placed on paid administrative leave pending receipt of the test results. If the test results are negative, the employee shall be returned to their assigned duties.

- (iii) **Post-Accident Testing** - Following a workplace injury or an accident involving a City vehicle, the employee shall submit to alcohol and controlled substances testing. Post-accident testing shall be conducted within eight (8) hours whenever an accident occurs as defined below. Any employee who is subject to post-accident testing shall make himself readily available for such testing, or shall be deemed to have refused to submit to testing. If circumstances do not provide for the opportunity for testing to be completed within that timeframe, the testing should be completed as soon as practicable; however, at no time shall a specimen be collected after thirty two (32) hours from the time of an employee-related accident. A positive test following a workplace injury may affect the employees' eligibility for workers' compensation. For purposes of this policy, an accident is considered to be an unplanned, unexpected or unintended event that occurs on City property, during the conduct of the City's business, or during working hours, or which involves City-supplied motor vehicles that are used in conducting the City business, or is within the scope of employment, and which results in any of the following:

- 1) A fatality of anyone in the accident;
- 2) Bodily injury to the employee and/or another person that requires off-site medical attention away from the City's place of employment; or
- 3) Property damage in apparent excess of \$750.

When such an accident results in one of the situations above, any employee who may have contributed to the accident will be tested for drugs or alcohol use or both unless there are no evident signs of drug use or alcohol impairment as determined by the acting police officer at the accident site. In the event there are no evident signs of drug use or alcohol impairment as determined by the acting police officer, specific testing will not be required.

- (iv) **Return to Work Testing** - This testing occurs when an employee, who has previously tested positive, is allowed to return to work. The City shall ensure that, before an employee returns to work after engaging in prohibited alcohol and/or controlled substance conduct, the employee undergoes a return to work alcohol and/or controlled substance test indicating a verified negative result. If the employee fails this test, the employee may be disciplined, including discharge.
- (v) **Follow-Up Drug and Alcohol Testing** - Any employee who tests positive for the use of alcohol or controlled substances while on duty may be evaluated by a substance abuse professional. If, following an evaluation, the employee is directed to undergo substance abuse counseling, such employee may be subject to unannounced follow-up alcohol and/or controlled substance testing consisting of six (6) tests in the twelve (12) month period following the employee's return to work. An employee's refusal, or failure to timely report when ordered, to testing permitted under this policy, may subject an employee to discipline, including discharge. Additionally, any attempt by the employee to adulterate a specimen or otherwise intentionally manipulate the drug or alcohol testing process may also result in discipline, including discharge.

Section 11.04 Testing Requirements

- (a) All procedures and protocols for drug and alcohol collection and testing shall conform to the methods and procedures set forth in federal regulations or applicable collective bargaining agreements.
- (b) Any employee who is notified of selection for drug and alcohol testing shall be relieved of job responsibilities and shall proceed to the designated test site immediately. The employee shall be accompanied by the appointing authority or his designee. A selected employee shall not make any stops from the time of notification until reaching the designated test site. Failure to proceed immediately to the drug testing site may be considered a refusal to test.
- (c) Testing results shall be delivered to the City and the employee being tested. An employee whose confirmatory test results are positive shall have the right to request a certified copy of the testing results in which the vendor shall affirm that the tests results were obtained using the approved protocol methods. The employee shall provide a signed release for disclosure of the testing results to the City. Costs of all drug screening tests and confirmatory tests shall be borne by the City except that any test initiated at the request of the employee shall be at the employee's expense.

Section 11.05 Refusal to Test

- (a) Refusal to submit to drug and alcohol tests as ordered by the City will be grounds for disciplinary action. A refusal to test constitutes conduct that obstructs the proper administration of a test. The following is a list of some, but not all, of the actions an employee may take which will be considered by the City to be evidence of an employee's refusal to test:
 - (i) Refusal to sign the form releasing test results to the City;
 - (ii) A non-medical delay in providing urine, breath, blood, saliva or any other specimen;
 - (iii) Failure to report directly to the testing facility upon notification; or
 - (iv) The use of any product to invalidate the test results.

Section 11.06 Confirmatory Tests

- (a) If a drug screening test results in a positive result, a confirmatory test shall be conducted in the manner prescribed in the laboratory's procedures. In the event the second test confirms the results of the first test, the City may proceed with appropriate discipline. In the event the second test contradicts the result of the first test, the City may request a third test in accordance with the procedures prescribed above. The results of the third test, if positive, shall allow the City to proceed with discipline as set forth in this policy. If the results of the third test are negative, discipline shall not be imposed.

Section 11.07 Discipline and Rehabilitation

- (a) The City may place an employee on administrative leave with pay during all or part of the

investigative, testing and, if applicable, pre-disciplinary process. If the testing required above has produced a positive result, the City may take appropriate disciplinary action and/or may require the employee to participate in a rehabilitation or detoxification program. An employee who participates in a rehabilitation or detoxification program may be required to use sick time, compensatory days, vacation leave, and/or personal days for the period of rehabilitation or detoxification. If no such leave credits are available, the employee shall be placed on medical leave of absence without pay for the period of the rehabilitation or detoxification program. FMLA may be used if available and appropriate.

Section 11.08 Confidentiality of Test Results

- (a) Test results will generally remain confidential. However, the City may use test result information in connection with City business, for purposes of employment or disciplinary actions, and in defense of related litigation. The City may also disclose test results when required by government agencies or in accordance with state and federal law.

Section 11.09 Rebuttable Presumption

- (a) Effective October 13, 2004, Section 4123.54 of the Ohio Revised Code requires notice of Rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.
- (b) The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.
- (c) By taking a test, an employee does not waive any objection or challenge he or she may possess. Within twenty-four (24) hours of the time the employee is ordered to submit to a test, the City shall provide the employee with a written notice setting forth the information and observations which form the basis for the order, provided that if this timeframe cannot be accomplished due to the City offices being closed, reasonable effort shall be made to provide timely notice.

Section 11.10 Drug-Free Workplace Policy

- (a) The City recognizes that the ability of an employee to properly perform his or her duties depends, in part, on a workplace which is free of substance abuse. In an effort to promote public safety, to provide employees who may be drug or alcohol dependent with an opportunity for treatment and for remaining productive employees of the City, and in recognition that substance abuse is a problem which, depending on individual circumstances, may require intervention, rehabilitation, or discipline, it is the purpose of this Policy to provide a method for responding to the risks presented by the presence of substance abuse in the workplace by:
 - (i) Dealing with incidents of substance abuse which present a reasonable likelihood of significant risk to employees, the general public or other employees of the City;

- (ii) Providing assistance to an employee with drug or alcohol dependency problems; and
- (iii) Disciplining an employee whose satisfactory work performance is adversely affected by substance abuse.
- (b) The City Administration and management are fully committed to the City's Drug-Free Workplace Program, which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy. Behaviors related to substance use can endanger all employees, not just substance abusers.
- (c) This Policy describes the City's Drug-Free Workplace Program, and every employee is expected to read and understand it. The City's Drug Free Workplace Policy applies to every employee including management. The consequences stated in this Drug-Free Workplace Policy will apply to anyone who violates the Policy.

Section 11.11 Training

- (a) Employees will have the opportunity to receive information about substance abuse as a workplace problem, signs and symptoms, dangers of use, and how and where to get help for themselves and their families. The City Administrator will serve as the City's Drug-Free Workplace Program Administrator, and will be responsible for arranging drug and alcohol testing, identifying resources that employees can turn to for help for themselves and/or their families, and arranging for qualified people to help with employee awareness education and with supervisor training.

Section 11.12 Employee Awareness Education

- (a) Every new employee will hear about the program during orientation and will receive substance education as soon as practical thereafter, but in no case later than 90 days after the commencement of employment. The written Policy will be shared, and the employee will be expected to sign for receipt. A qualified person will explain why and how substance abuse is a workplace problem, the effects, signs/symptoms of use, effects of commonly used drugs in the workplace, and how to get help. The training will also cover how an employee can get a referral for employee assistance, the importance of determining how much of a substance problem the employee has, and what type of help is needed.
- (b) There will be a minimum of one (1) hour of educational awareness annually for all employees. The City shall schedule said training sessions during the employees' normal work schedules.

Section 11.13 Supervisor Training

- (a) Supervisors shall be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to annual employee education. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help. Supervisors will receive a minimum of two (2) hours of initial training, and two (2) hours of refresher training by a qualified trainer.

Section 11.14 Responsibility

- (a) Although it is the responsibility of every employee to be alert to potential incidents of substance abuse in the workplace, it is the primary responsibility of supervisors to initially respond to such incidents, particularly where circumstances are reasonably felt to pose a reasonable likelihood of significant risk to the public safety. Supervisors shall take such action, not inconsistent with this Policy, as they deem appropriate to eliminate immediate risks associated with any incident of potential substance abuse.

Section 11.15 Terms and Definitions

- (a) The following definitions shall govern this Article:
 - (i) **Under the Influence** – means that the employee is adversely affected in the satisfactory performance of his duties by any illegal drug or alcohol, or the combination of any legal drug, illegal drug and alcohol.
 - (ii) **Legal Drug** – means prescribed drugs or over-the-counter drugs which have been legally obtained for the user, and are used for the purpose for which they were prescribed and manufactured;
 - (iii) **Illegal Drug** – means any drug: (1) which is not legally obtainable; or (2) which is legally obtainable, but has not been legally obtained; and (3) prescription drugs not being used for their prescribed purpose.
 - (iv) **Reasonable Suspicion** – is an articulated belief that an employee is using illegal drugs or misusing alcohol such that the employee's satisfactory work performance is adversely affected by the presence of alcohol or illegal drugs. Reasonable suspicion may be based upon:
 - a) Observable phenomena, such as direct observation of drug or alcohol use, possession or distribution, or the physical symptoms of being under the influence of drugs or alcohol (e.g. slurred speech, dilated pupils, odor of alcohol or marijuana);
 - b) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance (e.g. frequent absenteeism or tardiness, recurrent accidents) which appears to be related to substance abuse and does not appear to be attributable to other causes;
 - c) The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking;
 - d) A report of alcohol or other drug use provided by a reliable and credible source;
 - e) Repeated or flagrant violations of the City's safety or work rules, which are determined by a supervisor to pose a substantial risk of physical injury or property damage and which appear to be related to substance abuse or use that may violate the City's Drug-Free Workplace Policy.

Section 11.16 Prohibited Conduct

- (a) For purposes of the policy, an employee shall not, while performing his or her duties for the City, or while in a City facility or vehicle, or while in uniform:

- (i) Report to duty, remain on duty, or perform their duties under the influence of alcohol;
- (ii) Report to duty, remain on duty or perform their duties while being under the influence of any illegal drug, or while using any legal drug be impaired to the point that the employee cannot satisfactorily perform his or her assigned duties; or
- (iii) Unlawfully use, sell, purchase, transfer or possess alcohol, illegal drug or prescription medication.

Section 11.17 Testing Determination

- (a) Upon determining that an employee must submit to test for alcohol or illegal drug usage, the supervisor shall give the employee an opportunity, prior to the test, to request the presence of, or to seek the advice from an applicable Representative. The employee and the Representative, if available, shall be given an opportunity to communicate any information or other explanation relevant to the circumstances to the supervisor. As time is of the essence, however, a delay in the employee's representative arriving, shall not unduly delay an order to submit to testing. The supervisor shall determine, after considering all of the circumstances, whether the test shall be administered. If the supervisor determines that a test shall be given, testing shall be made immediately after discussion with the employee and the Representative, if available, but no more than thirty-two (32) hours after the determination that a test is required has been made, whichever is sooner. The Representative, if available, may accompany the employee to and be present with the employee at the collection site.
- (b) The fact that an employee may have been taking a legal drug shall not preclude the administration of a drug test if the supervisor has reasonable suspicion to believe that the employee's satisfactory work performance has been adversely affected by the presence of such a legal drug; provided, however, that the ultimate disposition of the matter shall take such fact into consideration.

Section 11.18 Collection Site/Laboratory

- (a) The City has established the Licking Memorial Health System Hospital and the Mount Carmel East Urgent Care as desiccate collection site and laboratory testing facilities.
- (b) Both the collection site and laboratory performing testing under this Policy shall be mutually selected by the City and the employee and shall be certified under the DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs;"
- (c) The City, the collection site, and the laboratory shall have a clear and well-documented procedure for collection, shipment, and assessment of testing samples, which procedure shall be provided in writing to the employee subject to testing and, upon request, to the Representative;
- (d) For drug testing, the City, the collection site, and the laboratory shall follow the procedures set forth in 49 CFR Part 40, including an evidentiary chain of customary and control and split sample collection and testing. The collection site is responsible for maintaining the integrity of any specimen collection and transfer. Alcohol breath testing shall be conducted at the collection site and shall be conducted by a technician trained in such testing. Appropriate records of such testing shall be maintained by the collection site for review by the employee and/or Representative. The

breath testing device shall meet standards commonly used in the private sector for such testing;

- (e) The City shall pay all costs associated with testing, except that any cost for testing of a split sample is the responsibility of the employee.

Section 11.19 Testing Procedure

- (a) For alcohol testing, the employee shall be first given a breath test, at the collection site, followed by a confirmatory urine test only where the breath test reveals an initial positive alcohol level of 0.04 grams per 210 l. of breath or at levels within existing City department rules and regulations. If the initial breath test results are below this level, testing shall be discontinued; if confirmatory urine tests results are below a level equivalent to .04 grams per 210 l. of breath, the confirmatory test shall be considered negative.
- (b) For drug testing, urine samples shall be provided.
- (c) Individual privacy shall be afforded to an employee in the collection of urine samples, provided that the collection site may impose stringent specimen alteration and/or substitution procedures.
- (d) With regard to drug testing, where the employee provides a sufficient urine sample at the time of the original sample collection, this sample shall be split and placed in two (2) separate containers at the collection site. In the presence of the employee at the testing site, and without ever leaving his or her sight, each urine sample taken shall be placed in two sterile screw-capped, self-sealed, tamper-resistant urine collection containers which shall be each sealed and labeled and then initialed by the employee.
- (e) The samples shall be sent, by the most expedient means available, to the testing laboratory as soon as practicable on the day of the test. The sample within the second container shall be stored at the test collection site.
- (f) The laboratory shall commence testing of the sample within the first container only if the sample is received in an undamaged condition, properly sealed and labeled, and properly initialed by the employee. The certified laboratory shall first conduct an initial screening of this sample.
- (g) If the test results from the screening are negative, the City Administrator will be so advised and the testing procedure will be concluded. If illegal drugs or alcohol are found in the sample as a result of the screening, then that sample shall be submitted for confirmatory testing. The initial screening shall be accomplished by means of Thin Layer Chromatography (TLC) or equally reliable testing methods and the confirmatory test shall be accomplished by means of Gas Chromatography/Mass Spectrometry (GS/MS). If the test results from the confirmatory test are negative, the City will be so advised and the testing procedure will be concluded. If, as a result of the initial screening and confirmatory test, the test result is positive, the employee will be contacted directly by a Medical Review Officer (MRO) and will be given the opportunity to explain the reasons for a positive test result. Should the employee offer an explanation that in the judgment of the MRO sufficiently explains the positive test result, the MRO will consider the results as negative and the City will be so advised and testing will be concluded;
- (h) With regard to drug tests, if the test results are positive, and the employee has not offered an explanation to the MRO sufficient to cause the MRO to consider the results negative, the City

Administrator shall be notified and contact the employee and the supervisor.

- (i) The City will provide employees who test positive for drugs with an opportunity to have the split urine specimen tested by a clinical laboratory or hospital facility of the employee's choosing, at the employee's own expense, providing the employee notifies the City within seventy-two (72) hours of receiving the positive results and provided further that the laboratory or clinic and the testing procedure, including chain of custody, meets or exceeds the standards established in this Policy. If the employee does not request the testing of the sample within the second container after the sample within the first container tests positive, or if the employee requests the testing of the sample within the second container and it is also tests positive for an illegal drug or alcohol, rehabilitative or disciplinary action shall be taken;
- (j) The City shall provide each employee tested with a copy of all information and reports from the collection site and laboratory in connection with the testing and results;
- (k) The MRO shall maintain his or her office in Licking County, Ohio or an adjoining county.

Section 11.20 Employee Assistance Program

- (a) **Voluntary Request for Assistance** - An employee may voluntarily enter treatment without a requirement of prior testing. An employee who voluntarily seeks assistance for a substance abuse problem before being required to submit to a reasonable suspicion test shall not be subject to discipline.
- (b) **Discipline/Rehabilitation Options** - Where an employee has been ordered to undergo testing and the test results are positive as specified in this Policy, the City may, depending upon individual circumstances, discipline the employee and/or offer the employee the opportunity for rehabilitation (treatment). Any discipline shall be for just cause and shall take into account all facts and circumstances, including the employee's desire for and/or progress in treatment, and the employee's work record.

With the exception of a positive test for use of a controlled substance and notwithstanding the above paragraph, any discipline to be imposed for a first violation of this Policy shall be held in abeyance pending completion by the employee of a treatment program. If the employee successfully completes a treatment program and is not further disciplined for substance abuse for thirty-six (36) months following the date upon which the employee was tested, the discipline shall be withdrawn and the initial charge dismissed.

However, an employee may be disciplined for any misconduct which may coincide with an employee's violation of this Policy. An employee serving his or her initial introductory period may be discharged, without referral to a treatment program, at the sole discretion of the City.

- (c) **Referral to Treatment** - Where the employee is offered the option for treatment under this Policy, and the employee accepts this referral, the employee must satisfy the following conditions. Employees who do not agree to act, or who do not act, in accordance with the following terms may be subject to discipline, up to and including discharge.
 - (i) Agree to cooperate in and successfully complete appropriate treatment as determined by the

- substance abuse professional(s) or physician(s) involved;
- (ii) Discontinue use of illegal drugs or misuse of legal drugs or alcohol;
 - (iii) Agree to authorize persons involved in counseling, diagnosis and treating the employee to disclose to the City the employee's progress, cooperation, drug and alcohol use, completion or non-completion of counseling and treatment, and any threat to property or safety perceived in connection with the employee's continued performance of his job duties;
 - (iv) Complete any course of counseling or treatment prescribed, including an "after-care" group for a period of up to twelve (12) months; and
 - (v) Agree to submit to random testing during treatment, and up to three (3) times during the twelve (12) month period following the completion of counseling, treatment or after-care.
- (d) **Right of Appeal** – The employee has the right to challenge the results of the drug or alcohol tests and any discipline imposed in a similar manner to any other employer action.
- (e) **Treatment Costs** - Treatment costs arising out of the employee's use of such services shall be paid for by the employee's insurance program, subject to any deductible, co-payment and coverage limits under the employee's insurance program. Employees will be allowed to use any paid leave (including, vacation, sick leave or holiday leave), or take an unpaid leave of absence for the necessary time off involved in a treatment program. Other than as specified in this Policy or required by law, the City shall have no obligation to pay for or insure treatment or rehabilitation.
- (f) **Confidentiality** - All testing and actions taken under or pursuant to this Policy shall be kept confidential to the extent permitted by federal and state law, except where disclosure is warranted to comply with the provisions of this Policy relative to disciplinary action taken against an employee.
- (g) **Other Laws** - This Policy is in no way intended to supersede or waive any rights that an employee may be entitled to under federal or state constitutions or any applicable law. Any action taken pursuant to this Policy shall not be used as evidence or otherwise in any criminal proceeding against an employee.

This Policy is not intended to supersede or otherwise infringe upon the collective bargaining agreements or current City department rules and regulations but rather address generally matters not within such agreements or as clarification to such provisions.

Article XII ELECTRONIC MAIL, INTERNET ACCESS AND PHONE SYSTEM

Section 12.01 Policy

- (a) The City of Pataskala provides electronic mail (email), internet access and landline telephone systems to its employees for their use in performing work on behalf of the City. This Policy Statement sets forth the City's policy on proper use of this email system, the use of the City's computer system to gain access to the internet and landline telephone system. The City reserves the right to change these policies at any time, with or without prior notice, and to audit networks and system on a periodic basis to ensure compliance with this policy.

Section 12.02 Property Rights

- (a) The City's computers and network facilities are made available to City employees to assist them with City business. Although some of this property is intangible, the City's computing and network facilities, including all related software, are the property of the City. Any copying of software owned by the City is illegal without the prior written consent of the City.

Section 12.03 Electronic Mail (email) System

- (a) **Email Policy** - It is the policy of the City that the e-mail system is to be used solely for the benefit of the City. Use of the email system in any way that violates other City policies is prohibited; such use may lead to disciplinary action, up to and including termination. When using email to communicate municipal business, municipal employees (full and part-time), elected officials, and Board and Commission members must use an official City-owned email account issued by the municipality. Private email accounts may not be used to transact and/or communicate municipal business. If the City's email system is unavailable for some reason, and a private email account must be used, all email sent and received involving municipal matters must be forwarded immediately to that individual's City email account, as soon as the City's email system is available
- (b) **Informal Uses** - Because email often feels like a less formal method of communication than written memoranda, and because it is not a face-to-face mode of communication, users may be less cautious and more candid in the content of their messages. Users should always be mindful that the e-mail system is not a private mode of communication.
- (c) **Ownership** - The email system is the City's property and should be used for job-related purposes only. Any communication transmitted by, received from, or stored in the City's e-mail system is the property of the City. To the extent an employee uses the City's e-mail system in violation of such policy for personal purposes, that use is at the employee's own risk and the employee waives any right of confidentiality as to any and all such communications.
- (d) **Right to Monitor** - The City reserves the right to monitor the email system to assure that it is being used in conformance with the City's policies and for legitimate business purpose only.
- (e) **Disclosure** - By using the City's email system, City employees acknowledge and consent to access by the City Administrator, or his designee, of all email messages to and from the user and to the disclosure of the content of all e-mail messages when the Mayor or his designee, determines such

disclosure to be necessary or appropriate.

- (f) **Monitoring** - By using the City's email system, City employees also acknowledge and consent to monitoring of these email messages for specific reasons, such as evaluating the operation and effectiveness of the e-mail system, finding lost messages, servicing the City in the employee's absence, investigation of suspected illegal or unethical acts, breach of security, breach of City policies, and recovery from system failures.
- (g) **File Transfers** - It is not uncommon, and is generally permissible to append a separate file, such as a word processing or spreadsheet file, to an e-mail message. However, for virus protection reasons, no email should be sent or received which has an 'executable file' (e.g. AOL4FREE.Exe, freeshoes.zip). Executable files typically have, but not necessarily always have, one of the following extensions: .exe, .com, .zip, .bat, .app, or .prg. Any user of the email system who receives an executable file is strictly prohibited from attempting to execute that file without the express permission of the City Administrator, or his designee.
- (h) **Hyperlinks** - Employees may frequently receive unsolicited emails from outside the City which contain imbedded hyperlinks in them. A hyperlink is an executable web address that will either transfer the user to another unsecured website, or download a file that contains a software virus. The underlying internet address may be disguised (e.g., 'Click here to respond'). Employees who receive an unsolicited hyperlink file is prohibited from attempting to execute that file without the express permission of the City Administrator or his designee. If the message indicates that it has been sent from another City employee, friend or colleague, it is a good practice to confirm by phone or sending a separate email to that individual. Once the link has been clicked, it is virtually impossible to 'undo' it without significant effort and resources.
- (i) **Copyright Issues** - The ability to attach a document to an email message greatly increases the risk of copyright infringement. A user can be liable for the unauthorized copying and distribution of copyrighted material through the email system. Accordingly, you should not copy and distribute any copyrighted material (such as software, database files, documentation, articles, graphic files, etc.) through the email system unless you have confirmed in advance from appropriate sources that the City has the right to copy or distribute such material.
- (j) **Prohibited Uses** - Conduct that is expressly prohibited includes the following:
 - (i) Distributing material that is discriminatory, harassing, defamatory, obscene, pornographic, or offensive to others.
 - (ii) Copying City-owned or licensed software or data to another software or data to another computer for personal use without prior written approval.
 - (iii) Attempting to modify City-owned or licensed software or data without prior approval.
 - (iv) Attempting to damage or disrupt the operation of computing equipment, data communications equipment of data communications lines.
 - (v) Using the City's computers or network facilities for purposes other than those which legitimately further the business of the City.
 - (vi) Allowing access to the City's computer or network facilities by unauthorized persons.

- (vii) Copying another user's software without the permission of the owner.
- (viii) Knowingly accepting or using software, which has been obtained by illegal means.
- (ix) Abusing or harassing another user through electronic means
- (x) Using the City's computer network facilities in the commission of a crime.
- (xi) Gaining unauthorized access to non-public computing network facilities and information resources.
- (k) **Discipline** - Employees who violate the City's email policy may be subject to disciplinary action up to, and including, discharge.
- (l) **Confidentiality** - All email communication on the City's system must be regarded as public documents, subject to disclosure upon request by members of the public. Employees should keep this in mind with all email usage.

Section 12.04 Management of Electronic Mail

- (a) **General** - The City provides the email system to facilitate City-related business. Employees should not assume privacy in any communication they send or receive. When using email:
 - (i) Observe the following general guideline: "Don't write anything in e-mail that you would not want published on the front page of the newspaper".
 - (ii) Use the subject line fully in order to help a recipient categorize and prioritize your e-mail. An e-mail without a subject line often receives a low priority.
 - (iii) Avoid sending jokes or comments that may be interpreted as being discriminatory or offensive.
 - (iv) Avoid disclosing personal information.
 - (v) Keep the list of recipients to a minimum.
 - (vi) Determine the level of formality to be placed in the message.
 - (vii) Avoid emotion in messages.
 - (viii) Assume any message sent will be permanent.
 - (ix) Do not ignore messages received, whether inadvertently or not.
 - (x) Consider alternative communication methods (e.g. letter, phone call, etc.).
- (b) **Message Retention and Mailbox Administration**
 - (i) The City strongly discourages the storage of large numbers of email messages. The retention of a large amount of emails consumes significant storage space on the server, and can slow down performance.
 - (ii) If a message does not require specific action or response, the employee should delete it promptly after reading it. If the content needs to be saved for longer than a week, the employee should place it in an archive folder for future access.
 - (iii) Email messages in an individual employee's Inbox, as well as records of sent messages in the

Sent folder, are simply copies of such messages and, as such, are not subject to the City's records retention policy. The original messages are retained on the City's master email account with Microsoft. This account database will be used to identify any relevant messages required to respond appropriately to any public records requests for email correspondence to and/or from City employees, elected officials, board and commission members, vendors and residents.

