



CITY OF PATASKALA
ORDINANCE 2022-4426

Passed September 6, 2022

AN ORDINANCE AMENDING THE CITY OF PATASKALA EMPLOYEE HANDBOOK & POLICY MANUAL

WHEREAS, Section 3.01(a)(4) of the Charter of the City of Pataskala permits Council, by Ordinance or Resolution, to regulate public employment with the City of Pataskala; and

WHEREAS, on May 1, 2006, Council for the City of Pataskala adopted Ordinance 2006-3671, thereby creating the Employee Handbook & Policy Manual; and

WHEREAS, the last major amendment to the Employee Handbook & Policy Manual took place on September 21, 2020 with the adoption of Ordinance 2020-4372; and

WHEREAS, the City of Pataskala, as part of its Human Resources contract with Clemans-Nelson, tasked that firm with a thorough review and comment and as a result produced a new version of the Employee Handbook & Policy Manual on July 8, 2022; and

WHEREAS, Council for the City of Pataskala now wants to again amend and update the City of Pataskala Employee Handbook & Policy Manual, as recommended by Clemans-Nelson.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: Council for the City of Pataskala hereby adopts the updated and amended City of Pataskala Employee Handbook & Policy Manual which is attached hereto as **Exhibit A** and incorporation herein by reference. The Employee Handbook & Policy Manual attached hereto supersedes and replaces all prior versions and drafts. The changes and additions have been tracked and included in a separate document attached hereto as **Exhibit B**.

Section 2: This updated and amended City of Pataskala Employee Handbook & Policy Manual shall become effective on _____, 2022.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council, and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.


Section 4: This Ordinance shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

Approved as to form:


Brian M. Zets, Law Director

Ord. 2022-4426
Exhibit A



CITY OF PATASKALA
LICKING COUNTY, OHIO

EMPLOYEE HANDBOOK
& POLICY MANUAL



October 1, 2022

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,

Timothy O. Hickin
City Administrator

James M. Nicholson
Finance Director

**CITY OF PATASKALA, OHIO
EMPLOYEE HANDBOOK & POLICY MANUAL**

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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 enforce, not enforce, 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 all genders. The use of any 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 and/or collective bargaining agreement. 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 R.C. Chapter 4117 or be incompatible with the R.C. Chapter 4117 and/or rulings by the State Employment Relations Board.

- (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 CONTRACT, 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 (including sexual orientation/preference), military veteran or disabled veteran, military status, genetic information, and all other categories protected by Federal, state, and local 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 request to the Finance Director or Human Resources Officer.
- (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, 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, gender (including sexual orientation/preference), national origin, age, ancestry, disability, genetic information, veterans, 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 interfere 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 workplace 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 Unlawful Harassment/Bullying

- (a) Unlawful harassment is any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's gender (including sexual orientation/preference), color, race, ancestry, religion, national origin, age, disability, genetic information, veteran's or 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, vendors, or members of the public, is encouraged to inform the alleged harasser of the unwelcome or offensive conduct. Such employee is required to immediately submit a written report of the harassment to his supervisor, City Administrator, Human Resources Officer or Finance Director, but the fact that a complaint is verbal will not prevent the City from investigating the complaint. 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 required to report complaints immediately. Investigations shall be conducted confidentially to the extent possible.

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, Human Resources Officer or Finance Director. Written complaints are required, but the fact that a complaint may also be made verbally will not prevent the City from investigating the complaint. 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 Policy 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, intentionally 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 the following: written tests, individual and group oral examinations, assessment centers, performance tests, rating of training and experience, physical/psychological examinations, background and reference checks and drug/alcohol 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 Personal Reference/Verification of Employment

- (a) Schools, prospective employers, organizations, banks or lending institutions, and others may request a job reference, a recommendation, a confirmation of employment, salary, or benefits for current and former city employees or volunteers. The City of Pataskala, and the individual providing the reference, may be liable if false or misleading information is provided, and the person's opportunity for employment, credit, or other benefit is damaged. To minimize that liability, ensure consistency and for documentation purposes, requests for information as identified above must be immediately directed to the HR Manager, who will respond to all requests as appropriate. The City Administrator or Finance Director (or their designee) will respond to requests in the absence of the HR Manager, or as deemed appropriate. In no case shall city directors, supervisors, or other employees (other than identified above) respond to any requests, whether formal or informal, for employee performance information unless authorized to do so by the acting HR Manager, City Administrator or Finance Director.
- (b) The employee or volunteer requesting that the city provide expanded personal information must sign a consent form (see Appendix N) granting permission for the HR Manager to share performance-based information from the employee's personnel file. A requestor-provided form (such as that sent by a bank), that is signed by the employee and which authorizes the release of specific information, shall satisfy this requirement. If written consent is not provided, the city shall only provide dates of employment (hire and termination dates), position title, final rate of pay and job description for the employee.

- (c) The city is a public entity and is subject to the Ohio Public Records Act. In general, public employees' personnel files (with some exemptions) are subject to disclosure through a public records request. Therefore, if a potential employer formally requests an employee's personnel file or other records pertaining to the employee by way of a public records request, the responsive records (with appropriate redactions) will be provided in conformance with the city's public records policy.

Section 4.04 Nepotism

- (a) The existence of a familial relationship between an applicant and a City employee will not necessarily prevent the City from hiring the applicant. The City's selection process, however, will screen for the following five (5) 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; or
 - v. If the hiring or hiring process would violate the Ohio Ethics' Laws.

Section 4.05 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. Everyone 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 4.06 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 4.07 Probationary Period

- (a) A newly hired classified employee's probationary period shall be twelve (12) months in length and may be extended by the City Administrator for an additional six (6) months should circumstances warrant such extension. Unclassified employees are considered to be 'at will' employees, and not subject to such probationary period.
- (b) A promotional probationary 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 probationary period without the right of appeal if the City Administrator, or the Mayor in the case of the Police Department, considers the employee to have performed unsatisfactorily during the promotional probationary period. 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 probationary period, (whether probationary or promotional probationary), such as medical disability or military leave, the probationary period will also be suspended, and will resume upon the employee's return to work. Upon the employee's return, the probationary period will resume
- (d) The probationary period of time is provided for the City to assess the employee's performance in the new position, as well as for the employee to determine whether he or she wishes to continue in the position. In the event that the City determines that the employee's performance during their probationary period has been unsatisfactory, the City has the right to terminate employment during this probationary period without prior notice.
- (e) Two (2) written evaluations of the employee's performance will generally be conducted by the Department Head and/or designee during the probationary period. The first (mid-term evaluation) will be conducted approximately one hundred and eighty (180) days from the date of the employee's initial appointment or promotion, whichever is applicable. 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 probationary period or promotional probationary period, whichever is applicable.

