

ORDINANCE NO. 2021-13

***TO AMEND CHAPTER 145 OF THE CODIFIED ORDINANCES TO
PROVIDE A CODE OF PERSONNEL PRACTICES AND
PROCEDURES FOR ALL EMPLOYEES.***

WHEREAS, Juneteenth is the day celebrating the emancipation of slaves in the United States; and

WHEREAS, Juneteenth was recognized as a federal holiday on June 17, 2021; and

WHEREAS, The Village of Centerburg wishes to recognize Juneteenth as a holiday within the Village;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
CENTERBURG, OHIO:

Section 1. That Chapter 145 of the Codified Ordinances is enacted to read as follows:

CHAPTER 145

Employment Provisions

145.01	Definitions	145.18	Insurance Benefits
145.02	Administration	145.19	Service Credit Compensation
145.03	Merit System and Equal Employment Opportunity		(Reserved)
145.04	Sexual and Discriminatory Harassment	145.20	Call Out Pay
145.05	Probationary Period	145.21	Travel & Transportation Expense
145.06	Performance Evaluation	145.22	Longevity Pay
145.07	Overtime	145.23	Licensing; Certification
145.08	Holidays	145.24	Personnel Records
145.09	Vacation	145.25	Drug and Alcohol Policy
145.10	Sick Leave	145.26	Use of Village Communication Systems
145.11	Workers' Compensation	145.27	Credit Cards
145.12	Bereavement Leave	145.28	Hiring of Immediate Family Members
145.13	Family and Medical Leave	145.29	Tuition Reimbursement
145.14	Personal Leaves of Absence	145.30	Disciplinary Actions
145.15	Personal Days	145.31	Grievance Procedures
145.16	Military Leave	145.32	Compliance Statement
145.17	Jury Service		

CROSS REFERENCES

Workers' Compensation – see Ohio Const., Art. II, Sec. 35; Ohio R.C. Ch. 4123

Public Employees Retirement System – see Ohio R.C. Ch. 145

Expenses for attendance at conference or convention – see Ohio R.C. 733.79

Vacation Credit – see Ohio R.C. 9.44

145.01 DEFINITIONS

(a) "Applicant" means any person requesting consideration for employment with the Village.

(b) "Appointing Authority" means the Administrator or body having the power of appointment to, or removal from a position.

(c) "Continuous Service" means the length of service as a full-time employee uninterrupted by resignation, retirement, discharge for cause or any other separation from municipal employment with the Village or with the Village and any other public employer subject to the Village granting Service Credit.

Military leave, leave resulting from injury in the line of duty, leave for approved disability coverage, authorized leave without pay or administrative leave without pay for periods of six (6) weeks or less is not considered separation from municipal service.

(d) "Department" means any department, office, commission, board or other body as defined under the Codified Ordinances.

(e) "Eligible" means a person who has satisfactorily met all qualifications and requirements for employment in the job class for which the person has made application and whose name should appear on an eligible list.

(f) "Full-time Employee" means an employee that is scheduled to work not less than forty (40) hours within seven (7) consecutive calendar days.

(g) "Immediate Family" means parents, parents-in-law, brother-in-law, sister-in-law, spouse, children, brothers, sisters, grandchildren, and grandparents (including any individuals in a "great" or "step" relationship) unless otherwise specified.

(h) "Official" means a person appointed by Council or the Administrator who directs the functions of government.

(i) "Part-time Employee" means any employee working less than 40 hours per week and having been hired with the intention of working on an ongoing basis until an appropriate reason for termination of employment arises.

(j) "Personnel Officer" means the position or person duly designated by the Administrator to coordinate the administration of this chapter. The Administrator may serve as or appoint the Personnel Officer, subject to the approval of counsel.

(k) "Position" means any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant or occupied (part-time or full-time) and it may be designated regular, part-time, or seasonal.

(l) "Probationary Period" means a period during which an employee is required to demonstrate fitness for the duties to which appointed by actual performance of the duties of the position.

(m) "Seasonal Employee" means any employee hired to work 40 hours or less per week (or more than 40 hours if the need arises) for a specified short term or interim period of time.

(n) "Workday" means a twenty four (24) hour time period beginning at the same time as the beginning of the employee's regularly scheduled working time assigned by a supervisor or manager of eight (8) hours or ten (10) hours duration.

(o) "Workweek" means a regularly recurring period of seven (7), twenty-four (24) hour days beginning on Saturday at 12:00 a.m. Employees may be scheduled to work five (5)

workdays of eight (8) hours per day and two (2) days off or four (4) workdays of ten (10) hours duration and three (3) days off.

(Ord. ____-07. Passed ____ - ____ - ____).

145.02 ADMINISTRATION

(a) The Administrator shall serve, or appoint an individual to serve on a part-time or full-time basis subject to approval of Council, as the Personnel Officer, who shall administer the personnel system of the Village. The Personnel Officer shall:

- (1) Prepare and recommend to the Administrator for approval any rules deemed necessary to establish and maintain the merit system of the Village. When approved by the Administrator, the rules shall be proposed to the Council for adoption by ordinance, with or without amendment.
- (2) Maintain a personnel file for each employee and official and keep all personnel information and necessary records.

145.03 MERIT SYSTEM AND EQUAL EMPLOYMENT OPPORTUNITY

(a) Village employees are subject to a merit system. Under this system, all employees and applicants shall be evaluated solely on merit without regard to political affiliation, handicap, race, color, age, national origin, citizenship, sex, veteran's status, or any other factor protected by state or federal law. In that regard, this Chapter provides for the recruitment, selection, training, evaluation and retention of the best employees for each position in the Village. It provides for the orderly establishment of procedures for personnel administration which are consistent with the following merit principles;

- (1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open competition of qualified applicants for initial appointment, where appropriate;
- (2) Establishing pay rates consistent with the principle of providing comparable pay for comparable work;
- (3) Training employees, as needed, to assure high quality performance;
- (4) Retaining employees on the basis of their satisfactory performance; correcting unsatisfactory performance and separating employees whose unsatisfactory performance cannot be corrected;
- (5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, handicap, race, color, age, national origin, citizenship, sex, veteran's status, or any other factor protected by law;
- (6) Assuring that employees are protected against coercion from partisan, political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

(b) The Village shall have the right to require a physical examination of all new employees, and to require periodic physical examinations of all employees. All required physical examinations shall be at the expense of the Village and limited in scope to making a determination regarding the employee's ability to perform the essential functions of the job with or without reasonable accommodation.

145.04 SEXUAL AND DISCRIMINATORY HARASSMENT

The Village has a strict policy against any form of unlawful discriminatory harassment. It is the policy of the Village to provide a working atmosphere free from discriminatory insult, intimidation and other forms of harassment. This policy applies to all of the Village's employees. Employees who violate this policy will be subject to discipline up to and including discharge.

