

ORDINANCE 36-2024

AN ORDINANCE ADOPTING THE UPDATED EMPLOYEE HANDBOOK AND DECLARING AN EMERGENCY

WHEREAS, the Village of Minerva Park desires to adopt an updated Employee Handbook; and

WHEREAS, Staff, with the assistance of Clemens, Nelson & Associates, Inc., have spent the last year working on an updated Employee Handbook.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. The Employee Handbook attached hereto as Exhibit A and incorporated herein by reference, setting forth personnel policies and procedures for employees of the Village of Minerva Park, is hereby adopted.

Section 2. Employees who have not accrued sick leave in the past shall have their sick leave computed based on the regular hours work during 2024 and credited to their leave bank for the first pay date in January 2025. Thereafter, sick leave shall accrue as addressed in Section 5.01 of the Employee Handbook.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 5. This Ordinance is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: so that policies contained therein may be in effect January 1, 2025. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

/S/: Tiffany Southard
Tiffany Southard, Mayor

First Reading: November 14, 2024
Second Reading: November 21, 2024
Third Reading: December 12, 2024
Passed: December 12, 2024

ATTEST:

/S/: Jeffrey Wilcheck
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

/S/: Jesse Shamp
Jesse Shamp, Solicitor

THE VILLAGE OF MINERVA PARK

EMPLOYEE HANDBOOK

THIS DOCUMENT IS NOT A CONTRACT

Prepared by:

Clemans, Nelson & Associates, Inc.

www.clemansnelson.com

TABLE OF CONTENTS

<u>CHAPTER 1</u>	<u>INTRODUCTION</u>	
	Mission and Goals.....	2
1.01	Introduction/Disclaimer.....	2
1.02	Objectives.....	3
1.03	Definitions/Abbreviations.....	3
1.04	Scope of Coverage.....	8
1.05	Management Authority.....	9
1.06	Implementation and Dissemination.....	10
1.07	Amendment.....	10
1.08	Personnel Administration.....	11
1.09	Severability.....	11
<u>CHAPTER 2</u>	<u>EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION</u>	
2.01	Nondiscrimination.....	14
2.02	Americans with Disabilities Act (ADA) / Pregnant Workers Fairness Act (PWFA).....	14
2.03	Discriminatory Harassment.....	18
2.04	Discriminatory Harassment — Complaint Procedure.....	19
2.05	Discriminatory Harassment — Disciplinary Procedure.....	20
2.06	Equal Employment Opportunity/Anti-Discrimination Complaint Procedure.....	21
<u>CHAPTER 3</u>	<u>EMPLOYMENT</u>	
3.01	Requirements for Employment/Residency Requirement.....	24
3.02	Employee Status.....	25
3.03	Position Description Plan.....	25
3.04	Vacancies.....	26
3.05	Evaluation of Applicants.....	27
3.06	Medical Examinations — Applicants and Employees.....	28
3.07	Orientation.....	29
3.08	Instructional Period.....	29
3.09	Training.....	30
3.10	Layoff/Reduction in Force.....	31
3.11	Resignation.....	32
3.12	Immigration Reform and Control Act.....	32
3.13	Employment-at-Will.....	33
3.14	New Hire Reporting.....	33
3.15	Nepotism.....	34
3.16	Whistleblower.....	34
<u>CHAPTER 4</u>	<u>COMPENSATION AND HOURS OF WORK</u>	
4.01	Compensation.....	38

TABLE OF CONTENTS

4.02	Pay Periods/Paychecks.....	38
4.03	Payroll Deductions.....	39
4.04	Work Scheduling.....	39
4.05	Time Records.....	39
4.06	Starting/Lunch/Quitting Times.....	40
4.07	Overtime.....	41
4.08	Employee Status under FLSA (Exempt or Nonexempt).....	42
4.09	Inclement Weather.....	43
4.10	Nursing Mothers Breastfeeding Support.....	43

CHAPTER 5 **EMPLOYEE BENEFITS**

5.01	Sick Leave.....	46
5.02	Sick Leave Conversion.....	51
5.03	Vacation.....	52
5.04	Holidays.....	53
5.05	Bereavement Leave.....	55
5.06	Jury Duty.....	55
5.07	Military Leave.....	56
5.08	Leave of Absence without Pay.....	57
5.09	Injury Reporting.....	57
5.10	Workers' Compensation.....	58
5.11	Group Health Insurance.....	58
5.12	Other Insurances.....	59
5.13	Retirement.....	59
5.14	Family and Medical Leave.....	60
5.15	Health Insurance Portability and Accountability Act (HIPAA).....	61
5.16	Medical Records of Employees (HIPAA Practices).....	61

CHAPTER 6 **PERSONNEL PROCEDURES**

6.01	Travel Expense Reimbursement.....	64
6.02	Use of Employer-Owned Vehicles.....	66
6.03	Secondary Employment.....	67
6.04	Tools, Supplies, and Equipment.....	69
6.05	Uniforms.....	69
6.06	Bulletin Boards.....	70
6.07	Personal Information Records.....	70
6.08	Reporting Changes in Personal Information.....	71
6.09	Public Records — Inspection, Release, and Retention.....	72
6.10	Confidential Information.....	72
6.11	Use of Telephones.....	73
6.12	Internet, Electronic Mail, and Online Services Use.....	73
6.13	Parking.....	77
6.14	Smoking.....	78
6.15	No Employee Expectation of Privacy.....	78
6.16	Employee Accidents/Exposures.....	78
6.17	Ohio Motor Vehicle Driving Policy.....	79

CHAPTER 7

EMPLOYEE CONDUCT

7.01 Ethics of Public Employment..... 84
7.02 Tardiness..... 84
7.03 Absenteeism and Notification of Absence..... 85
7.04 Personal Appearance..... 86
7.05 Drug Free Workplace..... 87
7.06 Gambling..... 89
7.07 Garnishments..... 90
7.08 Violence in the Workplace..... 90
7.09 Safety and Security Rules..... 93
7.10 Carry and Concealment of Weapons..... 95
7.11 Political Activities..... 97
7.12 News Media..... 98
7.13 Speeches..... 99

CHAPTER 8

EMPLOYEE DISCIPLINE AND APPEALS

8.01 Disciplinary Principles..... 102
8.02 Progressive Discipline..... 102
8.03 Guidelines for Disciplinary Action and Penalties..... 103
8.04 Conviction of a Felony..... 113

	Mission and Goals
1.01	Introduction/Disclaimer
1.02	Objectives
1.03	Definitions/Abbreviations
1.04	Scope of Coverage
1.05	Management Authority
1.06	Implementation and Dissemination
1.07	Amendment
1.08	Personnel Administration
1.09	Severability
1.10	Table of Organization

MISSION AND GOALS

Mission Statement: The mission of the Village of Minerva Park (the Village) is to provide the residents of the Village of Minerva Park with superior services at the most reasonable cost.

Goals: The Village encourages and expects all employees to maintain a proactive and forward-thinking attitude regarding their employment with the Village and communication between employees, management, and citizens.

It is the policy of Minerva Park to promote a high standard of ethics in public service. All employees shall always be accountable to the people of the community and shall discharge their duties with utmost responsibility, integrity, competence, loyalty and uphold public interest over personal interest.

The Village believes and expects that it is the duty of all employees to promote and pursue the mission and goals of the Village in the performance of their respective positions of employment.

INTRODUCTION/DISCLAIMER**SECTION 1.01**

- A. Policies are the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly written policies, consistently and fairly administered, are essential to the success of any organization.
- B. Written procedures provide members of the organization with administrative interpretation of the application of the organization's policies and explain the specific manner in which such policies are implemented.
- C. The policies set forth and adopted within this manual supersede all previous written and unwritten Village personnel policies. These policies have been structured to comply with any applicable laws and agreements. In the event there is a conflict between the matters expressed in this manual and any applicable laws or agreements, the applicable law or full text of the written agreement will prevail.
- D. This manual is not an employment contract, express or implied. It is presented as a matter of information only. The Village of Minerva Park reserves the right to modify, revoke, suspend, terminate, or change these policies with or without prior notice. No representative of the employer has the authority to enter into an agreement with an employee that is contrary to the foregoing.
- E. To the extent the employer is not prohibited from doing so by law, the employer retains the right to hire, discharge, set compensation, and manage unclassified employees without restriction, and the employer reserves the same rights regarding probationary employees. Village of Minerva Park mayor reserves the right to delete, modify, or amend the policies contained herein or to establish new policies as needed.

OBJECTIVES**SECTION 1.02**

- A. The employer recognizes that a personnel system which recruits and retains competent, dependable personnel is essential to providing effective governmental services. The policies and procedures set forth in this manual are designed to:
1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for employment and advancement, and consideration of employee needs;
 2. Maintain recruitment practices which will enhance the attractiveness of public employment and encourage employees to give their best efforts to the organization and the public;
 3. Encourage courteous and dependable service to the public;
 4. Provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;
 5. Ensure that operations are conducted in an ethical and legal manner;
 6. Establish acceptable minimum standards of performance which are to be applied fairly and uniformly; and
 7. Ensure a safe and healthful work environment and encourage employees to actively participate in maintaining a safe work environment.
- B. Nothing contained in this manual shall prohibit the promulgation of department work rules, standing orders, general orders, State statutes, case law, Ohio Administrative Law, or other instructions either oral or written. However, when in conflict, the more definite shall apply.
- C. The employer's primary objective is to provide the residents of the Village of Minerva Park with superior services at the most reasonable cost. This is a continuing objective to which all other objectives are secondary.

DEFINITIONS/ABBREVIATIONS**SECTION 1.03**

Unless otherwise indicated in a specific policy herein, the following definitions shall apply:

Absenteeism: The practice of an employee in failing to report for work or failure to report within the prescribed time when he or she has been assigned to or scheduled for work. Failure to report to work due to illness or injury, without proper notification to the supervisor, can be considered absenteeism.

Absent without Leave: Failure to report for work without any authorization to be absent from the designated supervisor.

Active Pay Status: Except where otherwise defined in this manual, active pay status shall mean conditions under which an employee is eligible to receive pay directly from the Village and includes: vacation leave, sick leave, holidays, compensatory time, paid military leave, and paid court leave. Active pay status does not include time during which an employee is on an unpaid leave of absence or receiving payments from the Bureau of Workers' Compensation in lieu of pay from the Village.

ADA: Americans with Disabilities Act.

ADAAA: Americans with Disabilities Act Amendments Act.

Appeal: The response of an employee to a decision made based on a disciplinary action.

Appointing Authority: The person or agency that, based on the Ohio Revised Code, has the authority to employ persons to perform the required duties of the office or agency. Included is the companion authority to dismiss, promote, and other normal activities.

BWC: Abbreviation for Ohio Bureau of Workers' Compensation.

Classification: A group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work.

Confidential Proprietary Information: Data, papers, reports, memos, or other written or unwritten information concerning an individual, business, corporation, agency, or governmental entity, which could be embarrassing, detrimental, damaging, harmful, or injurious if disclosed to persons without proper authorization (includes, but is not limited to: information regarding the personal lives or residence of individuals served by the Village; investigative information or reports pending action by council; information relating to preparation for negotiations or pending legal actions).

Day(s): Unless otherwise specified, means calendar day(s).

Department: Each individual work unit of the Village (e.g., finance, pool, maintenance police, etc.).

Department Head: A supervisory employee directly responsible to the mayor or designee for the operations of a department of Village government (e.g., public works director, director of finance).

Designee: Any employee authorized by the employer or management official to perform a function with or on behalf of the employer or management official.

Discipline: An action taken against an employee by the supervisor or management as the result of an employee's lack of adherence to rules and procedures of the organization and the community.

Discourteous Treatment of the Public: Failure by an employee to treat any member of the public with respect, in a polite and courteous manner.

Dishonesty: Disposition to lie, cheat, or defraud; untrustworthiness; lack of integrity.

Distribution: An act of distributing goods, materials, and/or written materials or literature.

Drug Abuse: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

EEO Definition: Equal Employment Opportunity (EEO), the principle that all people should have the right to work and advance in their careers without discrimination based on certain characteristics.

Employee: Any person holding a position subject to appointment, removal, promotion, or demotion by any representative of the employer.

Employer: The Village of Minerva Park, Ohio or the designee of the employer, authorized by law to make appointments to positions. As context requires, for purposes of implementing this manual, employer may also mean any designee who is authorized to carry out certain duties on behalf of the employer.

Excused Absence: Absence from work with the approval of the employer (e.g., sick leave, vacation, holiday, compensatory time, approved unpaid leave of absence, etc.).

Exempt Employee: An employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who, therefore, does not have to legally be paid the statutory minimum wage and/or to be compensated, at premium rates, for excessive hours worked in the workweek.

Failure of Good Behavior: Failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required by the employer, or reasonably expected by the employer even in the absence of a written rule.

FLSA: Abbreviation for the Fair Labor Standards Act.

Full-Time Employee: An employee who works 40 hours each week, on a regularly scheduled basis.

Immoral: Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

Immoral Conduct: Conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

Incompetency: Lack of ability, legal qualifications, or fitness to perform duties required of an employee.

Inefficiency: Quality of being incapable or indisposed to perform duties required by the employer within reasonable standards.

Instructional Period: The period of time at the beginning of employment or following a promotion that constitutes a trial period for the employee in order to ascertain his/her suitability for the position.

Insubordination: Intentional failure to perform duties required of an employee; refusal to obey an order issued by the employee's supervisor.

Intoxication: The condition of a person affected by the immediate use of intoxicating drinks, controlled substances, prescriptions, or over-the-counter medications; the state of one who is under the influence of alcohol or controlled substances. The effect produced upon the person by drinking intoxicating liquors or ingesting another intoxicating substance to such an extent that the normal condition of the individual is changed and the person's capacity for rational action and conduct is substantially lessened.

Malfeasance: The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which a person ought not perform.

Misfeasance: The improper performance or commission of some act which a person may lawfully do.

Neglect of Duty: Omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act; a designed failure, refusal, or unwillingness to perform one's duty.

Nonexempt Employee: An employee who is entitled to be paid the Federal minimum wage and to be paid at the rate of one and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of 40 in an established workweek or other standard work period established in accordance with the FLSA.

Nonfeasance: Nonperformance of some act which ought to be performed; the total omission to perform a required duty; or the total neglect of duty.

Non-Work Area: Those areas of the employer's property such as the employee's lounge and parking lot, or other areas where no official employer business is transacted nor operations conducted.

Non-Work Time: Any time during an employee's workday where the employee is totally relieved of work duties, such as break time or lunch time. Whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.

O.A.C.: Abbreviation for the Ohio Administrative Code.

OPERS: Abbreviation for the Ohio Public Employees Retirement System (also known as PERS).

OP&F: Abbreviation for the Ohio Police and Fire Pension Fund.

O.R.C.: Abbreviation for the Ohio Revised Code; also abbreviated as R.C. when followed by a chapter or section number.

OSHA: Abbreviation for Ohio's Occupational Safety and Health Act.

Part-Time Employee: An employee who works less than 40 hours each week, on a regularly scheduled basis.

PERS: See OPERS.

Personnel Policies and Procedures: The rules and regulations governing the day-to-day relationships between employer and employee, and which explain the privileges, benefits, and rights of the employee as well as the responsibilities of the employer.

Position: A group of duties and responsibilities assigned or delegated by competent authority to be performed by one (1) person. All the positions listed in the organizational chart constitute positions within the Village. Positions and the duties of a position may be revised, but the employee's classification remains the same unless the position is reclassified.

Promotion: Any change in position which results in an increase in an employee's compensation and responsibility.

Reduction: A reduction is a change of the classification held by an employee to one having a lower base pay range, a change to a lower step within a salary range, or any decrease in compensation for an employee.

Safety Personnel: Uniformed employees in the police and fire departments.

Seasonal or Temporary Employee: An employee working for a brief period of time or on a specified project that has a termination date.

Sick Leave Abuse: The use of sick leave for any purpose other than as provided by these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business; establishing a pattern or reporting off sick on certain days of the week or following regular days off; failing to follow the rules and regulations regarding use of sick leave or to follow the required reporting procedures.

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

Supervisor: An individual who has been authorized by the employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding, or disciplining employees under the direction of the

employer; to responsibly direct employees; to adjust their grievances; or to effectively recommend any of these actions.

Suspension: Relief of an employee from duty without pay, usually for a short period of time, as a disciplinary measure aimed at improving the employee's conduct. A suspension is usually issued after a verbal warning or written reprimand has failed to improve the employee's conduct or when an employee has committed a more serious violation.

Transfer: The movement of an employee from one (1) position to another where there is no change in level of responsibility, classification, or salary.

Verbal Warning: Written documentation of a verbal counseling and instruction which is provided to the employee and placed in the employee's personnel file to correct any misconduct and improve the employee's conduct and performance.

Village: Village of Minerva Park, Ohio, and its duly elected and appointed officials.

Work Area: Any office, room, or physical location where official employer business is transacted and/or operations of the employer are conducted.

Work Time: All the time when an employee's duties require that the employee be engaged in work tasks, not including meal periods, scheduled breaks, and time before or after work.

Work Unit: A division under the employer's control usually directed by a supervisor and charged with a specific work function which contributes to the accomplishment of the employer's public service function.

Workweek: Seven (7), consecutive 24-hour periods (i.e., 168 consecutive hours) as designated by the employer.