Section 12.05 Internet Access and Acceptable Use

- (a) The City provides employees with internet access for use in conducting City business. It recognizes that periodically, non-business use may occur. Employees are responsible for exercising good judgement regarding the reasonableness of personal use. Employees may use the City's internet and email facilities for non-business research or browsing during their lunchtime or designated break, or outside working hours, provided that such activities do not interfere with their official duties and that all other City usage policies are adhered to.
- (b) Employees are prohibited from viewing websites that are inappropriate for a government due to its content (gambling, pornography, etc.) or lack of security.
- (c) Streaming video for entertainment purposes (e.g. Netflix, YouTube, etc.) serves to consume a significant amount of network bandwidth, and negatively impacts all other users at that time. Unless the video serves a legitimate purpose related to City business, viewing such streaming videos on the City's network is prohibited.
- (d) The display of sexually explicit images or documents on any municipal system, including related 'chat room' conversations, is prohibited and may constitute a violation of the City's policy on sexual harassment. In addition, such explicit material may not be archived, stored, distributed, edited or recording using the City's network or computing resources.
- (e) If an authorized employee is connected unintentionally to a site that contains sexually explicit or other offensive material, he/she must immediately disconnect from that site.
- (f) The City's internet access and other technology resources may not be used knowingly to violate any applicable laws, statutes, ordinance or municipal policies. Use of City technology resources in connection with any illegal activity is grounds for termination, and it is the City's policy to cooperate with any legitimate law enforcement investigation of potential criminal activity.
- (g) Employees are reminded that online chats, newsgroups, message boards and social networking web sites are public forums where it is inappropriate to reveal confidential municipal information, resident data, and any other material covered by existing state and federal privacy policies and procedures. Professional conduct is expected and required at all times. Employees releasing protected information via a newsgroup, chat or board – whether or not the release is inadvertent – will be subject to disciplinary action.
- (h) In order to prevent computer viruses or other potentially harmful computer codes from being transmitted to, or through, the City's information technology systems, the downloading or installation of any software or computer code is strictly prohibited unless explicitly authorized by the City Administrator, or his designee. All software downloaded or installed must be registered to, and become the property of, the City of Pataskala.

- (i) No employee may knowingly download or distribute pirated software or data. Violations of any software licensing agreements of information service contracts by the unauthorized duplication of software, files, operating instructions or reference materials is also strictly prohibited.
- (j) Employees are prohibited from using the City's network to:
 - (i) Download entertainment software or games, or to play against opponents over the internet;
 - (ii) Download images, audio or video files unless there is an explicit business-related use for the material;
 - (iii) Participate in online gambling, betting or wagering.
 - (iv) Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or any other code that may interfere with the operation of any information technology system;
 - (v) Knowingly disable or overload any computer system or network or to circumvent any system intended to protect the privacy, functionality or security of another user.
- (k) Chain letters and hoaxes come in many versions, for example offering a free trip or large amount of money, warning about a computer virus, or relating to a sympathetic cause. These letters often request that you send them on to others. Employees are prohibited from using City technology resources to send, forward or reply to chain letters, hoaxes or virus warnings.
- (l) No employee may use the City's internet for personal business activity or other financial gain, the support the business of any other company or firm, engage in political activities, to disseminate confidential or false information, or to propagate or encourage hatred or discrimination in any manner whatsoever. .
- (m) Each employee using the internet facilities of the City shall identify himself or herself honestly, accurately and completely (including one's company affiliation and function where requested). A City of Pataskala employee must never masquerade as someone else. Forgery or attempted forgery of electronic mail messages is prohibited
- (n) The City may install a variety of firewalls, proxies, internet address screening programs and other security systems to assure the safety and security of its networks. Any employee who attempts to disable, defeat or circumvent any municipal security facility will be subject to immediate disciplinary action, including discharge.
- (o) Any person who finds a possible security exposure, violation of this policy or breach on any City system is obligated to report it to the City Administrator as soon as possible.
- (p) Employees who willfully violate any of the terms and conditions listed above will be in subject to discipline up to, and including, discharge.

Section 12.06 Social Media

- (a) **General** - The City of Pataskala understands that social media can be a fun and rewarding way for employees to share their life and opinions with family, friends, community residents and co-workers around the world. The use of social media, however, also presents certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their

use of social media, the following policies have been established to guide the appropriate use of social media.

In the rapidly expanding world of electronic communication, social media can mean many things. For purposes of this policy, social media includes any and all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication. It also includes web-based social networking websites and groups established for a specific purpose. Examples of social media include (but are not limited to): Yahoo! and Google groups (reference and social networking), Facebook and Twitter (social networking and microblogging), YouTube (social networking and video sharing), LinkedIn (business networking), Flickr, Instagram and Pinterest (photo sharing), and news media comment sharing/blogging.

The same principles and guidelines found in City policies, and three basic concepts, apply to employee online activities. Employees should be aware that they are ultimately responsible for the information they post online. Before creating online content, employees should consider the risks and rewards that may be associated with such postings. Employees should bear in mind, however, that any of their conduct that adversely affects their personal job performance, the performance of fellow employees or otherwise adversely affects citizens, elected officials, local businesses, suppliers, or people who work on behalf of the City may result in disciplinary action up to, and including, termination

- (b) **Understand and Follow the Rules** - Carefully read and understand these guidelines, the Employee Conduct policy (Section 6.02), and the Harassment and Bullying policies (Section 3.03), and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.
- (c) **Be Respectful** - Employees are expected to be fair and courteous to co-workers, other employees, citizens, elected officials, suppliers or people who work on behalf of the City. Employees should also keep in mind that they are more likely to resolve work-related complaints by speaking directly with their co-workers or their immediate supervisor, than by posting complaints to a social media outlet. Nevertheless, employees who decide to post complaints or criticism, should at all times avoid using statements, photographs, video or audio that a reasonable individual would view as malicious, obscene, threatening or intimidating, that disparages co-workers, citizens, local businesses, other city employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation, or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.
- (d) **Honesty and Accuracy** - Employees should ensure that they are always honest and accurate when posting information or news, and if a mistake or error is made, it should be corrected quickly. Employees are to be open about any previous posts that have been altered or corrected. Employees

are reminded that the Internet archives virtually everything; therefore, even deleted postings can be searched. Employees are strictly prohibited from posting any information or rumors that are known to be false about the City, fellow employees, members, customers, suppliers, people working on behalf of the City

(e) **Online Content**

- (i) Posting proprietary, confidential and/or sensitive information related to the City and its operations is prohibited on an employee's social media account, which includes, but is not limited to, information to which employees become privy to solely due to their position with the City. Employees uncertain as to the appropriateness of posting certain City information through social media should consult the City Administrator prior to posting such information.
 - (ii) Employees are not to create links from their blog, website or other social networking site to a City website without identifying themselves as a City employee.
 - (iii) Employees are to express only their personal opinions, and are to never represent themselves as a spokesperson for the City. If the City is a subject of the content being created, employees are to be clear and open about the fact that they are an employee, and make it clear to the reader that the views or opinions presented do not represent those of the City, other employees, citizens, elected officials, suppliers or people working on behalf of the City. Employees who publish a blog or post online related to the work they do, or subjects associated with the City, it is to be made clear to the readers that they are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own, and do not necessarily reflect the views of the City" in order to minimize any potential misunderstandings.
- (f) **Social Media at Work** - Employees should refrain from using social media while on work time, and/or on city-provided equipment, unless it is work-related as authorized and directed by your manager, or otherwise consistent with the Electronics Assets Usage. Employees are not permitted to use City email addresses to register on social networks, blogs or other online tools utilized for personal use .
- (g) **Shared Responsibility** - Employees and management both play an important role in ensuring compliance with the City's social media policy. The City prohibits taking negative action against any employee for reporting a possible deviation from this policy, or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination pursuant to Section 3.5 (Retaliation) of the Employee Handbook and Policy Manual.
- (h) **Media Contacts** - All media inquiries should be directed to the City Administrator. Employees are not to speak to the media on the City's behalf, without first contacting, and receiving authorization from, the City Administrator.

Section 12.07 Data Security

- (a) It is the responsibility of each employee to ensure that software and hardware computer resources owned, leased by, or licensed to the City are properly secured and controlled.

- (b) All PCs, laptops and workstations should be secured with a password-protected screensaver, with the automatic activation feature set at 15 minutes or less. Information contained on laptop computers is particularly vulnerable. As a result, special care should be exercised in securing the device, especially when it is not secured in City facilities.
- (c) Personal system passwords are regarded as confidential, employees are expected to keep their passwords secure, and to not share them with other employees, vendors or other parties without a specific business purpose for doing so.
- (d) Employees are prohibited from the unauthorized use of another employee's password to gain access to the City's computer network, or to gain access to any other computer network under false pretenses.
- (e) Employees should secure their workstations by logging off or locking (control-alt-delete for Windows users) when it will be unattended for an extended period of time. Workstations should be turned off nightly when leaving for the day.
- (f) No software, data and information from City premises in the form of tape, disk, print or other media, unless the removal is related to the performance of City business.

Section 12.08 Use of Personal Electronic Devices

- (a) **Policy** – The use of personal electronic devices for work purposes, including but not limited to smartphones, tablets, laptops and computers, is permitted only when management has provided prior authorization, and may be limited to certain employees or departments.
- (b) **Usage Restrictions and Requirements**
 - (i) During working hours and while conducting City business, employees must exercise the same discretion in using their personal devices as is expected for the use of City devices. All City policies in effect pertaining to harassment, discrimination, retaliation, proprietary information, confidential information and ethics apply to the use of personal devices for, and during, work activities.
 - (ii) Non-exempt hourly employees will generally not be authorized to use their personal devices for work purposes. In the event that an hourly employee receives management authorization to use personal devices, the employee may not use their device for work purposes outside of their normal work schedule without authorization in advance from management. This includes, but is not limited to reading, sending and/or responding to work-related emails, text messages, or phone calls (answering and initiating).
 - (iii) Employee may not use their personal devices for work purposes during periods of unpaid leave, without prior management authorization. The City reserves the right to deactivate the City's information and access on the employee's personal device during periods of unpaid leave.
 - (iv) To ensure the security of City information and technology, employees who have been authorized by management to use personal devices are required to comply with all City information technology requirements, including those regarding the installation of antivirus software and password protections.

- (v) Employees using personal devices for work purposes should not expect any privacy except that which is governed by law. The City has the right, at any time, to monitor any communications that utilize the City's networks in any way, including data, voicemail, internet use, network traffic, etc. to determine proper use. The City reserves the right to review, retain, monitor or release personal and/or City-related data on personal devices to government agencies or third-parties during an investigation or litigation. The City may review the activity and analyze usage patterns, and may choose to publicize this data to assure that the City's resources in these areas are being utilized according to this policy.
- (vi) Employees are expressly prohibited from knowingly disabling, tampering with, altering, or destroying any network software or system identified as a monitoring application.
- (vii) Employees are expected to reasonably protect personal devices used for work purposes from loss, damage, and theft. If a personal device is lost or stolen, the employee must notify the City immediately. The City bears no responsibility for replacing or repairing personal devices that are damaged, even if that damage occurs on City property and/or during working hours.

Section 12.09 External Links on the City's Website

- (a) The City Administrator can approve specified categories of links to external (non-municipal) web sites. The Web Site Privacy Policy will include a disclaimer for external web site links which includes the following statement:

"The City of Pataskala's web site and materials may contain hypertext or links to other Internet web sites which are not owned, operated, controlled or reviewed regularly by the City. These links are provided solely as a courtesy and convenience to you, the visitor. When you link to one of these sites, you are no longer on the City's web site and this Privacy Notice will not apply. When you link to another web site, you are subject to the privacy policy of that new site. The City does not produce, endorse or have any control over the preparation or maintenance of the websites to which links are provided. The links are provided for the convenience of users, but no warranties or representations are made about the accuracy or quality of the content on other websites. The City, its agencies, officers, or employees exercise no control over the organizations, views, accuracy, availability, copyright or trademark compliance or the legality of the material contained on those servers and do not sponsor, endorse, or approve the information, content, products, materials, opinions or services contained on such external sites. The visitor proceeds to these external sites at their own risk. The City and its web development company specifically disclaims any and all liability from damages which may result from the accessing of a third party site which is linked to the City web site, or from reliance upon any such information."

- (b) Links to political/partisan ads or endorsements will be not permitted.
- (c) Links to web site for promoting alcohol, tobacco, adult entertainment, racist, violence or sexual products will be not permitted.
- (d) Links to religious organizations will not be permitted.
- (e) Permitted links include local, county and state governments, non-profit organizations registered with the State of Ohio such as youth sports groups, government associations, the Ohio Municipal

League, newspapers, utilities, transportation and emergency response information sources to support disaster relief.

Section 12.10 Telephone System

- (a) The City provides employees with access to a landline telephone system for use in conducting City business. It recognizes that periodically, non-business use may occur. Employees are responsible for exercising good judgement regarding the reasonableness of personal use.
- (b) Employees may make and receive a limited number of personal calls during work hours (personal calls are those determined not to be necessary in the interest of the City) from the City telephones when those calls do not incur additional charges to City. When necessary, employees are permitted to make brief personal calls using the following guidelines:
 - (i) All long-distance calls are made at the employee's expense (e.g., charged to personal calling or credit cards, home telephones, or other non-City telephone numbers). In the case of an emergency, a personal long distance call may be made, but the employee will be required to reimburse the City for the cost of the call, if any is incurred.
 - (ii) Any personal calls should not adversely affect the performance of official duties.
 - (iii) They must be of a reasonable duration and frequency.
 - (iv) Calls to direct charge number (e.g., 900/976 numbers) are strictly prohibited.
 - (v) Personal calls are not to tie up the limited phone lines within the City, and thus preventing calls pertaining to City business from getting through.
 - (vi) Supervisors will determine whether brief personal telephone calls are of reasonable length, and in the interest of the City, based on employees' work schedule, co-worker needs, office work demands, length of work day, etc. Personal calls, in excess of three (3) times per day and longer than 5 minutes each, are normally to be considered unreasonable.
- (c) The voice mail system is maintained for the benefit of the City, and the City may monitor it at any time without prior notice. The system is a City asset and all entries are City property. Improper use of the voice mail system or its use for personal or non-business purpose may lead to disciplinary action up to and including discharge.

Article XIII ADMINISTRATIVE POLICIES AND PROCEDURES

Section 13.01 Purchasing and Procurement

(a) Charter Provisions

(i) 8.02(A) City Administrator or Designee as Contracting Officer

- 1) The City Administrator shall be the contracting officer of the City and shall award and execute all contracts on behalf of the City.

(ii) 8.02(B) Expenditures or Contracts of Ten Thousand dollars (\$10,000.00) or more

- 1) When any expenditure or contract is more than ten thousand dollars (\$10,000), or the amount specified by the laws of Ohio, whichever is greater, for which work may be accomplished only after advertisement and bidding, such contract or expenditure shall first be authorized or directed by an ordinance or resolution passed by the Council and shall be advertised once a week for at least two weeks in a newspaper of general circulation in the City; provided the Council, by an ordinance or resolution adopted by a vote of at least two-thirds of its members, may authorize, without advertising and competitive bidding, contracts and expenditures for any purpose where the statutory or common law of Ohio does not require competitive bidding.

(iii) 8.02(C) Alterations or Modifications to Competitively Bid Contracts

- 1) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the City Administrator. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the City Administrator on behalf of the City. Modifications or alterations in contracts shall not require advertising or competitive bidding.

(iv) 8.02(D) Certification of Funds

- 1) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the City Administrator unless the Director of Finance or his or her duly authorized representative shall first certify:
 - a) That the money required for such contract, agreement, obligation or expenditure is in the City's treasury or in the process of collection thereto, and
 - b) That the money has been appropriated by Council for the purpose of the contract, which may be included in the general description of purpose, and it remains unencumbered.
- 2) The certification as to the availability of funds, and the appropriation of funds shall be filed and recorded in the accounting records of the City, and a copy furnished to the vendor or contractor. Without the certification, contractual obligations shall be unenforceable against the City unless subsequently authorized by the Council by a majority vote of its members.

(v) **8.02(E) Competitive Bids – Splitting**

- 1) The City Administrator shall not divide any order or contract to avoid the requirements of competitive bidding.

(b) **General Purchasing Standards**

(i) **Expenditures Exceeding Fifty Thousand (\$50,000) Dollars**

- 1) Purchases or contracts involving the expenditure of more than fifty thousand dollars (\$50,000), which require competitive bidding in accordance with the Ohio Revised Code, shall be made only after advertisement and the receipt of sealed bids. The purchase shall be made only from the vendor submitting the lowest and best bid, subject to such exception listed in paragraph b.vii below.

(ii) **‘Lowest and Best’ Defined**

- 1) For the purpose of this standard, “lowest and best” shall be deemed to be that quotation or bid which gives the best combination of quality, service, and price that assures the greatest economy to the City.

(iii) **‘Qualified Vendor’ Defined**

- 1) For the purpose of this standard, “qualified vendor” means a person, company or organization who has met the City’s criteria required pursuant to the needs of a purchase or contract, and have provided the Finance Department with the information required to establish the vendor on the City’s accounts payable system as a vendor.

(iv) **Emergency Purchases**

- 1) In cases of emergency, purchases of goods or contracted services may be made without obtaining quotations or bids as set forth in this section and the Charter. If the amount of the purchase *or* contracted service exceeds ten thousand dollars (\$10,000), the City Administrator shall report the facts relating to that purchase to Council.

(v) **Cost Estimates/Quotes**

- 1) The City has the authority to revise cost estimates for public improvement projects prior to the submission of the project to competitive bid.
- 2) The City Administrator shall have discretion to allow for a contingency, up to the spending amount authorized by City Charter (\$10,000) for any contracts entered into.

(vi) **Salvage**

- 1) Personal property no longer needed for a municipal purpose may be disposed of by the City Administrator in the following manner:
 - a) Transfer to another City department;
 - b) Trade-in on a new purchase of the same or similar items;
 - c) Sale to the highest bidder;
 - d) By public or internet-based auction;
 - e) Donation to another municipality, charitable or non-profit 501(C) organization; or

- f) In such a manner which will provide the greatest benefit to the City based on the nature of the salvaged items (i.e. scrap metal).
- 2) When said items are to be sold by sealed bids, said bids will be first authorized by Council. Items valued at one thousand dollars (\$1,000) or more shall be advertised at least once per week. Items values at less than one-thousand dollars (\$1,000) shall be disposed of at the discretion of the City Administrator and may not be subject to advertisement. Items sold on internet-based auctions shall not require Council authorization, regardless of the estimated value.
- 3) City employees may purchase items from the City when they are offered for sale through either sealed bids, public auction or internet-based auctions.

(vii) Exceptions to Competitive Bidding

- 1) In any case where competitive bidding is not practical, or it is clearly to the City's advantage to contract without bidding, Council, upon the recommendation of the City Administrator, may authorize the issuance of a purchase order without competitive bidding, by a majority vote. Instances where competitive bidding is not practical include, but are not limited to, the following examples:
 - a) Contracts for professional services (which includes engineering, legal, and accounting services).
 - b) Hiring of consultants
 - c) Contracts for materials in unstable markets.
- 2) The City Law Director shall approve the contract as to form and content before it is submitted for the City Administrator's approval with Council authorization.
- 3) Contracts with qualified non-profit agencies and contracts with state departments, political subdivisions, or a regional planning commission may be authorized without bidding and advertising.
- 4) Participation in a joint purchasing contract is exempt from using competitive bidding in accordance with Ohio Revised Code Section 9.48(C)-(D).
- 5) The City need not follow the bidding process where the contract involves specialized services requiring particular skills and aptitudes, such as engineering, accounting or legal services. Should the City procure professional design services in an agreed-upon amount in excess of fifty thousand dollars (\$50,000), the requirement to follow the competitive bidding process is not deemed necessary. Contracts for professional design services, however, must adhere to the provisions of Ohio Revised Code Sections 153.65-.71 which require all municipalities to publically announce and provide notice of the contract, rank firms on the basis of qualifications, and award the contract to the most qualified firm. "Professional design services" are defined as services within the scope of practice of an architect or landscape architect registered under Chapter 4703 of the Revised Code or a professional engineer or surveyor registered under Chapter 4733 of the Revised Code.

The City will address the requirements set forth within item #4 by seeking professional

services (proposals may include “Professional Design Services”) which shall be publically announced in written or electronic media, and may take the form of a Request for Qualifications (RFQ), a Request for Proposals (RFP) or by requesting multiple quotes. Documents submitted by vendors in response to such request shall be diligently reviewed, and each service proposal ranked. The City Administrator shall have the authority to select the appropriate engineering firm best suited to provide professional services, subject to Council authorization

- 6) The City may purchase supplies or services from another political subdivision or by contract that the Ohio Department of Administrative Services has entered into on behalf of the City, if the City can prove that it can purchase those same supplies or services from the other party upon equivalent conditions and specifications but at a lower price. If so, the City need not competitively bid those supplies or services in accordance with Ohio Revised Code Section 125.04.

(c) **Purchasing Policy**

- (i) **Purpose** - The purpose of this policy is to provide a guide for requisitioning purchases, acknowledging the receipt of goods and services procured, and also the payment process for goods and services. The guide includes statements of purchasing objectives and policies, as well as the procedures to be followed in performing the major purchasing functions. The Finance Department shall work closely with all other departments in procuring materials and supplies, goods and services necessary for implementing the work of City departments. Purchasing decisions must be coordinated with the aims, policies, and preferences of the departments served.

(ii) **Purchasing Authority and Compliance**

- 1) **Purchase Order Required** - No purchases or contracts involving an expenditure are to be initiated unless, and until, the transaction is first certified by the Finance Director, or his duly authorized designee, that the amount required for the expenditure has been lawfully appropriated and is either in the treasury, or in the process of collection and free from any previous encumbrances. This certification is given via the issuance of a dated purchase order, or PO.
- 2) **Departmental Planning** - It is the responsibility of the department to anticipate the needs of the department as much in advance as possible, so as to not create a situation whereby items need to be purchased on an emergency basis. Thus, the requisition should be submitted far enough in advance to allow the City to take advantage of competitive quotations and bidding.
- 3) **Budgetary Compliance** - Caution should be taken by departments to ensure that its’ budget accounts are not overspent. Any overspent, or negative budget, balance is in direct violation of the ORC, and may cause audit issues for the City.
- 4) **Emergency Exception** - The only exception to the prohibition on incurring expenditures prior to the certification of funds by the Finance Director, would be in the case of emergency purchases, as outlined in the General Purchasing Standards.
- 5) **Credit Card Purchases** - Certain expenditures may be made with the City’s authorized

credit cards for memberships, subscriptions, education registration, online purchases and travel-related expenditures. The use of the credit card is strictly for the convenience in completing and paying for the transaction, and **does not eliminate the requirements to have a purchase order in place and funds encumbered prior to the expenditure being executed.** The purchase order must be made payable to the name of the vendor the employee is transacting business with. In the event that the purchase is a one-time only event and do not plan to use the vendor in the future, the PO made be made out to a 'Miscellaneous One-Time Vendor'. Furthermore, all employees or elected officials utilizing the credit card must adhere to the City's Credit Card Policy regarding the requirement to submit itemized credit card receipts, and also certifying that an employee's use of City credit cards was for a proper public purpose in the event an itemized receipt is lost

- 6) **Then & Now Certification** - If the purchase or contract signing is not preceded by the certification of funds (e.g., signed purchase order from the Finance Director) as specified above, no payment may be authorized, unless the Finance Director or his designee can certify that both at the time the expenditure was made, and at the time they were completing this certification, sufficient funds were available, properly appropriated, and free from any previous encumbrances. Such 'Then & Now' certifications can be made by the Finance Director for all expenditures less than or equal to three thousand (\$3,000) dollars. Council approval via resolution is required for any 'Then & Now' certifications which exceed the three thousand (\$3,000) dollar threshold. Employees or officials who enter such agreements prior to the issuance of a purchase order, however, may be held personally responsible for such amounts at the discretion of the Finance Director.
- 7) **Purchasing Instruments**
 - a) *Standard Purchase Order* - Standard purchase orders are used for normal and routine purchases, where a single vendor and specific items and/or quantities are ordered. It may include multiple funds and appropriation lines. There is no dollar limit threshold, the limit is the amount certified for the PO. It expires when the contract or order is either filled, services provided or the PO is cancelled. Any balance remaining on the PO at year end can be 'carried over' into the following year, provided that a commitment to spend the funds and a liability to pay, or at least a reasonable expectation to pay, exists. The amount encumbered on such carryover purchase orders should be reduced, prior to closing the books for the year, to the estimated amount owed to the vendor.
 - b) *Blanket Purchase Order* - Blanket purchase orders are used for the purchase of a variety of items over a specified period of time from a variety of vendors. It may cover single or multiple vendors, as might be the case in a project. No specific items, quantities or prices are enumerated. A blanket PO Need only certify (encumber) the estimated amount to become due in the current year, based upon the agreed-upon unit pricing and estimated quantities. The normal per unit contract length will be twelve months or less. Only one blanket PO may be open at a time to a specific fund and account. Such POs much be labeled 'Blanket Purchase Order'.
 - c) *Super Blanket Purchase Orders* - Super blanket purchase orders can be issued against

any specific line item appropriation, but cannot extend beyond the current year. Super blanket purchase orders may be used for, and relate to: professional services; utilities; fuel/oil; supplies; any purchases exempt from competitive bidding under ORC Section 125.04; or any other specific recurring and reasonably predictable operating expense. Super blanket purchase orders may not extend beyond the next year. In the event a contractual commitment or reasonable expectation of a liability to pay exists at year-end, a standard PO should be issued prior to closing the books for the year for such expenses. The use of blanket purchase orders is subject to approval by the Finance Department.