- (1) Discriminatory Harassment: Harassment based on any legally-recognized basis including, but not limited to, race, age, color, religion, sex, marital status, veteran status, ancestry, national origin or physical or mental disability, is a violation of Village policy. Harassment may be overt or subtle, but whatever form it takes, verbal, nonverbal, or physical; harassment is insulting and demeaning to the recipient. This cannot and will not be tolerated in the workplace.
- (2) Examples of Harassment: verbal abuse, ethnic and religious epithets, racial slurs or jokes, graffiti remarks written or drawn on walls or other structures, obscene gestures, and hazing to name a few. Even derogatory remarks between friends may lead to overt acts of unlawful discrimination.
- (3) Sexual Harassment Defined: The Village maintains a strict policy prohibiting sexual harassment and prohibits such harassment in any form, including verbal and physical sexual harassment. Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either [1] submission to such conduct is made an explicit or implicit term or condition of employment; [2] submission or rejection of such conduct by an individual is used as a basis for an employment decision affecting such individual; or [3] such conduct has the purpose of affecting or substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (4) Responsibility for Reporting Harassment: All supervisors and all other employees are responsible for ensuring that no harassment or discrimination occurs within their area. Any employee witnessing or being subjected to discrimination or harassment should immediately report it to the Administrator, Personnel Officer or Mayor. Complaints of harassment or discrimination will receive immediate attention.
- (5) Investigation: An investigation will be conducted and may include conferring with parties and witnesses named by the employee reporting, or who is the subject of, the harassment or discrimination. Because of the sensitive nature of such complaints, incidents must be investigated with particular care and will remain, to the extent possible, confidential.
- (6) Questions Regarding Harassment: Any questions concerning this policy, are to be directed to the Administrator, Personnel Officer or Mayor.

145.05 PROBATIONARY PERIOD

(a) An employee entering the service of the Village on a full-time or part-time basis shall be considered a probationary employee for a period of six (6) months. At the end of this period, an evaluation of the person's work performance shall be made. The employee shall either:

- (1) Be dismissed, by reason of failing to adequately perform the duties required for the position;
 - (2) Have the probationary period extended for an additional six (6) months. A probationary period may only be extended for an additional six (6) months if the department head and Administrator agree after a conference with the employee; or
 - (3) Be considered a permanent employee.
- (b) A probationary employee shall accrue sick leave and vacation leave. Sick leave may be used during the probationary period.
- (c) An employee promoted to a higher position or transferred to another position shall be classified as a probationary employee in that position for a period of six months. If the employee does not perform satisfactorily during the six-month probationary period, the employee may be returned to the previous position and seniority in that position shall be maintained.
- (d) An employee who is changing his status from part-time or seasonal status to full-time status, even if the employee is performing the same tasks as performed in the part-time or seasonal status, shall be considered a probationary employee for a period of six months.
- (e) Regardless of successful completion of the probationary period or status as a permanent employee, all Village positions are employment-at-will. Each position and/or employee can be terminated by the Village, and each employee can terminate his/her employment with the Village, for any reason or no reason, with or without notice at anytime, unless otherwise provided by the Ohio Revised Code

145.06 PERFORMANCE EVALUATION

- (a) The Village Administrator and/or an employee's immediate supervisor will formally evaluate all full-time and regular part-time employees at least annually. Probationary employees shall be evaluated at the end of their probationary period. Employees serving promotional probationary periods, employees who transfer to another department, or new regular part-time employees shall be evaluated in the same manner.
- (b) Each employee shall have the opportunity to meet with the Administrator or his/her supervisor to discuss each performance evaluation.
- (c) Copies of performance evaluations shall be provided to Council for their review within 30 days of completion of the evaluations.

145.07 OVERTIME

- (a) All non-exempt employees will receive overtime pay for all hours worked in excess of 40 hours in a workweek or hours worked in excess of their regularly scheduled working time of 8 hours (or 10 hours) in a workday. Overtime pay is calculated by multiplying the employee's regular rate of pay by one and one-half times the number of overtime hours worked. The workweek for calculating overtime pay will be a seven (7) day workweek beginning on Saturday at 12:00 a.m. An employee's use of accrued hours for sick leave, vacation leave or compensatory time in a workweek will be included when calculating overtime compensation.
- (b) The Village may designate certain administrative, executive and professional employees as being exempt from overtime pay based on the guidelines of the Fair Labor Standards Act. Such employees shall be notified of their exempt status by the Village

Administrator. Although these employees are not eligible for overtime pay consideration, the Village Administrator or his/her designee may consider schedule adjustments or provide additional compensation for working holidays and/or additional hours in excess of 40 in a workweek. The Village shall review the duties and responsibilities of its employees from time to time as it deems appropriate to determine whether said employees are exempt or nonexempt for the purpose of overtime compensation. Such review shall include the nature of the work, duties, minimum qualifications and such other content-related work characteristics for each employee.

(c) All non-exempt employees may elect to take compensatory time in lieu of cash payment for overtime hours. Such compensatory time may accrue up to, but not exceed, 120 hours (i.e., 80 over-time hours times the overtime rate of one and one-half times overtime hours worked equals 120). Compensatory time must be taken within the calendar year earned at a time convenient to the employee and Village. The balance remaining on the last pay period of each year shall be paid out in full at the employee's current hourly rate before the end of that year.

(d) The Village will not accept the transfer of any compensatory time where said compensatory time was accumulated during employment with another public employer.

(e) When an employee elects to use compensatory time earned, he/she shall submit such request to the Village Administrator no less than 48 hours prior to its use. Scheduling of such compensatory time shall be at the discretion of the Village Administrator and/or employee's supervisor and based upon staffing and operation needs of the Village.

(f) Upon termination, the employee shall be compensated for all earned but unused compensatory time at his/her current hourly rate or his/her average rate of pay over the last three years, whichever is higher.

(g) Employees are instructed to not begin work early or perform work beyond their scheduled quitting time without the approval of their immediate supervisor, the Village Administrator, or the Mayor. Employees who work overtime without advance approval, except in extenuating circumstances, may be subject to discipline.

145.08 HOLIDAYS

(a) Full time employees of the Village are entitled to a full day's pay for each holiday. The following days are declared paid holidays from which full-time employees will be excused from work and receive their regular rate of pay:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Fourth Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
Employee's Birthday	

(b) When any holiday listed above falls on Saturday, the preceding workday shall be considered the holiday. When the holiday falls on a Sunday, the following workday shall be considered the holiday.

(c) When any holiday listed above falls while an employee or official is on approved vacation time, such holiday shall not be charged against vacation leave.

(d) In the event the Federal and State governments shall designate a day of the week for any of the holidays specified above, then said day shall be observed in accordance with said designation.

(e) Each full-time employee who is required to work on a day designated as a holiday shall be paid two times their regular-rate of pay for all hours worked and will receive compensatory time based on a rate of two times all hours worked which should be used either during the month or before the end of the following month.

(f) Each full-time employee whose workweek consists of four (4) work days of ten (10) hours per day shall be paid eight (8) hours pay for a holiday. The employee has the option of supplementing the remaining two hours with personal leave, vacation leave or compensatory time. Leave without pay will be charged if the employee chooses not to supplement the remaining two hours, or if no time is available to supplement the two hours.