Written Reprimand: The written record of disciplinary action, usually issued after a verbal warning has failed to improve an employee's conduct or when the employee has committed a more serious violation, which is provided to the employee and placed in the employee's personnel file in an attempt to improve the employee's conduct and performance.

SCOPE OF COVERAGE	SECTION 1.04
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- A. The policies and procedures in this manual generally apply to all Village employees. These policies do not establish tenure or contractual rights for employees not required by law. Although the employer generally subscribes to these policies, the employer may amend or abolish any policies or procedures herein without advance notification.
- B. These policies and procedures supersede all previous written and unwritten personnel policies and past personnel practices of the employer.

- C. In the event of a conflict between this manual and any applicable law, the law shall prevail until the particular section of the manual in conflict is revised.

MANAGEMENT AUTHORITY**SECTION 1.05**

- A. The employer retains the full right and responsibility to direct the operations of the Village, promulgate policies, rules and regulations, and otherwise exercise the prerogatives of management, which more particularly include, but are not limited to, the following:
1. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off or to reprimand, suspend, discharge or otherwise discipline employees in accordance with applicable law;
 2. To manage and determine the location, type, and number of physical facilities, equipment, programs and the work to be performed;
 3. To determine the goals, objectives, programs, and services and to utilize personnel in the manner designed to effectively meet these purposes;
 4. To determine the size and composition of the work force and the organizational structure;
 5. To determine the hours of work and work schedules required to most efficiently operate;
 6. To determine when a job vacancy exists, the duties to be included in all positions, and the standards of quality and performance to be maintained;
 7. To determine the necessity to schedule overtime and the amount required thereof;
 8. To maintain the security of personnel and financial records and other important data or information;
 9. To maintain and improve the efficiency and effectiveness of the operations;
 10. To determine and implement necessary actions in emergency situations; and
 11. To issue “standing orders,” which will have the same force as if included in these policies and procedures.
- B. The exercise of any such right, power, authority, duty, or responsibility by the employer and the adoption of such rules, regulations, or policies, as may be deemed necessary, shall be limited only by the specific express terms of applicable law.

IMPLEMENTATION AND DISSEMINATION**SECTION 1.06**

- A. The employer has the exclusive right and authority to create and issue policies and procedures.
- B. All supervisory employees shall be issued a copy of this manual (PPM) which shall be maintained and available to employees at their normal work site or reporting place upon request.
- C. All supervisory personnel are responsible for administering the policies herein and shall ensure that subordinate personnel comply with all policies and procedures adopted by the employer.
- D. This manual shall remain the exclusive property of the employer and shall be surrendered upon request. Unauthorized reproduction is prohibited.
- E. This manual shall be adopted as the employer's official policies and procedures by ordinance of Village council. Upon the effective date of the manual, the mayor shall sign the cover page and initial and date each section of the master volume of the manual.
- F. The Fiscal Office shall, thereafter, make and distribute a copy of the manual to each of the employer's department heads and supervisors and maintain a list of each person who receives a copy and the date issued.
- G. Each employee shall be made aware of the existence of this PPM. The employee shall read and sign an acknowledgment form which indicates the employee has been made aware of the PPM, has access to the PPM, has read the PPM, and agrees to comply with the policies and procedures therein. The signed acknowledgment form shall be returned and placed in the employee's personnel file.

AMENDMENT**SECTION 1.07**

- A. Changes within the organization will necessitate changes in this manual. Policies may only be amended, revised, or deleted by ordinance. Changes in procedures and non-substantive changes may be made by the mayor or designee.
- B. Employees and supervisors are encouraged to review and recommend amendments, additions, or deletions to the policies contained in this manual. Such suggested changes should be reduced to writing and presented to the mayor.
- C. When an ordinance amends, adds, or deletes a section or sections of this manual, the mayor shall have the affected manual section(s) rewritten. The original adoption date, revision number, and revision date shall be noted.

- D. The original copy of the new section shall be placed in the Fiscal Office's master volume of the manual. Each employee will also receive a copy of the manual.
- E. The Fiscal Office shall forward a copy of the new section to each employee who possesses a copy of the manual who shall remove any applicable old section and place the new section in the manual.
- F. The mayor shall determine by what means the new or amended policy is to be communicated to employees (i.e., group meetings, posting on bulletin boards, etc.).
- G. The mayor or designee is hereby authorized by Village council to make any and all necessary non-substantive changes to this manual (i.e., corrections of grammar and spelling, etc.), revise the procedures in this manual to effectuate the policies contained herein, and make any changes to policies necessitated by law.

PERSONNEL ADMINISTRATION**SECTION 1.08**

- A. The Fiscal Office has the responsibility to maintain personnel records and related personnel administrative functions. Questions regarding insurances, wages, and interpretation of policies may be directed to the mayor, department head, or the Fiscal Office, as appropriate.
- B. The department heads and supervisors shall be charged with the responsibility of ensuring that these personnel policies and procedures are applied in a consistent, objective manner and for performing any duties and responsibilities set forth in this manual for their respective positions.

PERSONNEL ADMINISTRATION**SECTION 1.09**

If any section or part of this manual or any amendment is invalidated by operation of law or by order of a tribunal of competent jurisdiction, or compliance with or enforcement of any section or part of this manual is restrained by a court, the law or court decision shall prevail; but the remainder of this manual and any amendments shall not be affected and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the employer's intent.

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

- 2.01 Nondiscrimination
- 2.02 Americans with Disabilities Act (ADA) / Pregnant Workers Fairness Act (PWFA)
- 2.03 Discriminatory Harassment
- 2.04 Discriminatory Harassment — Complaint Procedure
- 2.05 Discriminatory Harassment — Disciplinary Procedure
- 2.06 Equal Employment Opportunity/Anti-Discrimination Complaint Procedure

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

NONDISCRIMINATION

SECTION 2.01

- A. The Village of Minerva Park is an equal opportunity employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon an individual's race, color, religion, gender, national origin, age, military status, or disability.
- B. The Fiscal Office is the Village's EEO/ADA coordinator. The EEO/ADA coordinator is responsible for providing information regarding antidiscrimination employment laws to employees and applicants and for reviewing and resolving complaints involving alleged discrimination.
- C. The EEO/ADA coordinator shall be responsible for coordinating and monitoring all efforts to prevent unlawful discrimination in the workplace. The EEO/ADA coordinator shall maintain responsibility for receiving discrimination complaints not personally involving the coordinator.
- D. No inquiry shall be made prior to employment regarding the applicant's race, color, age, religion, gender, national origin, military status, disability, or known pregnancy limitation, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information is a voluntary action on the applicant's part.
- E. It is the policy of the Village to comply fully with all federal, state, and local nondiscrimination laws.
- F. Village employees shall not discriminate against any other employee or anyone requiring services from the Village because of that individual's race, color, gender, age, religion, familial status, disability, known pregnancy limitation, national origin, military status, or marital status.
- G. Posters summarizing employee rights shall be displayed in locations throughout the office in such a manner as to be easily readable from a wheelchair.
- H. It is the policy of the Village of Minerva Park to provide courteous and efficient service. In that regard, the Village shall make every reasonable effort to accommodate persons with disabilities, as well as those persons with language and literacy barriers.

AMERICANS WITH DISABILITIES ACT (ADA) / PREGNANT WORKERS FAIRNESS ACT (PWFA)

SECTION 2.02

- A. The Village recognizes that Federal and state law prohibit discrimination based on disability, and vows to maintain facilities that are accessible to all, and to maintain a work environment free of discrimination.

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

- B. EEO/ADA Coordinator: The EEO/ADA coordinator (see Section 2.01) shall be responsible for:
1. Providing information about the ADA and PWFA to employees and others; and
 2. Receiving and resolving complaints involving non-accessibility of services, programs, or facilities and alleged discrimination against disabled individuals.
- C. Complaint/Comment Procedure: Complaints, comments, or questions regarding the Village's compliance with the ADA should be filed in accordance with the Discrimination Complaint Procedure contained in Section 2.04 of this manual.
- D. Disability Accommodation: Any employee who is a qualified individual with a disability, and who is in need of a reasonable accommodation in order to perform the essential functions of his/her job, must identify that need to the mayor at the earliest possible time.

Upon receipt of such request and credible medical evidence establishing a disability, the mayor or designee will meet with the employee to discuss the expressed need, and will then determine whether the employee, with a reasonable accommodation, if necessary, would be able to perform the essential functions of the job, including regular and punctual attendance.

If the accommodation is reasonable, and does not pose an undue hardship on the Village of Minerva Park, and will enable the employee to perform all of his/her essential functions, including regular and punctual attendance, the Employer will make that accommodation.

If no reasonable accommodation can be made, the employee will be offered any lesser available vacant position provided the employee can perform the essential functions of said position with a reasonable accommodation, if necessary.

If no accommodation can be made, the mayor or designee will discuss with the employee those options that may be available, including, but not limited to:

1. Use of available paid leave;
2. PERS/PFPF disability retirement; and
3. Disability separation.

E. Definitions:

1. Disability: Disability means, with respect to an individual:
 - a. a physical or mental impairment that substantially limits one or more major life activity of such individual;
 - b. a record of such an impairment; or
 - c. being regarded as having such an impairment.

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

The employee shall provide credible medical evidence to prove that a disability exists.

2. Essential Functions: Fundamental or core duties of the position.
3. Major Life Activities:
 - a. Major life activities include but are not limited to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, lifting, learning, eating, sleeping, bending, reading, concentrating, thinking, communicating, and working.
 - b. A major life activity also includes the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An individual meets the requirement of being regarded as having such an impairment if the individual establishes that they have been subjected to an action prohibited under the Americans with Disabilities Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

4. Known pregnancy limitation: A physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the Employer whether or not such condition meets the definition of disability specified in Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)
- F. Employment: The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and Pregnant Workers Fairness Act (PWFA) and will not unlawfully discriminate against qualified individuals with disabilities and/or known pregnancy, childbirth, or related medical conditions because of the disability and/or conditions of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment. The Employer will not unlawfully discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- G. Accessible Features: The Employer shall endeavor to maintain in operable working order all features of facilities and equipment which are for the use, benefit, aid, or service of the public in a manner which is readily accessible to and usable by people with disabilities.
- H. Accessible Facilities: Each service, program, and activity shall be operated in a manner that when viewed in its entirety shall be readily accessible to and usable by individuals with disabilities.

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

- I. Accessible Communications: The Employer shall ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- J. Information: The Employer shall ensure that all interested persons (including those with impaired vision or hearing) can obtain information on the existence and location of accessible services, activities, and facilities.
- K. Fundamental Alteration/Undue Burden: Notwithstanding the above commitments to accessibility, taking action to achieve accessibility is not required when it would result in a fundamental alteration in the nature of a service, program or activity, or cause undue financial and administrative hardships.
- L. The Employer shall be responsible for:
 - 1. Providing accessibility information about the ADA and PWFA to employees and others; and
 - 2. Receiving and resolving complaints involving non-accessibility of services, programs, or facilities and alleged discrimination against disabled individuals and/or individuals with a known pregnancy, childbirth or related medical condition.
- M. Complaint/Comment Procedure: Complaints, comments, or questions regarding accessibility to any of the Village programs, services, or facilities; discrimination against individuals with disabilities; or the Village's compliance with the ADA and PWFA should be filed in accordance with Section 2.04.
- N. The Employer will conduct an interactive dialogue with an individual who has claimed a disability, known pregnancy, childbirth, or related medical condition, or has requested accommodation. The interactive dialogue is an informal interactive discussion between the Employer and the individual aimed at finding a means by which the disabled individual and/or individual with a known pregnancy, childbirth, or related medical condition can perform the essential functions of the job. The purpose of the meeting is to identify the precise limitations resulting from the disability and/or known pregnancy, childbirth, or related medical condition, and to discuss the potential reasonable accommodations that could overcome those limitations.
- O. Upon being notified by an individual of a disability, and/or known pregnancy, childbirth, or related medical condition, or a need for accommodation, the following process will be followed:
 - 1. The Employer will analyze the particular job involved and determine its purpose and essential functions;2. The Employer will consult with the potentially disabled individual and/or individual with a known pregnancy, childbirth, or related medical condition to ascertain the precise job-related limitations imposed by the claimed disability and/or known pregnancy, childbirth, or related medical condition, and how those limitations could be overcome with a reasonable accommodation;

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

2. Provided the individual is a “qualified person with a disability or known pregnancy, childbirth or related medical condition,” the Employer will consult with the disabled individual and/or individual with a known pregnancy, childbirth, or related medical condition, to identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
3. The Employer will consider the preference of the disabled individual and/or individual with a known pregnancy, childbirth, or related medical condition, and select and implement the accommodation that is most appropriate for both the employee and the Employer, provided the accommodation does not impose an undue hardship on the operation of the Employer’s business.

DISCRIMINATORY HARASSMENT

SECTION 2.03

- A. It is the policy of the Village of Minerva Park to maintain an environment free from all forms of unlawful discriminatory harassment for all employees, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, of opposite or same gender is strictly prohibited.
- B. Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee’s race, color, sex, national origin, age, religion, military status, disability, known pregnancy, childbirth, or related medical conditions.

Sexual harassment includes, but is not limited to, the following:

1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
 2. Repeated verbal abuse of a sexual nature;
 3. Graphic or degrading verbal or written comments about an individual, the individual’s appearance, or the individual’s sexual orientation;
 4. The display of sexually suggestive objects, pictures, or the display of same through other media;
 5. The implication or threat that an employee’s or applicant’s employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant’s submission to sexual harassment in any form; and
 6. Any offensive, abusive, or unwanted physical contact.
- C. Responsibility:
 1. It is the responsibility of all employees to aid the employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and management; to immediately report any instances of discriminatory harassment to the proper

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

authority (see Complaint Procedure, Section 2.04). Any employee, who observes any conduct that may constitute discriminatory harassment of any Village employee, but fails to report same, may be subject to disciplinary action.

2. It is further the responsibility of each department head or supervisor to ensure that all employees who report to them are aware of the policy against discriminatory harassment, the complaint and reporting procedures, and the consequences of engaging in discriminatory harassment.
3. It is the responsibility of each department head or supervisor to maintain an environment free from discriminatory harassment. Department heads and supervisors shall familiarize themselves with this policy, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedures regarding discriminatory harassment.
4. Department heads and supervisors shall also ensure that all employees are aware of this policy and have received sufficient training to maintain an environment free from discriminatory harassment.

D. Procedure:

1. Once a complaint of discriminatory harassment has been received, or an instance of such harassment has been reported (see Complaint Procedure, 2.04), the proper member of management will immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.
2. If, after a thorough and prompt investigation, it is determined discriminatory harassment has occurred, the employee who has been found to have committed such harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complainant and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
3. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not such harassment has occurred, the complainant and/or reporting employee will be informed of same.

DISCRIMINATORY HARASSMENT — COMPLAINT PROCEDURE SECTION 2.04

- A. Any employee who believes that he/she has been the subject of discriminatory harassment, and/or any employee, who has witnessed an incident, or incidents of such harassment, shall report the matter(s) to the proper authority immediately.

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

B. Reporting Procedure:

1. Any employee who believes that he/she has been the subject of or witness to discrimination, including sexual harassment, shall immediately report the alleged act(s) to his/her immediate supervisor, department head, or mayor as appropriate (see below).

If the immediate supervisor, department head, Mayor or Fiscal Office is the subject of the complaint, the employee should report to the next higher ranking person in the Village.

The employee should report the complaint directly to the Village council only if all lower positions in the chain of command are implicated in the complaint. Should a member of the Village council be the subject of the complaint, the employee should report the matter to the Village's legal counsel.

2. The employee alleging discriminatory harassment shall complete the EEO Complaint Form provided for that purpose. The employee should provide:
 - a. The employee's name;
 - b. The name of the subject of the complaint;
 - c. The act(s) complained of;
 - d. The date(s) of the act(s);
 - e. Any witnesses to the alleged acts; and
 - f. The remedy the employee is seeking.
3. If the employee alleging discriminatory harassment is unwilling to complete the complaint, the matter should be addressed under the "duty to report" section and the form completed by the person to whom the verbal complaint was made.
4. After the EEO Complaint Form has been completed, the complaint will promptly be investigated by the appropriate authority.
5. If the investigation reveals that the complaint is valid, prompt action will be taken to end the harassment immediately.

DISCRIMINATORY HARASSMENT — DISCIPLINARY PROCEDURE SECTION 2.05

When it is determined that there is cause for believing that discriminatory harassment has occurred, the following steps will be followed.

- A. The charged party will immediately be suspended with pay or temporarily transferred pending the final resolution of the complaint.
- B. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

respond to the charge. This response may be in writing and submitted to the person conducting the investigation.

- C. Following the meeting, a final determination will be made. If it is determined that a case of discrimination harassment has been established, the charged employee will be verbally notified and disciplinary action will be implemented.
- D. Any employee who makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline.

EQUAL EMPLOYMENT OPPORTUNITY/ ANTI-DISCRIMINATION COMPLAINT PROCEDURE
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SECTION 2.06

Any person may file a complaint if he/she believes that another person has illegally discriminated against him/her under any local, state, or Federal anti-discrimination law, including a violation of the ADA.