- (iii) **Procurement of Materials or Services \$50,000 or more** - All purchases more than fifty thousand dollars (\$50,000) will be based on sealed, competitive bids or through the State of Ohio's cooperative purchasing program. These purchases will follow the below procedure:
- 1) Legislation approved by City Council authorizing and directing the City Administrator to advertise and accept bids.
 - 2) The invitation to bid will be advertised in the local newspaper as required by law.
 - 3) Bids shall be opened by the Finance Director, or designee, on the day and time set in the bid announcement, and publicly read. An indication of the apparent low bidder will be provided to all in attendance at the bid opening, such designation being subject to review and final approval by the City Engineer.
 - 4) Where required, bids shall be accompanied by a sufficient and acceptable bid bond, in the form of a certified or cashier's check drawn on a solvent bank or a bid bond executed by a surety authorized to do business in the State of Ohio, and made payable to the City, to ensure that if a bid is accepted, a contract will be entered into. In the event a bid bond is submitted, it shall be deposited into the City's appropriate vendor bond/escrow fund. When required, a Performance Bond (100%) or a 100% bank "Letter of Credit" shall be secured by the City Law Director.
 - 5) Where required, bidders shall execute and submit a non-collusion affidavit and a disclosure of personal property taxes on the forms furnished by the City. No contract is deemed fully executed until this is done. Upon completion of the project, a signed contractor's indebtedness affidavit must be filed with the City to execute final payment of said contract.
 - 6) Prevailing wages shall be paid as required by Ohio law on all projects for new construction, remodeling, and repair projects. Bids shall be submitted accordingly as noted in the bid requirements.
 - 7) At the election of the City, a waiver may be included as part of the submitted bid eliminating the establishment of retainage accounts for specific contracts.
 - 8) Addendums to bids shall be made available to all known bidders and shall be issued, in a reasonable time, prior to the bid opening. Bids may be postponed as deemed in the City's best interest. The City reserves the right to reject any and all bids, waive informalities, and make an award deemed in its best interest.

- 9) Bidders are to keep informed of all laws and regulations, Federal and State, City Ordinances, codes, rules, safety requirements (Industrial Commission) which affect those employed to engage in the work or materials to be used in a project.
- 10) Project completion (delivery) warranties, references, terms and F.O.B. shall be required by bidders in the Bid Invitation. Non-responsiveness can be determined as a condition for bid disqualification.
- 11) Bids will be awarded on the basis of best and lowest bids conforming to the specifications.
- 12) After final authorization, the City Administrator or his designee shall follow through with the proper purchase order. The bid award shall be made within a reasonable time of a bid opening, except when the bid involves use of Federal funds or sale of notes and/or bonds, in which case the award shall be made pending the availability of funds. Bids may not be withdrawn or modified unless the award is delayed beyond that time.
- 13) The City Administrator will send a final tabulation to all bidders, specifying which bid or quotation was awarded the purchase.
- 14) The City Administrator, department head, or Finance Department shall determine that the awarded contractor has no outstanding finding for recoveries prior to the contract being awarded. This shall be determined by securing from the Auditor of State of Ohio's website such certification that the contractor has no such outstanding findings in accordance with Ohio Revised Code Sections 9.24(A), (B), (D), (E), and (G); and Attorney General Opinion 2004-014.

(iv) General Procurement Process

- 1) Departments should submit a request to the Finance Department for a purchase order (e.g., requisition) when a need to spend City funds on goods or services has been identified. For expenditures greater than the ten thousand (\$10,000) or fifty thousand (\$50,000) thresholds, the previously stated policies must be followed prior to submitting the requisition. The request should provide information on the purchase, including: vendor name/address; item description; fund/account number; quantity and cost.
- 2) The Finance Director shall review each request to determine: (1) if the proposed spending is for a proper public purpose; (2) that the correct fund/account number has been identified; and (3) that adequate budget (appropriation) exists in order for the PO to be issued. In the event that the request fails to meet any or all of these criteria, it shall be either be returned to the originator with an explanation, or the deficiency correct so that the PO can be issued.
- 3) Once the system issues a PO number in response to the request, a copy of the PO shall be provided to the department. This document serves as formal authorization to the department that they can proceed with the transaction. As highlighted earlier, employees are prohibited from entering into a purchase agreement or contract without having received an approved PO from the Finance Department.
- 4) Once the goods are received by the department, or services provided, the department shall acknowledge such information, either by sending any and all receiving documents which

were provided at the time of delivery, or by communicating such information via telephone or email to the Finance Manager. In addition, any itemized receipts provided by the vendor should be submitted to the Finance Manager as soon as possible following the transaction. In the event, a receipt is not provided or is misplaced, the employee is required to complete the City's *Employee Expense Missing Receipt Certification Form*, have their supervisor approve it, and submit the form to the Finance Director. A copy of the form is provided in Appendix I.

(v) **Emergency Purchases**

- 1) **Definition** – An emergency situation is defined as an unforeseen situation in which the operation of the department would be seriously impacted due to the shortage of goods or service to maintain City operations. It is important to note that the failure on the part of the department to adequately plan for its operations will not necessarily constitute an emergency. Emergency purchases made on a non-competitive basis are costly, and may not be beneficial to the City.
- 2) **Procedure** – In the event an emergency purchase must be made, or services obtained, the department will immediately notify the following individuals: (1) the Finance Director for transactions less than ten thousand dollars (\$10,000); or (2) the City Administrator for transactions greater than or equal to ten thousand dollars (\$10,000). A requisition must be submitted to the Finance Department as soon as possible after receiving approval is obtained, so that the emergency purchase can be secured. If the emergency occurs during other than normal working hours (e.g., nights, weekends, holidays), the department must submit such requisition on the next working day.

(vi) **Bid and Performance Bonds**

- 1) Where required, bids shall be accompanied by a sufficient and acceptable bid bond, in the form of a certified or cashier's check drawn on a solvent bank or a Bid Bond executed by a surety authorized to do business in the State of Ohio, and made payable to the City to ensure that if a bid is accepted, a contract shall be entered into. In the event a bid bond is submitted, it shall be deposited into the City's appropriate vendor bond/escrow fund. Performance bonds or bank "Letters of Credit", where required, shall be provided to City in the amount of the contract (100%) prior to execution of contract, and approved by the City Law Director.
 - 2) Requiring certified checks or bonds may not always be in the best interest of competition. Therefore, careful study should be given to this matter before a bond is required. The City Administrator shall determine when and if the deposit of a bond or "Letter of Credit" is necessary for a vendor to be awarded a PO or contract.
- (vii) **Returns** – The following procedures should be used for materials, goods or equipment received which require return to the vendor:
- 1) Department contacts the Finance Department with problem notification.
 - 2) The Finance Manager, or designee, contacts the vendor for disposition and request a return authorization.

- 3) The Finance Manager or designee notifies department with return instructions.
- 4) Department makes all arrangements to ship items back to the vendor.
- 5) Finance Department receives appropriate credit.
- 6) Department receives appropriate replacement, if required

(viii) **Prompt Payment**

- 1) All invoices approved for payment shall be paid within thirty (30) days receipt, unless contractual terms provide otherwise. Procedures shall be established to enable the City to take advantage of all purchase discounts (e.g., 2/10, net 30) deemed to be in the City's best interest.

Section 13.02 Travel and Expense Reimbursement

(a) **General Requirements**

- (i) **Policy** - These regulations establish a standard procedure for paying the authorized expenses incurred by officials and employees of the City while traveling on City business, attending conferences, conventions or such activities which are deemed to have a proper public purpose, and to reimburse such individuals where they have spent personal funds for such expenses. All references to reimbursement in this policy also includes the direct payment of such expenses on behalf of the employee or official.

Expenses which are incurred by employees conducting authorized business on-behalf of the City which includes travel in, and outside of, the City will be reimbursed to the extent provided for in these guidelines. All expenses incurred must be for a proper public purpose. Reimbursement and payment of expenses is intended to provide for transportation, lodging, and food of reasonable and adequate quality.

When traveling on authorized City business, representatives of the City are expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Such travel must be authorized in advance of the travel by the Department Head, City Administrator or other appointing authority.

Employees traveling on City business are reminded that they are representatives of the City, and are to conduct themselves in a manner that is appropriate, and in accordance with the provisions of Codified Ordinance Section 163 and this Handbook.

The City and its' employees and officials shall comply with all Internal Revenue Service (IRS) regulations related to travel, meals and lodging, in particular IRS §119 – *Meals or lodging for employer's convenience*.

(ii) **Approval/Authorization:**

- 1) **Prior Authorization** - All travel and travel-related expenses incurred for City business must be authorized in advance by the appropriate department head, or by the City Administrator.

- 2) **Purchase Order Required** - Prior to authorizing an expense for travel, training and affiliated expenses, the department head (or their designee) shall submit a completed requisition containing all actual necessary and reasonable expenses to the Finance Director. The Finance Director will certify that sufficient funds have been appropriated, and encumber the funds through the issuance of a purchase order (PO) to pay the expenses. Purchase orders must be approved, and received by the department prior to any expenditure or commitment to spend being made.
- 3) **Reporting** – Upon return from an eligible and approved activity, the employee or official is required to:
 - a) File an accurate and detailed travel expense report along with all supporting receipts and documentation with the Finance Director within 5 business days of after the trip.
 - b) Reimbursable items shall be actual, reasonable, and necessary expenses incurred while attending an eligible activity. Alcoholic beverages are never considered a reasonable or necessary expense. Under no circumstance will expenses for alcoholic beverages be considered for payment or reimbursement. In addition, reimbursement for expenses related to entertainment (e.g., in-room movies) are prohibited.
 - c) Original, itemized receipts are required for all expenditures, including lodging, registration fees, meals, travel (including airline and rental car) and extraordinary expenses that are an integral part of the activity.

(b) **Specifications and Guidelines**

(i) **Living Expenses**

1) **Meals**

- a) **Overnight Travel** - Employees or City officials who are travelling on City business requiring an overnight stay may be eligible for reimbursement for any meals occurred up to, but not exceeding, the amount specified in the current per diem schedule. In no case, is the meal either directly preceding the commencement of travel, or the meal directly after concluding the trip, eligible for reimbursement.

Example: An employee leaves Port Columbus Airport at 7:00 am departing for their offsite destination. Since this flight occurs during the breakfast hour, the employee would be responsible for the breakfast meal, as it would not be eligible for reimbursement.

Example: An employee leaves the offsite location on their return flight at 2:30 pm, and arrives in central Ohio at 6:30 pm. Unless the flight had a connecting flight with a layover, the dinner meal would not be reimbursable to the employee. If this same flight had a layover, however, the employee might be eligible for the meal, provided that the layover occurred during the normal meal hour.

- b) **Local (non-overnight) Travel** - Employees or City officials travelling on City business which does not require an overnight stay, shall not be eligible for reimbursement for meals, unless:

- i) the main purpose of the combined business and meal is the active conduct of business; and
- ii) business is actually conducted during the meal period. .

Example: An employee drives to Cleveland to meet with colleagues to discuss ongoing municipal operating issues. The group does not want to break for lunch and decides to order food to be delivered to the meeting so that they can continue their discussions. Since this meal took place during the conduct of business, the expense would be eligible for reimbursement. In no case shall reimbursement for such a working meal exceed \$10.00 per person, including any tip or gratuity

Same day, offsite training classes or other meetings where the participants are released for a lunch break would not qualify for meal reimbursement.

- c) **Meal Per Diem** - Reimbursement for meals will be made for the actual cost on a per diem basis, up to the limits specified in the current Federal GSA or State Department per diem meal schedule, inclusive of any tip or gratuity. The Finance Director shall publish the per diem to all employees as soon as it has been communicated by the IRS.

In the event an employee is eligible for the entire per diem amount, the employee may allocate such amount as they wish, subject to substantiation requirements.

Example: Based upon the destination, an employee is eligible for a per diem maximum of \$56.00, which is broken down as follows: \$10.29 for breakfast, \$17.14 for lunch and \$28.57 for dinner. If the employee chooses to not eat lunch, they may apply the \$17.14 toward their dinner meal. Employees should remember, however, that they are required to provide substantiation (e.g., receipts) for the actual amount spent on such meals. Reimbursement will only be provided up to the actual amount spent.

In the event the employee is not eligible for one or more meals, the per diem maximum available to the employee shall be reduced by the amount of the excluded meals.

Example: An employee who departs for their trip after the typical lunch hour would not be eligible for reimbursement for that day's breakfast and lunch per diem amounts.

- d) **Provided Meals** - If a meal is served on the plane, included in a conference registration fee, built in to the standard, hotel single room rate, or replaced by a legitimate business meal, the per diem allowance for that meal may not be claimed. This exclusion, however, would not apply to a continental breakfast served by the hotel or conference.
- e) **Alcohol** - In accordance with Ohio Auditor of State Bulletin 2003-005, the purchase of alcohol with City funds is strictly prohibited. Any request for reimbursement of such expenditures will be denied. An exception may exist for infrequent, minor purchases of alcohol by the Police department for qualified law enforcement purposes,

such as community alcohol awareness training. Such purchases must be approved by the Finance Director in advance of the alcohol being purchased.

- f) **Receipts & Documentation** - Original, itemized receipts generated by the restaurant and which identified the specific meal items, as well as any proof of payment (e.g., credit card receipt) shall accompany the expense report.

2) **Lodging**

- a) Employees are expected to use accommodations appropriate to the nature of the business trip, and which are consistent with the employee's normal standard of living. Reimbursement for lodging will be made only if such expenses are properly receipted, and the appropriate receipts accompany the travel expense report. Reimbursement for lodging is limited to instances where the City business, conference, convention, or such appropriate activity is located in excess of 40 miles from the City of Pataskala. In the case of extraordinary circumstances, the City Administrator may waive this mileage requirement.
- b) Overnight lodging prior to the day of the event must be authorized by the department head. Typically, such an accommodation would be granted to accommodate travel itineraries, or to realize cost savings. In the event the overnight lodging is permitted solely for the convenience of the employee, no meal reimbursement shall be allowed for that day.
- c) Employees are responsible for securing a tax-exempt certificate from the Finance Department prior to checking into the hotel. In the event that the employee does not secure such exemption and is charged Ohio state sales tax on the stay, such costs will be the responsibility of the employee. As the City's tax-exempt certificate does not apply to other state sales taxes or any local hotel, or bed, taxes, no exemption certificate need to be requested or supplied by the employee.

3) **Incidental Living Expenses**

- a) Expenses incurred for laundry and dry cleaning may be reimbursed only if the employee is in continuous travel status in excess of five days without returning home during that time. These items must be receipted and itemized.
- b) Reimbursement will be made for a long distance phone call, not to exceed \$7.50, when necessary due to travel conditions. Reimbursement is authorized for one personal telephone call for each day of travel, not to exceed \$3.00. Internet service charges incurred for work-related purposes will be reimbursed.

(ii) **Travel**

1) **Travel by City-Owned Vehicle**

- a) Employees are encouraged to travel using a City-owned vehicle whenever possible and practical. Reimbursement is authorized for incurred expenses necessary to the efficient and safe operation of the vehicle. This includes reimbursement for the purchase of gasoline for the vehicle, if a City credit card is not available. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required to be

submitted for such expenses

2) **Travel by Privately-Owned Vehicle**

- a) Employees may be authorized to travel by privately-owned vehicle if the owner is insured under a policy of liability insurance. Employees who use a personal vehicle for municipal use shall be reimbursed for such use at the per mile rate set annually by the Internal Revenue Service (IRS) as the tax deductible mileage rate. The City's Finance Director shall publish this rate to all employees as soon as it has been communicated to the City by the IRS.
- b) Reimbursement for mileage to and from City-authorized professional development training or other City business-related meetings will be determined as listed below. Copies of support for such mileage, such as MapQuest, shall be provided by the employee or official to justify the expense.
 - i) Employees who drive directly from their primary workplace (i.e. 621 W. Broad Street, 430 S. Main Street, 5840 Mink Street, etc.) and return to their primary workplace shall be reimbursed for actual mileage driven.
 - ii) Employees who are authorized to drive directly to the offsite meeting from their personal residence and/or return directly home at the conclusion of training, the mileage reimbursement will be based on actual mileage to and from the training, minus their average daily commute. The average daily commute is defined as mileage from the employee's place of residence, to the workplace and back to the place of residence. Only the miles in excess of the daily commute may be claimed as mileage. When printing support for such mileage (e.g. MapQuest), the employee shall provide both the roundtrip from home to work, as well as the roundtrip for the business mileage.
 - iii) Mileage reimbursement is payable only to one (1) employee. If two (2) or more employees are traveling on the same trip and in the same automobile, only one employee is eligible to receive reimbursement. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required to be submitted for such expenses

3) **Travel by Common Carrier**

- a) Travel by common carrier is authorized at the lowest available regular rate. Employees are encouraged to take advantage of advance purchase (e.g. super saver fares) for air travel whenever possible. If a discounted fare is only available when travel is started one day early, or requires the stay of one extra day, travel for the additional day may be authorized provided that the savings in fare offsets the lodging and meal cost of the extra day. Receipts must be obtained and submitted with travel expense report.
- b) Whenever electronic or "e-ticket", documents are issued, receipts are to be obtained at the check-in terminal. Such receipt shall be submitted with travel expense report. In addition, a printed copy of the online search for airfare should be submitted with the requisition for the airfare.

4) **Vehicle Rental**

- a) Reimbursement may be authorized for car rental if it can be demonstrated that car rental is more economical than other modes of transportation, or if the employee's destination is not easily accessible by any other available mode of transportation. Advance prior approval for car rental is required.
- b) Only a City employee may drive a rental vehicle that has been paid for by the City. The employee shall adhere to rental requirements and restrictions imposed by the rental company.
- c) The City's insurance coverage extends to rental vehicles; therefore, employees shall decline any Collision Damage Waiver (COW) and Lost Damage Waiver (LOW) coverage, unless the rental agency includes these insurance packages in the base daily/weekly rental rate. The City will not reimburse the cost of any rental agency insurance coverage expenses.
- d) Employees are encouraged to fill the gas tank at a service station before returning the vehicle to the rental agency to avoid any additional service fees or more expensive fuel rates.

5) **Miscellaneous transportation expenses**

- a) Reimbursement is authorized for parking charges, road tolls, and other reasonably incurred transportation expenses directly related to approved travel. Detailed itemized receipts shall be obtained for all expenditures. These expenses shall be listed separately on the travel expense report.

(iii) **Event Registration**

- 1) For meetings and conferences, request forms must be submitted to the Department Head, City Administrator or other appointing authority in advance of registering for such meeting or conference, with a copy of the meeting or conference details attached, as well as the names of any and all City personnel attending
- 2) Reimbursement of fees for seminars, conferences, or other activities may be approved, provided that attendance by the traveler is deemed beneficial to the City. An itemized report of what the registration fee includes shall accompany the requisition.

(iv) **Travel Advance**

- 1) An employee attending a conference, workshop or seminar may request a cash advance for *anticipated* travel expenses at the discretion of the Finance Director. The request for advance is to be shown on the travel request, and must be approved by the department head. Upon completion of the trip, a complete reconciliation of the cash advance and actual expenses will be made on the travel expense report. Employees receiving a travel advance shall remit all unspent funds to the Finance Department immediately upon returning from the trip.

- (v) **Compensation During Travel** - Under the Fair Labor Standards Act (FLSA), a non-exempt employee must be paid for all hours the employee is "suffered or permitted to work." This section addresses under what circumstances time spent traveling is considered compensable (i.e., the time is counted as hours worked).

1) *General Rule*

- a) In general, the FLSA does not consider ordinary commuting time as hours worked. Excluding such commuting time, employees should be compensated for all travel unless it is:
 - i) Overnight;
 - ii) Outside of regular working hours;
 - iii) On a common carrier; or
 - iv) Where no work is done.
- b) The City reserves the right to rearrange the employee's work schedule within the work week (Sunday-Saturday) to avoid additional compensation hours which may occur as a result of travel time or compensable commuting time as described below. Whenever possible, the employee and their supervisor should discuss the possibility of rearranging the work schedule prior to departure.
- c) Special rules apply to special situations which are reviewed in detail in the following sections.

2) *Commute Time*

- a) Generally, an employee is not at work until he or she reaches their primary workplace and begins working.
- b) If an employee is required to report to an alternate location where he or she is required to pick-up materials, equipment or other employees, or to receive instructions before traveling to the work site, time is compensable once the employee reaches the alternate location.
- c) If the employee is driving a City-owned vehicle, to and from work, the employee does not have to be compensated for that commuting time, provided that:
 - i) driving the vehicle between home and work is strictly voluntary and not a condition of employment;
 - ii) the vehicle is a type normally used for commuting; and
 - iii) the employee incurs no costs for driving the City-owned vehicle or parking it at home.

3) *Travel During the Workday - General Rule*

- a) Travel as part of the City's principal activity must be counted as hours worked. If the travel is for the benefit of the City, it is compensable. For example, an employee drives from the Public Service Garage to City hall during the workday. Such time would be compensable.

- b) Time spent by the driver in picking up other passengers and transporting them to a specific location is work time and therefore compensable. However, time spent by passengers traveling in a car outside the normal workday hours is not compensable.
- 4) *Out of Town Travel – Special One-Day Assignment*
 - a) If an employee is assigned to work in another City for one day and the travel is performed for the City's benefit and at its' request, it is part of the principal activity of the City and therefore is compensable. This is true even if the employee is traveling by common carrier since this is a special assignment and is not ordinary home to work travel. The assignment is performed for the City's benefit and at the City's special request to meet the needs of the particular and unusual assignment.
 - b) In this special one-day assignment, however, travel time between the employee's home and the airport is home to work travel time, and therefore not compensable if outside normal work hours.
- 5) *Overnight Travel*
 - a) Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's regular workday hours and is compensable. If this travel occurs during normal work hours on non-working days (i.e., Saturday or Sunday for an employee who works Monday through Friday) the time is also compensable.
 - b) Overnight travel that occurs outside of the employee's normal working hours is not compensable whether it is on a common carrier or as a passenger in a car. The driver of the vehicle shall be compensated however, as driving is work time.

Example: An Employee drives to the airport to fly to a seminar and has two co-workers as passengers. If the trip is made before or after normal working hours, only the driver receives compensation, as only the driver is working. If the trip is made during normal work hours, all three employees are compensated because travel during normal work time is compensable.

- c) Leisure time, sleep time or time spent at a hotel with freedom to use time for the employee's own purposes is not compensable.

Section 13.03 Credit Cards

- (a) **General Overview** - The City recognizes the efficiency and convenience afforded the day-to-day operation of the City through the use of credit cards under the supervision of the applicable department supervisors. However, credit cards shall not be used to circumvent the general purchasing procedures required by Ohio law and the policies of the City.

(b) **Objectives** – The issuance of credit cards by the City, and the use of such cards by its employees serves to accomplish the following objectives:

- (i) To allow City personnel access to efficient and alternative means of payment for approved expenses, especially expenses related to business travel and office supplies.
- (ii) To improve managerial reporting related to credit card purchases.
- (iii) To improve efficiency and reduce costs of payables processing.

(c) **Policies – Bank Credit Card**

- (i) City credit cards will be issued to the City Administrator, Police Chief and Deputy Chief, Directors and Supervisors. Other employees may be issued cards upon request of the Director and with the approval of the Finance Director.
- (ii) Cards will be issued in the name of the employee with the City's name also listed. Employees are responsible for maintaining physical control over the card they are issued.
- (iii) Employees are not permitted to lend their card to another employee to facilitate a transaction, online or otherwise. If another employee has need of a card to complete a transaction, the employee should have their supervisor or director submit a request. Failure to comply with this policy may result in the employee having their card cancelled.
- (iv) Credit cards will only be used for City business purposes. Personal purchases of any type are prohibited. The Finance Manager shall be notified immediately of any unintended personal usage, and the employee shall immediately reimburse the City for such charges.
- (v) All purchases made with a credit card shall be preceded by an approved purchase order.
- (vi) Any rewards, rebates or awards earned through the use of the City-issued credit card shall be immediately relinquished to the City.
- (vii) The following purchases are prohibited:
 - 1) Alcoholic beverages/tobacco products
 - 2) Capital equipment and upgrades over \$5,000
 - 3) Construction, renovation/installation
 - 4) Controlled substances
 - 5) Items or services on term contracts (unless authorized by the Finance Director).
 - 6) Maintenance agreements
 - 7) Personal items or loans
 - 8) Rentals (other than short-term autos)
 - 9) Any other items deemed inconsistent with City policy, the ORC or Ohio Ethics laws.
- (viii) Cash advances on credit cards are not allowed under any circumstances.
- (ix) Cardholders will be required to sign an agreement indicating acceptance of these terms. Individuals who do not adhere to these policies and procedures risk revocation of their credit

card privileges and/or disciplinary action.

- (x) Failure to turn in receipts and appropriate documentation may result in the charges being deemed unrelated or unsubstantiated. The cardholder shall be responsible for any unsubstantiated or unrelated purchases.
- (xi) In the event the employee has performed due care in obtaining an itemized detailed receipt but was unsuccessful, the employee may complete and submit a City of Pataskala Lost Credit Card Receipt Form to the Finance department for review. Such requests will be reviewed on a case by case basis, and evaluated accordingly depending upon the item purchased. A copy of the form can be found at the end of this policy.

(d) **Policies – Gasoline Credit Cards**

- (i) Gasoline credit cards are distributed to, and used by, applicable departments and are under the jurisdiction of each departmental supervisor or director.
- (ii) Gasoline credit cards shall only be used by City employees conducting business on behalf of the City and which relate to the use of a City vehicle.
- (iii) Designated employees may be permitted to use the gasoline credit card for their personal vehicles. Any such usage shall require prior approval by the applicable department supervisor or City Administrator. It is the responsibility of the employee to determine that such approval has been received prior to use.
- (iv) Itemized receipts shall be turned in with the gasoline credit card at the end of the next business day upon the employee's return to their normal work schedule. Failure to submit receipts may result in the charges being deemed unsubstantiated or unrelated purchases.
- (v) The departmental supervisor or director is responsible for the security and monitoring for proper use. Repayment of any unsubstantiated or unrelated purchases will also be the responsibility of such employee and departmental supervisor.