(g) On Christmas Eve day, or for a day of the week when the Christmas holiday falls on a weekend, the Village Administrator and/or Mayor shall have authority, subject to the needs of the Village, in their sole discretion to award ½ day of discretionary holiday leave to any or all Village employees as they deem appropriate to let them leave early on that said day, or a day of the week. Any employees who do not receive said ½ day of holiday leave, but are required to continue to work, shall not be entitled to any of the benefits of 145.08(e) above or any additional leave, except the Village Administrator and Mayor can agree to provide an employee who continues to work when others receive ½ day of discretionary holiday leave, an additional 4 hours of vacation leave in lieu of the discretionary holiday leave.

(Ord. _____ . Passed _____)

145.09 VACATION

(a) Full-time employees shall be eligible to receive paid vacation in accordance with the following schedule:

After 1 year of service	10 working days paid vacation
After 7 years of service	15 working days paid vacation
After 15 years of service	20 working days paid vacation
After 20 years of service	25 working days paid vacation

The Village reserves the right to extend service credit to new employees for time served with another public employer. Any employee who receives service credit shall be immediately eligible to take vacation leave. Provided however, if said employee leaves employment with the Village before the end of the first calendar year and uses vacation time in excess of the amount equal to the portion of the calendar year the employee has worked at the time of separation, then the employee shall have the value of the excess vacation time paid to the employee deducted from the final paycheck.

(b) To the extent any Village employee has earned vacation time in excess of ten days in any calendar year, such employee may, but is not required to, utilize the excess paid vacation

time. Employees who are accruing at least three (3) weeks or more of vacation per year may request pay in lieu of vacation. Employees must first have taken five (5) vacation days and have scheduled another five (5) vacation days prior to the request. Employees accruing three (3) weeks may receive payment for up to one (1) week; employees accruing four (4) weeks may receive payment for up to two (2) weeks; and employees accruing five (5) weeks or more may receive payment for up to three (3) weeks. Said pay in lieu of vacation shall be paid at said employee's regular pay rate. Vacation accrues on a pro rated basis after one full year of employment with the Village and may be used on an anniversary year basis. Part time employees are not eligible for vacation benefits.

(c) Vacation leave must be taken in minimum units of one day unless otherwise approved by the Village Administrator or his/her designee, and requests for vacation leave shall be made in writing and should be submitted as far in advance as possible, but at the minimum, at least one week in advance. The granting of all vacation requests shall be at the discretion of the Village Administrator, shall not be unreasonably denied and subject to the operation requirements of the Village. In the event of a conflicting request, the Administrator shall resolve the conflict based on the operation needs of each department/division.

(d) Employees may carry vacation time over one calendar year to the next. In no event can an employee carry over more than ten days to the subsequent anniversary year.

(e) Full-time employees who resign or retire after a minimum of one year of service are entitled to compensation, at their current rate of pay, for any earned but unused vacation leave to his/her credit at the time of separation, provided that the employee gives at least two (2) weeks advanced written notice of the separation.

(f) Vacation credits are not earned while an employee is on unpaid leave (leave of absence, disciplinary suspension, etc.) where an employee becomes deceased while on unpaid status in Village employment, any accrued vacation leave to the employees credit shall be paid in a lump sum first to the surviving spouse, then to the descendant's estate.

(g) The Village shall not accept the transfer of any vacation time accumulated by an employee with any prior employer.

(Ord. _____. Passed _____)

145.10 SICK LEAVE

(a) All full-time employees and officials shall be given credit for five days of sick leave when hired by the Village on a permanent basis. Thereafter, employees will accrue sick leave at a rate of 1-1/4 days for each month worked.

(b) Sick leave may be accumulated to a maximum of ninety (90) days.

(c) When used, sick leave shall be deducted from the cumulative total on an hour-for-hour basis.

(d) Employees may use leave for absence due to personal illness, pregnancy, injury, exposure of contagious disease which could be communicated to other employees, and to illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three working days.

(f) Excessive use or misuse of sick leave may be cause for disciplinary action or dismissal.

(g) In cases of extreme personal emergency, the Mayor may permit employees to voluntarily transfer vacation, personal leave or sick days, to another employee. For each transfer of leave occurrence, the first day donated by the employee must be a vacation day, the second day donated must be either a vacation or personal day, and the third day donated and any subsequently donated may be either vacation, personal or sick leave. Transferred leave must be used in full day increments and the maximum amount any one employee can transfer to another employee is ten (10) days.

(h) Upon retirement, employees with ten years or more of service may convert unused accrued sick leave to a lump sum monetary payment of up to a maximum of thirty (30) days as severance pay on the following conditions:

- (1) Payment will be at the hourly rate in effect at the time of retirement.
- (2) Employee gives two weeks written notice of intent to retire.
- (3) Only sick leave accrued while employed by the Village shall be used in determining the amount of accrued sick leave eligible for conversion.

(i) The Village will accept the transfer of sick leave where said sick leave was accumulated by an employee with another public employer up to a maximum of 80 hours (i.e. 10 days).

(Ord. _____. Passed _____)

145.11 WORKER'S COMPENSATION

State law provides that every Village employee is eligible for Worker's Compensation for injuries arising out of or in the course of his or her employment. Requirements for administering Worker's Compensation are as follows:

(a) Should an employee be injured during the course of employment with the Village, his or her supervisor shall notify the Village Administrator or designee and shall complete an injury form. This report shall be completed, regardless of the apparent seriousness of the injury, and regardless whether medical attention is required. Such report shall be forwarded to the Village Administrator or designee immediately or as soon as practicable after the accident.

(b) Should an employee's injury require medical attention, the supervisor shall provide the injured employee with all necessary forms, which shall be completed, by the employee and the attending physician. All forms should be forwarded to the Village Administrator or designee at the earliest possible date. The Village reserves the right to provide a physician for all work related injuries.

(c) In the event of serious injury, the injured employee's supervisor shall notify the Village Administrator immediately so that, if necessary, an investigation may be initiated.

(d) Worker's Compensation claim forms shall be completed by the department for the purpose of initiating compensation claims for injured employees. If possible, the injured employee shall go to the Personnel Officer or Village Administrator for assistance in completing the form.

(e) The Village Administrator or designee must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to the Village Administrator their expected date of return (if known).

(f) Any documents received from the injured employee, his or her physician, hospital, or the State, regarding Worker's Compensation claim must be immediately forwarded to the Village Administrator or designee.

(g) Employees who are injured in the line of duty and must leave work before completing their work period shall be paid at their regular compensatory rate, for the balance of time left in their scheduled workday.

(Ord. _____. Passed _____)

145.12 BEREAVEMENT LEAVE

(a) A full-time employee may be granted up to three (3) regularly scheduled workdays without loss of pay in case of a death in the immediate family, chargeable to sick leave, vacation leave or compensatory time.

(b) Sick leave, vacation, or compensatory time may be used for bereavement leave for an additional two (2) days for immediate family, with the approval of the Administrator.

(c) Three (3) days of leave is permissible for deaths other than the immediate family, but such leave shall be charged to vacation or compensatory time.