- A. All complaints, alleging illegal discrimination, shall be filed on the EEO Complaint Form.
- B. The EEO coordinator or other designated individual shall investigate all complaints and respond to the complainant as soon as possible following completion of the investigation. If the complainant is not satisfied with the initial response, he/she may file a complaint with the mayor. The mayor will investigate and respond.
- C. When reviewing complaints alleging a violation of the ADA by the Village, the EEO coordinator or other designated investigator will determine whether the complainant is a “qualified person with a disability,” whether the Village may have discriminated against the complainant, and, if so, whether the Village can “reasonably accommodate” the complainant or otherwise resolve his/her complaint.
- D. Any employee who has been found by the Village, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person will be subject to appropriate disciplinary action.
- E. Non-employees, found to have committed an act of illegal discrimination against an employee, will be dealt with appropriately as allowed by law.

CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

- 1.01 Requirements for Employment/Residency Requirement
- 1.02 Employee Status
- 1.03 Position Description Plan
- 1.04 Vacancies
- 1.05 Evaluation of Applicants
- 1.06 Medical Examinations — Applicants and Employees
- 1.07 Orientation
- 1.08 Instructional Period
- 1.09 Performance Evaluations
- 3.10 Training
- 3.11 Layoff/Reduction in Force
- 3.12 Resignation
- 3.13 Immigration Reform and Control Act
- 3.14 Employment-at-Will
- 3.15 New Hire Reporting
- 3.16 Nepotism
- 3.17 Whistleblower

**REQUIREMENTS FOR EMPLOYMENT/RESIDENCY
REQUIREMENT****SECTION 3.01**

- A. The employer appoints, employs, fixes compensation for, disciplines and establishes policies and procedures, and other conditions of employment for its employees. Employment with the employer is employment in a public agency, subject to Federal, State, and local laws and the requirement that employees recognize and agree to abide by all applicable laws and applicable policies and procedures as a condition of employment.
- B. All elected officials (O.R.C. 731.12), the Village Fiscal Office and the mayor must live within the Village corporation limits unless waived by council ordinance. All residency requirements must be met to hold employment and must occur within six (6) months of appointment. Council may waive residency requirements for police chief (737.15) and Village administrator (735.271) and Fiscal Office.
- C. Full-time employees, not specified above, must reside within Franklin County or an adjacent county within six (6) months of appointment.
- D. The employer will consider relatives of Village employees for employment. However, the employer will not hire immediate family members in the same work unit, department or office, or in a direct supervisor/subordinate relationship, in order to avoid the appearance of impropriety and violation of Ohio's ethics laws. For purposes of this policy, immediate family is defined as spouse, child, sibling, parent, grandparent, step-child, sister-in-law, brother-in-law, parent-in-law, or your spouse's grandparents.
- E. The employer shall not employ any member of the immediate family of the current Village council, whether related by blood or marriage. Temporary or part-time workers are excluded.
- F. Employees of the Village are prohibited from using the influence of their position in order to secure employment or anything of value for their family members.
- G. The Village may require that certain employees be bonded. The Village will pay the cost of bonding. Should an employee fail to maintain this qualification, the employee will be subject to transfer to another position (for which the employee is qualified), if available. If no other position is available, the employee may be terminated.
- H. Any employee, required to have a license or certification in order to perform the duties of his/her position, shall obtain said license or certification prior to employment with the Village or within a reasonable period thereafter as determined by the employer. The employee shall be required to maintain any required license or certification as a condition for continued employment by the Village of Minerva Park.

EMPLOYEE STATUS**SECTION 3.02**

- A. All employees are categorized in one (1) of the following employee statuses:
1. **Full-Time:** An employee who works at least 40 hours in the workweek established by the employer on a regularly scheduled basis represents full-time employment.
 2. **Part-Time:** An employee who works less than the number of hours per week established as full-time, but on a regularly scheduled basis.
 3. **Intermittent:** An employee who works on an irregular schedule, which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee generally works less than 1,000 hours per year.
 4. **Temporary:** An employee appointed to a position, on a full-time, part-time, or intermittent basis, for a limited specified period of time not to exceed 120 days (unless specifically extended by written agreement by the appointing authority).
 5. **Seasonal:** An employee who works within the calendar or fiscal year, who works on a recurring but temporary basis, annually.
- B. Part-time, intermittent, temporary, and seasonal employees are eligible for legally mandated benefits, but are ineligible for the Village's other benefit programs unless otherwise specifically approved by Village council.
- C. Employees shall be informed at the time of appointment of their employment status.
- D. Temporary employees shall be notified in writing that as a condition of employment their appointment is of a temporary nature. Such notification shall also include the approximate dates of employment and cessation of employment.

POSITION DESCRIPTION PLAN**SECTION 3.03**

- A. The mayor or designee shall, on behalf of the employer, maintain and administer the Village plan of position descriptions, known as a "position description plan." The position description plan is a compilation of the position descriptions for each employment position. A position description contains the qualifications, essential functions, other duties, equipment operated, required licenses or certifications, and the requisite knowledge, skills, and abilities of each position.
- B. As positions are changed or added, the position description plan must be revised. Factors which may necessitate a revision to the plan are:
1. Addition of a new employee;
 2. Promotion of a current employee;
 3. Addition of a new duty or responsibility to a position;
 4. Abolishment of a current duty or responsibility from a position;

5. Reassignment of current duties or responsibilities between or among positions; or
 6. A new or revised licensure or certification requirement for a position as dictated by law.
- C. When any of the aforementioned factors change, the department head shall submit a proposed revision to the mayor.

In addition, changes to the table of organization shall be made if there is a change in any reporting relationships within the organization that results from a change to a position description.

- D. All changes to position descriptions, tables of organization, or other documents contained in the position description plan shall be incorporated in the position description plan and copies provided to:
1. The appropriate department head for inclusion in the department head's position description plan; and
 2. Affected employee(s).
- E. The Fiscal Office shall make all changes to applicable payroll, personnel and operational records and the employer's compensation ordinances, and other personnel records.
- F. If an employee has facts which indicate that his/her position is improperly allocated, the employee may, with knowledge of the immediate supervisor, request the Village council to review the allocation of his/her position. Such requests shall be submitted in writing, and shall contain a statement of justification.
- G. The mayor shall be responsible for maintaining an official copy of the position description plan. The official copy shall include a list of class titles and class specifications plus all amendments thereto. A copy of the official plan shall be available for inspection by the public, under reasonable conditions, during business hours.

VACANCIES**SECTION 3.04**

- A. When the employer determines a vacancy exists and there is the intention to fill the position, said vacancy shall be filled from a list of applicants on file with the Fiscal Office submitted during the specified time period.
- B. The Mayor and/or Fiscal Office shall advertise positions authorized by council to be filled by appropriate means. All announcements should specify the job title, nature of the job, required qualifications, essential functions of the position, the compensation range, and deadline for applications.
- C. The employer may post, for a minimum period of seven (7) calendar days, internally, vacancies, which occur or are imminent. The employer will attempt to fill vacancies from among interested, current employees of the employer, who meet the necessary qualifications and are able to perform the essential functions of the position provided such internal promotion is in the best interest of the Village.

- D. An Application for Employment form must be properly completed and timely submitted for an external applicant or for current employees to be considered for the position.
- E. The employer will make reasonable accommodations to assist qualified persons with disabilities to apply for vacancies.
- F. Normally, employment applications will be accepted only when a vacancy exists or is imminent and has been announced.
- G. Upon timely receipt of the applications, the mayor shall forward the applications to the appropriate department head. The mayor and the department head shall evaluate the candidates as provided in the “Evaluation of Applicants” section of this manual and forward the list of candidates with the recommendations to the mayor. The mayor may conduct further evaluations and interviews and shall then make an appointment from the list of candidates for full-time police appointments, subject to approval of Village council.
- H. The Mayor shall make appointments for the village administrator, police chief, and Fiscal Officer subject to council’s approval.

EVALUATION OF APPLICANTS**SECTION 3.05**

- A. Appointments to vacant positions in the Village, either by internal promotion or external selection, shall be based solely on which applicant best meets the job-related qualifications and possesses the highest knowledge, skills, and ability to perform the essential functions of the position as ascertained through job-related selection methods.
- B. A review of all applications shall first be made to determine those applicants who possess the minimum, job-related qualifications as stated on the position description (e.g., minimum licenses, certifications, experience, etc.).
- C. Upon determination of which applicants meet the minimum job-related qualifications, stated on the position description, the appointing authority will consider each applicant’s:
 - 1. Knowledge, skill, and ability to perform the essential functions of the position.
 - 2. Work experience in positions comparable to the vacant position.
 - 3. Work history (i.e., length of past employment, reasons for leaving, etc.).
 - 4. Work record (i.e., attendance, performance, disciplinary actions, etc.).
 - 5. Application appearance.
 - 6. Education, licensure, certifications.
 - 7. Driving record (where applicable).
- D. Otherwise, qualified applicants may be eliminated from consideration for a position if the applicant:
 - 1. Makes a false statement of material fact on the employment application or other hiring documents;

2. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
3. Is an alien not legally permitted to work; or
4. Has previously been terminated for just cause, except in unusual circumstances to be determined by the employer.

If an applicant is hired and it is subsequently discovered that one (1) of the above disqualifying criteria apply, the employee may be disciplined or discharged as provided in this manual.

- E. The employer will not classify a candidate who requires an accommodation as unqualified because that candidate requires an accommodation. However, if the employer cannot provide a reasonable accommodation, or only an accommodation that would cause undue hardship to the employer, the candidate may be considered unqualified.
- F. The employer may conduct a credit check in accordance with the Fair Credit Reporting Act.
- G. The employer shall maintain a recordkeeping system reflecting the disposition of all job applicants and the reasons for hiring or not hiring an applicant. Such records shall be kept on file for at least six (6) weeks and shall include a completed job application, medical examination data, test results, and/or other job-related information.

MEDICAL EXAMINATIONS — APPLICANTS AND EMPLOYEES	SECTION 3.06
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- A. A medical examination by a licensed practitioner may be required prior to appointment to evaluate the selected applicants' physical and/or psychological condition as it relates to the applicants' ability to perform the essential functions of the position for which they are applying. Examinations may include any job-related examination determined to be preemployment.
- B. All employees are required to maintain their physical fitness at a level which will permit them to efficiently perform the duties of their position and avoid endangering themselves or those they serve. Incumbents of specified positions may be legally required to submit to periodic medical examinations during employment to ensure their continued ability to perform the essential functions of the incumbent's position.
- C. When a medical examination is required, such requirement shall be included in the vacancy announcement.
- D. No medical examination, except for use of illegal drugs for safety-sensitive or CDL positions, will be conducted until the employer has made the applicant a conditional offer of employment.
- E. The employer shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the employer, a waiver of the medical examination requirement for the following reasons:

1. Verified religious opinion or affiliation; or
 2. Reinstatement within one (1) year of separation.
- F. After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the Village. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the duties of their position. Examples include, but are not limited to: examination to certify eligibility for leaves of absence; examination to assess for workers' compensation; examination required by Occupational Safety and Health programs, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

ORIENTATION**SECTION 3.07**

- A. Upon appointment, all employees will be given a copy of the Village of Minerva Park Personnel Policy and Procedure Manual to read. The manual contains the general terms, conditions, benefits, policies, and procedures of employment. The employee will also be given all notices, forms, and documents required by law and shall sign all acknowledgements, forms and documents required by law or the employer.
- B. Employees will be introduced to other employees of the Village and be given an overview of the various functions of each department.
- C. Employees will also have the operating and safety policies and procedures of the department and/or position to which the employee is assigned explained to them by the department head or designee.

INSTRUCTIONAL PERIOD**SECTION 3.08**

- A. Newly Appointed Employees: Although in most positions, the employee serves at the pleasure of the appointing authority, each employee will serve an instructional period that begins at the commencement of employment. The purpose of this period is to determine the employee's suitability for the appointed position.
- B. Promoted Employees: Promoted employees will also serve an instructional period. If a promoted employee's performance does not merit continued employment in the position, the employee may be returned to the position the employee previously held or a similar position. If the same or similar position is not vacant, the employee will be treated as if the position to which the employee is being reduced had been abolished. In such case, the employee will be offered appropriate displacement rights. A new instructional period is required following such a reduction. Such reduction is not considered disciplinary action and shall not preclude advancement to other vacant positions.
- C. Instructional Period: The instructional period is generally six (6) months for all employees. Only such time, during which an employee is in active pay status, shall be counted as part of the instructional period. Part-time employees, who work a portion of each workday, shall have their instructional period determined by the number of calendar days following

appointment in the same manner as full-time employees. Employees who work less than the normal number of workdays per week, shall have their instructional period determined based upon the number of hours actually worked. 1,040 hours would constitute a six (6) month instructional period.

- D. If a newly hired employee's performance during the instructional period is found to be unsatisfactory, the employee may be removed from service.
- E. Removal of a newly hired or return of a promoted employee will occur as follows:
 - 1. A final performance evaluation shall be performed by the department heads. The employee will be notified in writing of specific respects in which the employee's performance was unsatisfactory and whether final appointment is approved.
 - 2. The department head shall submit the evaluations of employees to the mayor with a recommendation for final appointment or removal for the mayor's approval. The mayor shall submit a written recommendation to council for police officers for final appointment or removal for council's approval.

Instructional periods may be extended for one (1) additional period of six (6) months to allow further evaluation of the employee with concurrence of the mayor or council, respectively. If the employee fails to successfully complete the extended period, the employee may be terminated or may be returned to their previous classification at the sole discretion of the mayor.

TRAINING**SECTION 3.10**

- A. Newly hired or promoted employees shall be provided on-the-job training and may be required to attend job-related training programs, courses, workshops, or seminars.
- B. As a condition of employment, police officers shall be certified as peace officers by the Ohio Peace Officers Training Council. (Other conditions of employment exist, for officers and are explained to applicants during the hiring process.)
- C. Employees required to attend job-related training programs, courses, workshops, seminars, etc., shall have training expenses paid by the employer and the actual hours of training considered as hours worked. Where training is held during evening hours, the employer may reschedule the employee to maintain a standard workweek. The employer shall not pay for any training unless approved by Village council in advance.
- D. On-the-job training for newly hired or promoted instructional employees shall include time spent on assigned work projects under direction of an experienced co-worker or supervisor, who will periodically check work performance, provide instruction as needed, answer questions, and observe completed assignments to ensure work meets acceptable standards.
- E. Time spent in attendance at lectures, meetings, training programs, and similar activities that are required and/or approved by the employer shall be considered as time worked and will be considered compensable.

- G. Time spent overnight on official employer business will not be considered compensable time worked. However, when an employee is required to travel for required training, and such travel occurs within the same workday, all travel and training time is compensable. (Usual meal time is deducted from this time.)
- H. When an employee is required to travel for required training, and such travel requires the employee to stay overnight, travel time will be considered as time worked when it cuts across the employee's normal working hours (e.g., 8:00 a.m. to 4:30 p.m.). This is true even if the travel occurs on a non-scheduled working day (e.g., Sunday). (Usual meal time may be deducted from this time.)
- I. When the budget allows, the employer may authorize payment of expenses for employees requesting to attend voluntary job-related training courses. The employer encourages such attendance.
- J. Employees interested in training shall notify their supervisors. Supervisors and/or employees should forward a training requisition form to the mayor for approval.

LAYOFF/REDUCTION IN FORCE**SECTION 3.10**

- A. Whenever a reduction is necessary, the employer will determine the position(s) in which the layoff(s) will occur and the number of employees to be laid off in each position.
- B. Employees will be laid off with consideration of efficiency of service relative to the operational needs of the Village and the length of continuous service. If the skills, abilities, and employment record of two (2) employees are equal, length of service will be the determining factor in the layoff decision.
- C. A recall list will be established for each position affected by the layoff, listing each laid off employee in order of layoff.
- D. A laid off employee will be eligible for recall for a period of one (1) year following the date of the layoff or displacement.
- E. Once the order of layoff has been determined, a letter of notification will be prepared and signed by the mayor. The letter shall be provided to each affected employee after the Village council has approved the reduction in force or layoff.
- F. The notice of layoff will be delivered to the affected employee(s) at least 14 days prior to the effective date of the layoff.
- G. The following information should be contained in the layoff notice:
 - 1. Effective date of the layoff;
 - 2. A statement advising the employee of the employee's right to recall; and
 - 3. A statement that the employee is responsible for maintaining a current address with the employer.

- H. In the event the employer decides to refill the position within one (1) year following the date of the layoff, employees shall be recalled in the inverse order of the layoff within the applicable classification.

RESIGNATION**SECTION 3.11**

- A. Employees may voluntarily resign by submitting a written letter of resignation to their supervisor. The letter shall be a signed, dated statement indicating the employee desires to resign, indicating the effective date of separation, and stating the reason for the resignation (optional). The letter of resignation should be forwarded to the mayor's office immediately upon receipt. Failure to give proper, timely notification may render the employee ineligible for future reemployment with the Village of Minerva Park.

Upon receipt of a letter of resignation, the mayor shall complete an acceptance of resignation form and provide same to the resigning employee. A resignation may not be revoked without permission from the mayor.

- B. An employee, who resigns in good standing, may be reinstated, at the discretion of the mayor, to the employee's former position or a similar position provided the former employee remains qualified to perform the duties of the position and reinstatement would be in the best interest of the Village.

- C. It is the employer's policy to provide the following information in response to requests for employment references regarding former employees:

1. The employment dates;
2. The employee's position(s) held;
3. The beginning and ending pay rates; and
4. The employee's reason for resigning as stated in the letter of resignation.