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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 separate confidential files 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. If the employee is not satisfied with the appointing authority's action, the employee may submit a brief statement of the employee's position on the disputed information, which shall be included within the personnel file.
- (d) Except as set forth in Section 5.02(c), employees are not otherwise permitted to alter, add or remove documents or other information contained in their personnel files without express written authorization from the City Administrator or designee. 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) **Non-Covered Employee** – An employee not bound by the provisions of the Act.
- (d) **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.
- (e) **Regular Part-Time Employee** – Employees who normally work less than thirty (30) hours per week. Employees in this category are classified but 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).
- (f) **Seasonal Employee** – Those employees whose work, the nature of which is not continuous throughout the year but recurs in each successive calendar year. Employees appointed to a seasonal position who have been temporarily separated from the service during the inactive season shall be entitled to employment in the same position in each ensuing year, so long as those employees are not in the meantime disqualified for any cause. Seasonal employees not assigned work for a period of one year due to a lack of work or who refuse available work shall be deemed ineligible for further assignment. Seasonal Employees are not eligible for benefits.
- (g) **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 shall work for a period not to exceed one hundred and twenty (120) calendar days. Temporary employees are at will and may be terminated at the discretion of the City Administrator. Employees in this category are unclassified and are not eligible for benefits.
- (h) **Intermittent Employees** – An appointment where an employee is required to work less than one thousand hours per fiscal year, or for the duration of a specific project or grant which may exceed one thousand hours in a fiscal 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 City Administrator.
- (i) **Classified Employees** – All employees who are not in positions in the unclassified service.
- (j) **Unclassified Employees** - At-will employees who are exempt from all examinations. Appointment to a position in the unclassified service may be made at the discretion of the City, and the employees may be removed, suspended, or reduced from the position at the pleasure of the City.

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 ten percent (10%) 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 their probationary or promotional probationary 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.
- (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 lead to discipline, up to and including termination.

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 regular workweek for shall be forty (40) hours. The normal work assignments shall be either five (5) consecutive eight (8) hour days with two (2) consecutive days off or at the discretion of the Police Chief, four (4) consecutive ten (10) hour days with three (3) consecutive days off. The Police Chief Further reserves the right to develop a schedule of "12" hour shifts as an alternative to "8" or "10" hour shifts. The Police Chief and Deputy Chief shall establish and maintain a regular, recurring schedule that provides adequate coverage during each shift.
- (d) Non-exempt 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) Non-exempt 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 not to work but are subject to immediate recall should conditions warrant (in which case the employee will be compensated his or her regular hourly rate during the period of recall). Employees are not entitled to additional compensation or overtime resulting from the inability to take a meal break.
- (f) 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 springtime

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.

- (g) 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 thirty (30) 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.
- (h) If an employee is unable to report to work because of illness or emergency, the employee must notify the Department Head and/or designee as far in advance as possible prior to his scheduled shift time and must receive acknowledgement from the Department Head and/or designee, or in the event of an emergency, as soon as practicable. It is the employee's responsibility to ensure that any notification of an absence has been acknowledged prior to the employee's scheduled shift. 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.
- (i) Messages left with co-workers or other employees 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) Employees may be entitled to a paid or unpaid lunch period, as determined by the Department Head and/or designee. Employees who are non-exempt under the FLSA, and who receive an unpaid lunch period, shall not work during their lunch period, except with the approval of their supervisor, or in emergency situations.
- (b) 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 who are 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.
- (c) Generally, employees who are 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 single 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,” unless the employee is required to report to work after midnight but prior to the employee’s scheduled start time, in which case the employee shall be compensated at least three (3) hours. 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. Any employee who believes he has received an improper deduction, shall submit a complaint in writing to the Department Head and/or designee, City Administrator, Human Resources Officer, or Finance Director.
- (h) The Department Head and/or designee, City Administrator, Human Resources Officer, or Finance 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. Compensatory time off shall be taken in minimum of fifteen (15) minute increments. 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) Employees shall be permitted to cash out compensatory time at the then current rate of compensation. Any requests to have accumulated compensatory time paid out which are made on or before November 15 shall be paid out at the time of the next paycheck. Requests made after November 15 will be paid on a 'best efforts' basis, contingent upon availability of adequate appropriations. All requests must be submitted on the *Compensatory Time Cash-Out Request Form*, a copy of which is provided in Appendix E. Employees shall have the option to receive the proceeds from such compensatory time cash out paid to them in a separate payroll distribution, provided that the employee provides such direction in writing or via email to the Finance department on or before the first business day following the pay period end.

Section 5.14 Flex Time (Exempt Employees)

- (a) Employees who are exempt from the overtime provisions of the FLSA, may utilize "time off" or flexible hours in order to avoid working in excess of forty (40) hours in one workweek. Flex-time for exempt employees must be used within the two (2) week pay period. Such flex-time scheduling should be utilized to meet the needs of the Department and must be approved in advance by the City Administrator.

Section 5.15 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 Personnel Board of Review rules and state and federal laws whenever a layoff is implemented.

Section 5.16 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.

- (b) 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 5.17 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 change 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 5.18 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 5.19 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 5.20 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 5.21 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 5.22 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) **Layoff** - A reduction in the work force of the City as determined by the City Administrator.
- (f) **Leaves** - An authorized paid or unpaid absence, or vacation from duty or employment for a specified period of time.
- (g) **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.

- (h) **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.
- (i) **Probationary 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 probationary period of one year, unless specified to the contrary in the current applicable collective bargaining agreement. The initial probationary period can be extended by an additional 6 months.
- (j) **Resignation** - Voluntary withdrawal of employment from the City.
- (k) **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).

Section 5.23 Work from Home/Telework Policy

- (a) For extenuating situations as determined by the City Administrator, the City Administrator may consider and/or mandate an alternative work arrangement. Both the employee and the job must be suited to such an arrangement. A telework, work from home, or alternative work arrangement may be appropriate for some employees and jobs but not for others and does not affect basic terms and conditions of employment with the Employer. This includes an employee's rate of pay, retirement benefits, and Employer sponsored insurance coverage if applicable.
- (b) An alternative work arrangement can be as needed or can be a long-term arrangement. The decision to authorize an alternative work arrangement is solely within the discretion of the City Administrator and can be modified or terminated at any time. When the City Administrator terminates an alternative work arrangement authorization, the employee will be notified and will be required to report to his or her normal work location.
- (c) Employees are obligated to comply with all Employer rules, policies, and procedures. A violation of such may result in a revocation of the telecommuting authorization and discipline, up to and including termination.
- (d) **Eligibility for Telecommuting.**

The City Administrator, will evaluate the suitability of such an arrangement, reviewing the following areas:

- i. **Job Responsibilities:** The City Administrator will evaluate the job, and if necessary, conduct a job analysis. The Employer will then determine whether the job is appropriate for telecommuting.