(Ord. _____. Passed _____)

145.13 FAMILY AND MEDICAL LEAVE (FMLA LEAVE)

(a) Pursuant to the Family and Medical Leave Act of 1993, ("FMLA") up to twelve (12) weeks of unpaid FMLA leave may be granted to an employee who has been employed for at least twelve (12) months by the Village and who has worked at least 1,250 hours for the Village during the twelve (12) months before the leave is requested. FMLA Leave may be requested for the following reasons:

1. Because of the birth of a child or placement for adoption or foster care of a child:
2. In order to care for the spouse, son, daughter, parent, or one who stood in place of a parent of the employee; if such spouse, son, daughter, parent, or person "in loco parentis" has a serious health condition.
3. Because of a serious health condition that makes the employee unable to perform his/her employment functions.

(b) Definitions

For the purposes of this Article:

1. "Child" means a child either under eighteen (18) years of age, or eighteen (18) years or older who is incapable of self-care because of mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or stepchild or the child of one standing "in loco parentis."
2. "Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. This term does not include parents "in law."
3. Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child, or in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
4. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - (i) Any period of incapacity or treatment connected with in-patient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, and any period of incapacity or subsequent treatment in connection with in-patient care.
 - (ii) Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) calendar days and that involves two (2) or more times of treatment by a health care provider, or treatment on one occasion resulting in continuing treatment under the supervision of a health care provider;
 - (iii) Any period of incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues

over an extended period of time, and may cause episodic rather than continuing periods of incapacity, i.e., asthma, diabetes, epilepsy;

- (iv) Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, i.e., Alzheimer's, severe stroke, terminal illness, so long as the employee or family member is under the continuing supervision of a health care provider;
- (v) Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after accident or surgery, or for a condition that would likely result in a period of incapacity of more than three (3) days in the absence of medical intervention, i.e., cancer (Chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis); and recovery periods so designated by the health care provider for such procedures;
- (vi) Prenatal care by a health care provider.

5. "Spouse" means a husband or wife as defined or recognized under Ohio law. This definition does not include unmarried domestic partners. If both spouses are working for the Village, their total leave in any twelve (12) month period may be limited to an aggregate of twelve (12) weeks if the leave is taken for either the birth or adoption of a child or to care for a sick parent.

(c) 12-Month Leave Period

The Village will compute the twelve (12) month period using a rolling twelve (12) month period measured backward from the date leave commenced. In any case in which a husband and wife entitled to family leave are both employed by the Village, the aggregate number of work weeks of leave to which both may be entitled shall be limited to twelve (12) weeks taken because of the birth of a child or placement for adoption or foster care of a child.

(d) Substituting Paid Leave

All and any accrued available paid leave benefits and disability benefits, if applicable, must be substituted for all or any part of unpaid FMLA leave taken for any reason. An employee seeking FMLA leave must first use paid sick leave, personal leave, vacation leave and holiday leave, in that order, before going on unpaid leave. The total amount of family leave paid and/or unpaid will not exceed a total of twelve (12) weeks. An employee on leave for a work-related injury covered by worker's compensation shall also be considered on FMLA Leave concurrently therewith.

(e) Notice Requirements

An employee shall provide the Village at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If thirty (30) days notice is not practicable, notice must be given as soon as practicable. This notice may either be verbal or in writing and shall include the anticipated timing and duration of the leave. When planning medical treatment, the employee should consult with the Village and make a reasonable effort to schedule the leave as to not unduly disrupt the Village's operations, subject to the approval of the health care provider. In the case of a request for

intermittent leave or leave on a reduced leave schedule which meets the employee's needs without unduly disrupting the Village's operations, subject to the approval of the health care provider, the Village may waive these FMLA notice requirements. Should the employee fail to give thirty (30) day's notice for foreseeable leave with no reasonable excuse for the delay, the Village may deny the taking of FMLA leave until at least thirty (30) days after the date the employee provides notice to the Village for the requirements. Where the employee uses substituted paid leave, the notice requirements applicable to such leave shall apply.

(f) Seniority

During an FMLA leave, an employee will continue to accrue seniority if in a paid FMLA status.

(g) Insurance Benefits

During any FMLA leave, the Village shall maintain all insurance benefits to which an employee was entitled prior to FMLA leave. Any share of health premiums, which had been paid by the employee prior to FMLA leave shall continue to be paid by the employee during the FMLA leave period. If the FMLA leave is substituted paid leave, the employee's share of health premiums shall be due at the same time as it would be made if by payroll deduction. If the employee fails to timely make required health care premium payments, the Village shall pay the employee's share of the employee's health care premium payment. As provided by law, the Village may recover its share of health plan premiums for the employee if the employee fails to timely make such payments during the unpaid FMLA leave.

(h) Medical Certification Requirement

The following certification requirements shall apply to FMLA leave requests:

1. The Village will require certification of a serious health condition. Employees who request leave because of their own serious health condition or the serious health condition of a covered family member may be required to provide a certification of their health care provider of the employee or the employee's family member's condition. The Village shall give the employee written notice of the requirement for medical certification in a particular case.
2. Employees must provide the requested certification to the Village within the time frame requested by the Village, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. The Village must allow at least fifteen (15) calendar days after the Village's request for certification.
3. The Village may require certification to verify that the leave meets the requirements for FMLA. Such certifications may be requested for FMLA assignments made by either the Village and/or FMLA requests by the employee. The protections of FMLA will not cover situations where the reason for leave no longer exists, where the employee has not provided required notices or certifications, or where the employee has misrepresented the reason for leave.
4. In its discretion, the Village may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the

Village, at its own expense, may obtain the binding opinion of a third health care provider, approved jointly by the employee and the Village.

(i) Periodic Report

The Village may require an Employee on FMLA leave to report periodically on the employee's status and intent to return to work, such reporting periods shall be reasonable. If an employee gives notice of intent not to return to work, this notice shall be considered a resignation, and the Village's obligations under FMLA to maintain health care/insurance benefits (subject to benefit continuation requirements under Ohio and/or federal law and to return the employee to work ceases.)

(j) Leave Use

FMLA may be taken intermittently or on a reduced leave schedule, if deemed necessary by the employee's health care provider, for the employee's own serious health condition, or to care for a sick family member. Intermittent leave may be taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. A reduced leave schedule reduces an employee's usual number of working hours per workweek, or hours per workday. Where FMLA is taken because of the birth or placement for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the need is documented by a health care provider.

(k) Fitness For-Duty Report

An employee who takes FMLA leave because of the employee's own serious health condition may be required to obtain and present certification from a licensed physician or other appropriate medical professional that the employee is fit to return to work. The Village may seek fitness-to-duty certification only with regard to the particular health condition that caused the employee's need for the FMLA leave. If an employee fails to provide such a fitness-for-duty certification to return to work, the Village may deny restoration to work until the employee submits the certification.

(l) Leave Designation

The Village reserves the right to designate all FMLA qualifying leave as FMLA leave. All leaves that are granted, whether paid or unpaid, for purposes which are covered under the FMLA, may be charged as FMLA leave and shall be subject to the rolling twelve (12) week limitation for any rolling twelve month period.