In addition, the employer will comply with the Ohio Public Records Act pursuant to the Public Records — Inspection, Release, and Retention section of this manual.

- D. At the time of resignation, the employee shall:
1. Notify the Fiscal Office of the proper forwarding address in order to receive W-2 forms and any other pertinent information needed to file the current year's income tax returns.
 2. Turn in all keys, uniforms, tools, and any other Village property to his/her immediate supervisor.

IMMIGRATION REFORM AND CONTROL ACT**SECTION 3.12**

It is the policy of the Village to employ only those individuals authorized to work in the United States.

In compliance with the Immigration Reform and Control Act, it is against Village policy to discriminate against any individual authorized to work in the United States, because of such individual's national origin or citizenship.

All offers of employment will be conditioned on the individual providing proof of eligibility for employment in the United States in accordance with the Immigration Reform and Control Act using Form I-9.

I-9 forms and photocopies of supporting documentation shall be retained for three (3) years after the date of hire or for one (1) year after the individual's employment is terminated, whichever is later.

EMPLOYMENT-AT-WILL**SECTION 3.13**

- A. All employees of the Village, except the police chief and other law enforcement personnel, shall be considered at-will employees and shall have no guarantee of continued employment either expressed or implied. A police chief or other law enforcement personnel may only be removed in accordance with the applicable provisions of the O.R.C.
- B. An at-will employee may be reduced, suspended, or removed from employment with the Village at the discretion of the mayor and Village council.
- C. Employees shall be informed of their at-will status at the time of their initial employment.
- D. The department head may effectively recommend to the mayor the reduction, suspension, or removal of any employee under the department head's supervision.

NEW HIRE REPORTING**SECTION 3.14**

- A. Generally: In accordance with O.R.C. 3121.89-3121.8911, the employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other State agencies to help detect and prevent erroneous unemployment or workers' compensation payments.
- B. Employee Definition: The statute defines employee as any individual who is employed to provide services to an employer for compensation and includes an individual who provides services to an employer under a contract as an independent contractor and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.
- C. Deadline: Information regarding newly hired, rehired or returning employees shall be submitted within 20 days of the hire or rehire date.

- D. There are a variety of ways to report new hires, including online reporting, electronic reporting, and by mail or fax. These options for reporting are discussed in detail on the Ohio New Hire Reporting Center's website at: www.oh-newhire.com.
- E. If the employer prefers to submit the Ohio New Hire Reporting form by mail or fax the employer shall complete and forward the form to the address or fax number contained in the top left-hand corner of the form. A copy of this form is included in this manual or can be obtained from the above listed website.
- F. For questions or technical assistance regarding the new hire reporting process employers can contact the Ohio New Hire Reporting Center at (614) 221-5330 or call the toll-free number (888) 872-1490.

NEPOTISM**SECTION 3.15**

- A. The Village will not hire immediate family members of employees in the same work unit where there is the potential for such family members to be in a direct supervisor/subordinate relationship, in order to avoid the appearance of impropriety and violations of Ohio's Ethics Laws.
- B. Following adoption of this policy, no employee shall occupy or be eligible to be considered for a position in which the employee could directly supervise or have influence in decisions concerning the conditions of employment of a member of the employee's immediate family. If such a situation arises after employment, the appointing authority or designee may reassign either employee. If the appointing authority is not able to reassign either employee, the appointing authority may terminate one (1) of the employees.
- C. "Immediate family," for the purposes of this section, means an employee's parents, brothers, sisters, spouse, children (whether dependent or not), grandparents, or grandchildren, or any other person related by blood or marriage and living in the employee's household.

WHISTLEBLOWER**SECTION 3.16**

- A. In accordance with R.C. 124.341, if an employee in the classified or unclassified civil service becomes aware, in the course of employment, of a violation of State or Federal statutes or the misuse of public resources, and the mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the mayor. In addition to or instead of filing a report with the mayor, the employee may file a written report with the Office of Budgeting and Management's Office of Internal Auditing or file a complaint with the Ohio Auditor of State's fraud-reporting system created under R.C. 117.03.

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens,

including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or through United States mail.

If the employee reasonably believes that the violation or misuse of public resources is a criminal offense, the employee, in addition to, or instead of filing a written report with the mayor, or the Office of Internal Auditing, may report it to the Franklin County prosecutor.

External complaints may be made in three (3) ways:

1. File a written complaint at:

Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, Ohio 43215
or

OBM Office of Internal Audit
30 East Broad Street, 34th Floor
Columbus, Ohio 43215-3457

2. Call the Fraud Hotline 1-866-FRAUD OH (1-866-372-8364)
3. Online: <http://www.auditor.state.oh.us/fraudcenter/siu/complaint/complaint.aspx>

- B. Except as otherwise provided in section (3) of this policy, the mayor shall not take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by section (1) of this policy.
- C. An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (1) of this policy. The employee is subject to disciplinary action, including suspension or removal, as determined by the mayor, for purposely, knowingly, or recklessly reporting false information under division (1) of this policy.
- D. For the purposes of this policy:
 1. An employee acts *purposely* when it is his specific intention to cause a certain result, or when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.
 2. An employee acts *knowingly*, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.
 3. An employee acts *recklessly* when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to

circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.

- E. Employees hired after May 4, 2012, shall sign acknowledgement of this policy by signing the acknowledgment form contained in the Village of Minerva Park Personnel Policy and Procedure Manual within 30 days of appointment.

- 4.01 Compensation
- 4.02 Pay Periods/Paychecks
- 4.03 Payroll Deductions
- 4.04 Work Scheduling
- 4.05 Time Records
- 4.06 Starting/Lunch/Quitting Times
- 4.07 Overtime
- 4.08 Employee Status under FLSA (Exempt or Nonexempt)
- 4.09 Inclement Weather
- 4.10 Acting Supervisor

COMPENSATION**SECTION 4.01**

- A. The Village Council will establish an equitable compensation system by ordinance for employees which will establish a rate of pay for each position within the organization.
- B. The Village will ensure that wages:
 - 1. Are based upon a logical and unbiased method of grading each position within the organization;
 - 2. Are competitively based upon consideration of rates currently paid in the local labor market for comparable jobs; and
 - 3. Comply with governing laws, regulations, and executive orders.
- C. General increases will be made at the discretion of the Village Council in the ordinance for annual compensation and positions.
- D. Changes in compensation due to promotions, reductions, performance evaluations, etc., will be in accordance with the employer's compensation plan.
- E. The Mayor has the authority to offer a candidate a pay rate for an existing position within the applicable range based upon Village finances, an employee's level of education, certification/licensure, knowledge, skills and abilities, variety and scope of responsibilities, physical and mental demands and other attributes the mayor considers necessary for the position.
- F. While hourly rates increases are ordinarily limited to one (1) step, the Village Council or finance committee may, in special circumstances, recommend increases in excess of one (1) step for council approval.

PAY PERIODS/PAYCHECKS**SECTION 4.02**

- A. There are generally 26 pay periods per year consisting of two (2) weeks each. The payroll check is based upon an 80-hour period, generally ten (10) eight (8) hour days, unless part-time, seasonal, or salaried.
- B. Payday is the Friday following the previous pay period. If a payday occurs on a holiday, pay will be issued on the preceding day, except under extenuating circumstances, in which case pay day will be issued on the next following workday.
- C. Pay advances are not permitted.
- D. Questions or concerns regarding pay shall be addressed to the Fiscal Office. Unresolved questions may be addressed to the mayor.

PAYROLL DEDUCTIONS**SECTION 4.03**

- A. Deductions required by law and/or in conformity with the employer's benefit plans will be withheld from employee's paychecks. Such deductions include Ohio Public Employees Retirement System (OPERS), Police and Firemen's Pension Fund contributions, income taxes, Medicare tax, etc. Other approved deductions requested by the employee may also be withheld. The employer may refuse to make deductions, not required by law, which the employer deems not in the employer's best interests.
- B. It may be possible for you to authorize the Village to make additional deductions from your paycheck, such as the Ohio Deferred Compensation Plan.
- C. For policies concerning garnishments see Chapter 7, Employee Conduct, of this manual.
- D. Employees shall complete tax withholding forms (W-4), retirement plan, and insurance forms upon initial employment, and must inform the Fiscal Office's office in writing of any dependency changes that occur during the employee's employment.
- E. All requests for payroll deductions must be presented in writing by the employee to the Fiscal Office's office.

WORK SCHEDULING**SECTION 4.04**

- A. The employer will establish the standard workday, workweek, and starting and quitting times for each department, taking into account current and anticipated workloads, public service needs, and other factors. No established schedule should be construed as a guarantee of work hours or as a restriction on the employer's right to restructure the workday or workweek.
- B. Subject to the discretion of the employer, employees may be authorized to take break periods each full working day. Such breaks must never interfere with the proper performance of the employee's work responsibilities.
- C. Each department's or office's standard workday, workweek, starting, and quitting times will be appropriately communicated to the affected employees by the department supervisors.
- D. In case of emergencies employees may be required to report to work outside of their normal working hours.

TIME RECORDS**SECTION 4.05**

- A. All nonexempt employees, under the Fair Labor Standards Act (FLSA), are required to record all hours worked for the employer, including all times the employee started work and stopped work each workday. Each employee that works in a department that utilizes

a time clock is required to utilize the Village's timekeeping system to keep track of all hours worked so that wages can be determined.

Exempt employees are required by the employer to record their hours of leave. Failure to adhere to the reporting procedures adopted by the department head may result in disciplinary action.

B. It is the responsibility of every employee, individually, to report their own starting and ending times for each shift of work so that wages can be determined. Failure to do so will result in the loss of pay for the shift or work in question, unless extenuating circumstances exist. In addition, failure to report time worked, misrepresentation of time worked, the altering of any time record, or allowing time records to be altered by others may result in discipline.

C. **PROCEDURE**

1. Nonexempt employees are responsible for accurately recording the time they start work and end the day on their time sheet.
2. Employees shall only record their own time. An employee who records the time for another employee shall be subject to discipline.
3. Failure to properly record time in and out, misrepresentation of time worked, the altering of any time record or allowing a time record to be altered by others shall result in discipline.
4. Employees must document all time spent working.
5. Time sheets must be signed by the employee and his/her supervisor prior to submission to the Village Fiscal Office.
6. Employees who make an error on their time sheet shall immediately report the error to their supervisor. Supervisors are required to initial any correction.

D. **EXEMPT EMPLOYEES**

1. Salaried employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay as defined in the FLSA. Such employees shall not receive a reduction in pay for absences of less than one (1) day. Such employees are, however, required to follow the procedures for requesting paid leave hereunder, and all pre-scheduled vacation, personal, and sick leave of one (1) day or more shall be deducted from the employee's accumulated leave balances.
2. Public Accountability: For purposes of public accountability, exempt employees may be required to maintain a record of the hours they work and any paid leave utilized.

STARTING/LUNCH/QUITTING TIMES (Non-Safety Sensitive)

SECTION 4.06

A. Nonexempt employees, under the FLSA, are not permitted to begin work and/or sign in prior to six (6) minutes before their scheduled starting time or to continue working and/or

sign out more than six (6) minutes after their scheduled quitting time without receiving advanced approval of the employee's supervisor, except in emergency situations where advance approval cannot be obtained.

- B. Employees who are scheduled for an eight (8) hour work shift are eligible for an unpaid one-half (½) hour lunch break. Part-time employees working 6 hours of more may take an unpaid one-half (½) hour lunch break. All employees are required to sign in and out during their lunch break.

This policy does not apply to Police Department employees. These employees are required to remain on-duty subject to responding to calls during all breaks.

- C. Employees who work 8-hour shifts or more may receive 15 minute rest breaks two (2) times each day, at the discretion of the department head or designee. In order to be eligible for a 15 minute break the employee must have worked three (3) hours prior to taking a break. Break time may not be aggregated for early dismissal or to replace any other unpaid break time. Any missed break time does not qualify for additional compensation.

Employees should check with their supervisor to receive approval for breaks. If approved, breaks shall be scheduled so as not to interfere with operations or service to the public.

Police Department employees are generally scheduled for 8 hours shifts. Police department employees are entitled to a 30 minute paid lunch; however, they are subject to response as needed.

Non-uniformed employees, designated by the mayor, responsible for responding to the public throughout the day are entitled to a paid 30 minute paid lunch.

- D. Any employee desiring to leave the workplace during his/her scheduled shift for personal reasons (i.e., doctor's appointment, funeral leave, etc.) should refer to the appropriate section of this manual for the procedure (i.e., sick leave, funeral leave, jury duty, etc.).

OVERTIME**SECTION 4.07**

- A. Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Nonexempt employees, under the FLSA, will be paid at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of 40 in any workweek.
- B. Eligibility for overtime will be based upon all hours "actually worked."
- C. Working overtime is generally discouraged and usually will be performed only when the employer determines it is necessary. All overtime must be approved in advance by the employee's supervisor, except in unusual or emergency situations. The employer will examine closely any overtime request not approved in advance.
- D. All employees who hold employment in more than one (1) position with the Village of Minerva Park should notify the Fiscal Office, in writing, of such joint employment. If a

FLSA nonexempt employee's combined total hours worked for two (2) Village positions exceeds 40 hours during the workweek, the employee shall be paid at the rate of one-half times (50%) the weighted average of their two (2) different rates of pay for each hour worked in excess of 40 hours.

- E. Scheduled overtime which is subsequently canceled for any reason shall not entitle the employee to overtime compensation.
- F. Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the calculation of the overtime hours cannot reasonably be calculated within this time frame, such overtime shall be paid with the next regular pay.
- G. Call Out Pay: Employees who are called out to work by the employer after leaving the work site for the day will be paid at one and one-half (1 1/2) times the employee's hourly rate and will receive a minimum of two (2) hours of pay at that rate.

An employee with an authorized absence from work for all or part of the regularly scheduled workday and then responds to a call-out the same day will be paid at their regular rate of pay, with a minimum guarantee of two hours.

If call-out is performed prior to the start of the employee's regular workday, the pay rate will revert to straight time for the period of time covering the employee's scheduled workday.

- H. Employees who are required to work Village holidays shall receive pay at a total rate of time and a half times their regular rate of pay for each hour worked on holidays. Holiday time worked is based on the start of the shift.

Holiday bank equivalent for police – funded twice. Used more than accrued at time of departure shall be required to pay back the amount. New employees shall have the prorated amount (the holidays remaining in the 6 month period) placed in a bank.

- L. Employees must receive approval from their immediate supervisor prior to working overtime. All employees who work 10 or more hours of overtime in a single week must receive prior approval from the mayor before working overtime.

EMPLOYEE STATUS UNDER FLSA (EXEMPT OR NONEXEMPT)	SECTION 4.08
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- A. Nonexempt: Most employees fall into the nonexempt status; that is, they are covered by the provisions of the Federal Fair Labor Standards Act (FLSA). Nonexempt employees qualify for overtime in accordance with the applicable policies herein.
- B. Exempt: Administrative, executive, professional, and certain other employees paid on a salary basis are specifically exempt or fall into one (1) of the specific categories of the “non-covered” employees under the FLSA.

Salaried employees (full and part-time), determined to be exempt from the overtime requirements of the FLSA, shall not be eligible for overtime pay time as defined in the FLSA. Such employees generally do not receive a reduction in pay for absences of less than a full workweek, except as provided by applicable law. Such absences will, when applicable, be deducted from the employee's sick leave or vacation leave, if the employee has such leave accumulated. Exempt employees are expected to normally work 40 hours per week, 20 hours for part-time, unless additional work time is required to fulfill the responsibilities of their position. Sick leave, vacation leave, and holiday pay are based upon a 40 hour week for full-time exempt employees and 20 per week for part-time employees.

INCLEMENT WEATHER**SECTION 4.09**

- A. If a weather emergency is declared in Franklin County, the following procedure shall apply:
1. Essential Personnel (defined as police, equipment operators, department heads, and other employees designated by department heads): All essential personnel are required to report to work. When weather conditions are extremely severe, such employees should contact the employee's supervisor, and arrangements may be made to pick an employee up at home, if possible.
 2. Non-Essential Personnel: If the level of emergency is:

Level 2: employees shall report for duty. Scheduled employees who are able to come to work will be paid their regular wage for the actual time worked. Employees unable to come to work may use accrued vacation leave, if available, or may receive an excused day off without pay; provided the employee follows the notification of absence policy.

Level 3: employees are not required to report to work and will be paid for their regular hours.
- B. A weather emergency is where the sheriff restricts travel, except for emergency vehicles.
- C. An employee on sick leave or vacation status at a time of emergency closing will not be affected and will have his/her sick leave or vacation account charged accordingly.
- D. Part-time employees who are scheduled to work will be treated in the same manner as full-time employees for purposes of this section. (Hours paid will not exceed the employee's scheduled number of work hours.)

NURSING MOTHERS BREASTFEEDING SUPPORT**SECTION 4.10**

- A. It is the intent of the Village of Minerva Park to promote healthy choices for new mothers returning to work and their infants and recognizes the importance of breastfeeding for both mother and child. In compliance with the FLSA and PUMP for Nursing Mothers Act

(“PUMP Act”) employees identified as nursing mothers will be provided with a reasonable break time in a private location in order to express breast milk for up to one (1) year after the child’s birth.