- ii. Equipment Needs, Workspace Design Considerations and Scheduling Issues: Employees must provide the Employer the primary address of where they will be teleworking and phone number where they can be reached. Among other things:
 - a) The workspace must be safe and free from hazards.
 - b) The workspace must be reasonably free from interruptions and distraction that would affect work performance.
 - c) For employees who must verbally communicate with others as part of their duties, the workspace must be quiet and allow for professional communications during those times.
 - d) Teleworking employees shall not conduct in person meetings with the public or clients in their home office in any official capacity or connected with the Employer's business. The Employer is not responsible for any injuries to family members, visitors, and others in the employee's home.
 - e) The Employer is not responsible for any loss to the employee's property whether caused by physical damage, computer virus attacks or other intrusions via the internet.
 - f) The City Administrator may authorize employees to take home Employer-issued devices and desktop computers to perform job functions. This includes the computer, tower, monitor, keyboard, scanners, printers, and any other devices that are necessary to perform job functions. It will be the employee's responsibility to ensure they have the proper internet connections to re-install the equipment in their home. The employee will be responsible for the removal of the devices from their office as well as the installation in their home. IT staff will be available via the phone to assist with troubleshooting but will not come to the employee's home to assist. The employee will follow the proper clock in/clock out procedures.
- iii. Employee Suitability: Lastly, the City Administrator will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- iv. Communication. While teleworking, employees must be reachable by the employer during their normal working hours, and any other times designated by the employer. If the employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they are to immediately notify their supervisor.

(e) **Time Worked for Telecommuting**

An employee is authorized to telecommute during his/her normal work hours. If an employee is required to work outside of those hours, the employee will be notified by his/her supervisor. All overtime, leave usage and compensatory time policies apply while telecommuting.

If an employee needs to use leave during the time of telecommuting, the employee must comply with all Employer call off policies and procedures for obtaining approval prior to using leave. Employees are to use sick or other appropriate leave whenever they are unable to work a full or partial work day. In such instances, employees should note their time worked and the amount of time needed for leave on the applicable day on the appropriate time and leave form.

Each week the employee may be required by the City Administrator to provide a written or verbal report regarding the work completed during the current work week as well as providing a preview/plan of work to be accomplished during the next work week.

(f) **Security and Records for Telecommuting**

Consistent with the Employer's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the same protection of proprietary information accessible from home. Employees are responsible for protecting all sensitive data and personally identifiable information.

Personal devices used by employees for work purposes may be subject to Ohio's Public Records Laws.

(g) **Child Care.**

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

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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. Upon hire, each employee will be given a copy or directed to electronic access of the Ohio Ethics' Laws. 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, 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 the Ohio Ethics Commission.

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 R.C. Chapter 4117 or be incompatible with R.C. Chapter 4117 and/or rulings by the State Employment Relations Board. 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 (as made unlawful 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 be referred to law enforcement for potential criminal prosecution, depending on the nature and severity 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, text messages, etc.;
- 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 they witness or become knowledgeable of any of the following behaviors (these are just examples, and the list is not all inclusive):

- i. Repeated loss of temper
- ii. Physical fighting
- iii. Vandalism or property damage
- iv. Increased demonstration of risk-taking behavior
- v. Announcing plans or threats to commit acts of violence or hurt others
- vi. Unusual fascination with weapons

- vii. Withdrawal from friends and usual activities
- viii. Feelings of rejections and marginalization
- ix. Being a victim of bullying
- x. History of discipline problems or frequent run-ins with authority

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 Ohio's "Concealed Carry" statute. The Concealed Carry statute authorizes individuals 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 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 carry a concealed weapon are discouraged from storing a weapon in their personal vehicle while at work. An employee carrying a concealed weapon may bring their weapon with them onto the City parking lot. However, the employee must leave the weapon in their 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/designee, City Administrator, Human Resources Officer, or Finance Director 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 brought into the workplace, and they shall return all City property, including but not limited to keys, 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, 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 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, maintain insurability, 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 and a 3rd party or where there is reasonable suspicion that the employee was under the influence of drugs or alcohol 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 and may be subject to taxability pursuant to IRS regulations. 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 violation of any City or State vehicle or traffic regulation
 - 7) texting, browsing the internet, emailing, etc. on a mobile device while driving
 - 8) smoking, the use of e-cigarettes (“vaping”), or the use of other tobacco-related products (not to include smokeless tobacco [“chewing tobacco” or “dip”]) 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. (Note: Discuss)
- (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.

Section 6.10 Uniform, Clothing & Attire

- (a) **General** – Employees are expected and required to be appropriately attired given the nature of their position. Where uniforms (either partial or complete) have been provided, employees must wear the uniform as provided. Employees who leave their employment with the City must return all logo-branded items of clothing that have been provided.
- (b) **Law Enforcement** – Uniform allowances for non-collectively bargained law enforcement personnel shall follow the terms and conditions contained in the relevant section of the current collective bargaining agreement (CBA) with the Fraternal Order of Police (FOP). The amount such employees are eligible to receive are listed below:
 - i. **Police Chief & Deputy Chief** – In lieu of purchasing uniform components for these positions, the City shall provide the Police Chief and Deputy Chief an allowance of \$500 annually for the purchase of formal Police uniform components, as well as formal business

attire such as blazers, dress shirts, suits, etc. Employees receiving a stipend are responsible for the tax impacts from such compensation.

- ii. **Part-Time Police Officers** – All new part-time Police officers shall be provided with an appropriate initial uniform set, including ballistic vest, in accordance with the relevant section of the current CBA. Annually thereafter, active part-time officers are eligible to receive an amount equal to 50% of the stipend amount awarded to full-time Police officers pursuant to the current CBA with the FOP. Employees receiving a stipend are responsible for the tax impacts from such compensation.

- (c) **Non-Law Enforcement** – The City Administrator shall have the authority and discretion to provide non-law enforcement employees with city logo-branded shirts and items of clothing. Examples may include polo shirts, sweaters, hats, etc., and should be of de minimis value. Employees receiving such items of clothing are responsible for the tax impacts of such benefit.

- i. **Working Supervisors** – Directors, managers and supervisors that are working supervisors (i.e., working in the field) may, at the City Administrator's discretion, be provided with a working uniform that may include pants, shirt, coat, etc. in order to prevent damage to those employee's street clothes.