145.14 PERSONAL LEAVES OF ABSENCE

(a) When sufficient personal reasons require (including but not limited to having exhausted sick leave, personal days, vacation and/or family medical leave) an employee, at the Village Administrator and/or Mayor's discretion, may be granted an extended leave of absence without pay. A leave of absence will be granted for an initial period of up to thirty (30) days, and employees may request extensions up to thirty (30) days which may be granted at the Village's discretion. No leave or cumulative leaves, may exceed six (6) months.

(b) Personal leave will be without pay except that employees may be required to use any accrued paid vacation days, compensatory time, sick leave and other accrued benefits during leave. While on leave, employees will not accrue paid leave days of any kind.

(c) The Village may continue to make its regular payment to continue the employee's benefits under its group health plan through the end of the month in which the employee requests

leave. Thereafter, employees on leave may continue their benefits under the Village's group health insurance plan provided the employee pays the entire monthly premiums due during the leave and provided said benefit continuation is permitted by the Village's benefit provider. Employees who wish to continue their insurance coverage should so advise the Village Administrator or personnel officer before beginning their leave.

(d) The Village does not guarantee that the employee's job will be available when the employee returns from a personal leave. However, upon return from leave, the Village will make an effort to place an employee in his/her previous position or a comparable position for which the employee is qualified to perform the essential function of the job, with or without reasonable accommodation. If no such position is available, the employee can reapply at a later date as positions become available for which he/she is qualified to perform the essential function of the job with or without reasonable accommodations.

145.15 PERSONAL DAYS

Each employee shall be entitled to three days of paid leave for personal reasons without any excuse, with the approval of the Village Administrator or his/her designee in each calendar year. When the Village Administrator wishes to use personal days, he/she shall obtain approval from the Mayor. Personal days may be taken in minimum units of one day unless otherwise approved by the Village Administrator or his/her designee.

(Ord. _____. Passed _____.)

145.16 MILITARY LEAVE

(a) Members of the Ohio National Guard, the Ohio Defense Corp, the Ohio Native Militia, or members of other reserve components of armed forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in military service, on field training or active duty for periods not to exceed twenty-two eight hour work days or 176 hours for each calendar year. Employees shall be paid his/her regular salary for a period of time so served less whatever amount such employee may receive as military pay for those days the employee would have been regularly scheduled to work had the member not been on military leave. To exceed said military leave pay, the employee must submit a military pay voucher to the Village Administrator. This military leave policy will remain consistent with the Ohio Revised Code.

(b) Periods of military leave shall not reduce the employee's seniority status, vacation, sick leave, or other benefits. The employee does have the option of requesting vacation time for use with military leave or for military purposes.

(Ord. _____. Passed _____.)

145.17 JURY SERVICE

(a) A full-time employee, while serving upon a jury in any court of record, shall be paid his regular salary for each of his workdays during the time so served. Jury duty fees paid to the employee by the court shall be returned to the Village.

(b) The employee, upon notice of jury service, shall present such notice to the Administrator. A copy of such notice shall be filed in the employee's personnel file.

(c) Jury service requiring less than four (4) hours of the employee's regular work day as verified by the time report, shall require the employee to report to his supervisor for completion of his/her regular work day with the Village.

(Ord. _____. Passed _____.)

145.18 INSURANCE BENEFITS

(a) The Village shall make available group medical and prescription drug, benefits to all full-time employees and dependents. The benefits shall be based on the benefits of the carrier or carriers.

(b) Council may make available to full-time employees accidental death and dismemberment coverage with no contribution on the part of the employees. Coverage amounts shall not exceed Fifteen Thousand Dollars (\$15,000) death benefits and for short term disability insurance coverage, and the Village may also make available for the employees if the employee elects to pay for said benefits extended coverage or disability coverage.

(Ord. _____. Passed _____.)

145.19 SERVICE CREDIT COMPENSATION [reserved]

145.20 CALL OUT PAY

An employee who is called out to perform service for the Village during non-regularly scheduled working hours will be guaranteed a minimum of two (2) hours pay at a rate of compensation of one and one-half times the employee's regular-rate.

145.21 TRAVEL & TRANSPORTATION EXPENSE

Employees of the Village are to receive reimbursement for expenses incurred while traveling on official Village business. Employees are eligible for expense reimbursement only when travel has been authorized in writing by the Village Administrator or designee. Expenses shall be reimbursed in the following manner:

(a) Private Vehicle Reimbursements

1. Employees shall be reimbursed for actual miles, while on official Village business, at the rate established by the Federal IRS standards, when using a private personal vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one employee if two or more employees are traveling on the same trip, in the same automobile.
2. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.
3. No expense reimbursements are paid for travel between home and office.

(b) Meals

1. Expenses incurred for meals while on official Village business requiring non-local travel (a one-way destination of over 50 miles) may be reimbursed according to the Federal standard meal allowance with the approval of the Village Administrator or designee.
2. Within the definition of local travel, meal reimbursement will be limited to a proportionate share of the Federal per diem standard meal allowance if

such cost is incurred while attending job related training programs, courses, workshops, or seminars.

- (c) Non-local travel requiring Village Administrator approval is further defined as all travel by Village employees with a one-way destination of over 30 miles and work related travel/training exceeding one day.
- (d) Personal use of Village owned vehicles is prohibited. Those vehicles assigned to employees for commuting purposes shall only be used for commuting purposes. The Village will comply with all IRS regulations concerning employer provided vehicles.
- (e) Any reimbursement for lodging or other approved travel expenses shall be subject to review and approval by the Village Administrator and Clerk-Treasurer subject to the employee providing detailed documentation of said expenses.

145.22 LONGEVITY PAY

Effective January 1, 2008, eligible Village employees shall receive longevity pay. Longevity payments shall be made to all eligible employees in the employment of the Village as of January 1 of each year, with said longevity payments being made to the eligible employees by no later than January 31 of that year in lump sum. Eligibility for longevity payments shall be based on a schedule passed by Council with the Village's annual employee compensation ordinance based on the following years of service:

Years of Service	Longevity Pay
Five to nine years	Per compensation ordinance
Ten to fourteen years	Per compensation ordinance
Fifteen to nineteen years	Per compensation ordinance
Twenty or more years	Per compensation ordinance

The longevity pay amount based on years of service shall be reviewed annually as part of the Village's employee pay compensation ordinance and will be established as part of said compensation ordinance. The Village reserves the right to extend service credit to new employees for time served with another public employer. Any employee who receives service credit shall be eligible to receive longevity pay in the first January following employee's completion of one (1) full year of service.

145.23 LICENSING; CERTIFICATION

(a) Certain job classifications within the Village may require the employee to maintain current licenses and/or certifications pursuant to the performance of the job. It is the responsibility of the employee who holds a position that mandates special licensing or certification to keep same in full force and effect while in the employ of the Village.

(b) Council may pay for training required to maintain certification and/or special licenses of employees. However, failure of the employee to notify the Village of needed training in such a manner so as to avoid loss of certification and/or license shall result in disciplinary action, including, but not limited to, requiring the employee, at his/her own expense and on his/her own time, to take the necessary training or tests to regain his/her license and/or certification.