1. Newly hired employees will be informed of the breastfeeding support policy.
 2. An employee may utilize her allotted break/meal period per day in order to breastfeed or to pump. The employee may use her allotted time in spaced intervals throughout the workday. Any additional break times needed to express milk or feed a child shall be considered unpaid.
 3. A private environment (not a restroom) free from intrusion from coworkers and the public for expressing milk or breastfeeding the child will be provided (i.e., an office, or other private location). An effort will be made to accommodate the breastfeeding mother without inconveniencing other staff. The private environment will include:
 - a. an electrical outlet;
 - b. be in reasonable proximity to the employee’s work area;
 - c. be in close proximity to a clean sink;
 - d. has comfortable seating and a table or other flat surface to hold the breast pump; and
 - e. has a sign available that may be posted during the area’s use by the employee stating, “DO NOT DISTURB.”
- B. After identifying herself as a nursing mother who has the need to express breast milk throughout the workday, the employee shall provide her supervisor with the date of the child’s birth, the approximate times during the workday when the employee anticipates needing to express breast milk, and the method by which the employee prefers to account for the time.

The employee shall keep the Employer apprised of any needs for schedule changes for the purposes of expressing breast milk throughout the time period she remains a nursing mother.

5.01	Sick Leave
5.02	Sick Leave Conversion
5.03	Vacation
5.04	Holidays
5.05	Personal Leave
5.06	Bereavement Leave
5.07	Jury Duty
5.08	Military Leave
5.09	Leave of Absence without Pay
5.10	Injury Reporting
5.11	Workers' Compensation
5.12	Group Health Insurance
5.13	Other Insurances
5.14	Retirement
5.15	Family and Medical Leave
5.16	Health Insurance Portability and Accountability Act (HIPAA)
5.17	Medical Records of Employees (HIPAA Practices)

SICK LEAVE

SECTION 5.01

Leave time is generally expressed in hours for most employees and is used in increments identified below for each leave. Leave time for salary employees is expressed in days and is used in days. Where leave time is not expressed in days for salary employees, the hours are to be converted to days (hours divided by 8 equals the number of days. Part-time salary employees receive half the number of days of a full-time salary employee. Salary employees use of leave time is in whole days.

- A. Accrual: Each employee earns 0.0575 hours (4.6 hours for 80 regular hours worked) of sick leave for each regular hour of service the employee works. Overtime hours worked are not subject to sick leave accrual. Personal, vacation, and sick leave hours used in a bi-weekly period will count as hours worked for sick leave accrual purposes. Part-time salary employees earn half of the time full-time employees earn (2.3 hours) per pay period.
- B. Credit for Prior Service: Employees who previously separated from the employer or from the State of Ohio or any Ohio county, municipality, board of education, library, civil service township, or other political subdivision of this state may transfer their unused balance of accumulated sick leave, provided the time between separation does not exceed ten (10) years and no portion of the unused balance was previously converted to cash.

Employees are responsible for obtaining confirmation of their sick leave balance from a previous employer within 30 days of employment. Failure to obtain the confirmation within 30 days restricts the use of the leave to the pay period after receipt. The Village will only accept 240 hours of sick leave from a previous employer. Employees who transfer in sick leave will have use sick leave accrued while employed by the Village first. The Village will not pay out any unused sick leave transferred from an employee's prior employer upon any separation.

- C. Usage: Upon the approval of the immediate supervisor or designee, sick leave may be used for the following reasons:
1. Personal illness, injury, pregnancy, or childbirth related conditions of the employee or of a member of the employee's immediate family that requires the employee's presence, as reasonably necessary; and
 2. Exposure of the employee or a member of the employee's immediate family to a contagious disease, which could be communicated and would potentially jeopardize the health of the employee or the health of others.
- D. Immediate Family: For purposes of this policy, "immediate family" is defined as the employee's: spouse, child, and other persons at the discretion of the mayor.
- E. Payment: Employees who are absent on approved sick leave will be paid at the employee's applicable hourly or salaried rate. If requested sick leave is denied and as a result an

employee is overpaid, such over payment shall be deducted from the employee's next paycheck. Sick leave will be charged in a minimum of quarter (.25) hour increments.

- F. Denial: The employer maintains the right to investigate the circumstances surrounding an employee's request for sick leave. A request for sick leave will be denied if:
1. The employee fails to comply with the required procedure for proper sick leave usage;
 2. The employee fails to present a required medical practitioner's statement (after three consecutive days absence or upon request by the Village) or a properly completed request form; or
 3. Investigation of the request discloses facts that are inconsistent with the proper use of sick leave, such as excessive occasions of sick leave usage, a pattern of using sick leave before or after regular days off, alteration of a medical practitioner's statement, or other evidence of intent to defraud.
- G. Use of Other Leave: Employees, who have no accrued sick leave, who are absent, will be considered absent without leave, unless the employee requests and the department head approve the use of accrued vacation leave for such absence. Employees, who have no accrued sick leave or vacation leave, may be granted a leave of absence without pay upon request, as provided in Section 5.08 of this manual.
- H. An employee, who requests sick leave for a scheduled medical appointment, should notify the employee's supervisor or designee as soon as possible before the appointment. An employee, who requests sick leave for other than a scheduled appointment, must notify the supervisor of the employee's absence and reason therefore by no later than one (1) hour prior to the employee's scheduled starting time. Employees must follow the same applicable notification requirement each day the employee will be absent, unless instructed to do otherwise by the supervisor.
- Failure to notify the Fiscal Office no later than one (1) hour prior to the employee's scheduled starting time may result in the employee being counted as missing, whereupon no sick leave benefit will be paid, and the employee will be subject to disciplinary action.
- I. Immediately upon returning to work from sick leave, an employee must complete a "Request for Leave" form, attach all required supporting documents, and submit the form to the employee's supervisor. A sick leave request should not be considered approved until signed by the supervisor, department head, mayor or designee.
- J. Employees, who obtain medical attention while on sick leave, must attach a medical practitioner's statement to the "Request for Leave" form, which should indicate the date and nature of the illness or injury for which the employee was treated.
- K. The Department Head or designee shall review the completed "Request for Leave" form and the circumstances surrounding the absence. A recommendation for approval or denial

of the sick leave shall be made and the appropriate signature placed on the "Request for Leave" form. If approved, the form shall be forwarded to the Fiscal Office.

- L. The Mayor or Fiscal Office should inform any employee whose sick leave request is denied of such denial, the reason(s) for the denial, that the employee will not be paid for the absence, and should initiate any necessary disciplinary action required.
- M. Sick leave records will be updated at the completion of each pay period.
- N. Employees who become ill during a scheduled vacation may not convert the vacation day to a sick day.

O. **SICK LEAVE DONATION**

1. **Eligibility:** Employees may donate accrued sick leave to a fellow employee who's otherwise eligible to accrue and use sick leave.

2. **Purpose:** The intent of the sick leave donation policy is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave (i.e., they no longer have "paid leave" balances) due to an extended illness or injury of the employee or a member of the employee's immediate family that requires the employee to be off work for a consecutive block of time. Intermittent leave does not qualify an employee to receive donated sick leave. Additionally, the intent of this policy is to allow employees to voluntarily make a donation to a co-worker who is in need of leave because all other forms of paid leave have been used. It is not appropriate for the Village to go back to employees to request donations a second time because an insufficient number of hours were donated the first time.

2. **Definitions:** For the purpose of this policy the following shall apply:

- **Child:** a son; step-son; daughter; step-daughter; including a child eighteen (18) years or over, who is incapable of self-care because of a mental or physical disability.
- **Immediate family:** the employee's spouse, child, step-child or parent.
- **Parent:** biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). In-laws are NOT included in the definition of "parent."
- **Serious health condition:** an illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment for more than three (3) calendar days and involves care by a health care provider. Serious health condition also includes continuing treatment of chronic or long-termed incurable conditions and prenatal care.
- **Husband or wife:** including common law marriages where/when recognized.
- **Transferee:** the employee in need and approved to receive donated sick leave.
- **Transferor:** the employee volunteering to donate their sick leave

3. **Usage:** In the event an employee uses or will use (due to an existing sick leave event) all his/her sick leave, other employees may donate sick leave time to said employee

once all other forms of paid leave, including vacation and personal days have been exhausted. A medical emergency or situation requiring the employee to be off work must exist in order for an employee to request sick leave donations. The donated sick leave time shall be deducted from the transferor's accumulated sick leave and credited to the transferee's account. Employees may only request sick leave donations when they have exhausted all other forms of paid leave due to a serious illness or injury

4. Hours Transferred: Any hours transferred shall be transferred at the rate of pay equal to that of the transferor unless the rate of pay of the transferee is less than that of the transferor, in which case the transfer shall be at the rate of pay of the transferee.

5. Receiving Leave: An employee may receive donated leave equivalent up to the number of hours the employee is normally scheduled to work each pay period or the equivalent of the employee's normal biweekly earnings, whichever is less, if the employee to receive donated leave or a member of the employee's immediate family has a serious health condition and the employee:

- *has no accrued paid leave;*
- *has completed his or her new hire probationary period;*
- *has applied for any paid leave, Workers' Compensation, or benefits pro grain for which the employee is eligible;*
- *leave taken under this program will be included and is subject to the twelve (12) week limits of the Family and Medical Leave Act;*
- *has no abuse or patterned use of sick leave;*
- *has provided acceptable written verification that the extended illness exists that requires the employee to be off work for a consecutive block of time; and*
- *agrees to accept the leave under the terms of this policy and completes an "Application to Receive Donated Leave" Form.*

Employees are only permitted to use a maximum of 480 hours of donated leave in any twenty-four month period.

6. Donating Leave: Employees may donate leave if the donating employee:

- *is not a member of the receiving employee's immediate family as defined above;*
- *voluntarily elects to donate sick leave, and does so with the understanding that donated leave will not be returned;*
- *donates a minimum of eight (8) hours to one of the donor's regularly scheduled workdays, and a maximum of eighty (80) hours in one donor day increments, subject to a maximum eighty (80) hour annual (based on calendar year) donation to any/all employees measured;*
- *retains a sick leave balance of at least two hundred forty (240) hours (including transferred hours); and*
- *completes an "Application to Donate Leave" form*

7. PROCEDURE

Administration: The sick leave donation program shall be administered on a pay period to pay period basis. The immediate supervisor of the transferee and the Director of Finance shall review the Application to Receive Donated Sick Leave and the Application to Donate Sick Leave to assure compliance with this policy. Donations of sick leave will be recorded in the order of their submission and will not be considered actually donated nor be deducted from the transferor's balance or credited to the transferee's balance until the pay period such leave is actually used. Unused donation applications shall be returned to the transferor. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Vacation and sick leave accrued by an employee while using donated sick leave shall be used, if necessary, in the following pay period before additional donated sick leave may be received. Donated sick leave shall be considered sick leave but shall never be converted into a cash benefit. The Finance Department shall maintain such records as are necessary for the administration of this program.

ii. Certification: Employees who wish to donate sick leave shall certify:

- *The name of the employee for whom the donated leave is intended*
- *The number of hours to be donated;*
- *That the employee will have a minimum sick leave balance after donation of at least two hundred forty (240) hours;*
- *That the sick leave is donated voluntarily, and the employee understands that the donated leave will not be returned*

iii. Confidentiality: The Village shall ensure that no employees are forced to donate leave. The Village shall respect an employee's right to privacy. However, the Village may, with the permission of the employee who is in need of leave or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave donations from employees. The donation of sick leave shall occur on a strictly confidential and voluntary basis.

- iv. Applications: Employees wishing to donate or receive donated sick leave may pick up applications from the Human Resources Director or designee.

SICK LEAVE CONVERSION	SECTION 5.02
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- A. Upon retirement from active service in a state-sponsored retirement plan, an employee shall receive payment of accrued, but unused, sick leave for active service with the Village of Minerva Park, if the employee has at least eight (8) years of accumulated service as a public employee with the Village. The maximum amount of the payment shall be one-fourth (25%) of the accrued sick leave up a maximum of 250 hours paid. Such payment shall be based upon the employee’s rate of pay at the time of retirement. An employee may receive this payment only once from the Village. An employee who retires and is rehired may delay payment until actual retirement.
- B. Upon death of an employee, the employee’s estate shall receive payment of accrued, but unused, sick leave. The maximum amount of the payment shall be one-fourth (25%) of the accrued sick leave up to up a maximum of 250 hours paid. Such payment shall be based upon the employee’s rate of pay at the time of death.
- C. Employees, who are eligible to receive payment hereunder, shall, upon retirement from active service under OPERS or PFPF, contact the Fiscal Office to complete the required request form.
- D. Full-time employees may convert sick leave to a cash payment in January each year. The hours subject to conversion are the hours earned for the pay periods ended from January through December of the prior calendar year. Payment requests are to be submitted in January with payment by the end of January at the rate of pay in effect for the last pay period of the prior calendar year. Sick leave converted to cash will be deducted on a one for one basis from the employee’s leave balance.

Full-time employees must have a minimum sick leave balance of 80 hours to be eligible for the conversion program. Only sick leave hours earned while employed by the Village of Minerva Park are counted towards the minimum balance and eligible for the conversion program.

Sick leave usage during the prior year will be subtracted from the amount accrued during the year to determine the hours available for conversion. Sick leave hours to be converted cannot reduce the employee’s balance of sick leave earned while employed by the Village below the minimum balance requirement.

The rate at which the sick leave is converted to cash is reduced based on the amount of leave used during the calendar year. The reduction in the payout based on hours used is as follows:

Sick Leave Hours Used	Conversion Rate
Zero hours used	100.0%
.5 to 16 Hours	90.0%

17 to 32 Hours	80.0%
33 to 64 Hours	60.0%
65 to 96 Hours	30.0%
97 or more hours	0.0%

Sick leave and vacation hours converted to cash are not pensionable compensation subject to pension contributions. Sick leave and vacation hours converted to cash are subject to the withholding requirements of the Internal Revenue Service and the Ohio State Department of Taxation for lump sum payments, and other applicable withholdings.

VACATION	SECTION 5.03
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A. All employees earn paid vacation leave and begin accruing such leave upon appointment. Upon an employee’s completion of six months of service, all accrued vacation leave will be available to the employee for use. If an employee terminates employment with the Village within the employee’s first year of employment, the employee will not be entitled to receive the vacation leave that has accrued. One (1) year of service shall be calculated on the basis of 26 biweekly pay periods.

B. Eligible employees receive and accrue paid vacation leave according to the following schedule:

<u>Years of Service</u>	<u>Hours</u>		<u>Accrual Rate Per Pay Period</u>	
	<u>Full-Time</u>	<u>Part-Time</u>	<u>Full-Time</u>	<u>Part-Time</u>
Zero Through 2 Year	80	40	3.08	1.54
3 Year through 5 Years	120	60	4.62	2.31
6 Year through 9 Years	160	80	6.15	3.08
10 Year through 14 Years	180	90	6.92	3.46
15 Year through 20 Years	200	100	7.69	3.85
21 or more Years	240	120	9.23	4.62

Seasonal employees and part-time who work less than 20 hours per week shall not accrue vacation leave.

C. An employee’s first vacation leave may be taken after the employee has completed six months of service.

D. All vacation requests will be submitted in writing to and approved by the supervisor or the designee on a first come first serve basis on the following schedule:

<u>Time Requested</u>	<u>Required Notice</u>
One (1) to two (2) weeks	Two (2) weeks
Individual day(s)	12 hours

Vacation submitted without proper notice may be denied without reason.

- F. Vacation is not earned while an employee is in non-paid status (i.e., leave of absence without pay, disciplinary suspension).
- G. When an employee retires or resigns from service with the Village, the employee may be eligible for compensation for any earned, but unused vacation leave as follows:

Employees with six months or more of service with the Village who submit a two week notice and work through the notice period shall be compensated for earned but unused vacation leave to the employee’s credit at the time of separation. Employees who are involuntarily terminated shall not be eligible for payment of unused accrued vacation leave.
- I. Employees who become ill during a scheduled vacation may not convert the vacation day to a sick day.
- J. Employees shall request vacation leave, in writing, on a “Request for Leave of Absence” form.
- K. Requests for leave of one (1) or more weeks should be made at least two (2) weeks in advance. Requests for leave of less than one (1) week should be made with 12 hours notice. Vacation leave shall not be taken in increments of less than one-half hour.
- L. Vacation hours may be converted to a cash payment in January each year. The hours subject to conversion are the hours accrued for the pay periods ended from January through December of the prior calendar year. Payment requests are to be submitted in January with payment by the end of January at the rate of pay in effect for the last pay period of the prior calendar year. Vacation hours converted to cash are limited to 50 percent of the amount accrued during the prior calendar year. Vacation converted to cash will be deducted on a one for one basis from the employee’s leave balance.

HOLIDAYS	SECTION 5.04
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A. Holidays Observed: All full-time employees shall receive 8 hours of holiday pay at his or her regular pay rate. All part-time employees shall receive holiday pay at his or her regular pay rate. Number of hours paid to part-time employees are based on his or her regular work schedule on the holiday, but shall not exceed 6 hours. Employees in a seasonal or unpaid status are not eligible for holiday pay. Employees in an unpaid status are not eligible for holiday pay. The holidays observed are:

- | | |
|------------------|----------------------------|
| New Year’s Day | Martin Luther King Day |
| Presidents Day | Memorial Day |
| Juneteenth | Independence Day |
| Labor Day | Veterans Day |
| Thanksgiving Day | Day after Thanksgiving Day |
| Christmas Day | |

B. Date of Observance: If a holiday falls on a Saturday or Sunday, the holiday will be observed the Friday before or the Monday after.