Section 6.11 Service Animals

- (a) The City of Pataskala prohibits bringing a pet (a domestic animal kept for pleasure or companionship) to work or having a pet in City-controlled buildings and premises, with the exception of service animals for a person with disabilities.
- (b) **Service Animal Definition:** According to the Americans with Disabilities Act (ADA), a service animal is defined as “any animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items.”
- (c) A person with a disability uses a service animal as an auxiliary aid. Under the ADA, State and Local governments, businesses, and non-profit organizations that serve the public must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. In compliance with the ADA, service animals are welcome in all City-controlled buildings and may attend any class, meeting, or other event. There may be an exception to certain areas.
- (d) Employees requesting accommodation for a disability that includes a service animal must contact the City Administrator or designee. All service animals must be registered with the HR department.
- (e) Handlers are responsible for any property damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury to other humans or to the Service

Animal. The cost of care, arrangements, and responsibilities for the well-being of a Service Animal are the sole responsibility of the Handler at all times. The Employer is not obligated to supervise or otherwise care for a Service Animal.

(f) Requirements of service animals and their owners include:

- a. All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current.
- b. Animals must wear a rabies vaccination tag.
- c. All dogs must be licensed per state law.
- d. Animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times.
- e. Animals must be in good health.
- f. Animals must be on a leash, harness, or other type of restraint at all times, unless the owner/partner is unable to retain an animal on leash due to a disability.
- g. The owner must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the owner/partner.
- h. The owner/partner must provide the HR department staff with information as to how the animal accommodates for the individual's disability.

(g) Reasonable behavior is expected from service animals while on City property. The owners of disruptive and aggressive service animals may be asked to remove them from City facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any facility until the owner takes significant steps to mitigate the behavior.

(h) Cleanliness of the service/emotional support animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene of service/emotional support animals. The owner/partner is expected to clean and dispose of all animal waste.

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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. It is the employee's responsibility to ensure that the city has their current banking information on file for this purpose.
- (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 seven (7) 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' timecards 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 miscellaneous adjustments are to be submitted to the Assistant

Finance Director 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. If 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 Assistant Finance Director 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 and will be paid via the City's accounts payable system and will have a 1099 issued, if appropriate. 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. Newly elected officials (Mayor and City Council) may elect not to participate in OPERS and instead have Social Security deducted from their compensation. This election must occur within fourteen (14) days of the starting date that time in office began.
- (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 Finance Department. 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)
- 7) Cell phone reimbursements

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ARTICLE VIII EMPLOYEE BENEFITS, VACATION, SICK & 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, thirty (30) 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. Plan design, including deductibles, copays and coinsurance are subject to change on an annual basis.
- (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; however, this is subject to change annually. 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. This will be determined based on the employee whose birthday occurs first in the calendar year.

- (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. Employees who are not in paid status shall not accrue vacation leave. 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 based upon the number of hours he or she was in paid status.

Length of Service Accumulation	Hours Earned Each Bi- Weekly Pay	Hours Earned Per Year	Maximum Accrual Balance
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 fifteen (15) minutes, subject to any collective bargaining requirement requiring a different 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 or her 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 per calendar year to cash if, and only if, the employee utilized less than forty-five (45) hours of sick leave during the preceding twelve (12) months which is not supported by a physician's certificate.

Requests to have accumulated vacation time paid at the then rate of compensation, which are made on or before November 15, shall be paid out at the time of the next paycheck. Requests made between November 16 and December 31 shall be paid on a 'best efforts' basis, contingent upon the availability of adequate appropriations. Employees shall have the option to receive the proceeds from such vacation time cash out paid to them in a separate payroll distribution, provided that the employee provides such direction in writing or via email to the Finance department on or before the first business day following the pay period end.

- (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. Additionally, employees do not accrue additional sick leave for overtime hours worked. Employees may accumulate an unlimited number of sick leave 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 employee's mother or father, biological or adopted children, spouse, brother or sister, grandparents or grandchildren, legal guardian, stepchildren, or other persons who stand in place of parent. 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 and receive acknowledgement from the Department Head and/or designee, except in the case of provable inability to make a telephone call or send a message. 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. 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 confidential medical file in the Finance Department. Absences of more than 3 consecutive days may qualify an employee for leave under FMLA. (See FMLA Section). Employees shall be required to justify the use of sick leave by documenting it in the appropriate HR system.

- (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-offs including using sick leave as it accrues;
 - 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** – Unless specified otherwise, 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. 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 donation 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 City Administrator has determined that the injury or illness is catastrophic. The City Administrator has final determination, and such determination is subject to appeal.
- ii. If determined appropriate by the City 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 City Administrator, up to eighty (80) hours total per catastrophe can be donated by an employee. An employee receiving sick leave donations may receive a maximum of four hundred (400) 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 probationary period of an employee who receives donated leave during such a probationary 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
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
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 workday.
- (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 a paid leave of absence from their respective duties, as well as to the difference between their regular rate of pay and their military on field training or active duties (if any) for periods not to exceed one (1) month for each calendar year in which they are performing service in the uniformed services. One month means twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours. Any employee who is called or ordered to the uniformed services for longer than a month, for each federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:
 - i. The difference between the employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month;

- ii. Five hundred (\$500) dollars

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 who are a spouse or parent of a member of the military who is called to active duty or is injured or hospitalized while serving on active duty are entitled to take unpaid leave up to eighty (80) hours as provided for in ORC 5906.02.

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 or domestic partner, children, or grandchildren shall be allowed and limited to a maximum of five (5) 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.

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 Assistant Finance Director to be retained in the employee's personnel file.

In keeping with past practices, the city will send flowers to the employee for any bereavement leave associated with the 5-day leave policy. "In lieu of flowers" monetary payments or donations are not considered to be a proper public purpose and will not be made by the city.

- (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, provided 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 employee's 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 termination. 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 Longevity Pay

- (a) **Eligibility** – Employees shall be granted longevity pay in the amount of one hundred dollars (\$100.00) for each full-time year of service with the City of Pataskala. In order to be eligible for such pay, the employee must have completed at least five (5) years of service with the City of Pataskala. The maximum permissible payment under this section shall be two thousand dollars (\$2,000.00) per year.
- (b) **Payment** – Longevity pay shall be paid annually in a lump sum payment upon the employee's anniversary date with the first such payment to be made upon the employee's fifth year anniversary of full-time service. Longevity shall be added to the employee's base rate for purposes of calculating the hourly overtime rate.