(c) Employees who provide verification of obtaining certifications or licenses approved by the Village shall receive an increase in their hourly rate of pay. Current employees who have, or new employees who are hired with, Village approved certifications or licenses shall not receive any additional pay increase for maintaining or possessing their existing certifications or licenses. License/certification pay increases shall only apply to licenses or certifications obtained after the date of this ordinance. License/certification pay increases shall be given for obtaining the following approved licenses or certifications, which approved licenses or certifications and corresponding pay increase(s) shall be based on a schedule passed by Council with the Village's annual employee compensation ordinance as follows::

Approved License/Certification	Pay Increase
Water Distribution I	Per compensation ordinance
Water Distribution II	Per compensation ordinance
Water Operator I	Per compensation ordinance
Waste Water Collection I	Per compensation ordinance
Waste Water Collection II	Per compensation ordinance
Waste Water Operator I	Per compensation ordinance
Waste Water Operator II	Per compensation ordinance

The pay increase shall be effective the next pay period following said employee's obtaining the respective license or certification.

(Ord. _____. Passed _____.)

145.24 PERSONNEL RECORDS

(a) One, and only one, personnel file shall be maintained for each employee and shall be in the custody of the Clerk-Treasurer. The personnel file shall contain all the official records of the Village regarding an individual employee. Where past disciplinary actions or allegations of misconduct are relevant to considerations of future disciplinary action or promotion, only those disciplinary actions of record contained in the personnel file shall be considered. An employee may review his/her personnel file at reasonable times in the presence of the Clerk-Treasurer, or his/her designee upon written request to the Clerk-Treasurer. Copies of documents shall be made available to the employee at a reasonable charge. All such copies shall be marked "employee's copy". The confidentiality of matters contained in the personnel files shall be the responsibility of the Clerk-Treasurer who shall release only such information permitted by law and then only to those persons with a legitimate need for the information, subject to Ohio law. Nothing herein shall prevent the dissemination of impersonal statistical information.

(b) All actions or records, including appointment, evaluations, promotions, written reprimands, dismissals, suspensions, will be maintained in each employee's personnel file throughout his period of employment. In any case in which a written suspension, demotion or dismissal is disaffirmed through the grievance procedure, the personnel record shall clearly indicate such disaffirmance. Copies of commendations, letters of appreciation, training certificates or records, and like matters shall also be maintained in the personnel file.

(c) If, upon examining the personnel file, an employee has reason to believe that there are inaccuracies in documents contained therein, the employee may write a memorandum

to the Clerk-Treasurer explaining the alleged inaccuracy. If the Clerk-Treasurer concurs with the employee's contentions, the Clerk-Treasurer shall either correct or remove the faulty document or attach the employee's memorandum to the document and note thereon his concurrence with the memorandum. The Clerk-Treasurer may also attach the memorandum to the document and note his/her disagreement with memorandum's contents. The decision of the Clerk-Treasurer with regard to inaccurate documents shall be final.

(d) Employees must advise the Clerk-Treasurer or designee of any change in: name, address, marital status, telephone number, number of exemptions claimed for tax purposes, citizenship, selective service classification, or association with any government military service organization.

(Ord. _____. Passed _____.)

145.25 DRUG AND ALCOHOL POLICY

(a) Definitions:

1. Controlled Substance - means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812; or as defined in 3719.01 O.R.C., or other similar provisions as may be amended from time to time).
2. Conviction - means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal, state or local, criminal drug statutes.
3. Criminal drug statute - means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with 3719.01 et seq. O.R.C.

(b) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the Village's work- place is strictly prohibited and will result in criminal prosecution and employee discipline up to and including termination of employment.

(c) Any employee convicted of any federal, state, or local criminal controlled substance, alcohol or drug statute must notify the employer of that fact within five (5) calendar days of the conviction. Any employee who is so convicted will be subject to discipline up to and including termination of employment.

(d) Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or the misuse of alcohol will be subject to disciplinary action up to and including termination. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.

(e) Any employee convicted of a workplace related drug offense, who fails to report the conviction as required by the above will be terminated from employment.

(f) Drug/Alcohol Testing:

- (1) **Post-Offer, Pre-Employment Drug Testing:** The Village will require that all applicants complete a post-offer, pre-employment drug screen/test. Any offer of employment is contingent upon, among other things, a negative result upon completion of this screening, and a determination by

the Village that the applicant is capable of performing the responsibilities of the position.

- (2) **Reasonable Suspicion Testing:** Where the Village has a reasonable suspicion to believe that the employee is under the influence of any illegal drug or misusing alcohol or legal drugs, the Village may require the employee to go to a medical clinic, at the Village's expense, to provide blood and/or urine specimens. When a supervisor observes or is notified of behavior or events that lead the supervisor to reasonably suspect that an employee has used or misused a controlled substance, illegal drug or misused alcohol, the supervisor should notify the Village Administrator or the Mayor. For purposes of the above, "reasonable suspicion" shall generally mean suspicion based on personal observation drawn from a specific behavior and conduct exhibited by the employee; including but not limited to the following:
 - (A) Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
 - (B) Apparent physical state of impairment of motor functions or physical symptoms of being under the influence of drugs or alcohol such as, but not limited to, slurred speech, dilated pupils, odor of alcohol or marijuana.
 - (C) Marked changes in behavior, attendance or performance decline not attributable to other factors.
- (3) **Random Drug Testing:** For the purpose of the Village's random drug testing program, any position where the employee may be operating the Village's vehicles or other power equipment will be considered to be a "safety sensitive" position and the employee may be required to submit to a random drug testing program administered by the Village Administrator. Policies and procedures for this testing will be consistent with Federal and State laws and those policies outlined in Chapter 145.
- (4) **Post-Accident Testing:** Post-accident testing will be conducted whenever an "accident" occurs. "Accident" is defined as an unplanned, unexpected or unintended event that occurs within the Village, during the conduct of the Village's business, or during working hours, or which involves Village-supplied motor vehicles or motor vehicles that are used in conducting Village business, or is within the scope of employment, and which results in any of the following:
 - A. A fatality of anyone involved in the accident;
 - B. Bodily injury to the employee and/or another person that requires off-site medical attention away from the Village's place of employment;
 - C. Vehicular damage in apparent excess of \$750; or

D. Non-vehicular damage in apparent excess of \$500.

When such an accident occurs, any employee who contributed to the accident will be tested for drugs or alcohol use or both.

Urine specimen collection (for a drug test) or breath/saliva (for an alcohol test) will occur immediately after an accident. At no time shall a drug specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed within two (2) hours of the accident whenever possible, but never beyond eight (8) hours. If the employee responsible for an "accident" is injured, it is a condition of employment that the employee herein expressly grants the Village the right to request that attending medical personnel obtain appropriate specimens (breath, blood and/or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees herein expressly grant the Village access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the "accident", to include, but not be limited to, a full medical report from the examining physicians(s) or other health care providers.