(e) **Procedures**

- (i) Credit cards may be requested for prospective cardholders by written request to the City's Finance Director. A copy of the City's *Cardholder Agreement Form* is attached as Appendix J. Consideration should be given to the frequency of usage (out of town travel, online purchases, etc.), as well as the average monthly spending requirements when determining if an employee should have a card and the applicable credit limit.
- (ii) Employees should verify that an approved purchase order has been created for the proposed transaction. If one doesn't currently exist, a requisition should be prepared and submitted to the Finance department. The transaction must not be completed prior to receiving a PO number from the Finance department.
- (iii) Detailed itemized receipts along with the credit card receipt must be retained and submitted to the Finance Department by the end of the next business day upon the employee's return to their normal work schedule.
- (iv) Cardholders should make every effort to ensure that purchases do not include sales tax. Tax-exempt certificates are available through the Finance department.

Section 13.04 Cellular Phones

- (a) **Overview** – It is the policy of the City of Pataskala to establish a standard for the usage of City-owned cell phones, and personal cell phones during normal work hours. This policy applies to all employees who:
 - (i) Drive on City of Pataskala business in any vehicle, personal or otherwise; or
 - (ii) Drive a City-owned vehicle, whether on City business or not; or
 - (iii) Place work-related calls, whether driving on City business or not; or
 - (iv) Use a City-issued cell phone while driving.
- (b) **General Policies**
 - (i) **Eligibility** - The City shall provide cellular telephones to employees, who by the nature of their job responsibilities, have a routine and continuing business need to conduct official City business. Factors that will be considered determining if an employee qualifies for a City-issued phone include, but are not limited to, the following:
 - 1) The amount of time the employee is away from the office;
 - 2) Whether contact with the employee is needed on a regular basis;
 - 3) Whether the employee works in the field, or supervises field personnel;
 - 4) Whether the employee is required to be on-call, or needs to be contacted after business hours;
 - 5) The ease with which the employee could be contacted in the absence of a City-issued cell phone;
 - 6) Whether the employee frequently travels between City facilities; or
 - 7) Whether the employee is deemed to be a critical employee.
 - (ii) **Revocation of Privilege** - The City retains the right at any time to revoke cellular telephone use from any or all employees as deemed necessary.
 - (iii) **Smartphones/PDA** - The determination of those employees who would qualify for a 'smartphone' or personal digital assistant (PDA) (e.g., iPhone) will depend upon the nature of the position, and the necessity of timely access to their City email account. This would typically be limited to the City Administrator, Law Director, Finance Director, Finance Manager, Police Chief/Deputy Chief, Department Heads, Supervisory personnel, and the Clerks of Court and Council. Others may be approved by the City Administrator upon request, and demonstrating a genuine City-related need for such equipment.
 - (iv) **Cell Phone Stipend** - The City may elect to offer a limited number of employees a stipend, in lieu of providing such employees with a City-owned cell phone. The benefit of such a stipend would be the elimination of employees carrying two phones (personal and City-owned), and the City could benefit through a reduced number of cell phones on the City's plan. The employees eligible for such a stipend would include the following positions: City

Administrator; Law Director; Finance Director; Finance Manager, Police Chief/Deputy Chief, and other Department Heads. The monthly stipend for such phones will be \$65.00, and will be included in the individual's bi-weekly pay. In order to qualify for the stipend, the employee must use a smartphone capable of sending and receiving City email messages. Employees electing to receive a stipend should recognize that the IRS considers such stipends to be taxable income to the employee. They should also be aware that all policies applicable to City-issued cell phones, would also apply to the employees who take advantage of the stipend and use their personal phone for City business.

- (v) **Equipment** – Employees are responsible for proper and reasonable safeguarding of the City-issued phone. Employees provided with such phones shall maintain the phone on their person at all times during duty hours. If the phone is not in use, phones and accessories should be maintained in a secure manner. In the event a City-issued cell phone is lost or stolen, the employee shall notify their supervisor and Finance Manager immediately. The employee's Department Head shall determine if the loss or theft of the phone was due to gross negligence or reckless conduct on the part of the employee. If it is determined that the loss is due to negligence or reckless conduct, the employee shall be required to reimburse the City for the cost of the new phone. Employees may appeal such determination to the City Administrator whose determination shall be final and not subject to additional appeal.

Employees are responsible for the proper care of the phone and accessories. Proper care means that cell phones and accessories are maintained in the condition to which they were issued, absent normal wear. Upon separation from the City, the phone and its accessories must be returned to the City immediately. Employees who separate from employment with outstanding debts for equipment loss or damage, or unauthorized charges will be considered to have left employment on unsatisfactory terms, and may be subject to legal action for recovery of the loss.

- (vi) **Personal Use** – Employees are permitted minimal personal use only of the City-issued cell phone, except in cases of an emergency, which is always permitted. An example of an emergency would be vehicle mechanical problems, or concerns for his/her personal safety. Employees are asked to make any personal calls on non-work time when possible, and to ensure that friends and family members are aware of the City policy. Flexibility will be accepted in circumstances demanding immediate attention. Making daily or regular personal calls for any reason to family members or friends under non-emergency circumstances shall be considered excessive personal usage, and may subject cause the employee to lose use of a City cell phone.

Employees who formally elect to use their City-issued cellphone for personal use shall reimburse the City for a portion of the cost of their cellphone. For those employees who only have basic calling and texting services, the monthly charge shall be set at \$10 per month. For employees who use a smartphone, which uses the City's data allocation, the monthly charge shall be set at \$25 per month.

(vii) **Policy Violations**

- 1) Improper use of City communication systems and equipment shall result in discipline, up to and including discharge. Improper use includes any misuse as described in this policy,

as well as any harassing, offensive, demeaning, insulting, defaming, intimidating or sexually suggestive uses of written, recorded or electronically transmitted message.

- 2) Employees who discover a violation of this policy are expected to immediately notify their supervisor, Department Head or City Administrator.
- 3) The City reserves the right to advise the appropriate officials of any illegal activities.

(c) **General Use Provisions**

- (i) **Personal Usage** - Cellular telephone equipment is intended for use in the performance of City business. It is not intended to be used for personal convenience unless the employee has elected the bi-weekly payroll deduction, or reimburses the City for any personal use.
- (ii) **Efficient Use** - Cellular telephones are not to be considered a personal benefit, and shall not serve as a primary mode of communication, unless they are the most cost-effective means to conduct City business. City-owned cell phones should not be used when a less costly alternative method of communication is safe, convenient and readily available. Unless absolutely necessary, City-owned cell phones should not be used for directory assistance.
- (iii) **Phone Etiquette** - Cellular telephones should be in the silent/vibrate mode for all meetings, training, court, etc. If it is absolutely necessary to take a cellular telephone call during a meeting, training, etc., the employee should step outside of the room to take the call, in order to keep the disruption to a minimum.
- (iv) **Usage While Driving** - Excluding the City's law enforcement personnel, cellular telephone use should be avoided while driving in a City-owned vehicle. In addition, usage of other features and functions of the employee's cellular phone, including but not limited to: text messaging/SMS, email, internet use, social media access, camera use, etc. is strictly prohibited while driving a City-owned vehicle. Due to the increased risk of an accident and violation of state law, employees are also strongly encouraged to refrain from such usage in their personal vehicles as well. The City of Pataskala is not responsible for any traffic violations acquired by violation of City ordinance, state or federal laws regarding your driving habits and operation of your motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting City business.

The use of headsets or hands-free devices (e.g., Bluetooth) is permissible if:

- 1) Use of the device does not cause distraction (example, fiddling with the device or taking eyes off of road to get it to function properly)
- 2) Any dialing or use of the handset is handled while stopped or pulled to the side of the road
- 3) Conversations do not interfere with the driver's ability to drive safely
- 4) Road and weather conditions are generally good, and do not threaten your safety

Section 13.05 Establishment of Banking/Investment Accounts

- (a) **Policy** – Any and all accounts at banking or investment management companies, into which City funds are to be deposited, shall be established by the Finance Director. Employees, other than the

Finance Director, and elected officials are prohibited from establishing such accounts, or any other account in the name of the City. If an employee, officer or elected official believes that, based upon the nature of the funds received, they are permitted to establish such accounts, the Finance Director must be notified prior to the establishment of the account to ensure that no City-interest is involved.

Section 13.06 Public Records

- (a) **Purpose** - The City of Pataskala acknowledges that it maintains many records that are used in the administration and operation of its office. In accordance with state law and the local Records Commission, the City of Pataskala has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of this office and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City of Pataskala. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by this office and the ability to access them are a means to provide trust between the public and the City of Pataskala.
- (b) **Scope**
 - (i) Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function. The Public Records Clerk shall be the designated City employee in charge of coordinating activities to address all public records requests in a timely and orderly manner;
 - (ii) The City's public records policy, as well as, in Schedules of Records Retention and Disposition (RC-2) are located at every location in which the public may access the City's records;
 - (iii) The public records policy is located in the City's policies and procedures manual;
 - (iv) The City displays a poster which generally describes in public records policy at every location in which the public may access records.
- (c) **Availability**
 - (i) All public records maintained by the City shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the current records retention schedule(s). (R.C. 149.43(B)(1)). Promptness is to be determined by the facts and circumstances of each public records request. Regular business hours for the City are Monday through Friday (except holidays), from 8 a.m. to 4 p.m. The City will provide access to review all public records request in a manner which is conducive to maintaining normal City operations as well as available City space within the applicable City building in relation to the records requested.
 - (ii) For the purpose of enhancing our ability to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, we shall provide to the requester Form RC100 for the requester to complete.
 - 1) Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review;

- 2) Although we may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that:
 - a) The requests are not mandatory; and
 - b) The requestor's refusal to complete the Form RC100 does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
- 3) Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- (iii) In the event a request is made to inspect and/or obtain a copy of a record maintained by the City whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for evaluation. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by our office.
- (iv) Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to inspection.
- (d) **Mailed Requests for Public Records**
 - (i) Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the City shall promptly respond to the request.
 - (ii) The Public Records Clerk shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
 - (iii) When practical, the Public Records Clerk may forward copied records by any other means reasonably acceptable to the requestor:
 - 1) If a person requests a copy of a public record, the Public Records Clerk shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which this office maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the office (R.C. 149.43(B)(6)(7)).
 - 2) Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)).
 - (iv) In accordance with section 149.43(B)(7) of the Ohio Revised Code, the City limits the number of requested public records, to be transmitted through the U.S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - 1) "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational

research.

- (v) The Public Records Clerk shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - 1) The Public Records Clerk shall promptly process requests.
 - 2) Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- (vi) Requests for copies in any other manner (written or oral in person, telephone, e-mail, etc.) made by the public records requestor or their designee shall be processed in a similar manner as mailed requests.
 - 1) The requestor shall be provided prompt inspection and copies of the public records in a reasonable period of time.

(e) **Response and Denials**

- (i) Requests for inspection and/or copies of public records, which are not maintained by the City shall be processed in the following manner:
 - 1) Their request involves records that have never been maintained by the City;
 - 2) Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2);
 - 3) Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1).
 - (ii) If the record that is requested is not a record used or maintained by the City, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the City is under no obligation to create records to meet public record requests.
- (f) **Ambiguous or Overly Broad Request for Public Records** - If a requestor makes an ambiguous or overly broad requests or have difficulty in making a request for copies or inspection of public records cannot reasonably identify what public records are being requested:
- (i) The request may be denied. The City, however, shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the City in the ordinary course of business (ORC 149.43(B)(2)).
- (g) **Denial of a Record Maintained by the City of Pataskala** – The City may deny a request for a record it maintains if:
- (i) The requested record is prohibited from release due to applicable state or federal law.
 - 1) Employees or the Public Records Clerk may check the appropriate the box on form RC101 if they are simply applying the statutory exclusion.
 - 2) Otherwise, legal counsel will respond with the legal authority for a denial.
 - (ii) As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, this office shall provide the requestor with an explanation, including legal authority, setting forth why request was denied.

- 1) If the initial request was provided in writing then the explanation shall also be provided in writing.
- 2) The explanation shall not preclude the City from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

(h) **Redacting Exempted Records/Procedure**

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

(i) **Remedy**

- (i) **Grievances** - If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - 1) Contact the City Administrator.
 - 2) If the person is not satisfied after contacting the City Administrator they shall be advised that Ohio Revised Code Section 149.43 provides a legal means for addressing their complaint in these disputes. (ORC 149.43(C)(1)(2)).
- (j) **Training and Education** - The City of Pataskala continues to update and address all education, training, disclosure, and policy requirements mandated by ORC 109.43 and 149.43(E)(1)(2).

Section 13.07 FACT Act (2003)/Red Flag Policy

- (a) **Policy** – The City of Pataskala, Licking County, complies with the FACT Act (2003) as follows:

- (i) An Identity Theft Prevention Program (Program) has been created and designed to detect, prevent and mitigate identity theft relating to covered accounts of the utility. The objective of the City of Pataskala is to safeguard the “identifying information” as defined by the Federal Trade Commission (FTC), of the customers of the utility for the purposes of identifying and preventing identity theft.
- (ii) The Federal legislation identifies that program must involve to some degree the “Board of Directors” and “Senior Management” of the utility. (**Federal Register/Vol. 72. No. 217, page 63730**).
- (iii) In accordance with this objective the following individuals/positions will serve on the Privacy Committee (Committee) which governs the use and enforcement of this policy.

<u>Name</u>	<u>Title</u>	<u>Responsibilities</u>
Benjamin J. King	City Administrator	Manage Policy
James M. Nicholson	Finance Director	Develop/Implement Policy

- (iv) In addition, the Finance Director has been designated the Privacy Official/Officer who will be responsible for coordinating activities of the Committee.
- (b) **Security Breaches** - It is the policy of City of Pataskala utility department to address security breaches discovered within its utility in order to mitigate damage as follows:
 - (i) Customer Service Representative (CSR), utility management, City of Pataskala management or other City of Pataskala employee who discovers the breach in security notifies the Privacy Officer/Official of the breach.
 - (ii) Privacy Officer/Official must notify all committee Members by both oral and written means (may include letter or email).
 - (iii) Privacy Officer/Official must notify the law director.
 - (iv) If the breach has compromised the identity of a utility customer, the utility will notify the affected customer.
 - (v) The City of Pataskala utility department shall document the incident(s) and include them as part of the report to the Committee, which the Committee will include as part of its annual report to the Board(s)/Council. This documentation could include an incident report plus procedures for each incident as developed by the Official/Officer and/or Committee and what were done to mitigate the exposure.
- (c) **Mitigation Choices** - It is the policy of the City of Pataskala utility department, once presented with the red flags, they be identified and reported. The following possibilities for mitigating the effects of the red flag could include but are not be limited to:
 - (i) Monitor accounts
 - (ii) Contact customer
 - (iii) Change passwords

- (iv) Close and reopen account
 - (v) Don't collect on, or sell, account
 - (vi) Notify law enforcement
 - (vii) No response
- (d) **Employee Training** - It is the policy of City of Pataskala utility department to train each employee who has access to "identifying information" as defined by the FTC a minimum of between two to four hours for the first year of the Program, and then at least one hour of recurring annual training each year thereafter. The training will be administered by the Privacy Official/Officer or may be administered by a Member of the Committee, pending an assignment by the Committee. The employees will be trained on a "need to know" basis, only receiving information as it relates directly to their job.

For each new employee who it is determined to need access to the "identifying information" as defined by the FTC, that employee will be trained a minimum of between two to four hours for their first year working within the Program and at least one hour of recurring annual training each year thereafter.

A record of the employees trained, date, and hours trained, and curriculum covered shall be maintained.

The Curriculum could include but not be limited to:

- (i) Identity theft defined policy review, etc.
 - (ii) Handling data at the customer "window" (conscious of shoulder surfing and prying ears).
 - (iii) Handling data at your desk, monitoring your work area.
 - (iv) Computer security and safety.
 - (v) Document destruction and disposal.
 - (vi) Handling reports of identity theft.
 - (vii) Case studies in identity theft attempts.
- (e) **Address Discrepancy Notices**- It is the policy of the City of Pataskala utility department, as users of information received from nationwide consumer reporting agencies (CRA), when notice of address discrepancy is received from the CRA, the procedure is as follows:
- (i) A difference is determined between the address the customer/potential customer provided and the address in the CRA's files; and
 - (ii) A reasonable belief must exist that the consumer report relates to the consumer about whom the report was requested; and
 - (iii) The information is compared from the consumer report to the information provided by the consumer; and
 - (iv) The information provided in the consumer report is verified with the consumer to the

satisfaction of the Privacy Official/Officer; and

- (v) The utility confirms that the address for the consumer in its reasonable belief relates to the consumer about whom address discrepancy existed; and
 - (vi) Each address discrepancy shall be documented and will include the consumer's name, address provided by the CRA, address provided by the consumer, date the discrepancy was reported by the CRA, date the consumer was notified and date the discrepancy was resolved.
- (f) **Records Disposal** - It is the policy of the City of Pataskala utility department that it shall follow all Ohio Revised Code laws and regulations, as well as established City of Pataskala retention schedules to shred and destroy documents. The City shall retain the services of a certified, professional confidential records destruction service to destroy such records.
- (g) **Reports of Identity Theft** - It is the policy of the City of Pataskala utility department, once a customer identifies themselves to the utility as a victim of identity theft, and notifies the utility of the theft of their identity that the utility request the following of that customer:
- (i) Request the customer provide a picture ID which meets the requirements as an ID for a customer opening a new account. The utility will then make a copy of this ID for its files.
 - (ii) The utility will provide the customer a Notice of Identity Theft form which will be created by the Official/Officer and passed by the Committee. It should include the name, address date and time the utility receives the notice, signature of the victim, verification of the identity as in (g)(i) above, and details of the identity theft.
 - (iii) The customer will be required to submit a copy of both a police report and the affidavit (as posted on the website of the Federal Trade Commission at <http://www.ftc.gov>) of identity theft.
 - (iv) The City of Pataskala utility department will document the receipt of these documents.
 - (v) The utility will then provide this documentation to the Official/Officer for further action.
 - (vi) Once received, this data will be reviewed and evaluated for the necessary course of corrective action to help prevent future identity theft.

Article XIV FINANCIAL POLICIES & PROCEDURES

Section 14.01 Purpose and Scope

- (a) The City of Pataskala has a responsibility to its citizens to carefully account for public funds, to manage municipal finances wisely, and to plan for the provision of services desired by the public. Sound financial policies are necessary to carry out that responsibility. The following financial policies provide a summary of significant financial and budgetary policies required by state law, the City Charter, City Ordinances, accounting principles generally accepted in the United States (GAAP), and sound administrative practices. Such policies are designed to: (1) provide conceptual standards for financial decision-making; (2) enhance consistency in financial decisions; and (3) establish parameters for administration to use in directing the day-to-day financial affairs of the City. The scope of these policies includes budgeting, financial reporting, auditing, internal controls, asset management, risk management, capital improvement program, debt management, investments, and financial performance targets. These policies shall be reviewed periodically, and updates presented to City Council on an ‘as-needed’ basis.

Section 14.02 Budgeting and Financial Planning

- (a) **Financial Planning Elements** – The major elements of the budget and financial planning processes for the City of Pataskala include the following, which will be presented in greater detail later in this policy document:
 - (i) **Annual Operating/Capital Budget** – These represent the annual financial plan of the City, and are presented to City Council by the City Administrator, with assistance from the Finance Director in developing the plan. Council approves the annual budget by ordinance prior to December 31st of the prior year.
 - (ii) **Capital Improvement Plan** - This document establishes a policy framework to guide the expansion of the City, and the Administration’s proposed infrastructure improvements and capital equipment purchases. Updated annually, this 5-year plan provides City Council with the necessary information and financial requirements of such proposed spending.
 - (iii) **Five-Year Forecast** – The Finance Director, in consultation with the City Administrator and Department Heads, prepares a 5-year forecast of revenues, expenditures and fund balance. It is updated annually during the budget process. It provides estimates of funding needs and identifies funding sources. It serves as a ‘roadmap’ or guide as to where the financial health is projected to be over the succeeding 5 years.
- (b) **Long-Term Focus** – The City recognizes the importance of long-term strategic planning, as evidenced by its Capital Improvement Plan. Similarly, it recognizes that prudent financial planning considers multi-year implications of financial decisions. The City shall maintain a long-term focus in its financial planning that is mindful of the long-term goals and objectives of the City.
- (c) **Conservatism** – One-time, or special purpose revenues should be used to finance capital projects, or for expenditures required by the revenue, and not to subsidize recurring personnel costs or other operating expenses.

- (i) Revenues will be projected conservatively, but realistically, considering:
 - 1) Past experience;
 - 2) The volatility of the revenue source;
 - 3) Inflation and other economic conditions; and
 - 4) The costs of providing the service
- (ii) Expenditures will be projected conservatively considering:
 - 1) A conservative, but likely, scenario of events (versus “worst case scenario”);
 - 2) Specific identified needs of the program or service;
 - 3) Historical consumption and trends; and
 - 4) Inflation and other economic trends.
- (d) **Annual Operating and Capital Budget**
 - (i) **Scope** – The operating and capital budget serves as the City’s annual financial operating plan. All funds, with the exception of Agency or Fiduciary funds, are subject to appropriation by Council.
 - (ii) **Balanced Budget** – While it is recognized that operational demands might occasionally require that spending in a fund during any particular year might necessarily exceed projected revenues for that same period, the City Administrator shall strive to present a balanced budget for Council consideration whereby fund revenues either equal or exceed fund appropriations. In no case shall the proposed cash resources of each fund (beginning of year unencumbered fund balances plus estimated receipts) be less than the proposed appropriations. When necessary, the following budget-balancing strategies will be used, in order of priority:
 - 1) Reduce expenditures through improved productivity;
 - 2) Shift expense to other parties;
 - 3) Allocate expenditures to the fund or department which directly benefits from the services.
 - 4) Create new service fees, or increase existing fees;
 - 5) Seek tax rate increases; or
 - 6) Reduce or eliminate services.
 - (iii) **Modifications to the Budget** – Amendments to authorized appropriations needed from time to time as changing circumstances dictate shall be made by legislation via a supplemental appropriation ordinance. Such legislation shall be prepared by the Finance Director and submitted to City Council, along with the rationale supporting the request(s). The legislation shall provide detail at the fund, function and object level (ex., Fund 101 – General Fund, Function 100 – General Government, Object 52 – Salary & Related).
- (e) **Capital Improvement Program (CIP)/Capital Budget**
 - (i) **Scope** – The City shall provide for the adequate maintenance of the capital plant and

equipment, and provide for the orderly replacement of such equipment and infrastructure.

- (ii) **Five-Year Capital Plan** – The City shall prepare a five-year capital plan, and update it annually during the development process for the annual operating budget. Such plan shall be approved by Council in the minutes. The plan shall prioritize all anticipated capital projects, and determine availability of funding.
- (iii) **Capital Budget** – An annual capital budget shall be prepared and provided to Council as a part of the annual operating budget development process.
 - 1) **Scope:** The capital budget encompasses any funds of the City which may provide resources for capital improvements as established from time-to-time for specific projects.
 - 2) **Eligible Projects:** The purchase or construction of a capital asset with an acquisition cost of at least \$5,000 and has a useful life of at least five (5) years is eligible for funding as a capital project.
 - 3) **Funding:** A recommended funding source and resource availability shall be presented to Council for each project. The administration shall investigate any and all potential alternative funding sources, such as federal or state grants.
- (f) **Five-Year Forecast** – A five-year forecast of revenues, expenditures and fund balance shall be updated on an annual basis, and presented to Council during the annual operating budget approval process. The document shall be formally accepted by Council within the minutes. The purpose of the forecast is to:
 - (i) Identify major policy issues for City Council’s consideration;
 - (ii) Prepare annual estimates of projected revenues and operating expenditures over the extended time horizon, as well as incorporating planned capital spending into the plan. This serves to determine the annual funding requirements and projected future fund carryover balances.
 - (iii) Identify financial trends in advance, or in the early stages, so that timely corrective action can be taken if needed; and
 - (iv) Serve as a communication tool to share the City’s plans to the public, and provide an opportunity for the public to comment and provide feedback.
- (g) **Budgetary Compliance and Monitoring**
 - (i) **Budgetary Control System** - The City shall maintain a budgetary control system to ensure that appropriations and fund balances will not be overdrawn. As a part of such budgetary control, a purchasing control system will be maintained which will generally require advanced authorization of purchases as required by the Ohio Revised Code (ORC §5705.41) and the City of Pataskala purchasing and procurement policy (§13.01). Encumbrance accounting will be utilized as an extension of formal budgetary control. Under this system, purchase orders (POs), contracts, and other commitments for the expenditure of monies are recorded as an appropriation encumbrance (e.g., restriction) prior to placing the order or entering into the contract, in order to reserve that portion of the applicable appropriation. The integrity of the various funds will be maintained by the proper crediting of revenues, and the proper charging of costs. In the event where there is insufficient appropriations in a specific budget line item

to cover a proposed expenditure, the budget should be adjusted to accommodate such spending through either an authorized budget transfer or via a supplemental appropriation ordinance, instead of simply booking or charging the expense to an inappropriate or less than ideal budget line that has sufficient funding.

- (ii) **Financial Reporting** – Monthly cash basis financial reporting shall be prepared by the Finance Director and submitted to City Council, the Mayor and department heads. Such reports will provide information of the status of revenue collections as compared to projected revenues and the reasons for any significant favorable or unfavorable variances. In addition, the reports shall also compare actual spending and encumbrances with approved budget amounts, along with the rationale for any favorable or unfavorable variances. Updated projections of year-end fund carryover balances shall also be included in such reporting.