Section 8.11 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 100% of the cost of tuition, books, and other necessary materials up to a maximum reimbursement of \$5,000 for an associate's degree or \$5,000 for a bachelor'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.
- (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.
- (e) Employees receiving tuition reimbursement shall be required to pay the City in full for all expenses incurred by the City if the employee’s employment is terminated with the City within one (1) year of completion of the schooling for which the employee received reimbursement. If the employee’s employment is terminated with the City more than twelve (12) months but less than eighteen (18) months of the completion of the schooling for which the employee received reimbursement, the employee shall be required to pay the City a pro-rated amount of 60% for all expenses incurred by the City. And, if the employee’s employment is terminated with the City more than eighteen (18) months but less than twenty-four (24) months of the completion of the schooling for which the employee received reimbursement, the employee shall be required to pay the City a pro-rated amount of 40% for all expenses incurred by the City. Such repayment may be deducted from the employee’s last check. Such repayment shall not reduce the employee’s pay below minimum wage for the hours worked in the pay period. The employee must sign a promissory note each time reimbursement occurs which includes deduction authorization from the employee’s paycheck. The City Administrator is authorized to waive this reimbursement requirement under unusual and justifiable circumstances such as spousal relocation, death of an immediate relative forcing employee relocation or termination of employment due to unusual circumstances, etc.

ARTICLE IX DISCIPLINE

Section 9.01 Tenure in Service

- (a) The classified and unclassified service shall be established by City Council and/or City Charter. No employee in the classified civil service, upon completion of his probationary 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, unsatisfactory performance, 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 while employed in the civil service.

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. Bargaining Unit Employees appearing as a witness in an agency investigation additionally have the right to be accompanied, represented, and advised by a union representative 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 City 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, the City 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 seventy-two (72) 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 City 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 required to provide at least two (2) weeks advance written notice to his supervisor. Failure to provide such advance notice may affect subsequent re-employment consideration and will result in the employee being designated as "resigning not in good standing". Such designation shall prevent the employee from being eligible to cash out any accrued, but unused, sick leave pursuant to the provisions in Section 8.6 (h) of this handbook.

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

- (b) 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) the birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
 - 2) when an employee is needed to care for a spouse, son, daughter, or parent who has a serious health condition;
 - 3) when an employee is unable to perform the functions of his position because of the employee's own serious health condition;
 - 4) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to covered active-duty status.
 - 5) An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member. The 12-month period for military caregiver leave is different than from the 12-month period defined below.
- 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.
- iii. **Serious Health Condition** - - any illness, injury, impairment, or physical or mental condition that involves:
 - 1) In-patient 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 within a 7-year period; 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. **Qualifying Exigency 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. 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

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. Failure to comply with the agreed upon schedule may result in denial of FMLA leave on an intermittent or reduced schedule basis.

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 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 evidence, which may include 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 and 3rd party or accompanied by reasonable suspicion, the employee shall submit to alcohol and controlled substances testing. Post-accident testing shall be conducted immediately following an on-the-job accident. 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 immediately, the testing should be completed as soon as practicable; however, at no time shall an alcohol test be administered after eight (8) hours from the time of an employee-related accident or a drug test be administered 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 reasonable suspicion including but not limited to 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

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 required to undergo 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 as a condition of employment. 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 remain confidential to the extent allowed by law. 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:
 - 1) 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);

- 2) 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;
- 3) The identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use, or trafficking;
- 4) A report of alcohol or other drug use provided by a reliable and credible source;
- 5) 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 the time limits established in this policy after the determination that a test is required has been made. 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 dedicated collection site and laboratory testing facilities.
- (b) Both the collection site and laboratory performing testing under this Policy 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 custody 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 blood alcohol content (BAC) 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 0.04 BAC, 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).

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 probationary 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 in accordance with this policy;
 - 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. Agree to submit to random testing during treatment as outlined in this policy.
- (d) **Right of Appeal** – The employee has the right to challenge the results of the drug or alcohol tests at the employee's costs 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 ensure treatment or rehabilitation.

- (f) **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.

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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 shall 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. Employees should have no expectation of privacy with regard to their use of the City's email system.

- (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 are 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 or 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 records, 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 an e-mail message 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) **Purpose.** The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the employer when using social media sites on and off duty. This policy is also intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will allow the employer to ensure that employer rules are followed, and all employees are treated fair and consistent.

Employees shall remember they are paid by public funds and the public holds them to a high standard of professionalism. The employer has an overriding interest and expectation in deciding what is "spoken" on behalf of the employer. This policy is not meant to infringe on one's right to free speech, rights under R.C. 4117, or any other protected activity.

- (b) **Scope.** All employees will be subject to and held accountable for any conduct outlined in Social Media Policy. This policy works in conjunction with other related personnel policies and procedures (e.g., harassment).
- (c) Social Media refers to the use of websites such as, but not limited to, Facebook, Twitter, LinkedIn, Instagram, Snapchat, etc. For purposes of this policy, Blogs and other internet forums shall also

be covered. Nothing in this policy is meant to prohibit access to any social media website or Blog which may be work-related.

(d) **Policy.**

- i. **On Duty Conduct:** While at work, an employee may only access social media websites, Blogs and/or other internet forums of communication during their lunch, breaks or other non-working time. This includes access from a personal device (e.g., Mobile device, tablet, iPad, Laptop, etc.) during an employee's compensated hours of work.
- ii. **On and Off Duty Conduct:** An employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to a social media website, Blog, or other similar internet forum of communication. Although information may be posted to a "private" webpage, the employee should be aware this information can still be accessed by the public and other sources in a number of ways. Because of this, an employee needs to use "common-sense" when posting comments, photos, opinions, or any other information related to his or her employment. Any social media activity which portrays the employer in a negative light will be evaluated and may result in disciplinary action up to and including termination. Examples of prohibited conduct include, but are not limited, to:
 - iii. Posting one's photograph while wearing the employer's uniform (or other similar attire, which could be misidentified as the official uniform) without approval;
 - iv. Posting pictures, videos, or comments that are insubordinate with respect to the employee's employment;
 - v. Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior;
 - vi. Knowingly or recklessly posting false information about the employer, supervisors, coworkers, public officials, or those who have a relationship with the employer. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above.
 - vii. Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor.
 - viii. Posting pictures, videos, or comments that are sexual, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the employer or individual's employment.
 - ix. Employees shall not imply they are speaking on behalf of the employer unless authorized to do so. Should an employee speak on matters of employment, the employee shall include a disclaimer.

- x. **Confidential Information:** An employee shall not disclose any work-related confidential or proprietary information on any social media website, Blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
 - xi. Employees are encouraged to follow the internal complaint procedure and not take to the internet to voice work-related complaints.
 - xii. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
 - xiii. Any deviation from the above policy shall be approved by the employer in writing.
 - xiv. Any questions regarding the policy should be directed to the employee's immediate supervisor.
- (e) Employees shall take note of the following: DELETE DOES NOT MEAN DELETE. Once something is posted into cyberspace it remains there.

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:

- (c) Any personal calls should not adversely affect the performance of official duties.
- (d) They must be of a reasonable duration and frequency.
- (e) Calls to direct charge number (e.g., 900/976 numbers) are strictly prohibited.
- (f) 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.
- (g) 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 workday, etc. Personal calls, in excess of three (3) times per day and longer than 5 minutes each, are normally to be considered unreasonable.
- (h) 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.