- (5) **Testing of Employees with Commercial Driver's License (CDL):** Employees who are required to hold a CDL will be required to participate in the Village's drug and alcohol testing program as required by federal law which includes pre-employment testing, post accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.
- (6) The following general guidelines and procedures shall be followed and apply to testing:
 - (A) If requested, the employee will sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the Village.
 - (B) A refusal to provide either specimen will constitute insubordination and a presumption of impairment and will result in disciplinary action. Further, any evidence of tampering, adulterating, or doctoring a test will result in disciplinary action. The Village reserves the right to test for adulterants.
 - (C) Any employee tested in accordance with the above procedure may, if the test results are positive, request retesting at the employee's expense; or may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.
 - (D) The results of any such test will constitute medical information and will remain confidential except for their use in official safety

investigations, criminal prosecution of the employee, or any action necessary to defend the discharge or discipline of the employee.

- (E) The Village will select a Certified Lab to perform all tests. The Lab will follow the most current federal and state guidelines and procedures for such testing. All results will be reported to the Village Administrator. The Village will pay the cost of the initial drug test.
- (F) Employees who test positive for an illegal substance abuse or misuse of legal drugs, and/or alcohol will be subject discipline up to and including termination unless they submit proof of completion of a treatment/rehabilitation program approved by the Village. All costs related to the program shall be borne by the employee. Paid leave may be used for any rehabilitative program except for any period involving a disciplinary suspension. A return to work certification must be provided before any such employee will be able to return to work.

Employees who test positive for alcohol, illegal substances or the misuse of legal substances may be subject to random drug tests for a period of two years from the date that they have been approved to return to work. Such employees who again test positive during this two year period will be terminated.

145.26 USE OF VILLAGE COMMUNICATION SYSTEMS

The Village may provide or contract for communication services and equipment necessary to promote the efficient conduct of Village business. Employees should be aware of the charges and expenses associated with such services and equipment when selecting the vehicle for Village business communication.

All Village communication services and equipment, including but not limited to mail, courier services, facsimiles, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, bulletin boards, telephone systems, voice-mail systems, e-mail communications, on-line services, computers, computer networks, laptop or stand-alone computers, and all communications and stored information transmitted, received, or contained in the Village's information systems are the property of the Village and as such are to be used solely for Village-related purposes. The use of such equipment and software for private purposes is strictly prohibited. The Village may access and monitor employee communications and files as it deems appropriate.

Employees should not use Village communication services and equipment for personal purposes except in emergencies or when extenuating circumstances warrant it. Improper use of Village communications and equipment may result in disciplinary action, up to and including discharge.

145.27 CREDIT CARDS

Village credit cards must be used only for purchases relating to vehicles owned or leased by the Village. Any other use is strictly forbidden, unless said employee receives written permission from the Village Administrator. All credit cards issued to Village employees must be returned to the Village Clerk or Village Administrator immediately upon the earlier of termination of employment or when authorization to use the card(s) is withdrawn.

145.28 HIRING OF IMMEDIATE FAMILY MEMBERS

(a) The Village will not employ members of a full-time employee's immediate family. For this section, immediate family is defined as mother, father, wife, husband, brother, sister, son, daughter, son-in-law, daughter-in-law, and/or any step children, father-in-law, mother-in-law, brother-in-law, sister-in-law, any other (step) relationships created by marriage.

145.29 TUITION REIMBURSEMENT

- (a) The Village may provide for tuition reimbursement for full-time employees based upon the following criteria:
1. The employee has completed his new their probationary period;
 2. Classes must be taken through an accredited institution of higher education;
 3. The Mayor and/or Village Administrator has granted approval for the course of study prior to the employee taking any classes and budgetary appropriations have been approved;
 4. The degree being sought is required for a position within the Village organizational structure. Any advanced degree must be directly related to the employee's current position.
 5. Registration fees and textbooks for Distant Learning Programs or Internet Programs for degrees from accredited institutions of higher learning will qualify for reimbursement. Any software or hardware expenses where the student makes such a purchase for any classes, those on campus or through an off-campus program, will not be considered costs eligible for reimbursement.

Upon meeting these requirements, receiving a passing grade of a "C" or better, and providing documentation of grades, all registration fees, and text books, the employee may be reimbursed per calendar year up to a level determined by Council in the annual employee compensation ordinance. No reimbursements will be made for travel, meals, and parking. All reimbursements will be consistent with all IRS regulations in effect at the time of the reimbursements for reporting an employee's gross income on the W-2 form.

145.30 DISCIPLINARY ACTIONS

(a) Reasonable rules of conduct are necessary for the orderly, efficient, and safe operation of the Village. The following identifies conduct which will result in disciplinary

action. This list is meant to serve as a guideline. This list is not intended to be all inclusive. Council or the Village Administrator reserves the right to modify work rules and regulations or establish such different or additional rules or regulations as deemed appropriate and/or necessary at any time.

In addition to violations of laws and ordinances, this Chapter, examples of conduct which may result in disciplinary action, include, but are not limited to, the following:

- (1) Falsification, misstatement, exaggeration, or concealment of any material fact in connection with employment, promotion, and records investigation or other proper proceeding.
- (2) Disrespectful conduct, use of insulting, abusive or obscene language to or about other municipal personnel or the public while on the job.
- (3) Gambling or unlawful betting on municipal property.
- (4) Unlawfully manufacturing, distributing, dispensing, possession or using controlled substances in the workplace; reporting for work under the influence of controlled drugs or with any residual effect from illegal drug use (e.g., impaired judgment, sickness, impaired reflexes, and the like).
- (5) Consuming alcohol while on duty or during an employee's lunch break/meal period; reporting for work while under the influence of alcohol with any residual effects of alcohol consumption (e.g., impaired judgment, sickness, impaired reflexes, and the like), or where there is any evidence of alcohol consumption (e.g., odor on the breath); consuming alcohol off duty anytime an employee is in uniform or is wearing any apparel which distinguishes that individual as an employee.
- (6) Off-duty, illegal conduct/behavior unbecoming an employee emanating from the consumption of alcohol, or the use of illegal drugs, which, in the judgment of the Administrator, detracts from the image or reputation of the Village as an organization or which, in the judgment of the Administrator, erodes the public confidence in the Village as an organization (e.g., disorderly conduct, assault, fighting, criminal trespassing, criminal menacing, disturbing the peace, OMVI, and the like, or other criminal acts).
- (7) Failure to submit to drug and/or alcohol testing when required by the Village; failure to adhere to conditions with regard to a drug or alcohol rehabilitation program, as offered by the Village and as agreed to by the Village and the employee.
- (8) Reporting for duty or being on duty while under the influence of medication legally prescribed by a physician, or purchased or "over-the-counter", which may impair the employee's judgment, work performance, or physical/mental capabilities; operating municipal vehicles or equipment under the influence of medication legally prescribed by a physician, or purchased "over-the-counter", which may impair the ability of the employee to safely and effectively operate such vehicles or equipment.
- (9) Failure to start work at the designated time, quitting work before the proper time, leaving work during working hours without the permission of