- C. Work on a Holiday: Most employees will normally not be scheduled to work on the day observed as a holiday. Any eligible employee that is required to work on a day observed as a holiday shall be paid at one and one-half times (1 ½) their regular rate of pay for each hour actually worked.

Any non-Police Department employees who are called in to work on a Holiday in which the Village Office is otherwise closed, will be compensated a minimum of 2 hours and shall be paid at one and one-half (1.5) times his or her regular rate of pay.

Any employee called into work on New Years Day or Christmas Day shall be paid a minimum of three hours or actual hours worked at one and one-half (1.5) their regular rate of pay.

Police may bank a holiday if the holiday falls on a regularly scheduled day off or if they work the holiday. Banked holiday time must be used within the year earned. Unused holiday time will be paid out on the last pay date in December each year.

- D. Eligibility: Holiday pay will only be paid to those employees who work, or who are on authorized leave, their regularly scheduled workday both immediately before and after the holiday.
- E. Employees on Paid Leave: If a holiday occurs while an employee is on sick leave, injury leave, or vacation leave, such day will not be charged against the employee's sick, injury, or vacation leave balance.
- F. Employees on Leave of Absence or Disciplinary Leave: If a holiday occurs while an employee is on a leave of absence or disciplinary leave, the employee will not be paid for the holiday.
- G. Religious Holidays: Religious holidays other than those previously listed may be given consideration when requested by an employee. Requests should be submitted in writing to the department head and/or Mayor. Reasonable effort shall be made by the department head and/or the mayor to accommodate all requests submitted after that period.

However, time off must be taken by either using a personal leave day or vacation leave. Leave of absence without pay will be considered on an individual basis only when the employee does not have any paid leave balances. Employees must request time off in accordance with the provision of the type of leave requested.

PERSONAL LEAVE**SECTION 5.05**

Full-time employees are eligible to receive 32 hours of personal leave per year. This leave is granted annually in the pay period that includes January 1, and must be used by December 31 each year. Personal leave in excess of eight hours will not be carried over into the next year and will not be paid out as additional compensation.

Full-time employees hired during the year will be pro-rated personal leave as follows:

Hire Date	Hours of Personal Leave
January 1 – April 30	32 hours
May 1 – August 31	24 hours
September 1 – December 31	16 hours

Part-time employees who averaged 30 or more hours in the prior calendar year are eligible for 24 of person leave. Part-time employees who averaged 20 or more hours in the prior calendar year are eligible for 16 of person leave. Personal leave may be taken in increments of one-half hour. New part-time employee’s person leave shall be based on their assigned regular work schedule. Salary employees used of personal leave shall be in full days.

Unused personal leave will not be paid upon separation of the employee from service. Personal leave is granted at the sole discretion of the Village.

BEREAVEMENT LEAVE	SECTION 5.06
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A. Any employees may be granted a maximum of three working days in the event of a death of an immediate family member. Bereavement leave does not have to be consecutive days, but must be used within 30 days from death of an immediate family member. An employee may use an additional five days of accumulated sick leave, upon approval of the mayor or department head. For the purposes of this policy, the “immediate family” is defined as only: mother, father, brother, sister, child, stepchild, spouse or domestic partner, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian, or another person who stands in the place of a parent.

The use of sick time for bereavement leave shall not be counted as a sick leave incident.

All part-time employees regularly scheduled 20 hours or more may be granted one working day in the event of a death of an immediate family member, as defined above.

JURY DUTY & COURT TIME	SECTION 5.07
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A. Eligibility: All employees are entitled to leave without loss of pay when performing jury duty by the United States, the State of Ohio or any court of record, subpoenaed for a court appearance, in an official capacity in connection with the Village or as an expert witness either because of professional or observed knowledge, performing emergency civilian duty in connection with national defense and for the purposes of voting when the polls open at least two (2) hours before or after the employee’s scheduled hours of work; unless such court appearance is in connection with the employee’s personal business (e.g., traffic court, divorce proceedings, etc.; see item D below).

B. Notification: All employees must notify his/her supervisor five (5) days prior to jury duty or service date.

- C. Payment: Any compensation received from the court while the employee is on eligible civil leave will be deducted from the employee's pay.

If the jury pay is higher than that paid by the Village, the employee is permitted to keep the difference.

If the employee is on vacation or personal leave, he/she is allowed to keep the pay.

- D. Employees will be expected to report to work following jury duty, if three (3) hours or more remain in the scheduled workday.
- E. If an employee is involved in court in a personal case either as plaintiff or as defendant in a suit not resulting from his/her duties with the Village, he/she may be granted leave without pay unless the employee elects to utilize any available vacation time
- F. Employees shall complete a "Request for Leave" form, attach a copy of the subpoena or jury duty notice, and submit the completed form to the employee's department head as soon as the employee becomes aware of the need for such leave.
- G. In order to receive jury duty pay, employees shall submit a "Statement of Jury Service and Pay" to their supervisor.
- H. All Police Department employees who are required to attend Court proceedings for on behalf of the Village shall receive a minimum of 2 hours pay at the 1 and 1/2 rate of pay.

MILITARY LEAVE**SECTION 5.07**

- A. Military leave is a complex issue that is governed by both federal (The Uniformed Services Employment and Reemployment Rights Act or USERRA) and State law.
- B. Except as may otherwise be specifically provided herein, and in strict compliance with the applicable provisions in Chapters 5903 and 5923 of the Ohio Revised Code and Federal law, a member may be granted a leave of absence without pay to be inducted or otherwise enter military duty. A member who, as a member of the Ohio National Guard, the Ohio Defense Corporation, the Ohio Naval Militia, or as a reserve member of the Armed Forces of the United States, is called upon to receive military training or who is called to active duty, shall be entitled to a leave of absence with pay for a period or periods not to exceed twenty-two (22) eight (8) hour work days or 176 hours in any one (1) calendar year. A member qualifying for paid military leave who is called or ordered to the uniformed services for longer than the above period shall be paid for the remaining time beyond the first twenty-two (22) eight (8) hour work days or 176 hours at his or her regular compensation rate less whatever compensation the member may receive for such military service. If the member's military compensation exceeds the compensation the member is otherwise entitled to from the Village, the member will not be entitled to any additional compensation from the Village. An employee shall provide Military Orders received to his or her supervisor.

- C. Supervisors and employees should contact the mayor or designee regarding military leave and reinstatement issues.

LEAVE OF ABSENCE WITHOUT PAY**SECTION 5.08**

- A. Eligibility: Any employee may request a leave of absence from employment without pay. Approval is solely at the discretion of the employer, with each request determined on its own merits. A leave of absence without pay shall not exceed six (6) months. A leave of absence without pay shall only be granted to regular, full-time employees who have successfully completed their instructional period.
- B. Return from Leave: Upon returning from an approved leave of absence, the employee will be placed in the employee's original position, or another position in the same classification should the employee's original position be unavailable. If no similar position is available, the employee will be laid off.
- C. Failure to Return or Properly Use Leave: Failure to return to work upon expiration of an authorized leave of absence without acceptable justification will be deemed a voluntary resignation. Failure to use a leave of absence for the reasons stated in the request for leave may result in cancellation of the leave.
- D. Effect on Employment: Sick leave, vacation leave, or holiday pay are not earned by employees while on an authorized leave of absence without pay in excess of one (1) month.
- Vacation allowance shall be paid at the time of departure on the amount accrued and unused. Any sick days accumulated prior to the leave may be reinstated immediately upon return.
- A leave of absence without pay will not be considered a break in service for seniority purposes unless the employee fails to return to duty.
- E. Employees on an unpaid leave of absence in excess of one (1) month may continue coverage under the employer's health insurance at the employee's expense for the duration of the leave. This cost is to be paid in advance of the first month of leave and prior to each month thereafter or the coverage will be terminated.
- F. All requests for leaves of absence without pay must be submitted to the mayor on a "Request for Leave of Absence" form indicating the specific reason for the requested leave with available supporting documentation attached.
- G. All approved leaves of absence shall be confirmed in writing to the employee by the mayor with a copy to the employee's personnel file.

INJURY REPORTING**SECTION 5.09**

- A. Injury Reports: Any employee injured during the course of their employment shall immediately notify the employee's supervisor and shall complete an Injury/Accident Report form. This report shall be completed, regardless of apparent seriousness of the

injury, and regardless of whether medical attention is required. Such report shall be forwarded to the immediate supervisor no later than 24 hours after the incident. Failure of an employee to comply with the reporting procedure may result in disciplinary action up to and including termination from employment. The supervisor or department head shall investigate the cause of the accident, review and complete the form, and forward it to the mayor or designee.

- B. Serious Injury: In the event of a serious injury, the injured employee's supervisor shall notify the department head or designee immediately so that, if necessary, an investigation may be initiated.
- C. Return to Work: The mayor shall be kept informed if the employee continues to be absent due to the work-related injury. Employees are responsible for providing the mayor or designee with an expected date of return.
- D. Documentation: All documents received from the injured employee, the employee's physician, hospital, or the state, regarding any workers' compensation claim, shall be forwarded immediately to the mayor or designee.
- E. Wages on Injury Date: Employees injured in the line of duty who must leave work before completing their work period shall be paid at their regular hourly rate for the remainder of their regularly scheduled workday in which the injury occurred.
- F. Light Duty/Transitional Work: During such period of injury, the employer may require the employee to perform any duties then available within the limitations of the employee's injury or resulting disability.

WORKERS' COMPENSATION**SECTION 5.10**

- A. Workers' compensation is a complex issue that is governed by the Ohio Constitution and R.C. Chapters 4121 and 4123.
- B. Supervisors and employees should contact the mayor or designee regarding workers' compensation issues.

GROUP HEALTH INSURANCE**SECTION 5.11**

- A. Eligibility: All full-time employees in active pay status may be eligible to participate in the employer's health insurance program. The employer's insurance carrier reserves the right to determine the eligibility of any employee, and the employer shall not be liable for the rejection of any employee for coverage. The employer further reserves the exclusive right to select or change insurance carriers.
- B. Part-time employees who work a regular schedule of 20 hours or more per week may elect for coverage. Premium contribution is set by the Village.

- C. Coverage: Eligible employees approved for coverage by the insurance carrier will become covered in the month following their hire date. Eligible part-time employees will be covered in the following month after 90 days from their start date
- D. Payment: The Village provides coverage for full-time and eligible part-time employees under the health insurance plan up to single coverage and family coverage limits set by Village Council. Full-time employee contributions are established by council and must be paid by the employee. Eligible part-time employees pay one-half of the premium. The Village council reserves the right to modify the amount of its share of the premium on a yearly basis based upon the availability of funds.
- D. Paid Leave: The employer will continue to pay its share of the health insurance premium for employees on paid leaves of absence for as long as the employee is in active pay status as defined in this manual.
- E. Unpaid Leave of Absence: Employees on an unpaid leave of absence in excess of one (1) month may continue coverage under the employer's health insurance at the employee's expense for the duration of the leave. This cost is to be paid in advance of the first month of leave and prior to each month thereafter or the coverage will be terminated.
- F. Employees shall complete an application upon the commencement of employment. Employees who decline coverage by the Village's insurance shall sign a waiver of coverage.
- G. The supervisor shall immediately inform the mayor and/or Fiscal Office's office in writing when an employee is:
1. Separated from service;
 2. Off work on workers' compensation; or
 3. Placed on any unpaid leave of absence.

OTHER INSURANCES**SECTION 5.12**

- A. The Village provides dental, vision, and group term life insurance coverage for all full-time employees. The employer pays the premiums, and coverage terminates at age 70. The type of coverage is detailed below:
- Term life in the amount of \$50,000.
- B. Employees who have questions regarding insurance programs should contact the Fiscal Office.

RETIREMENT**SECTION 5.13**

- A. Notice: All employees are requested to notify the employer of their anticipated retirement in writing at least six (6) months prior to the effective date of the employee's retirement to allow the employer time to plan for any necessary replacement of the employee.

- B. Retirement Systems: With few exceptions, Village employees are required by law to participate in the applicable state retirement system (OPERS or OP&F). Both the employee and the employer are required to contribute to the retirement system, in amounts set by State law. The employee's contribution is paid by payroll deduction.
- C. Separation: Employees who separate from service prior to retirement eligibility may withdraw their own contributions, without interest, from the respective plan.
- D. Questions regarding these retirement plans should be directed to:
- Ohio Public Employees Retirement System
277 E. Town Street
Columbus, Ohio 43215
(614) 466-2085
www.opers.org
- or
- Police and Fireman's Pension Fund
230 E. Town Street
Columbus, Ohio 43215
(614) 228-2973
www.op-f.org
- E. Member handbooks for OPERS and OP&F are available online from the retirement systems.
- F. When an employee intends to retire, the employee must submit a signed, dated letter to the employee's department head which states the employee intends to retire and the effective date of the employee's retirement at least six (6) months in advance. The department head should forward a copy of the letter immediately to the mayor who should forward a copy of the letter to the Fiscal Office's office to allow benefits and separation payments to be determined.

FAMILY AND MEDICAL LEAVE**SECTION 5.14**

- A. The Village of Minerva Park is a covered employer as defined under the Family and Medical Leave Act. Thus, some, but not all, of the act's provisions apply to the Village and its employees.
- (Note: The Village of Minerva Park does not currently employ 50 or more employees. Consequently, employees of the Village are not eligible to take family and medical leave at this time.)
- B. Employee Eligibility: Employees of an employer which employs 50 or more employees within a 75 mile radius who have been employed for at least 12 months and have completed at least 1,250 hours of service with the employer during the previous 12 month period are eligible for family and medical leave.

- C. Ineligible Employees: The following individuals are not eligible for family and medical leave regardless of the number of employees employed by the Village.
1. Elected officials;
 2. The personal staff of elected officials;
 3. Unclassified, policy making appointees;
 4. Immediate legal advisors to elected officials of the legislative branch; and
 5. Independent contractors.
- D. At such time that the Village employs 50 or more employees, the appointing authority shall cause a family and medical leave policy to be prepared for review and passage by the Village council. Such policy shall then be distributed to all employees immediately.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)	SECTION 5.15
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- A. Generally: The Health Insurance Portability and Accountability Act of 1996, more commonly known as “HIPAA,” established Federal law requirements to improve the availability and portability of health insurance coverage.
- B. New Employees: A newly hired employee may be required to provide certification of previous health insurance coverage in order to qualify for the protections provided by HIPAA.
- C. Discontinuation of Employer Coverage: Certificates of creditable coverage must be provided automatically by the plan when an individual loses coverage under the employer’s plan and/or exhausts COBRA continuation coverage. Such certificates provide individuals with evidence of their prior health insurance coverage that may be required by future employers. Certificates of creditable coverage must be issued within 14 days following the event that triggered loss of coverage. Certificates may be provided by first class mail.

MEDICAL RECORDS OF EMPLOYEES (HIPAA PRACTICES)	SECTION 5.16
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- A. To provide guidance to department heads, supervisors, and employees concerning the privacy of medical records which involve employees of the Village of Minerva Park.
- B. The Village of Minerva Park will, to the extent required by law, protect medical records it receives about employees or other staff in a confidential manner. Generally, only those with a need to know the information will have access to it, and even then, they will only have access to as much information as is minimally necessary for the legitimate use of the medical records.
- C. In accordance with laws concerning disability discrimination, all medical records of employees will be kept in separate files apart from the employee’s general employment file. These records will be secured with limited access by management.

- D. In accordance with the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA), medical records that are not considered employment records will be treated in accordance with the safeguards of the Privacy Rule with respect to their use and disclosure.
- E. Employment records are not considered to be protected health information (PHI), subject to HIPAA safeguards. This includes certain medical records of employees that are related to the job. Employment records not covered under HIPAA include, but are not limited to: information obtained to determine the employee's suitability to perform the job duties (such as physical examination reports), drug and alcohol tests obtained in the course of employment, doctor's excuses provided in accordance with the attendance policy, work-related injury and occupational exposure reports, and medical and/or laboratory reports related to such injuries or exposures, especially to the extent necessary to determine the workers' compensation coverage.

Nonetheless, despite the fact that such records are not considered HIPAA protected, the Village of Minerva Park will limit the use and disclosure of these records to only those with a need to have access to them, such as certain management staff, designated physicians, and State agencies, pursuant to State law.

If you have any questions about how medical information is used and disclosed by the Village, please contact the Fiscal Office.