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ARTICLE XIII APPENDICES

Appendix A - Employee Acknowledgement

ACKNOWLEDGMENT

By signing below, I acknowledge I have received a copy of the City of Pataskala's Employee Handbook & Policy Manual ("the Manual"). I understand it is my continuing responsibility to read, understand, and comply with all the policies contained in the Manual and any revisions/amendments made to it. If I have any questions about anything in the Manual, I will contact my direct supervisor.

I understand the Manual is intended only to outline the City's policies and provide its employees with important information. Following the policies contained in the Manual is considered a condition of continued employment. However, the Manual does not create, and will not be interpreted to create, a contract for employment nor forfeit or change the employee's employment status, whether at-will or via collective bargaining. I have entered into my employment relationship with the City voluntarily and understand it is for no specific length of time. Likewise, I recognize the Manual does not create, and will not be interpreted to create, a promise of future employment. I know my employment can be terminated at any time according to the City Charter, employment contract (if applicable), any applicable collective bargaining agreement, and/or Ohio law.

The Manual, and any of its provisions, may be changed, amended, or revoked by the City at any time. Employees will be notified of any changes. No individual has the authority to change policies or the terms of the Manual. Only Council for the City of Pataskala can change policies or the contents of the Manual. The Manual is effective immediately and supersedes and replaces all previous versions. Unless contrary to the provisions of a collective bargaining agreement, failure to strictly follow any policy set forth in the Manual will result in discipline, up to and including termination.

Should any provision in the Manual be found to be unenforceable and/or invalid, such finding does not invalidate the entire Manual, but only the subject provision.

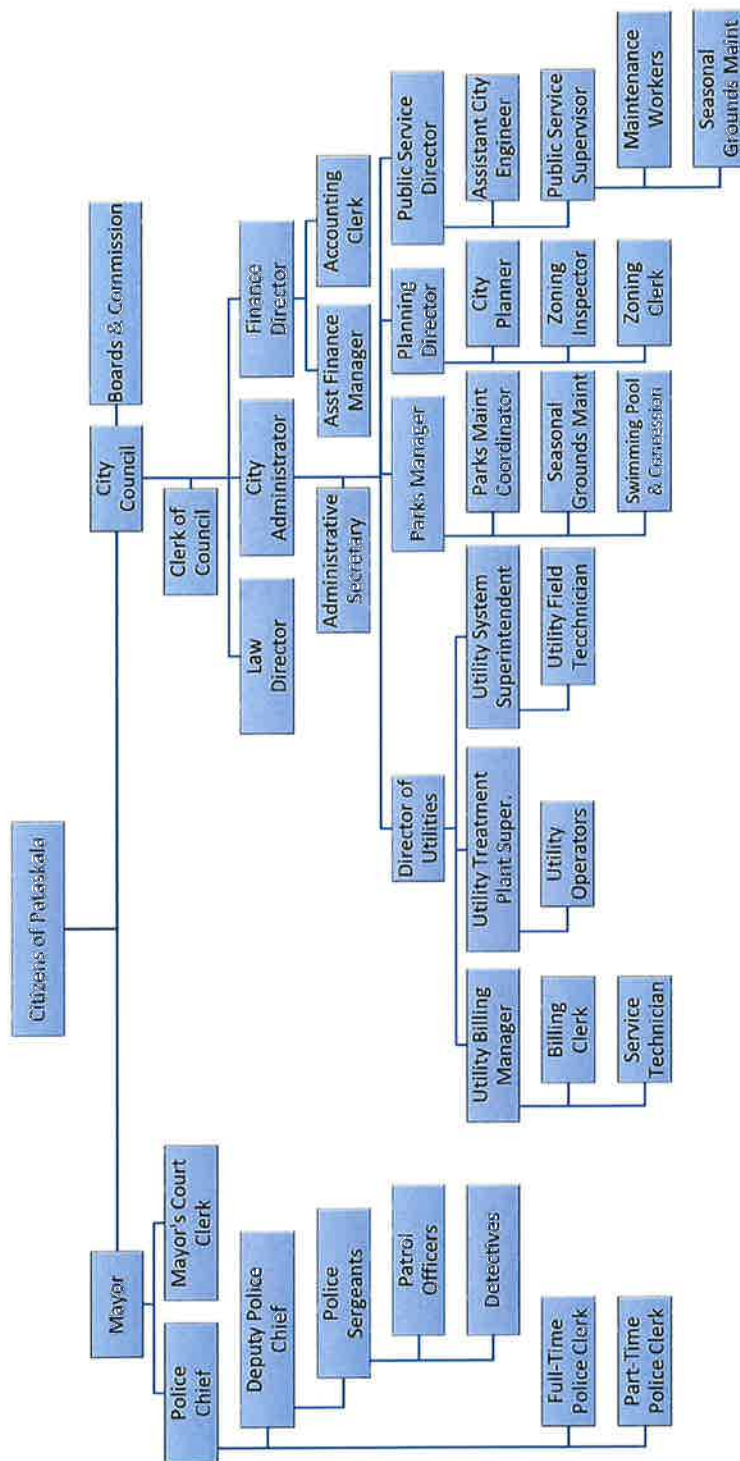
Employee Name (printed)

Employee Signature

Date

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Appendix B – Organizational Chart



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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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Appendix D – Overtime Designation/Compensatory Time Cash-Out Request Form

OVERTIME DESIGNATION/COMPENSATORY TIME CASH-OUT REQUEST FORM

Purpose: This form is to be used whenever: (1) an employee has worked overtime hours and would like to retain the hours in their compensatory time bank instead of being paid overtime wages; or (2) 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 for comp time cash out will be processed in the next regularly scheduled payroll process. Late overtime designation forms will not be processed, and the hours will be paid out as overtime.

Employee Name: _____ **Department:** _____

Total Overtime Time Hours to be added to Comp Time Balance: _____

Total Comp Time hours requested to be paid out: _____

Comments: _____

I am hereby requesting that the Finance Department:

- ☐ Add the overtime hours (straight time) as indicated above to my accrued compensatory time balance at a ratio of 1.5 hours of comp time for every overtime hour earned.
- ☐ Redeem the compensatory time recorded above and include in the current 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**

Finance/Payroll Signature **Date**

Finance Use Only:

Beginning of Period Comp Time Balance: _____

Comp Hours Cashed Out: _____

Comp Hours Added: _____

Adjusted End of Period Comp Time Balance: _____

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Appendix E – 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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Appendix F – 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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Appendix G – 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 _____ hours 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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Appendix H – 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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Appendix I – City Cardholder Agreement Form

I, _____ hereby acknowledge receipt of the following

credit card: _____
(type of credit card)

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 _____ Credit limit approved \$ _____

Account Number: _____

Signature _____
(Finance Director)

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Appendix J - 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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Appendix K – Mobile Phone Election Form



CITY OF PATASKALA MOBILE TELEPHONE ELECTION FORM

Purpose: This form is to be used whenever an employee has been issued a city mobile telephone, or desires to use their personal mobile phone for city business. Section 13.04 of the Employee Handbook & Policy Manual governs the issuance of, and administrative policies for, the usage of mobile phones for city business.