- the appropriate supervisor, or working overtime without prior approval or sufficient justification.
- (10) Failure to observe precautions for personal safety, posted rules, signs, safety instructions, or to use protective clothing or equipment.
 - (11) Unexcused or unauthorized absences on one or more scheduled days of work or failure to report for work without giving proper advance notice, unless such failure to give advance notice is supported by sufficient justification.
 - (12) Deliberate discrimination against an employee or applicant because of race, color, religion, sex, national origin or disability, including any form of harassment or any reprisal action against any employee or applicant based on other criteria protected by law.
 - (13) Insubordination, deliberate refusal to carry out any proper order from any supervisor having responsibility for the work in which an employee is engaged.
 - (14) Creating or contributing to the poor condition of Village equipment or property.
 - (15) Vending, soliciting or collecting contributions on the employer's time without authorization of the Administrator.
 - (16) Posting, removing or defacing any matter on the employer's walls, doors or bulletin boards without authorization of the Administrator.
 - (17) Permitting any unauthorized person to enter into or ride in a municipal vehicle without express, written authorization from the employer unless such action is taken in the direct interest of the health, safety and welfare of the public.
 - (18) Failure to report a personal injury accident in the performance of job duties. Such report must be in writing and submitted to the Department/Division Head.
 - (19) Failure or unnecessary delay in carrying out orders, work assignments or instructions.
 - (20) Unauthorized possession of, use of, loss of, or damage to municipal property or endangering same through carelessness.
 - (21) Disorderly conduct; fighting; threatening or attempting to inflict bodily injury to another; engaging in horseplay; resisting competent authority; triggering false alarms of fire or emergency preparedness systems.
 - (22) Conviction of a felony while an employee of the Village.
 - (23) Abusive, threatening or coercive treatment of another employee or the public while on the job.
 - (24) Inability to get along with fellow employees so that work is hindered or does not meet required standards.
 - (25) Conduct unbecoming an employee; illegal conduct, whether on or off duty, which, in the judgment of Council, detracts from the image or reputation of the Village as an organization, or which, in the judgment of Council, erodes the public confidence in the Village as an organization (e.g., immoral or indecent conduct, disorderly conduct, assault, fighting,

criminal trespassing, criminal menacing, disturbing the peace, OMVI, and the like or other criminal acts).

- (26) Making irresponsible statements that are slanderous or misrepresent the position of the Village or municipal officials.
- (27) Sleeping or lounging during working hours.
- (28) Excessive, unexcused tardiness after verbal reprimands have failed to correct employee's behavior.
- (29) Disobedience to or noncompliance with any directive, policy or administrative order of the Administrator or supervisor:
- (b) Discipline.
 - (1) Disciplinary action may consist of an oral reprimand/verbal counseling, a written reprimand, suspension, demotion or dismissal to be determined in the discretion of the Village.
 - (2) The primary responsibility for the administration of discipline shall rest upon the Village Administrator and/or Mayor. Such disciplinary action may consist of any action which is appropriate to the offense, including:
 - A. Informal (oral) reprimand/verbal counseling;
 - B. Formal, written reprimand which becomes part of the employee's personnel file;
 - C. Suspension from duty without pay;
 - D. Demotion in rank or reduction in salary; or
 - E. Dismissal.
 - (3) Disciplinary action taken against an employee, which is other than in the nature of a verbal counseling, shall be in writing and made a part of the employee's permanent personnel file.
 - (4) Any written reprimand, suspension or dismissal must be reviewed and approved by the Mayor before becoming effective. Nothing in this division shall be deemed to preclude an employee from being relieved of duty. In all cases of discipline, the grievance procedure set forth in this **Chapter** shall control. Disciplinary actions will, to the extent possible, be dealt with in a confidential manner. Specifically, Village personnel should refrain from discussing or otherwise disclosing such action to any persons except those who by this Chapter or other law are entitled to such information. Whenever a written communication is transmitted to a higher supervisory authority in which matters are discussed which, if true, could become the basis of disciplinary action against an employee, whether or not such disciplinary action is subsequently taken, the employee who is the subject of such communication shall be given a copy of it at the time of its transmittal. This subsection does not apply to communications regarding a criminal investigation into activities of any employee.
- (c) Whenever a disciplinary action is taken which results in a disciplinary action of record, the employee shall be given a copy of such record.

(Ord. _____. Passed _____.)

145.31 GRIEVANCE PROCEDURE

(a) An employee of the Village who feels aggrieved by the action of a supervisor or the Village Administrator in the administration of discipline may appeal such disciplinary action according to the step(s) set forth in Table I herein. For a particular disciplinary action, the employee shall follow the procedural steps in the order established, and the last step listed is the final point of appeal. The Administrator shall discipline employees and Council has the power to hear appeals from administrative determinations made pursuant to this chapter and as may be authorized by this chapter. Disciplinary actions and the associated appeal steps are as follows:

TABLE I**GRIEVANCE APPEAL PROCEDURE**

<u>Disciplinary Action</u>	<u>Appeal Steps</u>
Informal (verbal) reprimand/counseling	None
Formal (written) reprimand	(1)
Suspension from duty	(1), (2)
Dismissal	(1), (2), (3)

(b) Appeal Steps:

(1) Personnel Officer hearing. The aggrieved employee may present a written statement of his or her grievance to the Personnel Officer. This written statement shall be presented within five working days of the effective date of the disciplinary action being appealed and shall ask for a review and modification or reversal of the action. The Personnel Officer shall issue a written response. If the Village Administrator is the acting Personnel Officer, then proceed directly to Step 2.

(2) Administrator hearing. If a grievance is not resolved to the satisfaction of the employee by the Personnel Officer under step (1) and the action being appealed is allowed to proceed to step (2), the employee may request in writing within five working days of the issuance of the Personnel Officer's written decision, a hearing before the Administrator. If such request is not made within five working days, the matter shall be closed. At such hearing, which shall occur within a reasonable time, the Village shall present the facts and circumstances upon which the disciplinary action was taken. Prior to the hearing, the Administrator shall notify the employee in writing, and reasonably in advance, of the time and place of the hearing and the specific matters or charges which will be considered. At the hearing, the employee may have representation of his or her choosing and will be permitted to present witnesses. The employee's personnel file shall be made available for review prior to the hearing upon written request to the Personnel Officer. The Administrator shall issue a written decision, after the close of the hearing, which shall be forwarded to the employee as soon as practical. The written decision of the Administrator shall be a prerequisite to a request for a hearing before Council.

(3) Council Hearing. An aggrieved non-exempt employee may submit a written appeal to Council. The appeal must be submitted within five working days of receipt by the employee of the Administrator's decision under step (2). The appeal shall be submitted to the Mayor. Council will issue a written decision which shall be final.

(Ord. _____. Passed _____.)

145.32 COMPLIANCE STATEMENT

To the extent any of the employment provisions in this Chapter conflict with federal, state or other laws which take precedence, the Village will comply with said laws.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

DATE PASSED 09-07-21

ATTEST Signature on file
CLERK TREASURER

Signature on file

PRESIDENT OF COUNCIL

Signature on file
MAYOR

DATE APPROVED 09/07/21

APPROVED AS TO FORM:

Signature on file
LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on 09/11, 2021 and 09/18, 2021 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

Signature on file
CLERK-TREASURER