Section 14.03 Interfund Transfers and Advances

- (a) **Definition** – Interfund transfers are identified as the permanent transfer of monies between funds, while interfund advances are identified as the temporary movement of monies between funds. The distinction between the two types of funds movement is that an advance is anticipated to be reversed or repaid within one (1) year from the date of the advance. In the event that an advance appears to be of a more permanent nature, it shall be reclassified on the City's ledger as a transfer, and must follow the policies required for interfund transfers.
- (b) **Interfund Advances** – In the event that a temporary movement of funds is required to cover/fund an expenditure which has previously been approved by Council through the passage of a supplemental appropriation ordinance, the Finance Director, at the direction of the City Administrator, is authorized to make such temporary advances. This situation typically results from a timing issue whereby the revenues aren't collected or reimbursement received prior to the required issuance of a purchase order, whereby a fund's cash balance would otherwise be reduced to a less than zero (e.g., negative) balance, such overdrawn fund balance being in violation of ORC and City policy requirements. Council shall be promptly notified of any interfund advances in the Finance Director's periodic reporting to Council
- (c) **Interfund Transfers** – Permanent transfers of cash may be made between City funds if authorized, by City Ordinance by an affirmative vote of at least four (4) members of Council. All transfers will be reviewed and determined to be in compliance by the Finance Director in accordance with ORC Sections 5705.14, 5705.15 and 5705.16 prior to Council approval.

Section 14.04 Allocation and Assignment of Expenditures

- (a) **Policy** – The General Government, Legal and Finance functions provide administrative overhead services to other funds. The cost of this overhead must be considered to establish the full cost of operations of all City funds in which such dedicated employees provide services to other City funds and departments. The Finance Director will recommend, in the Annual Operating and Capital Budget, an equitable allocation of costs and administrative charges based upon a cost accounting analysis.

Section 14.05 Fund Balance Reserves

- (a) **General Policy** – A Government Finance Officers Association (GFOA) ‘Best Practice’ prescribes the need for maintaining adequate reserves in order to maintain operations during periods of fiscal stress. The City shall budget target year-end carryover cash fund balances for various operating funds, depending upon the type of fund, to provide reserves for unforeseen emergencies, or revenue shortfalls, and to eliminate the need for short-term borrowing for cash flow requirements. The City shall periodically review the status of all fund balances, at least annually, and shall strive to maintain a balance equal to a specified percentage of annual expenditures for each fund.
- (b) **Governmental Funds Policy** –According to the best practice entitled ‘Determining the Appropriate Level of Unrestricted Fund Balance in the General Fund’, the GFOA recommends that “Nevertheless, GFOA recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than **two months** (emphasis added) of regular general fund operating revenues or regular general fund operating expenditures”. Due to their very unique nature, most special revenue, capital improvement and debt service funds shall maintain adequate fund balance in order to maintain operations, although no specific ranges are identified. The City of Pataskala, however, shall endeavor to maintain, at a minimum, the following ranges for its’ primary Governmental Funds:
- (i) General Fund 25-35%
 - (ii) Street Fund 25-35%
 - (iii) Police Fund 25-35%
- (c) **Utility Funds Policy** - The Government Finance Officers Association (GFOA) ‘Best Practice’ also prescribes the need for maintaining adequate reserves enterprise (e.g. utility) funds in order to maintain operations during periods of fiscal stress. According to the best practice entitled ‘*Determining the Appropriate Level of Working Capital in Enterprise Funds*’, the GFOA recommends that “*In order to arrive at a customized target amount of working capital, governments should start with a baseline of ninety (90) days’ worth of working capital, and then adjust the target based on the particular characteristics of the enterprise fund in question (using 45 days as the minimum acceptable level)*”. In order to determine the appropriate level of working capital, the City should consider the following characteristics s they pertain to the City’s enterprise funds: (1) level of transfers out; (2) demand for services; (3) control over rates and revenues; (4) asset age and condition; (5) volatility of expenses; (6) control over expenses; and (7) the utility’s debt position. The City of Pataskala, however, shall endeavor to maintain, at a minimum, the following ranges for its’ operating Utility Funds:
- (i) Water Operations Fund 30-50%
 - (ii) Sewer Operations Fund 30-50%

Section 14.06 Financial Reporting

- (a) **Policy** – The City will prepare its annual basic financial statements in conformance with applicable statutes and, where applicable, accounting principles generally accepted in the United States (GAAP). The City will endeavor to create a Comprehensive Annual Financial Report, or CAFR,

however, it will be evaluated on an annual basis to determine if the benefit of providing this report to City Council, management, rating agencies and its citizens outweighs the cost of preparing such a document.

Section 14.07 Internal Control Policies

- (a) **Policy** – The City will maintain a system of internal control to safeguard its assets against loss, ensure the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.
- (b) **Internal Control System Objectives** – The City’s system of internal controls should be able to provide reasonable assurance that the following objectives are met:
 - (i) **Authorization:** All transactions are properly authorized by management;
 - (ii) **Recording Transactions:** Transactions are recorded as necessary to: (1) permit preparation of financial statements in conformance to statutory requirements and accounting principles generally accepted in the United States of America; and (2) maintain accountability for assets;
 - (iii) **Access to Assets:** Access to assets and records should be permitted only with management’s authorization;
 - (iv) **Periodic Independent Verification:** The records should be checked against the assets by someone other than the persons responsible for the records of these assets. Examples of independent verification are monthly bank reconciliations and periodic counts of inventory; and
 - (v) **Segregation of Duties:** The organizational plan should separate functional responsibilities. In general, when the work of one employee is checked by another, and when the responsibility for custody of assets is separate from the responsibility for maintaining the records relating to those assets, then there is appropriate segregation of duties. The City will attempt to implement segregation of duties to the extent available based upon the respective size of the City’s departments, availability of staff, and cost-benefit relationship of implementing recommendations pertaining to segregation of duties.
- (c) **Written Procedures** - Written procedures will be maintained by the Finance Director for all functions involving the handling of cash and securities. These procedures shall embrace sound internal control principles.
- (d) **Finance Department Responsibilities** - Written procedures will be maintained by the Finance Director for all functions involving the handling of cash and securities. These procedures shall embrace sound internal control principles.
- (e) **Department Head Responsibilities** - Each Department Head is responsible to ensure that internal control procedures, including those issued by the Finance Department, are followed throughout the department.

Section 14.08 Capital Asset Management

- (a) **Asset Class Definition** - Capital assets include land, improvements to land, buildings, building

improvements, machinery, equipment, infrastructure, and all other assets that are used in operations and that have initial useful lives extending beyond one year. Infrastructure is defined as long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure include roads, bridges, sidewalks, and similar items.

- (b) **Asset Valuation** - All capital assets are valued at historical cost, or estimated historical cost, if actual cost is not available. Donated capital assets are valued at their estimated fair market value at the time received. Interest on constructed capital assets for enterprise funds is capitalized.
- (c) **Capitalization Threshold & Useful Lives** - A capitalization threshold is the cost established by the City that must be met or exceeded if an asset is to be recorded and depreciated as a capital asset. The City has established a detailed listing of estimated useful lives and capitalization thresholds by asset type. A copy of the current schedule is included in Appendix K. The City shall properly and promptly insure all capital assets based on established policies which may differ from the amount captured for financial reporting purposes.
- (d) **Safeguarding of Assets** – The City’s capital assets will be reasonably safeguarded and used only for an appropriate proper public purpose. Responsibility for the safeguarding of the City’s capital assets lie with the Department Head to whose department the capital asset is assigned.
- (e) **Periodic Inventory** – All capital assets shall be tagged with an identifying number, unless the asset does not permit such affixing such a tag. Each department shall conduct a periodic inventory of capital assets using guidelines established by the Finance Department. .

Section 14.09 Risk Management/Insurance

- (a) **Policy** - The City shall make diligent effort to prevent a loss or degradation of City assets, and to reduce the City’s exposure to liability. The City shall transfer risk to other parties, where cost-effective, by purchasing insurance. Such insurance policy shall include, but not limited to, the following policy coverages:
 - (i) General Property
 - (ii) Inland Marine
 - (iii) Computer Coverage
 - (iv) Employee Dishonest/Crime
 - (v) General Liability
 - (vi) Employee Benefits Liability
 - (vii) Employer’s Liability
 - (viii) Public Officials Liability and Employment Practices
 - (ix) Law Enforcement Liability
 - (x) Automobile Liability
- (b) **Third-Party Indemnification** - The City shall shift the legal and financial responsibility for losses

or potential losses to the third parties who perform work or provide services to the City, such losses or potential losses being caused by the actions of those third parties. This transfer of risk may occur through a variety of means in leases, purchase and service agreements, and other contracts. The transfer of risk shall be made formally, in writing, and may include indemnification agreements, insurance requirements, and the required provision of certificates of insurance (with the City of Pataskala named as an “additional Insured”) .

Section 14.10 Enterprise Funds

- (a) **Purpose** - Enterprise funds are commonly used to account for activities that are fully financed through user charges. Also, they are used when it has been determined that it is beneficial to determine the full cost of operations, including the determination of depreciation and other such private sector accounting conventions. Accordingly, enterprise funds are subject to accounting principles generally accepted in the United States of America applicable to similar businesses in the private sector.
- (b) **Enterprise Activities** – The following activities and associated funds are currently classified as enterprise funds:
 - (i) 601 – Water Operations: Water treatment and distribution system operation
 - (ii) 602 – Water Capital Improvements & 603 – Water Bond Improvements: Water treatment and distribution system expansion and improvements.
 - (iii) 604 – Water Debt Service: Provide funding for water treatment and distribution system-related debt service.
 - (iv) 605 – Water Utility State Issue II (OPWC): Accounting for grant and loan proceeds from the Ohio Public Works Commission for the construction of water utility system improvements, and the related expenditures for such improvements.
 - (v) 651 – Sewer Operations: Sewer collection and treatment system operation.
 - (vi) 652 – Sewer Capital Improvements & 653 – Sewer Bond Improvements: Sewer collection and treatment system expansion and improvements.
 - (vii) 654 – Sewer Debt Service: Provide funding for sewer collection and treatment system-related debt service.
 - (viii) 655 – The Oaks Special Assessment: Accumulating the special assessments collected from residents of The Oaks subdivision for the construction of water and sewer improvements, and the payment of the related debt service.
 - (ix) 656 – Sewer Utility State Issue II (OPWC): Accounting for grant and loan proceeds from the Ohio Public Works Commission for the construction of sewer utility system improvements, and the related expenditures for such improvements..
- (c) **Enterprise Fund Financial Performance Policies** – The revenue generated by the water and sewer enterprise funds shall be sufficient to support 100% of the following:
 - (i) Operating costs, determined on the budgetary basis of accounting;

- (ii) Administrative overhead charges;
 - (iii) Debt service;
 - (iv) Adequate maintenance and replacement of capital plant and equipment;
 - (v) Special replacement reserves, and other reserves required by grant or bond indentures.
 - (vi) Cash fund balance reserves as specified elsewhere in this policy.
- (d) **Enterprise Funds Revenue and Fee Policy** - Rates shall be reviewed annually and adjusted to allow charges to grow at a rate that keeps pace with the cost of providing the service. Projected cash needs for at least five years into the future will be considered when establishing rates. This policy will result in incremental increases in rates rather than large increases that may result in a financial burden to customers. The City may elect to conduct rate studies by third parties to determine the operating, capital, and debt service needs in order to maintain positive cash flow within the City's Enterprise Funds.

Section 14.11 Audit

- (a) **Policy** – The City shall have an annual financial audit conducted by the Ohio Auditor of State, or a duly designated independent public accounting firm (IPA). This audit shall be conducted according to standards established by the Auditor of States office, generally accepted auditing standards (GAAS), and generally accepted governmental auditing standards (GAGAS).

Section 14.12 Investments and Deposit of Funds

- (a) **Policy Overview** - It is the policy of the City of Pataskala, Ohio to invest public funds in a manner which emphasizes maximum security of principal, while at the same time meeting the daily cash flow needs of the City. Only after these objectives have been met, is the goal to achieve the highest overall rate of return. The policy is intended to comply with all federal, state, and local statutes that govern the investment of public funds.
- (b) **Investment Income Allocation** – Interest shall be distributed to the following funds on a relative proportion each fund is of the prior month's total ending cash balance, and in accordance with generally accepted accounting principles (GAAP):
- (i) **Governmental Funds:**
 - 1) 101 - General Fund
 - 2) 201 - Street Fund
 - 3) 202 – State Highway
 - 4) 205 – Permissive Tax Fund
 - 5) 206 – Recreation Fund
 - 6) 207 – Park Use Fund
 - 7) 208 – Police Fund

- 8) 301 – Capital Improvements Fund
- 9) 302 - Bond Improvements
- 10) 401 – Debt Service Fund
- 11) Any other special revenue, capital, or debt service funds with a material balance.

(ii) **Utility Funds:**

- 1) 601 – Water Operations
- 2) 602 – Water Capital Improvements
- 3) 603 – Water Bond Improvements
- 4) 604 – Water Debt Service
- 5) 651 – Sewer Operations
- 6) 652 – Sewer Capital Improvements
- 7) 653 – Sewer Bond Improvements
- 8) 654 – Sewer Debt Service

(c) **Deposit of Funds** –

- (i) **Cash Collection Points:** Monies received at cash collection points throughout the City of Pataskala must be deposited in accordance with this policy. Cash collection points are any areas within the City of Pataskala where money flows into the City. Currently identified cash collection points are:

- 1) Planning and Zoning department -building permits, etc.
- 2) Utility billing department - monthly utility use payments
- 3) Mayor’s Court - fines, forfeitures and court costs
- 4) Police Department - typically fingerprinting fees
- 5) Administration Office – shelter house rentals, or miscellaneous activities
- 6) Finance Department –revenue EFT receipts such as income tax revenues, grant proceeds, investment income, etc.

- (ii) **Deposit Protocol** - Departments that receive monies at cash collection points in the City of Pataskala are required to deposit all monies received with the Finance Director or Finance Manager on the next business day following such receipt, if the total amount of monies exceeds \$250. If the monies received do not exceed \$250, the person shall deposit such monies with the Finance Director or Finance Manager not later than three (3) business days following the day of receipt in accordance with ORC §9.38. Persons who receive money at cash collection points are responsible for its safekeeping until the money is deposited with the Finance Director or Finance Manager. All funds shall be secured in lock boxes or other secured means on City of Pataskala property and not taken home in the event such funds cannot be deposited timely. Employees which do not deposit monies in accordance with said policy are considered in

violation of ORC §9.38, and the appropriate disciplinary action may be taken by the employee's immediate supervisor

- (d) **Active Funds** – The City shall designate public depositories eligible to receive deposits of the City's active funds at least once every five years. Depositories so designated shall appear on a list of eligible depositories authorized by the State of Ohio. (ORC §135.12). Active funds are defined as those monies that will be needed for immediate use, or for use within the current fiscal period.
- (e) **Change Funds** - The City recognizes the convenience of a change fund in the day-to-day operations of the City. The City authorizes the establishment of a change fund to be in the care of a designated cashier, identified and authorized by the applicable department director, who shall be responsible for providing change as needed. Monies earmarked as change funds are not required to be deposited with the Finance Department or designated financial institution. However, change funds may not be used for the purchase of goods and services. The designated cashier and/or the department director may be subject to disciplinary action if monies are used for an improper purpose. Such funds are subject to unscheduled snap audits to confirm that the proper balance remains in the fund.
- (f) **Interim Funds** - The Finance Director shall maintain a list of entities eligible to receive deposits of the City's interim funds. Interim funds are those funds not needed to satisfy immediate obligations of the City. Entities placed by the Finance Director on the eligibility list shall appear on a list of eligible depositories authorized by the State of Ohio. (ORC §135.12). In addition, authorized representatives of the entity must provide the Finance Director with a signed copy of the City's current investment policy.
- (g) **Investment Policy**
 - (i) **Scope** - The City's investment policy applies to all interim funds that are pooled and deposited in either the General Bank Depository Account or the Utility Bank Depository Account. Except for cash in certain restricted and special funds as required by law or bond indenture, the City will consolidate cash balances from all funds to maximize investment earnings. The investment portfolio shall be regularly monitored in the context of available markets and the relative value of competing investments. The portfolio may be adjusted accordingly.
 - (ii) **Prudence** - All Finance Department officials involved in the investment process shall be responsible custodians of the public trust and will avoid any transaction that may impair said trust and confidence in the City. The investments shall be made in the context of the "prudent investor" rule, which states: *"...Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."*

Investment officers who exercise due diligence in accordance with written procedures and this policy shall be relieved of personal responsibility for an individual security's credit risk or market price deviations. The deviations from expectations must be reported in a timely fashion and appropriate action must be taken to control adverse developments. Nothing in this policy shall be construed to relieve any investment officer from the legal requirements established by the Ohio Revised Code (ORC 135).

(iii) **Investment Objectives** - The City's investment portfolio is designed and managed in a manner responsive to the public trust and consistent with federal, state, and local statutes. Investments are made on the basis of the following list of objectives. In priority order: safety; liquidity; and return are the three primary objectives that govern the City's investments.

- 1) **Safety**: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital and protection of principal in the overall portfolio within the context of various financial risks. To attain this objective, credit risk and interest rate risk are to be minimized by diversifying the investments by type with independent returns, and various financial institutions.
 - a) *Credit Risk*: The City will minimize the risk of loss due to the failure of an investment issuer by:
 - i) Limiting investments to the safest security types;
 - ii) Pre-qualifying financial institutions, broker/dealers, intermediaries, and advisors;
 - iii) Diversifying the investment portfolio so that the potential loss on individual securities has a minimal impact on the income from the remainder of the portfolio;
 - iv) Diversification is reflected in the types of investments held and the financial institutions used; and
 - v) Using centralized safekeeping (e.g., custody) accounts for securities.
 - b) *Market Risk*: The City will minimize the risk of market value fluctuations due to overall changes in the general level of interest rates by structuring the portfolio so that securities mature when cash is needed to meet obligations.
 - c) *Interest Rate Risk*: The City will minimize the risk of fair value losses from rising interest rates by investing in shorter-term securities and money market mutual funds and similar cash pools. The maximum maturity for securities in the City's investment portfolio is five years.
- 2) **Liquidity** - The second objective of the City's investment program is to provide adequate liquidity to meet all operating obligations that may be reasonably anticipated. The City's investment portfolio will remain sufficiently liquid to meet all operating requirements. The City will primarily meet cash disbursement requirements using current receipts. A portion of the portfolio may be placed in money market funds or local government investment pools that offer same day liquidity for short-term funds. Because all cash demands cannot be anticipated, the portfolio will consist primarily of securities with active secondary markets (dynamic liquidity).
- 3) **Return on Investment** - The City of Pataskala's investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles, considering the City of Pataskala's safety and liquidity requirements. Securities shall be purchased with the expectation that they will be held until maturity (e.g., 'buy & hold'). Securities may only be sold prior to maturity for the reasons listed below.

If liquidity needs require that an investment be sold at a loss, such sale must be approved by the Finance Director.

- a) To minimize loss of principal due to declining credit; or
 - b) To improve the quality, yield or target duration in the portfolio; or
 - c) To meet liquidity needs of the portfolio.
- (iv) **Delegation of Authority** - The authority to manage the City's investment program is derived from Article VI, 6.02(B) of the Charter of the City of Pataskala. The Finance Director has management responsibility for the investment program, and shall be responsible for all transactions undertaken and establish a system of controls to regulate the investment activities.
- (v) **Investment Procedures** - The Director of Finance shall establish investment procedures for the operation of the investment program consistent with this policy. The procedures shall include references to: safekeeping, wire transfer agreements, banking service contracts, cash flow forecasting, and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for the investment transactions. No person may engage in an investment transaction except as authorized by, and as provided under, the terms of this policy and the procedures established by the Finance Director.

Such procedures will include an internal control structure adequate to provide a satisfactory level of accountability by maintaining records incorporating descriptions and investment amounts, transition dates, other relevant information, and regulating subordinate employees' activities. The Finance Director may utilize the advice of a licensed and designated investment advisor to fully authorize the purchase or sale of investments in accordance with this Investment Policy and to sign investment-related agreements with authorized financial institutions and brokers/dealers on behalf of the City of Pataskala in the City's best interest.

- (vi) **Ethics and Conflicts of Interest** - City officials and employees involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution and management of the investment program, or which could impair their ability to make impartial investment decisions.

City officials and employees involved in the investment process shall disclose to City Council any material financial interests in financial institutions with which the City of Pataskala conducts business. They will further disclose any large personal financial or investment positions that could be related to the performance of the investment portfolio of the City of Pataskala. The disclosure document must contain any personal or financial interest in financial institutions with which they conduct business and shall further disclose any personal or financial positions that could be related to the performance of the investment portfolio.

Employees and officers will refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of Pataskala. The officers and employees involved in the investment process shall abide by the standards of professional conduct of the City of Pataskala, the State of Ohio, and the Government Finance Officers Association (GFOA).

(vii) **Authorized Financial Dealers and Financial Institutions**

- 1) Employees and officers will refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of Pataskala. The officers and employees involved in the investment process shall abide by the standards of professional conduct of the City of Pataskala, the State of Ohio, and the Government Finance Officers Association (GFOA).
- 2) For investments executed by the City, the Finance Director will maintain a list of qualified broker/dealers and financial institutions authorized to provide investment services. All brokers/dealers and financial institutions initiating transactions with the City of Pataskala must acknowledge this investment policy by returning a signed copy of the Investment Policy. The Finance Director:
 - a) May make additions to the authorized list when investment and deposit policy requirements are met;
 - b) Shall make deletions from the list: (1) if, and as directed by City Council; (2) upon the failure of the financial institution to meet the requirement of this policy; or (3) upon the request of the financial institution or dealer; and
 - c) May make deletions from the list based on the following: (1) perceived financial difficulties of the financial institution or dealer; (2) consistent lack of competitiveness by the financial institution or dealer; (3) lack of experience or familiarity of the account representative in providing service to large institutional accounts; or (4) when deemed in the best interests of the City.
- 3) All financial institutions and brokers/dealers who desire to become qualified bidders for investment transactions with the City of Pataskala must be in good standing with the Central Registration Depository (CRD) Database of the Financial Industry Regulatory Authority (FINRA) Public Disclosure Program, and must supply the City with the following:
 - a) Completed broker/dealer questionnaire
 - b) Proof of FINRA certification
 - c) Proof of state registration
 - d) Audited financial statements
 - e) Certificate of having read the City of Pataskala's Investment Policy and depository contract
 - f) Depository agreement
 - g) Other relevant information as requested
- 4) An annual review of the financial condition and registrations of qualified financial institutions and brokers/dealers will be conducted by the Finance Director. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City of Pataskala invests.

(viii) **Authorized and Eligible Investments** - Investments shall include only those permitted by law, and those that local investment managers are trained and competent to handle. Chapter 135 of

the Ohio Revised Code sets forth the requirements and limitations for investments of the state's political subdivision, including the City of Pataskala. The City of Pataskala is authorized to invest in any instrument or security outlined in the Ohio Revised Code 135.14, as amended. All investment transactions will be completed on a competitive basis whenever possible. The purpose of competitive bidding is to ensure that the best price is received by the City. Typically, when securities are purchased or sold a minimum of three bids/offers on similarly structured securities will be obtained. When this is not possible due to operational realities of the market place, prudence must be exercised to ensure the best prices are being received. The right is reserved to reject any offering or bid if it is inconsistent with the City's investment strategy.

The City is empowered by statute to invest in the following types of securities:

- a) United States Treasury bills, notes, bonds, or any other obligation, or security issued by the United States Treasury, or any other obligations guaranteed as to principal and interest by the United States. Stripped principal or interest obligations of such eligible obligations are expressly prohibited.
- b) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to the following:
 - i) Federal National Mortgage Association (FNMA);
 - ii) Federal Home Loan Bank (FHLB);
 - iii) Federal Farm Credit Bank (FFCB);
 - iv) Federal Home Loan Mortgage Corporation (FHLMC); or
 - v) Government National Mortgage Association (GNMA).

All federal agency securities shall be direct issuances of the federal government agency or instrumentality. The purchase of collateralized mortgage obligations (CMO's) or any other obligation classified as a derivative product is expressly prohibited.

- c) Time certificates of deposit (CDs) in authorized depositories, provided those funds are properly insured or collateralized as provided in Ohio Revised Code Section 135.18. The payment of the principal and interest thereon for which eligible securities are pledged must be paid and deposited with the City or qualified and approved trustee.
- d) Negotiable time certificates of deposit (negotiable CDs) which have a secondary market in which to trade such securities. The underlying issuer must be covered by FDIC insurance, and the amount of the acquired security is limited to ninety seven percent (97%) of the available FDIC coverage. For example, an investment in a negotiable certificate of deposit (CD) would be limited to \$242,500 assuming FDIC coverage limit of \$250,000.
- e) All federal agency securities shall be direct issuances of the federal government agency or instrumentality. The purchase of collateralized mortgage obligations (CMO's) or any other obligation classified as a derivative product is expressly prohibited.
- f) For no-load money market mutual funds consisting exclusively of obligations

described in (A) or (B) above and master repurchase agreements secured by such obligations, the City will have as its due diligence standard a required questionnaire that addresses the following to assure compliance with this Investment Policy:

- i) A description of eligible investment securities, and a written statement of investment policy and objectives;
- ii) A description of interest calculations and how it is distributed, and how gains and losses are treated;
- iii) A description of how the securities are safeguarded (including the settlement processes), and how often are the securities priced and the program audited.
- iv) A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- v) A schedule for receiving statements and portfolio listings;
- vi) Are reserves, retained earnings, etc. utilized by the pool/fund?
- vii) Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?
- g) The Ohio subdivision's funds (STAR Ohio and STAR Plus) are eligible investments, provided that the funds maintain the highest letter rating provided by at least one nationally recognized standard rating service as outlined in the Ohio Revised Code Section 135.45.
- h) Up to ten percent (10%) of interim moneys available for investment may be invested in the following:
 - i) Commercial paper notes issued by an entity that has assets in excess of \$500 million dollars, and are defined in division (D) of the ORC §1705.01, and:
 - a. Are rated at the time of purchase in the highest two classifications established by at least two nationally recognized standard rating service;
 - b. The aggregate value of the notes does not exceed ten percent (10%) of the aggregate value of the outstanding commercial paper of the issuing corporation; and
 - c. The notes mature not later than one hundred eighty (180) days after purchase.
 - ii) Bankers acceptances on banks that are insured by the Federal Deposit Insurance Corporation, and:
 - a. The obligations are eligible for purchase by the Federal Reserve System; and
 - b. The obligations mature not later than one hundred eighty (180) days after purchase.
- i) Written Repurchase Agreements (repos) with eligible financial institutions, as set forth in the Ohio Revised Code Section 135.03, or with any FINRA dealer. All Repurchase Agreements must be entered into, subject to a Master Repurchase Agreement providing for the terms outlined below and satisfactory to the Law Director of the City of Pataskala. The Master Repurchase Agreement must be signed with the bank or dealer. The City of Pataskala elects not to invest in certain legally authorized

investments, in accordance with ORC §135.14, as follows:

- i) Derivatives;
- ii) Reverse Repurchase Agreements; and
- iii) Collateralized Mortgage Obligations.