- 6.01 Travel Expense Reimbursement
- 6.02 Use of Employer-Owned Vehicles
- 6.03 Secondary Employment
- 6.04 Tools, Supplies, and Equipment
- 6.05 Uniforms
- 6.06 Bulletin Boards
- 6.07 Personal Information Records
- 6.08 Reporting Changes in Personal Information
- 6.09 Public Records — Inspection, Release, and Retention
- 6.10 Confidential Information
- 6.11 Use of Telephones
- 6.12 Internet, Electronic Mail, and Online Services Use
- 6.13 Parking
- 6.14 Smoking
- 6.15 No Employee Expectation of Privacy
- 6.16 Employee Accidents/Exposures
- 6.17 Ohio Motor Vehicle Driving Policy

TRAVEL EXPENSE REIMBURSEMENT

SECTION 6.01

- A. General: Employees will be reimbursed for reasonable expenses incurred while traveling outside of the Village of Minerva Park on approved, official employer business. Additional cost incurred for an employee's spouse or children is not reimbursable.
- B. Meetings, Conferences, and Conventions: With prior, written authorization of the mayor or designee, employees may attend meetings, conferences, and conventions related to the employee's position. The employer will reimburse employees for necessary and reasonable expenses incurred to attend such authorized meetings, conferences, and conventions. The employer may prepay registration fees when such prepayment is required. Employees will not be reimbursed for meetings, conferences, or conventions that an employee did not attend.
- C. Mileage, Parking, and Tolls:
1. The employer will either assign an employer-owned vehicle for travel to and from meetings, conferences, and conventions or employees will be reimbursed for the actual miles driven in the employee's personal vehicle on official employer business, at the current rate as determined by the Internal Revenue Service. Such payment is considered total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) of the two (2) or more employees traveling on the same trip, in the same automobile.
 2. Rental of a vehicle is not a reimbursable expense without prior written approval of the mayor or designee. Charges for vehicle rental or taxi service at the destination, if necessary, are reimbursable at the actual amount for business purposes only, not to exceed the amount set by council per occurrence. Vehicle rental must include liability insurance and loss/collision damage waiver.
 3. Charges incurred for parking at the destination and any highway tolls are reimbursable at the actual amount.
 4. No expense reimbursement is paid for travel between home and work.
 5. Receipts for parking costs, highway tolls, vehicle rentals, or taxi services are required.
- D. Meals:
1. Upon authorization of the mayor or designee, expenses incurred for meals while on approved official employer business during a normal meal period will be reimbursed at the actual cost of the meal, not to exceed the amount set by council per occurrence. Employees shall order reasonably priced meals while traveling at the employer's expense. If meals are included in registration fees, duplicate meals shall not be reimbursable.

2. Normally, meals will not be reimbursed for travel within Franklin County unless specifically authorized by the Mayor, Department Head, Fiscal Office, or designee.
 3. Each meal for which reimbursement is claimed must be listed on a Meal Expense Report form identifying the date, time, and type of each meal with an itemized receipt attached to the sheet.
 4. In order to claim reimbursement for meals, the employee must be on authorized travel status from prior to 6:00 a.m. until after 9:00 a.m. to claim breakfast; from prior to 11:00 a.m. until after 1:00 p.m. to claim lunch; from prior to 5:00 p.m. until after 8:00 p.m. to claim dinner.
 5. Meal expense reimbursement is considered a taxable fringe benefit. In order for meal expenses to be excluded from an employee's yearly income, the employee must be on employer business requiring overnight travel. All other meal expense reimbursement amounts will be accounted for as a taxable fringe benefit.
- E. Lodging: Upon prior written authorization of the mayor or designee, the actual cost of a motel room (single room rate for one (1) employee, double room rate for two (2) employees who share a room) will be reimbursed up to the amount set by council per occurrence when an employee travels on approved official employer business and such travel requires an overnight stay. If a spouse accompanies an employee, all expenses of the spouse are the obligation of the employee. The employee may be reimbursed the amount set by council via ordinance unless the employee is attending a seminar, schooling, or conference and the host hotel exceeds the customary amount. The cost associated with this type of event will be based on that figure for reimbursement.
- F. Telephone Calls: Employees shall be reimbursed for telephone expenses for business purposes only.
- G. Non-Reimbursable Items: The following items or services are not reimbursable:
1. Alcoholic beverages;
 2. Entertainment;
 3. Laundry and dry cleaning;
 4. Room service charges;
 5. Expenses;
 6. Movies or games (in room or otherwise);
 7. Traffic violations; and
 8. Any allowable expense where no receipt is provided.
- H. Sale Tax Exemption: Employees shall submit a sales tax exemption form to restaurants and hotels when applicable, to eliminate the need to pay sales tax when traveling on employer business.
- I. Receipts: Receipts for all reimbursable expenses shall be submitted with the request for reimbursement.

- J. Disabled Employees: When considering an employee request for job-related travel, the employer will consider the special needs of employees who possess a permanent disability that substantially affects the employee's ability to drive, see, hear, etc. The employer will not deny job-related travel opportunities to employees who possess a disability merely because of the employee's disability.
- K. An employee who desires to attend a meeting, conference, convention or otherwise incur expenses on official employer business shall make request in advance.
- L. Following an employee's return from any meeting, conference, convention, or other official employer function wherein reimbursable expenses have been approved and incurred, an employee shall submit an expense form and all original receipts and other documentation to the Fiscal Office's office for payment.

USE OF EMPLOYER-OWNED VEHICLES**SECTION 6.02**

Employees assigned or who use an employer-owned vehicle shall be subject to the following regulations:

- A. Use of or assignment to an employer-owned vehicle may be authorized for employees assigned to weekend duty, provided the employee(s) remain on call the entire weekend. Other employees may be assigned an employer-owned vehicle at the discretion of the mayor or designee.
- B. Employees shall not use, nor permit the use of, an employer-owned vehicle for any purpose other than official employer business. All drivers of employer-owned vehicles must maintain a valid Ohio driver's license.
- C. In accordance with Ohio law and safe driving procedures, all Village employees and front seat passengers shall wear safety belts at all times, in vehicles so equipped.
- D. Emergency road services, towing, and repair charges directly charged to the operator of an employer-owned vehicle while away from the Village, will be reimbursed to the employee, provided the employee produces appropriate receipt(s).
- E. Routine repair or vehicle maintenance needs shall be reported to the department head or designee. Employees, who fail to properly maintain an assigned employer-owned vehicle, in accordance with Village adopted maintenance procedures, may be subject to appropriate disciplinary action.
- F. Employees should recognize that use of an employer-owned vehicle is a privilege and that while using such vehicle, employees are a highly visible representative of the employer. Employees shall exercise every motoring courtesy and conduct themselves in a manner that enhances the good reputation of the employer.

- G. Traffic fines and arrests for illegal or improper use of automobiles are the sole responsibility of the employee. Fines, arrests, etc., shall be immediately reported to your supervisor. In addition, the employee may be subject to appropriate disciplinary action.
- H. Hitchhikers or any other passengers not on approved, official employer business are not permitted in employer-owned vehicles. Spouses are permitted as passengers on authorized trips to meetings, conferences, and conventions when specifically approved in advance by the mayor or designee. The employer may require waivers to be signed by any non-employee passenger pursuant to existing insurance policy regulations.
- I. In the event of an accident, the employee should:
1. Call an ambulance, if necessary;
 2. Call the appropriate law enforcement agency;
 3. Note the following facts:
 - a. Any other driver's name, address, telephone number, license plate number, and insurance company;
 - b. The name(s) of any person(s) injured, address, telephone number; and
 - c. The names of witnesses, addresses, telephone numbers.
 4. Do not admit liability, but give any other party the employee's name, address, driver's license number, and vehicle license number; and
 5. Notify the Mayor or designee, as soon as possible; no later than 24 hours after the accident.
- J. Insurance: The employer maintains insurance coverage for bodily injury and property damage for other vehicles and occupants. Injury to employees, while on employer business, is covered by workers' compensation.
- K. Insurability: Employees must maintain a driving record that is acceptable to the Village insurer. The employer reserves the right to request a copy of an employee driving record and/or a copy of your driver's license for proof of insurability, or for other legitimate reasons.

SECONDARY EMPLOYMENT**SECTION 6.03**

- A. Time Conflicts: Full-time employment with the Village of Minerva Park shall be considered an employee's primary occupation and shall take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours, mandatory overtime obligations, or when the demands of a secondary job prohibit the employee from receiving adequate rest or otherwise affect an employee's job performance.

- B. Interest Conflict: When an employee engages in “outside employment” which tends to compromise the employee’s judgment, actions and/or job performance with the Village. Such interest conflict includes, but is not limited to:
1. Engaging in private, secondary employment or business activity with parties that are interested in matters before, regulated by, or doing or seeking to do business with the Village unless it is determined by council that the employee is able to withdraw, as a public employee from consideration of matters that affect the interests of the party with which he desires to engage in private secondary employment or business activity;
 2. Use of Village facilities, personnel, or resources in conducting private business or while engaging in private, secondary employment including conducting demonstrations for clients using Village-owned equipment;
 3. Use of the employee’s official title or identification on private business cards or other written materials while soliciting business or conducting demonstrations for clients;
 4. Use of the employee’s relationship with other public officials and employees to secure a favorable decision or action by other officials or employees regarding the employee’s private interests;
 5. Discussing or deliberating any matter involving the employee’s own private business, including recommending the employee’s secondary employer or business services to the Village or citizens doing business with the Village;
 6. No employee shall have secondary employment when on a paid or unpaid leave of absence where benefits may be maintained;
 7. Receiving fees for providing services rendered on projects that the employee has recommended in the employee’s official capacity;
 8. Participating in decisions or recommendations regarding the employee’s competitors;
 9. Use of the employee’s position or authority in any other way to secure a benefit for the employee’s secondary employer or private business; and
 10. Performing private business or secondary employment while on duty with the employer or performing private business or secondary employment during the normal business hours of the Village while having the appearance of being on duty with the Village.
- C. Police Department: A conflict of interest exists for police department personnel, who engage in any employment or business involving the sale or distribution of alcoholic beverages, work for bail bond agencies, perform investigative work for insurance agencies or private security services, or perform collection services for attorneys.
- D. Uniforms and Equipment: Employees shall not use employer-owned uniforms or equipment while performing secondary job duties.
- E. Employees must submit written information to the employee’s department head regarding secondary employment that the employee intends to seek. The department head will consult with the employee and, if necessary, the mayor and/or solicitor to determine whether the secondary employment presents a conflict. The employee bears the burden of demonstrating that the secondary employment does not present a conflict.

- F. If the department head determines an employee's secondary employment presents a conflict, the department head may order the employee to terminate the secondary employment. Failure to comply with such order may result in disciplinary action.

TOOLS, SUPPLIES, AND EQUIPMENT**SECTION 6.04**

- A. Tools, supplies, and equipment, necessary by the employer to perform job duties, shall be properly used and maintained. An employee will be held strictly responsible and accountable for equipment personally issued to the employee, in addition to any generally issued departmental equipment, tools, or supplies which are used by the employee.
- B. Misuse, neglect, theft, and/or abuse of tools, supplies, or equipment is prohibited and may subject an employee to appropriate disciplinary action. Accidents involving misuse or abuse of tools will also be cause for disciplinary action. Employees may be required to pay for tools, equipment, and supplies lost or damaged due to misuse, neglect, and/or abuse, at the discretion of the mayor or designee.
- C. Use of all tools, supplies, and equipment shall be for Village business only. Failure to comply with this policy shall result in discipline.
- D. All Village tools, supplies, and equipment will be surrendered upon separation from employment. The value of any property issued and not returned may be deducted from your final paycheck.
- E. The employer reserves the right to review, audit, intercept, access, and disclose all matters on the employer's computer/Internet/electronic mail system and on other employer property (e.g., voicemail system, desk, locker, etc.) at any time with or without employee notice. Such access may occur before, during, or after working hours.
- F. Supplies will be maintained as determined by the department head. Employees are responsible for using supplies in a safe, proper, and non-wasteful manner.
- G. Any employee, authorized to purchase supplies for the employer, shall ensure the vendor recognizes the Village is tax exempt.

UNIFORMS**SECTION 6.05**

- A. Uniforms will be provided to those employees required by the employer to be in uniform.
1. Full-time police officers will be provided uniforms and equipment as approved within guidelines established by the police department.
 2. Full-time employees in the electric, water/sewer, and street departments may be provided uniforms as designated by the Village council.
- B. All uniforms shall be maintained and kept clean and in good repair by the employee.

- C. All uniforms and equipment remain the property of the employer and shall be returned upon termination.
- D. Employer-owned uniforms shall not be worn by employees for other than official employer related business and while commuting to and from work.
- E. Any clothing or uniform purchased or contributed to by the Village that is worn or adaptable to general usage as ordinary clothing by the employee would be a taxable fringe benefit, under IRS rules, and the Village will report such cost as gross income of such employee.

BULLETIN BOARDS**SECTION 6.06**

- A. Bulletin boards are a means for the employer to provide information to employees. The following are examples of the kind of information that may be posted by employees on employer bulletin boards (with prior approval of the department head):
 - 1. Employee recreational and social affairs;
 - 2. Notices of employee meetings; and
 - 3. Non-political publications.
- B. No information may be posted on employer bulletin boards that contains:
 - 1. Personal, scandalous, or derogatory attacks upon any employee, public official, governmental agency, organization, or group; or
 - 2. Unfavorable attacks or comments regarding a candidate for public office.

PERSONAL INFORMATION RECORDS**SECTION 6.07**

- A. The employer maintains and is responsible for personal information regarding employees. "Personal information" includes all information about an employee as defined in O.R.C. 1347.04(E), and may include such information as:
 - 1. Personal data;
 - 2. Employment application documents;
 - 3. References;
 - 4. Medical reports;
 - 5. Documentation relating to an employee's change of status;
 - 6. Performance evaluations;
 - 7. Communications or disciplinary actions; and
 - 8. Paid and unpaid leave records.
- B. The employer shall only use the personal information maintained in the personal information system in a manner consistent with O.R.C. Section 1347.01 et seq., O.R.C. Section 149.43 et seq., or as otherwise required by law.

- C. Each employee will be allowed to review the contents of the employee's own personal file by requesting that the employee's supervisor make arrangements with the mayor, or designee. Employees may also request that the employer conduct an investigation to determine if the information in the employee's file is accurate, relevant, timely and complete. The investigation should occur within 90 days of the employee's written request. All information determined by the employer to be inaccurate as a result of such investigation will be deleted. If the employer determines the record is correct, the employee may attach a brief statement of explanation to the file.
- D. Employees who desire to obtain or review information in the employee's file may be required to provide proof of identification. Representatives of employees who request to obtain or review information from an employee's file shall produce a written release from the employee who requests the record. Said release will be placed in the employee's file.
- E. The employer will not initiate or contribute to any disciplinary action against an employee who brings to the attention of appropriate authorities, the media or any member of the public, evidence of unauthorized use of information contained in the personal information system.
- F. The employer will monitor the accuracy, relevance, timeliness and completeness of its personal information systems, take reasonable precautions to protect personal information in the system from unauthorized and unlawful modification, destruction, use or disclosure; and shall collect, maintain and use only that personal information necessary and relevant to the functions of the employer.
- G. It is the responsibility of the Fiscal Office to maintain personal files.

REPORTING CHANGES IN PERSONAL INFORMATION**SECTION 6.08**

- A. Failure to report changes in personal information may prevent employees from obtaining or maintaining employee benefits or services. Each employee is responsible for reporting any change of personal information to the employer within three (3) calendar days of the occurrence of the change. Notification should be submitted in writing to the Fiscal Office.
- B. For purposes of this section, a change in personal information includes the following:
 - 1. Name change;
 - 2. Address change;
 - 3. Phone number change;
 - 4. Marital status change;
 - 5. Changes which may affect employee insurance and/or pension benefits (i.e., changes in dependents or beneficiaries);
 - 6. Number of exemptions for tax purposes;
 - 7. Citizenship;
 - 8. Selective service classification; or
 - 9. Association with a government military service organization.

- C. Employees must report changes in personal information in writing to the Fiscal Office within three (3) days of such change.

PUBLIC RECORDS — INSPECTION, RELEASE, AND RETENTION SECTION 6.09

Please refer to Section 204.03, Code of Ordinances, Public records policy.

CONFIDENTIAL INFORMATION SECTION 6.10

- A. In the course of working for Village of Minerva Park, employees and volunteers will have access to confidential information. Personal, financial, and business information is considered confidential. All employees must respect the confidentiality of information by not revealing it unless it is necessary to do so in the performance of their job duties.
- B. It is the responsibility of all employees to keep confidential all information accessed through all forms of communication including:
1. Computerized data system;
 2. Hard copy records and reports;
 3. Client contact;
 4. Observation;
 5. Faxing;
 6. Electronic mail;
 7. Verbal communication; and
 8. Employee personnel records.
- C. Any access by an employee to confidential information, either through the computerized system or in hard copy, will only be for legitimate business purposes when the individual has a legal need to know.
- D. Access to computerized data systems may be controlled by individual user security access codes.
- E. Every precaution must be taken by all employees to protect confidential information when in the form of hard copy records or reports. These precautions include but are not limited to shredding, disposing of paper into locked recycling bins, locking filing cabinets, limiting physical access to offices during non-business hours, personally delivering confidential information, or sending information through interoffice mail only in a sealed envelope labeled “confidential.” Shredding or disposal of documents shall be subject to any restrictions under applicable law regarding retention of public records.
- F. Employees violating this policy regarding confidentiality of client, resident, or agency information will be subject to the disciplinary process. Violations determined to be of a “serious” nature can lead to removal from employment with the Village.

USE OF TELEPHONES**SECTION 6.11**

- A. Telephones are provided for business use and shall normally not be utilized to make personal phone calls. Telephones shall be answered promptly and in a courteous manner.
- B. Employees are requested to ask friends, relatives, and others not to call at work for personal reasons, other than emergency situations. Personal telephone calls on regular telephones shall be kept to a minimum and shall not be permitted to adversely affect the employee's work performance.
- C. Personal long distance calls should not be made on any employer provided telephones. Employees who wish to make long distance calls shall utilize a personal calling card, or call collect.

Excessive use of telephones for other than business purposes or other violation of the above regulations may result in disciplinary action.