Employee Name: _____ **Department:** _____

PLEASE SELECT ONE OF THE OPTIONS BELOW:

- ☐ **NO PERSONAL USAGE:** I will not use my city-issued mobile phone for personal usage (other than minimal usage provided for in the Handbook). By selecting this option, I acknowledge that material usage of the city mobile phone for other than city business may subject me to discipline per the terms and conditions of the Employee Handbook & Policy Manual.
- ☐ **STIPEND:** I am eligible for the \$65.00 monthly mobile phone stipend (per 13.04(b)(iv)) and am requesting that the city provide the payment to me in lieu of providing me with a city-issued mobile phone. I recognize that by selecting this option, I am required to have a data-enabled smart phone and agree to use my personal mobile phone for city business. I also acknowledge and accept that any data plan overages as a result of city business is my responsibility, and not eligible for reimbursement by the city. Furthermore, I recognize that the IRS considers this to be a taxable fringe benefit, and I am responsible for any payroll taxes on such stipend. Additionally, I acknowledge that City-related information stored or sent on my personal cell phone may be considered a public record.
- ☐ **PERSONAL USAGE:** I wish to use my city-issued mobile as my personal phone and agree to reimburse the city for a portion of the monthly cost, such cost to be based upon the type of mobile phone used. Based upon my city phone, I am selecting the option below, and agree that the stated amount (subject to change) shall be deducted from my bi-weekly pay (1st and 2nd pays in each month only) on an after-tax basis. Additionally, I acknowledge that information stored or sent on a city-issued mobile device may be considered a public record.
- ☐ Standard phone (voice and text only) \$5.00 per bi-weekly pay (\$10 per month)
- ☐ Smart phone (data, voice and text) \$12.50 per bi-weekly pay (\$25 per month)

ACKNOWLEDGEMENT

I have received and agree to comply with all of the policies and conditions contained in the Employee Handbook & Policy Manual which govern the issuance and usage of mobile telephones for city business.

Signature

Date

Mobile Phone Election Form

Rev. 10/20

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Appendix L – Employee Information Release Authorization

EMPLOYEE REQUEST TO RELEASE PERSONNEL FILE RECORDS

I, _____, hereby acknowledge that I understand that it is the City of Pataskala's policy to disclose to prospective employers, financial institutions, and other similar organizations only the following information about current or former employees or volunteers: dates of employment, position title, current/final rate of pay and job description.

By signing below, I am voluntarily requesting and authorizing the City of Pataskala to deviate from this policy and disclose any written reference information from my personnel file on my job performance in addition to dates of employment, position title, rate of pay and job description.

In doing so, I agree to indemnify and hold harmless the City of Pataskala against all claims, causes of action, damages, judgements, costs or expenses, including attorney fees and other litigation costs, which may in any way arise from the City of Pataskala complying with this request.

Employee Signature

Date

HR/City Administrator/Finance Director Approval

Date

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CITY OF PATASKALA
EMPLOYEE HANDBOOK AND POLICY MANUAL
SUMMARY OF CHANGES

Article I Introduction

Section 1.01 Purpose and Coverage:

Clarified that the use of masculine and feminine language throughout the manual shall be construed to include all genders.

Clarified that the City adheres to the doctrine of employment “at-will”, unless or except as modified by applicable statute and/or collective bargaining agreement.

Article II General Provisions

Section 2.01 Equal Employment Opportunity:

Added genetic information to the list of protected classes and clarified that gender includes sexual orientation/preference.

Section 2.04 Weather Emergencies / Dismissal from Work:

Removed the requirement that extreme weather conditions can only include a level 3 snow emergency in Licking County.

Article III Unlawful Discrimination and Harassment

Section 3.01 Purpose:

Added genetic information and veteran’s status to the list of protected classes and clarified that gender includes sexual orientation/preference.

Section 3.03 Unlawful Harassment / Bullying:

Added genetic information and veteran’s status to the list of protected classes and clarified that gender includes sexual orientation/preference.

Section 3.04 Complaints:

Added language that requires that investigations be conducted confidentially to the extent possible.

Section 3.06 Policy Enforcement:

Removed the requirement that all managers and supervisors are responsible for implementing training for harassment. This is administration's responsibility and not a manager/supervisor responsibility.

Article IV Employee Selection and Employment Practices

Section 4.02 Selection:

Added assessment centers and alcohol testing to the list of processes that may be included in the selection process.

Section 4.03 Personal Reference / Verification of Employment:

Corrected reference to appendix.

Section 4.04 Nepotism:

Added "If the hiring or hiring process would violate the Ohio Ethics' Laws" to the list of situations that would prevent the City from hiring a relative of a current employee.

Section 4.07 Probationary Period:

Changed the requirement to conduct the first evaluation after 100 days to 180 days.

Article V Hours of Work and General Employment Policies

Section 5.02 Employee Files:

Changed the language so that employees receive written authorization from the City Administrator or designee, previously Mayor, in order to alter, add, or remove documents or other information contained in their personnel files.

Section 5.03 Employee Classifications:

Added non-covered employee, removed provisional employee, and revised the definition of intermittent employee.

Section 5.09 Performance Evaluations:

Removed the language that prohibits employees from receiving their performance evaluation without prior authorization from the City Administrator.

Section 5.11 Attendance and Hours of Work:

Removed sub-section (f) that refers to breaks for employees who work a regular shift of 8 ½ hours. This is no longer a shift.

Extended the requirement to report absences within fifteen (15) minutes after the start of the workday to thirty (30) minutes.

Modernized the language in sub-section (i) and (j) to allow employees to notify, versus speak with, and receive acknowledgement from the Department Head and/or designee if unable to report to work. Additional language was added to clarify that the employee is responsible for ensuring they receive acknowledgement from the Department Head and/or designee.

Section 5.14 Flex Time (Exempt Employees): – NEW

This is a new section that was added to the manual to allow exempt employees to flex their schedule when working in excess of forty (40) hours in one workweek. The flexible hours must be used within the two (2) week pay period and must be approved in advance by the City Administrator.