(ix) **Collateralization**

- 1) All deposits shall be collateralized pursuant to the requirements of the Ohio Revised Code Section 135.18. Collateralization is required for Certificates of Deposit and Repurchase Agreements. The collateralization level will be 102% of the market value of principal and accrued interest to anticipate market changes and to provide a level of security for all funds.
- 2) Eligible securities used for collateralizing deposits will be held by the depository and/or a third party bank or trust company in the City of Pataskala's name, subject to security and custodial agreements.
- 3) The security agreement must state that the eligible securities are pledged to secure the City deposits together in a single pool with agreed interest, if any, and any collection expenses arising from said deposits. It shall also provide the condition under which the securities may be sold, substituted, presented for payment, or released providing collateral values are maintained, and the events which enable the City to exercise said rights against the pledged securities, including failure to meet deposit repayment or collateral terms, or the institution's insolvency.
- 4) Collateral will always be held by an independent third-party. The custodial agreement must state that the securities be held by the bank or trust company, as agent of and custodian for and approved by the City. The securities will be kept separate from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing for any other deposit or liabilities. A clearly marked evidence of ownership must be supplied and retained by the City. The agreement will describe the custodian's confirmation of the receipt, substitution or release of the securities. The custodial agreement also shall provide for daily revaluation of eligible securities and for the substitution of securities when a change in the security's rating may cause ineligibility. The custodial agreement shall provide that the custodian will exercise the City's rights to the security or as instructed by the City. Finally, the agreement must include all provisions to provide the City with a perfected interest in the securities. The right of collateral substitution is granted.

- (x) **Safekeeping and Custody of Securities** - All security transactions, including collateral for repurchase agreements, entered into by the City of Pataskala shall be conducted on a delivery-versus-payment (DVP) basis. That is, broker/dealers will not be paid until the securities purchased are delivered to the City or to the City's designated centralized safekeeping account. The securities will be held by centralized safekeeping at a qualified financial institution, hereafter designated "custodian". The centralized custodian will be designated by the Finance Director. The securities will be free and clear of any lien. The custodian will issue a safekeeping receipt to the City, listing the instrument, maturity date, and rate. Month-end reports will also be provided to the City by the Custodian, including held securities, book and market values, in addition to a written custodial agreement.

- (xi) **Diversification** - It is the policy of the City of Pataskala to diversify its investments by investment instrument, type, issuer, and maturity scheduling to reduce overall portfolio risks while attaining at least the benchmark rate of return. To comply with the principle of proper financial diversification, the following guidelines are set forth with regard to eligible securities to be used at the time of purchase of each security investment. The following percentages are maximum investments for each type of security:

1) US Government Obligations	100%
2) US Federal Agency Securities	100%
3) FDIC-Insured Certificates of Deposit	100%
4) Municipal Bonds/Other Obligations	40%
5) STAR Ohio/STAR Plus	25%
6) Commercial Paper	10%
7) Repurchase Agreements	10%
8) Overnight excess cash deposit (sweep)	as needed

- (xii) **Maximum Maturities** - To the extent possible, it is the cash management practice of the City to match its interim fund investments with anticipated cash flow requirements to obtain the optimum economic and market conditions. The maximum maturity of any eligible instrument is five years from the settlement date (date of purchase).

- (xiii) **Internal Control** - An internal control process shall be established for independent review by an external auditor. The review shall assure internal control compliance with policies and procedures. A system of internal controls shall be designed to protect the City from theft, loss, and misuse of public funds. The City will attempt to prohibit collusion by separating investment transactions from the accounting and recording of those transactions. The City will assure the timely delivery and matching of custodial trust receipts.

The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of the control should not exceed the benefits likely to be derived, and (2) the valuation of costs and benefits requires estimates and judgments by management.

- (xiv) **Performance Standards** - The City's investment strategy is passive in nature in that securities are held to maturity. The yield objective is to attain a rate of return equaling or exceeding a weighted benchmark comprised of the following:

- 1) 50% - average yield of two-year Treasury Notes
- 2) 25% - three month average yield of STAR Ohio
- 3) 25% - one-three year Merrill Lynch index
- 4) The City shall undertake a formal evaluation of performance and occasional operational audits to determine whether market yields have been achieved. This benchmark is subject to change if it is deemed to no longer be an appropriate target.

- (xv) **Investment Advisory Committee** - An Investment Advisory Committee (IAC) shall be established, which includes the Mayor, Council Finance Committee Chair, the City Administrator, and Finance Director. The Investment Advisory Committee assumes the responsibility to review investments and revise the investment policy. It may also adopt rules for assuring that the policy remains current and similar to policies adopted by other Ohio political subdivisions and remains in compliance with all recognized legal and statutory regulations adhering at all times to the Charter of the City of Pataskala.

The Committee shall meet at least annually to recommend any changes to the Investment Policy. If approved by the Committee, the changes will be submitted to City Council for approval. The Committee shall maintain a record of its proceedings.

- (xvi) **Reporting** – The Finance Director shall provide a monthly Investment Report to the Investment Advisory Committee, City Council, and other City officials to provide an analysis of the current investment portfolio. The report will be prepared in a manner which will allow the Investment Advisory Committee to ascertain whether investment activities during the reporting period have conformed to the Investment Policy and achieved the benchmark rate of return. The management report shall include, but not be limited to, the following information:

- 1) Description of each security
- 2) CUSIP number of each security
- 3) Purchase date of each security
- 4) Par value of each security
- 5) Coupon for each security
- 6) Purchase price of each security
- 7) Book value of each security
- 8) Market value of each security
- 9) Call date/type of each security for callable securities
- 10) Maturity date of each security
- 11) Weighted average maturity of the portfolio
- 12) Weighted average yield to worst
- 13) Percentage of the portfolio by investment type
- 14) The custodian bank or broker/dealer shall provide a monthly report showing the current market value of each security owned by the City. CUSIP numbers for each security are to be included in the report.

- (xvii) **Training and Education** - The Finance Director must maintain sufficient investment-related education and training in order to comply with the continuing education (CPIM) requirements prescribed by the Ohio Treasurer of State in ORC Section 135.22.

- (xviii) **Investment Policy Adoption** - To implement the effectiveness of the Investment Policy of the City of Pataskala, the policy was formally adopted by City Council on August 1, 2013, Resolution Number 2013-050. This policy shall be reviewed annually by the Investment Advisory Committee, and any modifications made thereto must be approved by the Investment Advisory Committee and City Council.
- (xix) **Agreement** –The following language shall be provided to the broker/dealers at the end of the investment policy. Authorized officials for the broker/dealer are required to sign and return a copy to the Finance Director in order to be considered for inclusion on the City’s eligibility list.

By signing this agreement the institution below submits that it has read the City of Pataskala’s Investment Policy and agrees to abide by its content.

Name of Financial Institution
Advisor or Broker
Signature of Authorized Officer
Printed Name and Title
Date

- (xx) **Glossary** - Because this policy is to be available to the public as well as the governing body, it is important that a glossary of related terminology be part of the policy.

Agencies: Federal agency securities and/or Government-sponsored enterprises.

Amortization: The planned reduction of a debt obligation according to a stated maturity or redemption schedule.

Asked: The price at which securities are offered for sale.

Asked: The price at which securities are offered for sale.

Basis Point: The measure of the yield to maturity of an investment calculated to four decimal places. A basis point is 1/100th of 1% (0.01 percent).

Benchmark: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio’s investments.

Bid: The price offered by a buyer to purchase securities. (When you are selling securities, you ask for a bid).

Book-Entry-Only: Bonds that are issued in fully registered form but without ownership certificates. The ownership interest of each actual purchaser is recorded on the computer.

Broker: A broker brings buyers and seller together for a commission.

Call Option: The right to redeem a bond prior to maturity, either on a given date or continuously.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper (tax exempt): Short-term unsecured promissory notes issued in either registered or bearer form with a stated maturity of 270 days or less.

Comprehensive Annual Financial Report (CAFR): The Annual Financial Report prepared in conformance with generally accepted accounting principles (GAAP) as promulgated by the Governmental Accounting Standards Board (GASB) and other authoritative sources as well as guidelines recommended by the government finance Officers Association of the United States and Canada (GFOA). This report contains basic financial statements, supplemental statements and other financial and statistical information and the responsibility for the accuracy of the presented data including all disclosures rests with the City.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Coupon Rate: The interest rate on specific maturation of a bond issue. The term "coupon" comes from previous times when the bonds had coupons attached.

CUSIP Number: The Committee of Uniform Securities Identification Procedures. An identification number is assigned to each maturity of an issue and is printed on the face of the certificate of the issue. The CUSIP numbers are intended to facilitate the identification and clearance of municipal securities.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery Versus Payment (DVP): There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Depository Trust Company (DTC): A limited trust company organized under the New York

Banking Law. DTC facilitates the transaction settlements in municipal securities.

Derivatives: (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

Discount: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, (e.g., U.S. Treasury Bills).

Diversification: Dividing investment funds among a variety of securities offering independent returns, while lowering the overall risk of default.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

Federal Funds Rate: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): Government-sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district bank.

Federal National Mortgage Association (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owner corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the

New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven member board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

Financial Advisor: A consultant who advises an issuer on matters pertinent to a debt issue, such as structure, sizing, timing, marketing, pricing, terms and bond ratings.

Governmental National Mortgage Association (GNMA or Ginnie Mae): Securities influencing the volume of the bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FmHA mortgages. The term “pass-throughs” is often used to describe Ginnie Maes.

Investments: Securities and real estate held for the production of income in the form of interest, dividends, rentals, or lease payments.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: A written contract covering all future transactions between the parties to repurchase-reverse repurchase agreements that establish each party’s rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers’ acceptances, etc.) are issued and traded.

Offer: The price asked by a seller of securities. (When you are buying securities, you ask for

an offer.) See Asked and Bid.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect.

Original Issue Discount Bonds: Bonds sold at a substantial discount from Par Value at the time of original sale.

Par Value: The face value or principal amount of a security.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities, broker-dealers, banks, and a few unregulated firms.

Prudent Person Rule: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state – the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or Repo): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities and Exchange Commission (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC Rule 15C3-1: See Uniform Net Capital Rule.

Structured Notes: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, and derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Bonds: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

Treasury Notes: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage:

- a) **Yield:** The rate of annual income return on an investment, expressed as a percentage.
- b) **Net Yield or Yield to Maturity** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Section 14.13 Debt Management

- (a) **Policy Overview** - Debt will be used to fund only capital projects or the purchase of capital assets that will continue to provide a benefit to the community during the term of the debt. Under no circumstance will debt will be used to finance operating expenditures.
- (b) **Creditworthiness Objectives**
 - (i) **Credit Ratings** - The City seeks to maintain the highest possible credit rating consistent with the City's financing objectives. The City of Pataskala will attempt to secure and maintain a

long-term credit rating with one or more of the following agencies: Moody's Investors Service, Standard & Poor's, or Fitch. Obtaining, maintaining or improving the City's bond rating is an important objective of the City. Accordingly, the City will strive for continual improvement in its financial policies, practices, and performance.

- (ii) **Continuing Disclosure** - The City is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, City departments and agencies, other levels of government, and the general public to share clear, comprehensible, and accurate financial information. The City is committed to continuing disclosure of financial and pertinent credit information relevant to the City's outstanding securities and will abide by the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12 ("the Rule") concerning primary and secondary market disclosure.

In accordance with the Rule, and to assist the City's underwriters in complying with the Rule, the City will provide the following information pursuant to any Continuing Disclosure Certificate:

- 1) to the Municipal Securities Rulemaking Board (the "MSRB") through the Electronic Municipal Market Asset System ("EMMA") as the designated nationally recognized municipal securities information repository certain annual financial information, including financial statements, generally consistent with the information contained under the heading "Financial Reports and Examination of Accounts" ("annual financial information"); such information shall be provided on or before September 1 of each year for the fiscal year ending on the preceding December 31, or in each case, as soon as possible thereafter if such information is not available by such September 1.
- 2) To EMMA, in a timely manner, not in excess of ten business days after the occurrence of the event, notice of the occurrence of the following events with respect to the Bonds:
 - a) Principal and interest payment delinquencies;
 - b) Non-payment related defaults, if material;
 - c) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - d) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - e) Substitution of credit or liquidity providers, or their failure to perform;
 - f) Adverse tax opinions or events affecting the tax-exempt status of the security;
 - g) Modifications to rights of security holders, if material;
 - h) Bond calls, if material, and tender offers (except for mandatory scheduled redemptions not otherwise contingent upon the occurrence of an event);
 - i) Defeasances;
 - j) Release, substitution or sale of property securing repayment of the securities, if material;
 - k) Rating changes;
 - l) Failure to file continuing disclosure by deadline;
 - m) Bankruptcy, insolvency, receivership or similar event of the obligated person;

- n) The consummation of a merger, consolidation, or acquisition involving an obligated person, or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- o) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Continuing Disclosure Certificate provides bondholders with certain enforcement rights in the event of a failure by the City to comply with the terms thereof; however, a default under the Continuing Disclosure Certificate does not constitute a default under the Authorizing Legislation. The Continuing Disclosure Certificate may also be subject to amendment or termination under certain circumstances in accordance with the Rule.

(iii) **Capital Planning** - To enhance creditworthiness and prudent financial management, the City of Pataskala is committed to systematic capital planning and long-term financial planning. .

- 1) Evidence of this commitment to systematic capital planning will be demonstrated through adoption and periodic adjustment of a Capital Improvement Plan and the annual adoption of a Five-Year Forecast.
- 2) The budgetary impact of debt service expenditures for proposed debt must be illustrated in the Annual and Capital Budgets as adopted, or modified, by Council.

(iv) **Renewal and Replacement Funds** - As a part of the annual budget process, the City will set aside funding (set at level based upon available funding, as determined by the City Administrator and the Finance Director) for the renewal and replacement of capital assets.

(v) **Statutory Debt Limits** - The City will keep outstanding debt within the limits prescribed by State law, including the “indirect 10-mill limitation”. The City will consider using revenue debt in lieu of general obligation debt, when revenue debt is feasible.

(c) **Purposes and Uses of Debt**

- (i) **Minimum Asset Life** - The City will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years.
- (ii) **Term of Debt** - The improvement will be financed over a period not exceeding the estimated useful life or average useful lives of the improvement or improvements being financed.
- (iii) **Council Authorization** - The City shall issue debt only as specifically approved by City Council. Expenditure of such monies shall be in compliance with the designated purpose.
- (iv) **Debt Issuance Considerations** - Factors to consider when determining whether or not to issue debt include, but not limited to the following:
 - 1) Are sufficient current resources to fund the improvement?
 - 2) Is in the best financial interest of the City, considering the costs of issuance relative to investment opportunities?

- 3) Is debt financing an appropriate method to achieve an equitable allocation of costs between current and future beneficiaries?
- 4) Whether it is in the best financial interest of the City, considering the costs of issuance relative to investment opportunities.
- (v) **Interfund Borrowing** - The City shall refrain from interfund borrowing for the purpose of avoiding operating fund deficits, except for short-term (six months or less) borrowing from the General Fund. Interfund borrowing will be considered on a case-by-case basis, to the extent permitted by law, to finance high priority capital needs, but only when planned expenditures in the fund making the loan would not be adversely affected. The borrowing fund will pay interest at a market-based rate.
- (vi) **Revenue-Backed Debt** - The City shall seek to finance the capital needs of its revenue-producing enterprise activities through the issuance of revenue-secured debt obligations (including revenue-secured general obligation bonds only upon the determination that such debt is cost beneficial to the City and provides the most attractive financing option to the City). The City will determine if the projected revenues are sufficient to repay the debt. These revenues shall be conservatively projected. Revenue anticipatory notes shall not exceed six months in duration and shall be issued only in anticipation of revenues to be received during the same calendar year
- (vii) **Debt Service** - Debt service expenditures shall take priority over all other expenditures in the annual budget.
- (d) **Debt Standards and Structure**
 - (i) **Term** - Debt will be structured to achieve the shortest period consistent with an equitable allocation of costs to current and future beneficiaries or users.
 - (ii) **Repayment Schedule** -
 - 1) The City shall seek to repay its outstanding debt in a timely manner, and, where possible, in advance (e.g., principal prepayment) when excess funds are available and the debt structure permits prepayment.
 - 2) The City will seek to structure debt with relatively level debt service (principal and interests) costs over the life of the debt.
 - (iii) **Credit Enhancements** – Enhancements such as letters of credit or bond insurance may be used, but only when its use reduces the present value of the net debt service by more than the cost of the enhancement.
 - (iv) **Call Provisions** - Call features shall be made as short as possible in context of seeking the optimal true interest cost and should generally be at par. Typical call provisions would provide for a 10-year call on a 20-year or greater term.
 - (v) **Issuance Costs** – Costs of issuance, such as bond counsel, municipal advisor, registrar/paying agent, printing costs and underwriter's discount will be charged to the bond issue to the extent permitted by law.

(vi) **Notes/Short-Term Debt –**

- 1) Use of short-term borrowing, such as bond anticipation notes (BANs) will be undertaken only if the transaction costs plus interest of the debt are less than the cost of internal borrowing, or the available cash is insufficient to meet capital funding requirements.
- 2) Rollovers/refinancing of short-term debt shall be accomplished through either a negotiated sale or private placement. The City believes that this approach is the most appropriate, due to the sensitivity to the ability to pay off the original note. Extreme market conditions could result in an undersubscribed situation in a competitively bid offering, leaving the City with a lack of funding to pay off the original note. .

(vii) **Refundings –**

- 1) Periodic reviews of all outstanding debt will be undertaken to evaluate refunding opportunities.
- 2) A refunding will be considered I, and when, there is a net economic benefit to the refunding. In general, advance refundings will be undertaken when a net present value (NPV) savings of at least three percent (3%) of the refunded debt can be achieved. Refundings that produce a NPV benefit of less than three percent will be considered on a case by case basis.
- 3) Advanced refundings will be typically offered through either a negotiated sale or private placement. As was the case in short-term debt, the City believes that this approach is the most appropriate, due to the sensitivity to the ability to pay off the original note. Extreme market conditions could result in an undersubscribed situation in a competitively bid offering, leaving the City with a lack of funding to pay off the original note.

(e) **Debt Administration and Process**

(i) **Competitive versus Negotiated Value**

- 1) In general, it this the policy of the City to issue debt through a competitive bid process. Bids will be awarded on a true interest cost basis (TIC), providing other bidding requirements are satisfied.
- 2) Negotiated sales or private placements of debt will be considered when:
 - a) the complexity of the issue requires specialized expertise;
 - b) the size of the issue may limit the number of potential bidders;
 - c) a negotiated sale/private placement would result in substantial savings in time or money;
 - d) the City has determined that all competitive bids received are unsatisfactory; or
 - e) market conditions or City credit are unusually volatile or uncertain.

- (ii) **Investment of Bond Proceeds** - All bond proceeds shall be invested consistent with the City's investment policy. Investment of proceeds and records thereof will be structured to comply with the arbitrage rebate compliance requirements of federal tax code.

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Article XV APPENDICES

Section 15.01 Appendix A - Employee Acknowledgement

ACKNOWLEDGMENT

I acknowledge having received a copy of the City's Employee Handbook & Policy Manual ("Manual"), have reviewed the Manual, and agree to become familiar with its contents. I understand that neither this Manual, nor any other City policy, practice, or procedure, is intended to provide any contractual obligations relating to continued employment, compensation or employment in a particular position, and should in no way be construed as creating a contract of employment. I further understand that my employment relationship may be terminated by the City according to the rules of the Charter and the City, and any applicable collective bargaining agreement. I also understand that all of the policies, rules, and regulations in this Manual may be changed at any time at the sole discretion of the City Administration with or without prior notice to employees.

I agree to read the manual and to follow the guidelines and policies set forth in the manual and any amendments to the manual along with the other policies and procedures of the City.

I understand that I am not being hired for any definite period of time even though my wages are paid regularly. I further understand that I am an at-will employee and my employment can be terminated at any time, with or without cause and with or without prior notice either by the City or myself. No promises or representations have been made to me that I can be disciplined or discharged from my employment with the City only under certain circumstances or after certain events.

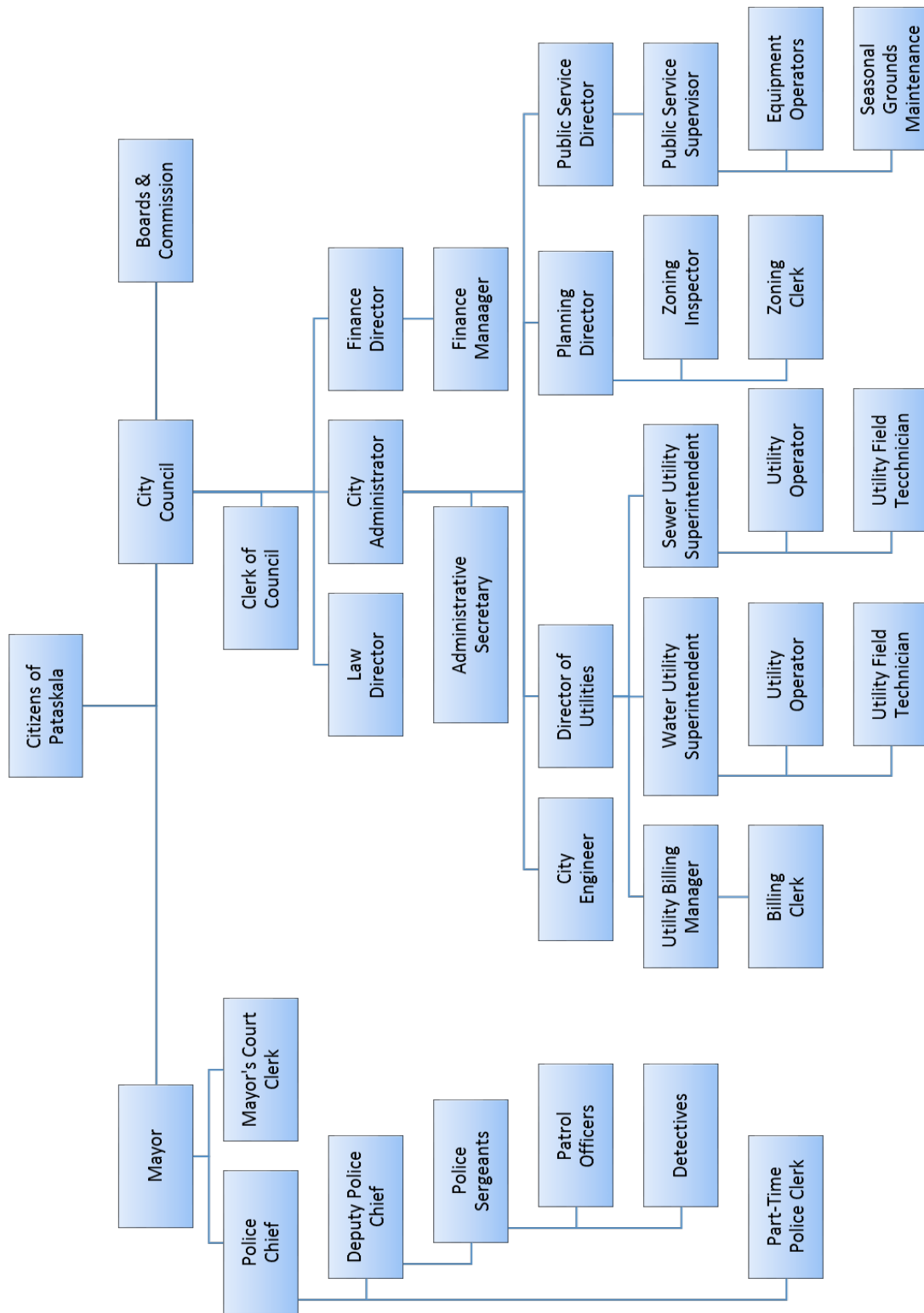
I am aware that the contents of the employee manual are presented as a matter of information and that except for the at-will provisions, the handbook can be amended at any time. I further understand and agree that the handbook is provided for informational purposes only, and is not intended to create a contract, nor is it a contract of employment or continuing employment between myself and the City. I realize that nothing in this handbook is intended to infringe upon my rights under Section Seven (7) of the National Labor Relations Act (NLRA).

Employee Signature

Date

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Section 15.02 Appendix B – Organizational Chart



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Section 15.03 Appendix C – Use of Confidential Information by Employee Disclosure Statement

City of Pataskala Use of Confidential Information by Employee

I, _____, as an Employee of the City of Pataskala, do hereby acknowledge that I must comply with a number of State and Federal Laws which regulate the handling of confidential and personal information regarding both customers, clients, citizens, and other employees of the City of Pataskala. These laws may include but are not limited to FACTA, The Privacy Act, Gramm/Leach/Bliley, and ID Theft Laws (where applicable).

I understand that I must maintain the confidentiality of ALL documents, credit card information, and personal information of any type and that such information may only be used for the intended business purpose. Any other use of said information is strictly prohibited. Additionally, should I misuse or breach, any personal information of said clients and/or employees; I understand I will be held fully accountable both civilly and criminally, which may include, but not limited to, Federal and State fines, criminal terms, real or implied financial damages incurred by the client, employee, or this City.

I understand and will comply with the provisions listed above along with all other rules and regulations the City has in place regarding the handling of confidential information so as to protect the privacy of all parties involved.