Section 5.15 Reductions in Work Force:

Clarified that the City shall comply with not only local rules and state and federal laws but also Personnel Board of Review rules whenever a layoff is implemented.

Section 5.23 Work from Home / Telework Policy: – NEW

This is a new section that provides the City with the flexibility to allow employees to work from home/telework for extenuating situations as determined by the City Administrator.

Article VI Workplace Standards

Section 6.01 Ethics in Employment:

Added language that requires the City to provide a copy of or direct a new hire to electronic access of the Ohio Ethics' Laws.

Section 6.04 Workplace Violence:

Revised the list of warning signs and risk factors to be less specific.

Section 6.05 Weapons in the Workplace:

This section was revised to ensure compliance with Ohio's new "Permitless Carry" Law. The law does not change the location of where weapons may/may not be permitted.

Section 6.08 Use of City Property and Vehicles:

Removed “pagers” and “typewriters” from this section.

Added that employees who operate a city-owned motor vehicle are required to maintain insurability.

In sub-section (vi) added language that requires post-accident drug/alcohol testing if an employee is in an accident involving a city vehicle and 3rd party or where there is reasonable suspicion that the employee was under the influence of drugs or alcohol.

Added “texting, browsing the internet, e-mailing, etc. on a mobile device while driving” as an irresponsible action while operating a motor vehicle. In the same section, clarified that smoking in a city-owned vehicle also includes vaping and other tobacco related products (not to include smokeless tobacco).

Section 6.11 Service Animal: - New

This is a new section that allows employees to request an accommodation under the Americans with Disabilities Act (ADA) to bring a service animal into all City-controlled buildings.

Article VII Employee Wage Payment Policies and Procedures

Section 7.02 Employee Timesheets:

In sub-section (d) updated the position title of Finance Manager to Assistant Finance Director.

Section 7.03 Payroll Deductions:

In sub-section (b) updated the position title of Finance Manager to Assistant Finance Director.

In sub-section (c) referring to pension system contributions, added language to clarify that members of City boards and commissions who do not qualify for participation in OPERS will be paid via the City’s accounts payable systems and will have a 1099 issued, if appropriate. Additionally, language was added in this same sub-section requiring newly-elected officials who elect not to participate in OPERS and instead have Social Security deducted to make this election within fourteen (14) days of starting office.

Added cell phone reimbursements to the list of miscellaneous deductions.

Article VIII Employee Benefits, Vacation, Sick, and Other Leaves

Section 8.02 Insurance Program Eligibility & Participation:

Added language to clarify that when two employees work for the City, the primary holder will be determined based on the employee whose birthday occurs first in the calendar year.

Section 8.05 Vacation:

Revised the language to allow for vacation leave to be charged in fifteen (15) minute increments versus two (2) hours.

Clarified that employees may convert up to forty (40) hours of vacation leave to cash per calendar year versus on a rolling twelve (12) month basis.

Section 8.06 Sick Leave:

Added language clarifying that employees do not accrue additional sick leave for overtime hours worked.

In sub-section (e) revised the language to be consistent with the changes made in Section 5.11 regarding reporting absences. Additionally, rather than requiring employees to justify sick leave on a written, signed statement, revised the language to documenting sick leave in the appropriate HR system.

In sub-section (f), abuse of sick leave, added that a consistent pattern of call-offs includes using sick leave as it accrues.

In sub-section (j), catastrophic sick leave donation program, revised the policy to allow employees to receive a donation of 400 hundred hours versus 240 hours.

Section 8.08 Other Paid Leaves:

Revised the Military Leave section to ensure compliance with O.R.C. 5923.05.

Section 8.11 Tuition Reimbursement Program:

Revised the maximum reimbursement from \$3,000 to \$5,000 and removed the language that prohibits reimbursement for correspondence courses. Additional language was added to this section that requires employees who receive tuition reimbursement to pay the City in full for all expenses incurred by the City if the employee's employment is terminated with the City within two (2) years of completion of the schooling for which the employee received reimbursement.

Article IX Discipline

Section 9.01 Tenure in Service:

Added language to clarify that classified and unclassified service is established by City Council and/or City Charter.

Added unsatisfactory performance to the list of what an employee may be reduced in pay or position, fined, suspended, removed from their job, or otherwise disciplined for.

Added “while employed in the civil service” to felony conviction.

Article X Family and Medical Leave Act (FMLA)

Section 10.02 Definitions:

Modified the list of qualifying events to be in compliance with the FMLA.

Section 10.03 FMLA Eligibility:

Clarified that in order for employees to be eligible for FMLA that they must have worked for the City for at least twelve (12) months, or fifty-two (52) weeks within a seven (7) year period.

Section 10.04 Concurrent Use of Leaves:

Changed “Service Member’s Leave” to “Qualifying Exigency Leave”. Removed the entitlement to twenty-six (26) weeks of leave to care for a service member injured in the line of duty.

Section 10.08 Intermittent / Reduced Schedule Leave:

Added language clarifying that an employee’s failure to comply with the agreed upon schedule may result in the denial of FMLA leave on an intermittent or reduced schedule basis.

Article XI Drug and Alcohol Policy

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

In sub-section (a)(iii), post-accident testing, added language that requires post-accident drug/alcohol testing if an employee is in an accident involving a city vehicle and 3rd party or where there is reasonable suspicion that the employee was under the influence of drugs or alcohol. Also clarified that this testing should be conducted immediately after an accident and an alcohol test at no time shall be administered eight (8) hours after an accident.

Removed the requirement to test if there is property damage in excess of \$750.

Should an employee test positive, the language was modified to require employees to undergo follow-up testing for a period of one (1) year as a condition of employment.

Section 11.08 Confidentiality of Test Results:

Clarified that test results will remain confidential to the extent allowed by law.

Section 11.19 Testing Procedure:

Clarified that the alcohol test is based on blood alcohol content (BAC).

Section 11.20 Employee Assistance Program:

Removed the Discipline/Rehabilitation options language stating that “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.”

In sub-section (c), referral to treatment, removed completing a course of counseling or treatment prescribed, including an "after-care" group for a period of up to twelve (12) months as a condition of continued employment and revised the language to be consistent with the random testing requirement previously noted in the manual.

In sub-section (d), right of appeal, clarified that if an employee challenges the results of a drug or alcohol test, it is at their cost.

Removed sub-section (f) regarding confidentiality because this is already covered in this section.

Article XII Electronic Mail, Internet Access and Phone System

Section 12.06 Social Media:

Updated/Modernized the Policy.

Section 12.10 Telephone System:

Removed language referring to long-distance calls.

Article XIII, Administrative Policies and Procedures

Removed this article from the manual. These should be kept separate from the employee handbook.

Article XIV, Financial Policies and Procedures

Removed this article from the manual. These should be kept separate from the employee handbook.