Employee

Witness

Date

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Section 15.04 Appendix D – Overtime Designation Form

OVERTIME DESIGNATION FORM

Purpose: This form is to be used whenever an employee has worked overtime hours and would like to retain the hours in their compensatory time bank instead of being paid overtime wages. Completed forms must be submitted to the Finance Department by the last day of the pay period or sooner. Any overtime hours not designated will be automatically paid to the employee.

Employee Name: _____ **Department:** _____

Date	Hours	Reason/Purpose

Total overtime hours worked or earned: _____ (straight time,)

Total hours requested to be paid out:* _____ (straight time – must be in 30-minute increments)

Total hours requested to be added to Comp Time balance:* _____ (straight time)

* Overtime will be paid at applicable rate 1 ½ times, 2 times, etc. Compensatory time will be booked at applicable rate 1 ½ times, etc.

Employee Signature Date

Supervisor Signature Date

Finance Use Only:	Straight-Time	Extended	Confirmed/Posted
Total Overtime Hours:	_____	_____	_____
Paid Overtime Hours:	_____	_____	_____
Accrued Comp Time:	_____	_____	_____

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Section 15.05 Appendix E – Compensatory Time Cash-Out Request Form

COMPENSATORY TIME CASH-OUT REQUEST FORM

Purpose: This form is to be used whenever an employee has accumulated compensatory time hours and would like to cash-out (e.g., be paid for) all or a portion of those hours. Completed forms must be submitted to the Finance Department by the last day of the pay period requesting payment, or earlier. Forms received after the cutoff will be processed in the next regularly scheduled payroll process.

Employee Name: _____ **Department:** _____

Current Comp Time Balance (hours): _____

Total hours requested to be paid out: _____ (

Estimated Comp Time Balance after cash-out: _____

I am hereby requesting that they city redeem the compensatory time recorded above and include in the next payroll cycle. Should my current balance be insufficient in order to be honored, I agree to accept the redemption of whatever reduced amount would be required in order to maintain compliance with any city policies.

Employee Signature

Date

Supervisor Signature

Date

Finance Use Only:

Current Balance : _____

Comp Hours Redeemed: _____

Adjusted Balance: _____

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Section 15.06 Appendix F – Employee Mileage Reimbursement Form .

Date: _____

Name: _____

Period From: _____ **To:** _____

Mileage Reimbursement Guidelines:

- The City will reimburse employee mileage at Internal Revenue Service approved federal rate.
- The employee is solely responsible for reporting all mileage incurred while conducting City business. Mileage is subject to review and approval by the department supervisor and the Finance Department. Amount requested for reimbursement may be changed upon review.

Date	Destination/Purpose	# Miles	X	IRS Rate	= Reimbursement
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
TOTAL MILEAGE REIMBURSEMENT REQUESTED					\$ _____

_____ Employee Signature	_____ Date
-----------------------------	---------------

_____ Supervisor Signature	_____ Date
-------------------------------	---------------

_____ Finance Department Approval	_____ Date
--------------------------------------	---------------

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Section 15.07 Appendix G – Employee Timecard Adjustment Form



CITY OF PATASKALA, OHIO EMPLOYEE TIMECARD ADJUSTMENT FORM

Employee Name: _____

Date	Required Adjustment	Time In				Time Out				Reason for Request
		Original Punch	AM/PM	Adjusted Punch	AM/PM	Original Punch	AM/PM	Adjusted Punch	AM/PM	
	<input type="checkbox"/> Missing IN Punch <input type="checkbox"/> Unauthorized Early IN Punch <input type="checkbox"/> Missing OUT Punch <input type="checkbox"/> Unauthorized Late OUT Punch <input type="checkbox"/> Duplicate Punch <input type="checkbox"/> Other: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Forgot to punch IN/OUT <input type="checkbox"/> Lost/misplaced badge <input type="checkbox"/> Double-punched in error <input type="checkbox"/> Other: _____
	<input type="checkbox"/> Missing IN Punch <input type="checkbox"/> Unauthorized Early IN Punch <input type="checkbox"/> Missing OUT Punch <input type="checkbox"/> Unauthorized Late OUT Punch <input type="checkbox"/> Duplicate Punch <input type="checkbox"/> Other: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Forgot to punch IN/OUT <input type="checkbox"/> Lost/misplaced badge <input type="checkbox"/> Double-punched in error <input type="checkbox"/> Other: _____
	<input type="checkbox"/> Missing IN Punch <input type="checkbox"/> Unauthorized Early IN Punch <input type="checkbox"/> Missing OUT Punch <input type="checkbox"/> Unauthorized Late OUT Punch <input type="checkbox"/> Duplicate Punch <input type="checkbox"/> Other: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Forgot to punch IN/OUT <input type="checkbox"/> Lost/misplaced badge <input type="checkbox"/> Double-punched in error <input type="checkbox"/> Other: _____
	<input type="checkbox"/> Missing IN Punch <input type="checkbox"/> Unauthorized Early IN Punch <input type="checkbox"/> Missing OUT Punch <input type="checkbox"/> Unauthorized Late OUT Punch <input type="checkbox"/> Duplicate Punch <input type="checkbox"/> Other: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Forgot to punch IN/OUT <input type="checkbox"/> Lost/misplaced badge <input type="checkbox"/> Double-punched in error <input type="checkbox"/> Other: _____

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

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Section 15.08 Appendix H – Sick Leave Donation Form

Employee Name: _____ Department: _____

Leave Recipient's Name: _____ Department: _____

Acknowledgement of Program Terms (please initial):

_____ I certify that I will retain a balance of at least eighty (80) hours of accrued sick leave after this donation is made.

_____ I understand that donating leave is voluntarily, and that any donated, but unused, leave shall not be returned to me.

Donor Certification:

I, _____, voluntarily agree to donate a portion of previously accrued sick leave. I do this solely to assist a fellow employee of the City of Pataskala, and I have not been coerced, intimidated, or financially induced into donating this leave. I do so freely and without reservation. I further understand that the person, to whom I am donating this leave, is under no obligation to repay this gift. Furthermore, I understand that all donated leave time will remain the property of the receiving employee, and that I will not be able to recover any time which is unused because the need of the recipient has concluded.

Employee Signature

Date

City Administrator Approval

Date

Finance Dept. Use Only:

Date Form Received: _____ Donor Current Leave Balance: _____

Post-Donation Donor Leave Balance: _____ Approved (circle one): Yes No

Date Posted to Payroll: _____

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Section 15.09 Appendix I – Missing Receipt Form

EMPLOYEE EXPENSE MISSING RECEIPT CERTIFICATION FORM

I, _____, hereby certify that I have conducted business on behalf of the City, or have purchased and received goods utilizing the City's credit card. I further certify that the original receipt supporting the transaction was either inadvertently lost or destroyed, or I was not provided such receipt. I hereby certify that the purchase was allowable, for a proper public purpose, and relates to business conducted on behalf of the City which is described below (please include date, location, dollar amount, and purpose of expenditure):

The employee identified above understands that per City policy, the City Administrator or Finance Director have the authority to approve or deny the reimbursement request based upon the information provided, and the circumstances involved. Violations of City policy may result in the employee reimbursing the City for the cost of the item purchased or other non-approved spending.

_____ Employee Signature	_____ Date
_____ Supervisor Signature	_____ Date
_____ Finance Department Approval	_____ Date

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Section 15.10 Appendix J – City Cardholder Agreement Form

I, _____ hereby acknowledge receipt of the following

credit card: _____ / _____ - _____ - _____ - _____
(type of credit card) (credit card number)

I understand that improper use of this card may result in disciplinary action, as outlined in City policy, as well as personal liability for any improper purchases. As a cardholder, I agree to comply with the terms and conditions of this agreement, including the attached City Credit Card Policies and Procedures agreement.

I acknowledge receipt of said Agreement and Policies/Procedures and confirm that I have read and understand the terms and conditions. I understand that by using this card, I will be making financial commitments on behalf of the City and that the City will be liable to

_____ for all charges made on this card.

(Name of Credit Card Company)

As a holder of this City credit card, I agree to accept the responsibility and accountability for the protection and proper use of the card, as enumerated above. I will return the card to the Finance Director, upon demand, during the period of my employment. I further agree to return the card upon termination of employment. I understand that the card is not to be used for personal purchases. If the card is used for personal purchases or for purchases for any other entity, the City will be entitled to reimbursement from me of such purchases. The City shall be entitled to pursue legal action, if required, to recover the cost of such purchases, together with costs of collection and reasonable attorney fees.

Signature _____ Date _____
(Cardholder)

Signature _____ Date _____
(Finance Director)

Accounting Department use only:

Date _____ Amount approved \$ _____

Account Number: _____

Signature _____
(Finance Director)

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Section 15.11 Appendix K - Schedule of Capitalization Thresholds & Useful Lives

Class Description	Asset Category	Category Description	Useful Life (yrs)	Asset Class	Capitalization Threshold
Buildings & Improvements	CARP	Carpeting	5	BLDGS	\$10,000.00
	CEIL	Ceiling Finish	10	BLDGS	\$10,000.00
	COMF	Computer Flooring	10	BLDGS	\$10,000.00
	ELEC	Electrical	20	BLDGS	\$10,000.00
	ELEV	Elevators	20	BLDGS	\$10,000.00
	EXCV	Excavation	50	BLDGS	\$10,000.00
	EXWL	Exterior Walls	50	BLDGS	\$10,000.00
	FIRS	Fire System	25	BLDGS	\$10,000.00
	FLCV	Floor Covering	15	BLDGS	\$10,000.00
	FLST	Floor Structure	50	BLDGS	\$10,000.00
	FOUN	Foundation	50	BLDGS	\$10,000.00
	FRAM	Frame	50	BLDGS	\$10,000.00
	HVAC	HVAC	20	BLDGS	\$10,000.00
	INCO	Interior Construction	15	BLDGS	\$10,000.00
	INRN	Interior Renovation	10	BLDGS	\$10,000.00
	PERM	Permanent Structures	50	BLDGS	\$50,000.00
	PLUM	Plumbing	20	BLDGS	\$10,000.00
	PORT	Portable Structures	25	BLDGS	\$10,000.00
	ROOF	Roof Cover	15	BLDGS	\$10,000.00
	WIND	Windows	20	BLDGS	\$10,000.00
Infrastructure	ALYA	Alleys – Asphaltic Concrete	20	INFRAS	\$25,000.00
	ALYC	Alleys – Concrete	20	INFRAS	\$25,000.00
	ELEC	Electric Service	30	INFRAS	\$25,000.00
	FIBR	Fiberoptic Cabling	20	INFRAS	\$25,000.00
	PLTA	Parking Lot - Asphalt	15	INFRAS	\$25,000.00
	PLTC	Parking Lot - Concrete	30	INFRAS	\$25,000.00
	ROAD	Asphaltic Concrete Road	20	INFRAS	\$25,000.00
	SDRC	Storm Drains – Concrete	40	INFRAS	\$25,000.00
	SDRI	Storm Drains - Cast Iron	30	INFRAS	\$25,000.00
	SDRM	Storm Drains - Metal Corrugated	30	INFRAS	\$25,000.00
	SDRP	Storm Drains - Plastic	25	INFRAS	\$25,000.00
	STRL	Street Lights	20	INFRAS	\$25,000.00
	SWLK	Sidewalks - Concrete	35	INFRAS	\$25,000.00
	SWLP	Sidewalks – Asphalt	15	INFRAS	\$25,000.00
	SWRB	Sewer Lines - Brick	90	INFRAS	\$25,000.00
	SWRC	Sewer Lines - Concrete	50	INFRAS	\$25,000.00

Class Description	Asset Category	Category Description	Useful Life (yrs)	Asset Class	Capitalization Threshold
Infrastructure	SWRF	Sewer Lines - Fiberglass Sleeve	75	INFRAS	\$25,000.00
	TLTH	Traffic Lights - Hung Wire	15	INFRAS	\$15,000.00
	TLTM	Traffic Lights - Mast Arms	20	INFRAS	\$15,000.00
	WMTR	Water Meters	15	INFRAS	\$10,000.00
Land	LDIM	Improved Lands	0	LAND	\$0.00
	LDNI	Unimproved Lands	0	LAND	\$0.00
Land Improvements	ATHL	Athletic Fields	15	LANDIMP	\$25,000.00
	BLEA	Bleachers	20	LANDIMP	\$25,000.00
	FENC	Fencing & Gates	20	LANDIMP	\$25,000.00
	FHYD	Fire Hydrants	30	LANDIMP	\$25,000.00
	FLAG	Flagpole	20	LANDIMP	\$25,000.00
	FNTN	Fountains	20	LANDIMP	\$25,000.00
	FUEL	Fuel Tank (above ground)		LANDIMP	\$25,000.00
	LAND	Landscaping	10	LANDIMP	\$25,000.00
	OLIT	Outdoor Lighting	20	LANDIMP	\$25,000.00
	PKLT	Parking Lots	20	LANDIMP	\$25,000.00
	RETN	Retaining Walls	20	LANDIMP	\$25,000.00
	RNTR	Running Track	15	LANDIMP	\$25,000.00
	SEPT	Septic Systems	15	LANDIMP	\$25,000.00
	SOCR	Soccer Fields	15	LANDIMP	\$25,000.00
	SPRN	Outside Sprinkler Systems	25	LANDIMP	\$25,000.00
	STAD	Stadiums	45	LANDIMP	\$25,000.00
Land Improvements	SWIM	Swimming Pools	20	LANDIMP	\$25,000.00
	TENN	Tennis Courts	20	LANDIMP	\$25,000.00
	UTIL	Water & Sewer Treatment System Components	20	LANDIMP	\$25,000.00
Land Improvements – Not Depreciated	LIND	Land Improvements – not depreciated	0	LANDIMPN D	\$0.00
Equipment	AEQU	Athletic Equipment	10	EQUIP	\$10,000.00
	AGRI	Grounds & Agricultural Equipment	15	EQUIP	\$10,000.00
	APPL	Appliances & Food Service Equipment	10	EQUIP	\$10,000.00
	AUDI	Audiovisual Equipment	7	EQUIP	\$10,000.00
	BOOK	Books & Multimedia Materials	5	EQUIP	\$10,000.00
	COMM	Communications Equipment	10	EQUIP	\$5,000.00

Class Description	Asset Category	Category Description	Useful Life (yrs)	Asset Class	Capitalization Threshold
	COMP	Computer Equipment	3	EQUIP	\$5,000.00
	CONS	Construction Equipment	12	EQUIP	\$10,000.00
	CUST	Custodial Equipment	15	EQUIP	\$5,000.00
	FURN	Furniture	20	EQUIP	\$5,000.00
	LABS	Lab & Science Equipment	10	EQUIP	\$5,000.00
	LAW	Law Enforcement Equipment	10	EQUIP	\$5,000.00
	MACH	Machinery & Tools	15	EQUIP	\$5,000.00
	OEQP	Office Equipment	5	EQUIP	\$5,000.00
	OREC	Outdoors Recreational Equipment	15	EQUIP	\$5,000.00
	SFTW	Computer Software	5	EQUIP	\$10,000.00
	STAG	Stage & Auditorium Equipment	20	EQUIP	\$5,000.00
	XERX	Photocopiers	5	EQUIP	\$10,000.00
Vehicles	CARS	Cars & Light Trucks	5	VEHCL	\$25,000.00
	DUMP	Dump Trucks	10	VEHCL	\$25,000.00
	HEVY	Heavy Equipment	15	VEHCL	\$25,000.00
	TRAL	Trailers	15	VEHCL	\$25,000.00
Intangible Assets	MKTG	Marketing, Branding & Promotional Investment	10	INTANG	\$50,000.00
	OINT	Other Intangible Assets	10	INTANG	\$50,000.00

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Section 15.12 Appendix L - Auditor of State Fraud Acknowledgement

Acknowledgement of receipt of Auditor of State fraud reporting-system information

Employee Name: _____

Employee ID Number: _____

Pursuant to Ohio Revised Code 117.103(B)(1), a public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office.

Each new employee has thirty days after beginning employment to confirm receipt of this information. By signing below you are acknowledging (insert public employer) provided you information about the fraud-reporting system as described by Section 117.103(A) of the Revised Code, and that you have read and understand the information provided. You are also acknowledging you have received and read the information regarding Section 124.341 of the Revised Code and the protections you are provided as a classified or unclassified employee if you use the before- mentioned fraud reporting system.

I have read the information provided by my employer regarding the fraud-reporting system operated by the Ohio Auditor of State's office. I further state that the undersigned signature acknowledges receipt of this information.

PLEASE SIGN NAME AND DATE

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Section 15.13 Appendix M – Federal Per Diem Meal Reimbursement Guide

The Finance Department shall publish the updated Federal per diem meal reimbursement guide as appropriate. Reimbursement for all meals shall be in accordance with the guide in effect as of the date of travel, and in compliance with Section 13.02 (Travel and Expense Reimbursement) of this Employee Handbook & Policy manual. Updated copies should be maintained in this section of the manual for future reference.

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
AL	Birmingham	Jefferson / Shelby	\$12.50	\$17.50	\$29.00	\$59.00
AL	Gulf Shores	Baldwin	\$13.56	\$18.98	\$31.46	\$64.00
AL	Mobile	Mobile	\$12.50	\$17.50	\$29.00	\$59.00
AR	Hot Springs	Garland	\$12.50	\$17.50	\$29.00	\$59.00
AR	Little Rock	Pulaski	\$12.50	\$17.50	\$29.00	\$59.00
AZ	Grand Canyon / Flagstaff	Coconino / Yavapai less the city of Sedona	\$13.56	\$18.98	\$31.46	\$64.00
AZ	Kayenta	Navajo	\$12.50	\$17.50	\$29.00	\$59.00
AZ	Phoenix / Scottsdale	Maricopa	\$12.50	\$17.50	\$29.00	\$59.00
AZ	Sedona	City Limits of Sedona	\$15.68	\$21.95	\$36.37	\$74.00
AZ	Tucson	Pima	\$12.50	\$17.50	\$29.00	\$59.00
CA	Antioch / Brentwood / Concord	Contra Costa	\$13.56	\$18.98	\$31.46	\$64.00
CA	Bakersfield / Ridgecrest	Kern	\$12.50	\$17.50	\$29.00	\$59.00
CA	Barstow / Ontario / Victorville	San Bernardino	\$11.44	\$16.02	\$26.54	\$54.00
CA	Death Valley	Inyo	\$13.56	\$18.98	\$31.46	\$64.00
CA	Eureka / Arcata / McKinleyville	Humboldt	\$15.68	\$21.95	\$36.37	\$74.00
CA	Fresno	Fresno	\$13.56	\$18.98	\$31.46	\$64.00
CA	Los Angeles	Los Angeles / Orange / Ventura / Edwards AFB less the city of Santa Monica	\$13.56	\$18.98	\$31.46	\$64.00
CA	Mammoth Lakes	Mono	\$15.68	\$21.95	\$36.37	\$74.00
CA	Mill Valley / San Rafael / Novato	Marin	\$15.68	\$21.95	\$36.37	\$74.00
CA	Monterey	Monterey	\$15.68	\$21.95	\$36.37	\$74.00
CA	Napa	Napa	\$14.62	\$20.47	\$33.91	\$69.00
CA	Oakhurst	Madera	\$13.56	\$18.98	\$31.46	\$64.00
CA	Oakland	Alameda	\$14.62	\$20.47	\$33.91	\$69.00
CA	Palm Springs	Riverside	\$13.56	\$18.98	\$31.46	\$64.00
CA	Point Arena / Gualala	Mendocino	\$14.62	\$20.47	\$33.91	\$69.00
CA	Redding	Shasta	\$13.56	\$18.98	\$31.46	\$64.00
CA	Sacramento	Sacramento	\$13.56	\$18.98	\$31.46	\$64.00
CA	San Diego	San Diego	\$13.56	\$18.98	\$31.46	\$64.00
CA	San Francisco	San Francisco	\$15.68	\$21.95	\$36.37	\$74.00
CA	San Luis Obispo	San Luis Obispo	\$13.56	\$18.98	\$31.46	\$64.00
CA	San Mateo / Foster City / Belmont	San Mateo	\$14.62	\$20.47	\$33.91	\$69.00
CA	Santa Barbara	Santa Barbara	\$15.68	\$21.95	\$36.37	\$74.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
CA	Santa Cruz	Santa Cruz	\$12.50	\$17.50	\$29.00	\$59.00
CA	Santa Monica	City limits of Santa Monica	\$13.56	\$18.98	\$31.46	\$64.00
CA	Santa Rosa	Sonoma	\$13.56	\$18.98	\$31.46	\$64.00
CA	South Lake Tahoe	El Dorado	\$13.56	\$18.98	\$31.46	\$64.00
CA	Stockton	San Joaquin	\$13.56	\$18.98	\$31.46	\$64.00
CA	Sunnyvale / Palo Alto / San Jose	Santa Clara	\$13.56	\$18.98	\$31.46	\$64.00
CA	Tahoe City	Placer	\$13.56	\$18.98	\$31.46	\$64.00
CA	Truckee	Nevada	\$15.68	\$21.95	\$36.37	\$74.00
CA	Visalia / Lemoore	Tulare / Kings	\$12.50	\$17.50	\$29.00	\$59.00
CA	West Sacramento / Davis	Yolo	\$13.56	\$18.98	\$31.46	\$64.00
CA	Yosemite National Park	Mariposa	\$14.62	\$20.47	\$33.91	\$69.00
CO	Aspen	Pitkin	\$15.68	\$21.95	\$36.37	\$74.00
CO	Boulder / Broomfield	Boulder / Broomfield	\$12.50	\$17.50	\$29.00	\$59.00
CO	Colorado Springs	El Paso	\$12.50	\$17.50	\$29.00	\$59.00
CO	Cortez	Montezuma	\$12.50	\$17.50	\$29.00	\$59.00
CO	Crested Butte / Gunnison	Gunnison	\$13.56	\$18.98	\$31.46	\$64.00
CO	Denver / Aurora	Denver / Adams / Arapahoe / Jefferson	\$14.62	\$20.47	\$33.91	\$69.00
CO	Douglas	Douglas	\$12.50	\$17.50	\$29.00	\$59.00
CO	Durango	La Plata	\$13.56	\$18.98	\$31.46	\$64.00
CO	Fort Collins / Loveland	Larimer	\$12.50	\$17.50	\$29.00	\$59.00
CO	Grand Lake	Grand	\$13.56	\$18.98	\$31.46	\$64.00
CO	Montrose	Montrose	\$13.56	\$18.98	\$31.46	\$64.00
CO	Silverthorne / Breckenridge	Summit	\$13.56	\$18.98	\$31.46	\$64.00
CO	Steamboat Springs	Routt	\$15.68	\$21.95	\$36.37	\$74.00
CO	Telluride	San Miguel	\$15.68	\$21.95	\$36.37	\$74.00
CO	Vail	Eagle	\$15.68	\$21.95	\$36.37	\$74.00
CT	Bridgeport / Danbury	Fairfield	\$13.56	\$18.98	\$31.46	\$64.00
CT	Cromwell / Old Saybrook	Middlesex	\$13.56	\$18.98	\$31.46	\$64.00
CT	Hartford	Hartford	\$12.50	\$17.50	\$29.00	\$59.00
CT	New Haven	New Haven	\$13.56	\$18.98	\$31.46	\$64.00
CT	New London / Groton	New London	\$13.56	\$18.98	\$31.46	\$64.00
DC	District of Columbia	Washington DC (also the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland)	\$14.62	\$20.47	\$33.91	\$69.00
DE	Dover	Kent	\$11.44	\$16.02	\$26.54	\$54.00
DE	Lewes	Sussex	\$12.50	\$17.50	\$29.00	\$59.00
DE	Wilmington	New Castle	\$11.44	\$16.02	\$26.54	\$54.00
FL	Boca Raton / Delray Beach / Jupiter	Palm Beach / Hendry	\$12.50	\$17.50	\$29.00	\$59.00
FL	Bradenton	Manatee	\$11.44	\$16.02	\$26.54	\$54.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
FL	Cocoa Beach	Brevard	\$13.56	\$18.98	\$31.46	\$64.00
FL	Daytona Beach	Volusia	\$12.50	\$17.50	\$29.00	\$59.00
FL	Fort Lauderdale	Broward	\$13.56	\$18.98	\$31.46	\$64.00
FL	Fort Myers	Lee	\$12.50	\$17.50	\$29.00	\$59.00
FL	Fort Walton Beach / De Funiak Springs	Okaloosa / Walton	\$13.56	\$18.98	\$31.46	\$64.00
FL	Gainesville	Alachua	\$12.50	\$17.50	\$29.00	\$59.00
FL	Gulf Breeze	Santa Rosa	\$13.56	\$18.98	\$31.46	\$64.00
FL	Key West	Monroe	\$14.62	\$20.47	\$33.91	\$69.00
FL	Miami	Miami-Dade	\$13.56	\$18.98	\$31.46	\$64.00
FL	Naples	Collier	\$13.56	\$18.98	\$31.46	\$64.00
FL	Orlando	Orange	\$12.50	\$17.50	\$29.00	\$59.00
FL	Panama City	Bay	\$12.50	\$17.50	\$29.00	\$59.00
FL	Pensacola	Escambia	\$12.50	\$17.50	\$29.00	\$59.00
FL	Punta Gorda	Charlotte	\$12.50	\$17.50	\$29.00	\$59.00
FL	Sarasota	Sarasota	\$12.50	\$17.50	\$29.00	\$59.00
FL	Sebring	Highlands	\$11.44	\$16.02	\$26.54	\$54.00
FL	St. Augustine	St. Johns	\$12.50	\$17.50	\$29.00	\$59.00
FL	Stuart	Martin	\$12.50	\$17.50	\$29.00	\$59.00
FL	Tallahassee	Leon	\$11.44	\$16.02	\$26.54	\$54.00
FL	Tampa / St. Petersburg	Pinellas / Hillsborough	\$11.44	\$16.02	\$26.54	\$54.00
FL	Vero Beach	Indian River	\$12.50	\$17.50	\$29.00	\$59.00
GA	Athens	Clarke	\$12.50	\$17.50	\$29.00	\$59.00
GA	Atlanta	Fulton / Dekalb / Cobb	\$14.62	\$20.47	\$33.91	\$69.00
GA	Augusta	Richmond	\$12.50	\$17.50	\$29.00	\$59.00
GA	Jekyll Island / Brunswick	Glynn	\$13.56	\$18.98	\$31.46	\$64.00
GA	Savannah	Chatham	\$12.50	\$17.50	\$29.00	\$59.00
IA	Cedar Rapids	Linn	\$11.44	\$16.02	\$26.54	\$54.00
IA	Dallas	Dallas	\$11.44	\$16.02	\$26.54	\$54.00
IA	Des Moines	Polk	\$12.50	\$17.50	\$29.00	\$59.00
ID	Bonner's Ferry / Sandpoint	Bonner / Boundary / Shoshone	\$13.56	\$18.98	\$31.46	\$64.00
ID	Coeur d'Alene	Kootenai	\$12.50	\$17.50	\$29.00	\$59.00
ID	Sun Valley / Ketchum	Blaine / Elmore	\$11.44	\$16.02	\$26.54	\$54.00
IL	Bolingbrook / Romeoville / Lemont	Will	\$11.44	\$16.02	\$26.54	\$54.00
IL	Chicago	Cook / Lake	\$15.68	\$21.95	\$36.37	\$74.00
IL	O'Fallon / Fairview Heights / Collinsville	Bond / Calhoun / Clinton / Jersey / Macoupin / Madison / Monroe / St. Clair	\$11.44	\$16.02	\$26.54	\$54.00
IL	Oak Brook Terrace	Dupage	\$12.50	\$17.50	\$29.00	\$59.00
IN	Bloomington	Monroe	\$14.62	\$20.47	\$33.91	\$69.00
IN	Ft. Wayne	Allen	\$11.44	\$16.02	\$26.54	\$54.00
IN	Hammond / Munster / Merrillville	Lake	\$12.50	\$17.50	\$29.00	\$59.00
IN	Indianapolis / Carmel	Marion / Hamilton	\$11.44	\$16.02	\$26.54	\$54.00
IN	Lafayette / West Lafayette	Tippecanoe	\$11.44	\$16.02	\$26.54	\$54.00
IN	South Bend	St. Joseph	\$12.50	\$17.50	\$29.00	\$59.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
KS	Kansas City / Overland Park	Wyandotte / Johnson / Leavenworth	\$13.56	\$18.98	\$31.46	\$64.00
KS	Wichita	Sedgwick	\$12.50	\$17.50	\$29.00	\$59.00
KY	Boone	Boone	\$11.44	\$16.02	\$26.54	\$54.00
KY	Kenton	Kenton	\$14.62	\$20.47	\$33.91	\$69.00
KY	Lexington	Fayette	\$11.44	\$16.02	\$26.54	\$54.00
KY	Louisville	Jefferson	\$12.50	\$17.50	\$29.00	\$59.00
LA	Alexandria / Leesville / Natchitoches	Allen / Jefferson Davis / Natchitoches / Rapides / Vernon Parishes	\$13.56	\$18.98	\$31.46	\$64.00
LA	Baton Rouge	East Baton Rouge Parish	\$12.50	\$17.50	\$29.00	\$59.00
LA	New Orleans	Orleans / St. Bernard / Jefferson / Plaquemine Parishes	\$13.56	\$18.98	\$31.46	\$64.00
MA	Andover	Essex	\$12.50	\$17.50	\$29.00	\$59.00
MA	Boston / Cambridge	Suffolk, city of Cambridge	\$14.62	\$20.47	\$33.91	\$69.00
MA	Burlington / Woburn	Middlesex less the city of Cambridge	\$13.56	\$18.98	\$31.46	\$64.00
MA	Falmouth	City limits of Falmouth	\$13.56	\$18.98	\$31.46	\$64.00
MA	Hyannis	Barnstable less the city of Falmouth	\$13.56	\$18.98	\$31.46	\$64.00
MA	Martha's Vineyard	Dukes	\$15.68	\$21.95	\$36.37	\$74.00
MA	Nantucket	Nantucket	\$15.68	\$21.95	\$36.37	\$74.00
MA	Northampton	Hampshire	\$13.56	\$18.98	\$31.46	\$64.00
MA	Pittsfield	Berkshire	\$13.56	\$18.98	\$31.46	\$64.00
MA	Plymouth / Taunton / New Bedford	Plymouth / Bristol	\$12.50	\$17.50	\$29.00	\$59.00
MA	Quincy	Norfolk	\$12.50	\$17.50	\$29.00	\$59.00
MA	Springfield	Hampden	\$12.50	\$17.50	\$29.00	\$59.00
MA	Worcester	Worcester	\$12.50	\$17.50	\$29.00	\$59.00
MD	Aberdeen / Bel Air / Belcamp	Harford	\$12.50	\$17.50	\$29.00	\$59.00
MD	Annapolis	Anne Arundel	\$14.62	\$20.47	\$33.91	\$69.00
MD	Baltimore City	Baltimore City	\$14.62	\$20.47	\$33.91	\$69.00
MD	Baltimore County	Baltimore	\$12.50	\$17.50	\$29.00	\$59.00
MD	Cambridge / St. Michaels	Dorchester / Talbot	\$13.56	\$18.98	\$31.46	\$64.00
MD	Centreville	Queen Anne	\$14.62	\$20.47	\$33.91	\$69.00
MD	Columbia	Howard	\$13.56	\$18.98	\$31.46	\$64.00
MD	Frederick	Frederick	\$12.50	\$17.50	\$29.00	\$59.00
MD	Lexington Park / Leonardtown / Lusby	St. Mary's / Calvert	\$12.50	\$17.50	\$29.00	\$59.00
MD	Ocean City	Worcester	\$13.56	\$18.98	\$31.46	\$64.00
ME	Bar Harbor	Hancock	\$15.68	\$21.95	\$36.37	\$74.00
ME	Kennebunk / Kittery / Sanford	York	\$12.50	\$17.50	\$29.00	\$59.00
ME	Portland	Cumberland / Sagadahoc	\$12.50	\$17.50	\$29.00	\$59.00
ME	Rockport	Knox	\$14.62	\$20.47	\$33.91	\$69.00
MI	Ann Arbor	Washtenaw	\$12.50	\$17.50	\$29.00	\$59.00
MI	Benton Harbor / St. Joseph / Stevensville	Berrien	\$11.44	\$16.02	\$26.54	\$54.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
MI	Detroit	Wayne	\$11.44	\$16.02	\$26.54	\$54.00
MI	East Lansing / Lansing	Ingham / Eaton	\$12.50	\$17.50	\$29.00	\$59.00
MI	Grand Rapids	Kent	\$12.50	\$17.50	\$29.00	\$59.00
MI	Holland	Ottawa	\$12.50	\$17.50	\$29.00	\$59.00
MI	Kalamazoo / Battle Creek	Kalamazoo / Calhoun	\$11.44	\$16.02	\$26.54	\$54.00
MI	Mackinac Island	Mackinac	\$12.50	\$17.50	\$29.00	\$59.00
MI	Midland	Midland	\$11.44	\$16.02	\$26.54	\$54.00
MI	Muskegon	Muskegon	\$11.44	\$16.02	\$26.54	\$54.00
MI	Petoskey	Emmet	\$12.50	\$17.50	\$29.00	\$59.00
MI	Pontiac / Auburn Hills	Oakland	\$11.44	\$16.02	\$26.54	\$54.00
MI	South Haven	Van Buren	\$12.50	\$17.50	\$29.00	\$59.00
MI	Traverse City / Leland	Grand Traverse / Leelanau	\$15.68	\$21.95	\$36.37	\$74.00
MN	Duluth	St. Louis	\$13.56	\$18.98	\$31.46	\$64.00
MN	Eagan / Burnsville / Mendota Heights	Dakota	\$12.50	\$17.50	\$29.00	\$59.00
MN	Minneapolis / St. Paul	Hennepin / Ramsey	\$13.56	\$18.98	\$31.46	\$64.00
MN	Rochester	Olmsted	\$13.56	\$18.98	\$31.46	\$64.00
MO	Kansas City	Jackson / Clay / Cass / Platte	\$13.56	\$18.98	\$31.46	\$64.00
MO	St. Louis	St. Louis / St. Louis City / St. Charles / Crawford / Franklin / Jefferson / Lincoln / Warren / Washington	\$11.44	\$16.02	\$26.54	\$54.00
MS	Oxford	Lafayette	\$13.56	\$18.98	\$31.46	\$64.00
MS	Southaven	Desoto	\$12.50	\$17.50	\$29.00	\$59.00
MS	Starkville	Oktibbeha	\$11.44	\$16.02	\$26.54	\$54.00
MT	Big Sky / West Yellowstone	Gallatin	\$12.50	\$17.50	\$29.00	\$59.00
MT	Butte	Silver Bow	\$13.56	\$18.98	\$31.46	\$64.00
MT	Glendive / Sidney	Dawson / Richland	\$14.62	\$20.47	\$33.91	\$69.00
MT	Helena	Lewis and Clark	\$13.56	\$18.98	\$31.46	\$64.00
MT	Missoula / Polson / Kalispell	Missoula / Lake / Flathead	\$12.50	\$17.50	\$29.00	\$59.00
NC	Asheville	Buncombe	\$12.50	\$17.50	\$29.00	\$59.00
NC	Atlantic Beach / Morehead City	Carteret	\$13.56	\$18.98	\$31.46	\$64.00
NC	Chapel Hill	Orange	\$14.62	\$20.47	\$33.91	\$69.00
NC	Charlotte	Mecklenburg	\$12.50	\$17.50	\$29.00	\$59.00
NC	Durham	Durham	\$12.50	\$17.50	\$29.00	\$59.00
NC	Fayetteville	Cumberland	\$11.44	\$16.02	\$26.54	\$54.00
NC	Greensboro	Guilford	\$11.44	\$16.02	\$26.54	\$54.00
NC	Kill Devil	Dare	\$13.56	\$18.98	\$31.46	\$64.00
NC	New Bern / Havelock	Craven	\$11.44	\$16.02	\$26.54	\$54.00
NC	Raleigh	Wake	\$12.50	\$17.50	\$29.00	\$59.00
NC	Wilmington	New Hanover	\$12.50	\$17.50	\$29.00	\$59.00
ND	Dickinson / Beulah	Stark / Mercer / Billings	\$14.62	\$20.47	\$33.91	\$69.00
ND	Minot	Ward	\$13.56	\$18.98	\$31.46	\$64.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
ND	Williston	Williams / Mountrail / McKenzie	\$14.62	\$20.47	\$33.91	\$69.00
NE	Omaha	Douglas	\$13.56	\$18.98	\$31.46	\$64.00
NH	Concord	Merrimack	\$12.50	\$17.50	\$29.00	\$59.00
NH	Conway	Carroll	\$11.44	\$16.02	\$26.54	\$54.00
NH	Durham	Strafford	\$11.44	\$16.02	\$26.54	\$54.00
NH	Laconia	Belknap	\$14.62	\$20.47	\$33.91	\$69.00
NH	Lebanon / Lincoln / West Lebanon	Grafton / Sullivan	\$13.56	\$18.98	\$31.46	\$64.00
NH	Manchester	Hillsborough	\$13.56	\$18.98	\$31.46	\$64.00
NH	Portsmouth	Rockingham	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Atlantic City / Ocean City / Cape May	Atlantic / Cape May	\$13.56	\$18.98	\$31.46	\$64.00
NJ	Cherry Hill / Moorestown	Camden / Burlington	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Eatontown / Freehold	Monmouth	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Edison / Piscataway	Middlesex	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Flemington	Hunterdon	\$13.56	\$18.98	\$31.46	\$64.00
NJ	Newark	Essex / Bergen / Hudson / Passaic	\$13.56	\$18.98	\$31.46	\$64.00
NJ	Parsippany	Morris	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Princeton / Trenton	Mercer	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Somerset	Somerset	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Springfield / Cranford / New Providence	Union	\$12.50	\$17.50	\$29.00	\$59.00
NJ	Toms River	Ocean	\$13.56	\$18.98	\$31.46	\$64.00
NM	Carlsbad	Eddy	\$11.44	\$16.02	\$26.54	\$54.00
NM	Las Cruces	Dona Ana	\$12.50	\$17.50	\$29.00	\$59.00
NM	Santa Fe	Santa Fe	\$13.56	\$18.98	\$31.46	\$64.00
NM	Taos	Taos	\$14.62	\$20.47	\$33.91	\$69.00
NV	Incline Village / Reno / Sparks	Washoe	\$13.56	\$18.98	\$31.46	\$64.00
NV	Las Vegas	Clark	\$13.56	\$18.98	\$31.46	\$64.00
NY	Albany	Albany	\$12.50	\$17.50	\$29.00	\$59.00
NY	Binghamton / Owego	Broome / Tioga	\$12.50	\$17.50	\$29.00	\$59.00
NY	Buffalo	Erie	\$13.56	\$18.98	\$31.46	\$64.00
NY	Floral Park / Garden City / Great Neck	Nassau	\$14.62	\$20.47	\$33.91	\$69.00
NY	Glens Falls	Warren	\$13.56	\$18.98	\$31.46	\$64.00
NY	Ithaca / Waterloo / Romulus	Tompkins / Seneca	\$12.50	\$17.50	\$29.00	\$59.00
NY	Kingston	Ulster	\$14.62	\$20.47	\$33.91	\$69.00
NY	Lake Placid	Essex	\$15.68	\$21.95	\$36.37	\$74.00
NY	New York City	Bronx / Kings / New York / Queens / Richmond	\$15.68	\$21.95	\$36.37	\$74.00
NY	Niagara Falls	Niagara	\$12.50	\$17.50	\$29.00	\$59.00
NY	Nyack / Palisades	Rockland	\$13.56	\$18.98	\$31.46	\$64.00
NY	Poughkeepsie	Dutchess	\$13.56	\$18.98	\$31.46	\$64.00
NY	Riverhead / Ronkonkoma / Melville	Suffolk	\$13.56	\$18.98	\$31.46	\$64.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
NY	Rochester	Monroe	\$12.50	\$17.50	\$29.00	\$59.00
NY	Saratoga Springs / Schenectady	Saratoga / Schenectady	\$13.56	\$18.98	\$31.46	\$64.00
NY	Syracuse / Oswego	Onondaga / Oswego	\$12.50	\$17.50	\$29.00	\$59.00
NY	Tarrytown / White Plains / New Rochelle	Westchester	\$13.56	\$18.98	\$31.46	\$64.00
NY	Troy	Rensselaer	\$13.56	\$18.98	\$31.46	\$64.00
NY	Watertown	Jefferson	\$11.44	\$16.02	\$26.54	\$54.00
NY	West Point	Orange	\$12.50	\$17.50	\$29.00	\$59.00
OH	Akron	Summit	\$11.44	\$16.02	\$26.54	\$54.00
OH	Canton	Stark	\$12.50	\$17.50	\$29.00	\$59.00
OH	Cincinnati	Hamilton / Clermont	\$14.62	\$20.47	\$33.91	\$69.00
OH	Cleveland	Cuyahoga	\$14.62	\$20.47	\$33.91	\$69.00
OH	Columbus	Franklin	\$12.50	\$17.50	\$29.00	\$59.00
OH	Dayton / Fairborn	Greene / Darke / Montgomery	\$12.50	\$17.50	\$29.00	\$59.00
OH	Hamilton	Butler / Warren	\$11.44	\$16.02	\$26.54	\$54.00
OH	Medina / Wooster	Wayne / Medina	\$11.44	\$16.02	\$26.54	\$54.00
OH	Mentor	Lake	\$12.50	\$17.50	\$29.00	\$59.00
OH	Sandusky / Bellevue	Erie / Huron	\$11.44	\$16.02	\$26.54	\$54.00
OH	Youngstown	Mahoning / Trumbull	\$11.44	\$16.02	\$26.54	\$54.00
OK	Enid	Garfield	\$12.50	\$17.50	\$29.00	\$59.00
OK	Oklahoma City	Oklahoma	\$12.50	\$17.50	\$29.00	\$59.00
OR	Beaverton	Washington	\$12.50	\$17.50	\$29.00	\$59.00
OR	Bend	Deschutes	\$12.50	\$17.50	\$29.00	\$59.00
OR	Clackamas	Clackamas	\$12.50	\$17.50	\$29.00	\$59.00
OR	Eugene / Florence	Lane	\$12.50	\$17.50	\$29.00	\$59.00
OR	Lincoln City	Lincoln	\$12.50	\$17.50	\$29.00	\$59.00
OR	Portland	Multnomah	\$13.56	\$18.98	\$31.46	\$64.00
OR	Seaside	Clatsop	\$14.62	\$20.47	\$33.91	\$69.00
PA	Allentown / Easton / Bethlehem	Lehigh / Northampton	\$12.50	\$17.50	\$29.00	\$59.00
PA	Bucks	Bucks	\$12.50	\$17.50	\$29.00	\$59.00
PA	Chester / Radnor / Essington	Delaware	\$13.56	\$18.98	\$31.46	\$64.00
PA	Erie	Erie	\$11.44	\$16.02	\$26.54	\$54.00
PA	Gettysburg	Adams	\$13.56	\$18.98	\$31.46	\$64.00
PA	Harrisburg	Dauphin County excluding Hershey	\$14.62	\$20.47	\$33.91	\$69.00
PA	Hershey	Hershey	\$14.62	\$20.47	\$33.91	\$69.00
PA	Lancaster	Lancaster	\$12.50	\$17.50	\$29.00	\$59.00
PA	Malvern / Frazer / Berwyn	Chester	\$12.50	\$17.50	\$29.00	\$59.00
PA	Mechanicsburg	Cumberland	\$11.44	\$16.02	\$26.54	\$54.00
PA	Montgomery	Montgomery	\$13.56	\$18.98	\$31.46	\$64.00
PA	Philadelphia	Philadelphia	\$13.56	\$18.98	\$31.46	\$64.00
PA	Pittsburgh	Allegheny	\$11.44	\$16.02	\$26.54	\$54.00
PA	Reading	Berks	\$11.44	\$16.02	\$26.54	\$54.00
PA	Scranton	Lackawanna	\$12.50	\$17.50	\$29.00	\$59.00
PA	State College	Centre	\$12.50	\$17.50	\$29.00	\$59.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
RI	East Greenwich / Warwick / North Kingstown	Kent / Washington	\$12.50	\$17.50	\$29.00	\$59.00
RI	Jamestown / Middletown / Newport	Newport	\$12.50	\$17.50	\$29.00	\$59.00
RI	Providence / Bristol	Providence / Bristol	\$12.50	\$17.50	\$29.00	\$59.00
SC	Aiken	Aiken	\$12.50	\$17.50	\$29.00	\$59.00
SC	Charleston	Charleston / Berkeley / Dorchester	\$14.62	\$20.47	\$33.91	\$69.00
SC	Columbia	Richland / Lexington	\$12.50	\$17.50	\$29.00	\$59.00
SC	Hilton Head	Beaufort	\$13.56	\$18.98	\$31.46	\$64.00
SC	Myrtle Beach	Horry	\$12.50	\$17.50	\$29.00	\$59.00
SD	Hot Springs	Fall River / Custer	\$12.50	\$17.50	\$29.00	\$59.00
SD	Rapid City	Pennington	\$12.50	\$17.50	\$29.00	\$59.00
SD	Sturgis / Spearfish	Meade / Butte / Lawrence	\$12.50	\$17.50	\$29.00	\$59.00
TN	Brentwood / Franklin	Williamson	\$12.50	\$17.50	\$29.00	\$59.00
TN	Chattanooga	Hamilton	\$13.56	\$18.98	\$31.46	\$64.00
TN	Knoxville	Knox	\$12.50	\$17.50	\$29.00	\$59.00
TN	Memphis	Shelby	\$12.50	\$17.50	\$29.00	\$59.00
TN	Nashville	Davidson	\$12.50	\$17.50	\$29.00	\$59.00
TX	Arlington / Fort Worth / Grapevine	Tarrant County / City of Grapevine	\$12.50	\$17.50	\$29.00	\$59.00
TX	Austin	Travis	\$12.50	\$17.50	\$29.00	\$59.00
TX	Big Spring	Howard	\$11.44	\$16.02	\$26.54	\$54.00
TX	College Station	Brazos	\$12.50	\$17.50	\$29.00	\$59.00
TX	Corpus Christi	Nueces	\$12.50	\$17.50	\$29.00	\$59.00
TX	Dallas	Dallas	\$13.56	\$18.98	\$31.46	\$64.00
TX	El Paso	El Paso	\$12.50	\$17.50	\$29.00	\$59.00
TX	Galveston	Galveston	\$13.56	\$18.98	\$31.46	\$64.00
TX	Houston (L.B. Johnson Space Center)	Montgomery / Fort Bend / Harris	\$12.50	\$17.50	\$29.00	\$59.00
TX	Laredo	Webb	\$12.50	\$17.50	\$29.00	\$59.00
TX	McAllen	Hidalgo	\$12.50	\$17.50	\$29.00	\$59.00
TX	Midland	Midland	\$13.56	\$18.98	\$31.46	\$64.00
TX	Pearsall	Frio / Medina / La Salle	\$11.44	\$16.02	\$26.54	\$54.00
TX	Pecos	Reeves	\$11.44	\$16.02	\$26.54	\$54.00
TX	Plano	Collin	\$12.50	\$17.50	\$29.00	\$59.00
TX	Round Rock	Williamson	\$12.50	\$17.50	\$29.00	\$59.00
TX	San Angelo	Tom Green	\$12.50	\$17.50	\$29.00	\$59.00
TX	San Antonio	Bexar	\$13.56	\$18.98	\$31.46	\$64.00
TX	South Padre Island	Cameron	\$12.50	\$17.50	\$29.00	\$59.00
TX	Waco	McLennan	\$12.50	\$17.50	\$29.00	\$59.00
UT	Moab	Grand	\$13.56	\$18.98	\$31.46	\$64.00
UT	Park City	Summit	\$15.68	\$21.95	\$36.37	\$74.00
UT	Provo	Utah	\$12.50	\$17.50	\$29.00	\$59.00
UT	Salt Lake City	Salt Lake / Tooele	\$12.50	\$17.50	\$29.00	\$59.00
VA	Abingdon	Washington	\$14.62	\$20.47	\$33.91	\$69.00
VA	Blacksburg	Montgomery	\$12.50	\$17.50	\$29.00	\$59.00
VA	Charlottesville	City of Charlottesville / Albemarle / Greene	\$14.62	\$20.47	\$33.91	\$69.00

State	Destination	Location/County Defined	Breakfast	Lunch	Dinner	Total
VA	Loudoun	Loudoun	\$12.50	\$17.50	\$29.00	\$59.00
VA	Lynchburg	Campbell / Lynchburg City	\$12.50	\$17.50	\$29.00	\$59.00
VA	Richmond	City of Richmond	\$13.56	\$18.98	\$31.46	\$64.00
VA	Roanoke	City limits of Roanoke	\$12.50	\$17.50	\$29.00	\$59.00
VA	Virginia Beach	City of Virginia Beach	\$12.50	\$17.50	\$29.00	\$59.00
VA	Wallops Island	Accomack	\$13.56	\$18.98	\$31.46	\$64.00
VA	Warrenton	Fauquier	\$12.50	\$17.50	\$29.00	\$59.00
VA	Williamsburg / York	James City / York Counties / City of Williamsburg	\$13.56	\$18.98	\$31.46	\$64.00
VT	Burlington / St. Albans / Middlebury	Chittenden / Franklin / Addison	\$13.56	\$18.98	\$31.46	\$64.00
VT	Manchester	Bennington	\$14.62	\$20.47	\$33.91	\$69.00
VT	Montpelier	Washington	\$15.68	\$21.95	\$36.37	\$74.00
VT	Stowe	Lamoille	\$15.68	\$21.95	\$36.37	\$74.00
VT	White River Junction	Windsor	\$14.62	\$20.47	\$33.91	\$69.00
WA	Everett / Lynnwood	Snohomish	\$13.56	\$18.98	\$31.46	\$64.00
WA	Ocean Shores	Grays Harbor	\$14.62	\$20.47	\$33.91	\$69.00
WA	Olympia / Tumwater	Thurston	\$14.62	\$20.47	\$33.91	\$69.00
WA	Port Angeles / Port Townsend	Clallam / Jefferson	\$15.68	\$21.95	\$36.37	\$74.00
WA	Richland / Pasco	Benton / Franklin	\$12.50	\$17.50	\$29.00	\$59.00
WA	Seattle	King	\$15.68	\$21.95	\$36.37	\$74.00
WA	Spokane	Spokane	\$13.56	\$18.98	\$31.46	\$64.00
WA	Tacoma	Pierce	\$13.56	\$18.98	\$31.46	\$64.00
WA	Vancouver	Clark / Cowlitz / Skamania	\$13.56	\$18.98	\$31.46	\$64.00
WI	Appleton	Outagamie	\$13.56	\$18.98	\$31.46	\$64.00
WI	Brookfield / Racine	Waukesha / Racine	\$12.50	\$17.50	\$29.00	\$59.00
WI	Madison	Dane	\$12.50	\$17.50	\$29.00	\$59.00
WI	Milwaukee	Milwaukee	\$13.56	\$18.98	\$31.46	\$64.00
WI	Sheboygan	Sheboygan	\$12.50	\$17.50	\$29.00	\$59.00
WI	Sturgeon Bay	Door	\$11.44	\$16.02	\$26.54	\$54.00
WI	Wisconsin Dells	Columbia	\$12.50	\$17.50	\$29.00	\$59.00
WV	Charleston	Kanawha	\$11.44	\$16.02	\$26.54	\$54.00
WV	Morgantown	Monongalia	\$11.44	\$16.02	\$26.54	\$54.00
WV	Wheeling	Ohio	\$11.44	\$16.02	\$26.54	\$54.00
WY	Cody	Park	\$13.56	\$18.98	\$31.46	\$64.00
WY	Evanston / Rock Springs	Sweetwater / Uinta	\$12.50	\$17.50	\$29.00	\$59.00
WY	Gillette	Campbell	\$12.50	\$17.50	\$29.00	\$59.00
WY	Jackson / Pinedale	Teton / Sublette	\$15.68	\$21.95	\$36.37	\$74.00

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