INTERNET, ELECTRONIC MAIL, AND ONLINE SERVICES USE**SECTION 6.12**

- A. The use of the Internet, electronic mail, and online services has great potential to enhance the productivity of Village of Minerva Park employees, in all departments. At the same time, as in the case with all Village resources made available to employees, abuse is possible.
- B. The purpose of this policy is to establish guidelines and minimum requirements governing the acceptable use of Village-provided Internet, electronic mail, and online services. By establishing and maintaining compliance with this policy, risks and costs to Village government as a whole can be reduced while the valuable potential of these resource tools are realized. The objectives of this policy are to ensure:
 - 1. Disruptions to Village government activities from inappropriate use of Village-provided Internet, electronic mail, and online services access are avoided; and
 - 2. Users are provided guidelines describing their personal responsibilities regarding confidentiality, privacy, and acceptable use of Village-owned Internet, electronic mail, and online services access.
- C. The Village of Minerva Park promotes Internet use that enables employees to achieve their various departmental missions and goals, and to improve Village government in general. These resources are intended to assist in the efficient and effective day-to-day operations of Village of Minerva Park government.
- D. Each department may also choose to develop or further refine acceptable and unacceptable uses of these resources. For further clarification of acceptable and unacceptable use of the Internet, electronic mail, and online services, refer to the "Agreement of Responsibility: Internet, Electronic Mail, and Online Services Use" form in Chapter 9 of this manual.

- E. Background: The *Internet* is the rapidly expanding world-wide network of networks connected to each other using, primarily, the Internet Protocol (IP). The Internet provides for file transfer, remote login, electronic mail, news, and other services. *Electronic mail* is the transmission of memos and message over electronic networks, including, but not limited to the Internet. *Online services* provide subscribers with a variety of reference and information exchange services which typically include connection to the Internet.
- F. Scope of Policy:
1. Access to the Internet, electronic mail, and online services is provided for the purpose of encouraging and promoting improved use of technology and information services in the areas of:
 - a. Gathering information and data relevant to Village business;
 - b. Communicating with other users who have related business interests;
 - c. Increasing employee and contractor efficiency by utilizing skills which will enhance overall job performance; and
 - d. Encouraging collaboration and resource sharing among other Village, county, state, and federal agencies.
 2. The following Village employees are covered by this policy:
 - a. Full or part-time employees of the Village;
 - b. Volunteers, who are authorized to use Village resources to access the Internet, electronic mail, and online services; and
 - c. Village contractors, who are authorized to use Village equipment and facilities.
- G. Department Responsibility: The mayor or department heads (or designee) will have the final authority in determining whether an employee requires access to the Internet, electronic mail, and online services to accomplish their assigned duties.

Departments have the responsibility for:

1. Acquiring Internet, electronic mail, and online service accounts for their personnel, who need access to conduct the official business of the Village.
2. Ensuring that all personnel, who have access to the Internet, electronic mail and online services, are aware of their responsibilities as outlined in the “Agreement of Responsibility: Internet, E-mail, and Online Services Use” form.
3. Assuming the responsibility for making the final determination as to the appropriateness of their employees’ use of the Internet, electronic mail, and online services.

H. User Responsibility:

1. Users should be aware that when access to the Internet, electronic mail, and online services are accomplished using Internet addresses and domain names registered to the Village of Minerva Park, they may be perceived by others to represent the Village. Users shall not use the Internet, electronic mail, or online services for any purpose which would reflect negatively on the Village or its employees.
2. Because of security, legal, and productivity issues referenced in this policy, each user is responsible for:
 - a. Following existing policies and procedures in their use of Internet, electronic mail, and online services and shall refrain from any practices, which might jeopardize the Village's computer systems and data files, including, but not limited to, virus attacks, when downloading files from the Internet;
 - b. Learning about Internet, electronic mail, and online services etiquette, customs and courtesies, including those procedures and guidelines to be followed when using remote computer services and transferring files from other computers;
 - c. Familiarizing themselves with any special requirements for accessing, protecting, and utilizing data, including Privacy Act materials and confidential information;
 - d. Being careful not to duplicate, download, transmit, or use software not in compliance with software license agreements, unauthorized use of copyrighted materials, or another person's original writing; and
 - e. Conducting themselves as a representative of the Village of Minerva Park government as a whole. This means that users shall not use the Internet, electronic mail, and online services to:
 - (1) View or distribute offensive or harassing statements, or to disparage others based on race, national origin, sex, sexual orientation, age, disability, political, military status, or religious beliefs;
 - (2) View, distribute, transmit, download, print, or solicit items displaying materials, pornography, non-forensic nudity, non-forensic sexually explicit content, or non-forensic items that are racist, sexist, or harassing in a manner that is sexual, racial, and/or pertaining to national origin, military status, age, disability, or religion, or any actual, graphic, animation, or other depiction in any form of these items;
 - (3) Distribute, view, or participate in chain letters;
 - (4) View, distribute, or participate in any activity in violation of Section 7.02 of the personnel policy and procedure manual;
 - (5) Engage in a business transaction online, including but not limited to: buying, selling, bartering, the use of personal credit cards;
 - (6) Any use of Village computers or online computer services to facilitate illegal activity is prohibited;
 - (7) Disruptively display photos on paid time; or

- (8) Engage in Internet time loss activities such as eBay, online retail shopping, social networking (i.e., Facebook, LinkedIn, MySpace, etc.), games, online gambling services, etc.
3. Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-Village owned software of any kind.
4. Employees are prohibited from posting, or in any other way broadcasting, without prior employer approval, information on the Internet, or other medium of communication, the business of the Village to include but not limited to:
 - a. Photographs/images relating to any work related matter.
 - b. Video or audio files related to any work related matter.
 - c. Video, audio, photographs, or any other images, etc. which memorialize any work related action of the employer.
 - d. Logos/uniforms/badges or other items which are symbols associated with the employer.
 - e. Any other item or material which is identifiable to the employer.
5. Employees who utilize social networking sites, blogs, Twitter, or other mediums of electronic communication in their off-duty time shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which is detrimental to the mission and function of the Village.
 - a. Employees shall not use references in these social networking sites or other mediums of communication that in any way represent themselves as an employee of the employer without prior employer approval. This shall include but not be limited to:
 - (1) Text which identifies the employer.
 - (2) Photos that depict the logos, patches, badge, or other identifying symbol of the employer.
 - (3) Accounts of events which occur within the employer.
 - (4) Any other material, text, audio, video, photograph, or image which would be identifiable to the employer.
 - b. Employees shall not use a social networking site or other medium of Internet communication to post any materials which promote violence or weaponry.
 - c. Employees shall not use a social networking site or other medium of communication to post or broadcast any materials which would be detrimental to the mission and function of the employer.
6. Employees are prohibited from using their title as well as any reference to the Village in any correspondence to include e-mails, postings, blogs, Twitter, social network sites such as Facebook, unless the communication is of an official nature

and is serving the mission of the employer. This prohibition also includes signature lines in personal e-mail accounts. An employee may seek employer approval for such use.

I. Security:

1. Electronic message systems may not be secure. Employees should be aware of potential electronic messaging security problems before transmitting private or confidential messages.

Disclosure may occur intentionally or inadvertently when an unauthorized user gains access to electronic messages. Disclosure may occur when messages are forwarded to unauthorized users, directed to the wrong recipient, or printed in a common area where others can read them.

2. Use caution when sending classified information. Always display "CONFIDENTIAL" on the subject line when sending confidential information. Confirm that encryption has been enabled before sending confidential or classified information. Be aware that even if you encrypt your data, anything you electronically transmit over the Internet, electronic mail, or online services is subject to interception, reading, and copying by other people.
3. The Internet may not be secure. Employees should take this into account before receiving or transmitting information and messages. Employees should be aware that it is possible to identify visitors to Internet sites (i.e., all Internet browsers furnish a trail to trace all Internet site visits), and should exercise conservative judgment when accessing information on the Internet.

J. Enforcement and Violations:

1. All Village employees using Village equipment to access the Internet, electronic mail, and online services are subject to having activities monitored by system or security personnel.
2. Clear violation of this policy and its attachments will result in disciplinary action, including, but not limited to, termination of Internet, electronic mail, and online service privileges.

PARKING	SECTION 6.13
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Employees shall use the parking areas designated for Village employees.

Parking spaces adjacent to or in front of our buildings are for customers and visitors only.

The Village of Minerva Park assumes no liability for any loss or damage sustained while parked in an employee parking area.

SMOKING**SECTION 6.14**

- A. There will be no smoking or use of electronic cigarettes by Village personnel while on duty. There will be no smoking or use of electronic cigarettes by agency personnel or clients in vehicles owned, leased or operated by and for the Village.
- B. Smoking and other tobacco use (i.e., chewing tobacco, snuff, etc.) is prohibited in all areas inside any Village facility and on all Village owned grounds. Smoking and other tobacco use (i.e., chewing tobacco, snuff, etc.) is also prohibited in all Village owned vehicles and at or near any location where there exists a danger of fire or explosion.
- C. Smoking and other tobacco use (i.e., chewing tobacco, snuff, etc.) is prohibited in any area immediately adjacent to locations of ingress or egress to any Village facility, or in any area at which smoke may enter a Village facility through entrances, windows, ventilation systems, or other means.
- D. Smoking and other tobacco use (i.e., chewing tobacco, snuff, etc.) is prohibited in any area, regardless of its nature, which has been designated by the Village of Minerva Park as a no tobacco use area.
- E. Any activity, which will lead to violation of the terms and provisions of Section 3794.01 through 3794.09 of the Ohio Revised Code, any successor of or amendment to the same, or any regulations properly adopted pursuant thereto, is prohibited.

NO EMPLOYEE EXPECTATION OF PRIVACY**SECTION 6.15**

- A. No employee shall have any expectation of privacy regarding any personal information, documents, materials, or other personal items kept in any employer-provided locker, vehicle, desk, file, computer, cellular telephone, or elsewhere in employer-owned property.
- B. The employer shall have the right to search and review any files, e-mails, websites, etc., maintained or accessed by the employee on any computer provided by the employer for the employee's use. The employer shall have complete access to any telephone records, cellular telephone logs, or other information maintained on any employer-provided cellular telephone.
- C. Any employer-provided locker, desk, vehicle, or other equipment shall be subject to search at any time by the employer.

EMPLOYEE ACCIDENTS/EXPOSURES**SECTION 6.16**

- A. Any employee who is injured in a work-related accident or suffers an exposure to a hazardous chemical or bloodborne pathogens due to a work-related accident or incident shall immediately report the accident or exposure to the employee's immediate supervisor

and complete a written accident report by the end of the employee's work shift if possible or not later than within 24 hours after the accident/exposure.

- B. Supervisors who become aware of a work-related accident or exposure shall immediately notify their department head and after attending to any safety and/or treatment needs of any person resulting from the accident, shall investigate the cause of the accident and document all pertinent facts, including witnesses' names and addresses on the employee's injury/accident report. The supervisor should submit the report to the appropriate department head by the end of the employee's shift or no later than 24 hours after the accident/exposure, if approved by the department head.
- C. Negligent failure to follow the above requirements may result in disciplinary action. Deliberate failure to follow the above requirements shall result in termination of employment. Each offense will be examined based on: the seriousness of the violation; the potential for serious damage, injury, or liability; the resulting damage or injury; and the employee's discipline record.
- D. Any employee injured or who suffers an exposure due to a work-related accident shall complete an Injury/Accident Report and submit it to the employee's supervisor or department head. If the employee is unable to complete the report, the employee's supervisor shall assist the employee with completing the report and have the employee sign the report.
- E. The department shall forward the completed report to the mayor upon completion of the supervisor's report by the following business day.

OHIO MOTOR VEHICLE DRIVING POLICY**SECTION 6.17****A. Purpose**

To assure that employee drivers of the Village of maintain a current valid Ohio operator's license and operate vehicles in a safe and lawful manner in compliance with the laws of the State of Ohio.

B. Definitions

The term "employee driver(s)" shall mean any and all paid employees, applicants for employment, volunteers, auxiliary, and other persons who may be required or permitted to operate any motor vehicle while performing that person's duties on behalf of the Village.

C. Operator's Licenses

- 1. Each employee driver of the Village shall at all times maintain a current valid Ohio operator's license. Any employee driver failing to maintain a current valid operator's license shall be prohibited from operating any motor vehicle while performing any duties on behalf of the Village.

2. Any employee driver whose operator's license is suspended, revoked or otherwise invalid is immediately prohibited from operating any vehicle while performing that person's duties on behalf of the Village. Each employee driver shall immediately notify his/her immediate supervisor if his/her operator's license has been suspended, revoked or becomes invalid in any way. Each employee driver is responsible for knowing the status of his/her operator's license.
3. In order to ensure compliance with the foregoing requirements, each employee driver shall provide to the Village's designated representative a copy of his/her operator's license and shall further execute at least once per year and more frequently as required by the Village the attached Valid License Statement and Consent for Driver's License Record Check. It shall be the responsibility of the Chief of Police to obtain and review an Ohio Bureau of Motor Vehicles driver's license abstract for each applicant for an employee driver position. It shall further be the responsibility of the Chief of Police to obtain and review an Ohio Bureau of Motor Vehicles driver's license abstract for all existing employee drivers at least one time per calendar year.

Prior to obtaining the driving record of an employee driver, a written authorization will be obtained from that employee driver. Any time any of the above actions are taken the employee driver will be provided with a Pre-adverse Action Disclosure which includes a copy of the driver's MVR and a copy of A Summary of Your Rights Under the Fair Credit Reporting Act. In addition, that employee driver will be given notice either orally, in writing, or electronically that the action has been taken in an Adverse Action Notice.

D. Duty to Operate Safely and Legally

Each employee driver is required to operate motor vehicles in a safe and legal manner whether on or off duty with the Village. This includes the use of seatbelts by all employee drivers and their passengers at all times required by law and compliance with any restrictions on the employee driver's operators license. Any employee who is found guilty or pays a bond forfeiture on an offense for which points may be charged under R.C. Sec. 4510.036 shall immediately report that fact to the Police Chief. This requirement shall apply to all offenses described above regardless of whether the offense is committed while the employee driver is on or off duty with the Village.

E. Operation under the Influence of Substances, Distracted Driving, and Other Unsafe Practices

Employee drivers shall not operate any motor vehicle while performing duties on behalf of the Village while impaired due to alcohol, prescription or nonprescription drugs or any other legal or illegal substance(s). Employee drivers shall not at any time engage in any activities that distract their attention from the operation of any motor vehicles while performing duties on behalf of the Village. This shall include but not be limited to the use of cellular telephones, computers, electronic navigation devices, and/or text messaging devices.

F. Accident Reports

An employee driver involved in a motor vehicle accident while performing duties on behalf of the Village shall cooperate in the filing of all law enforcement reports required by law and, in addition, shall immediately inform his/her supervisor and complete a full and accurate report on the form prescribed by the Village.

G. Discipline

The failure to comply with any of the foregoing requirements, a conviction or payment of a bond forfeiture as described above and/or the imposition of a driving prohibition as described above may result in disciplinary action including, but not limited to, placement on restricted duty, administrative leave, suspension or termination.

7.01	Ethics of Public Employment
7.02	Tardiness
7.03	Absenteeism and Notification of Absence
7.04	Personal Appearance
7.05	Drug Free Workplace
7.06	Gambling
7.07	Garnishments
7.08	Violence in the Workplace
7.09	Safety and Security Rules
7.10	Carry and Concealment of Weapons
7.11	Political Activities
7.12	News Media
7.13	Speeches

ETHICS OF PUBLIC EMPLOYMENT**SECTION 7.01**

- A. All employees shall maintain the highest ethical and moral standards and perform their duties within the parameters of the laws of the State of Ohio and other rules and regulations that may be set forth by the employer. Employees should remember that their compensation is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, efficient, ethical and professional manner.
- B. Employees shall not:
1. Use their position for personal gain or engage in any transaction which may be in conflict with the proper discharge of the employee's official duties;
 2. Use or disclose confidential or proprietary information concerning the property, government or affairs of the Village without proper legal authorization;
 3. Solicit or accept anything of value, whether in the form of service, loan, item or promise from any person, firm or corporation interested directly or indirectly in conducting business dealings with the Village;
 4. Accept from any person, firm or corporation doing business with the Village any material or service for the private use or benefit of the employee;
 5. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair the employee's independent judgment or action in the performance of the employee's official duties;
 6. While an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee;
 7. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the Village except as provided in O.R.C. Section 102.04; or
 8. Have a personal interest in a contract with the Village or use their position or authority to secure approval of a public contract in which the employee, a member of the employee's family or a business associate has an interest.
- C. Any employee who is in doubt as to the application of this section or other ethics laws or regulations may seek the advice of the Village solicitor or seek an advisory opinion from the Ohio Ethics Commission.
- D. Employees will be provided with a copy of Ohio's ethics laws at commencement of employment.

TARDINESS**SECTION 7.02**

- A. Habitual tardiness is inexcusable and will not be tolerated. Tardiness is defined as any time an employee reports to work after the employee's scheduled starting time and the employee's lateness is not excused. Employees tardy by six (6) minutes or more will not be paid for the period of time the employee is tardy. Pay will be deducted for this purpose

to the whole tenth (1/10) of an hour (i.e., six (6) to 11 minutes = 1/10 hour deduction; 12 minutes to 17 minutes = 2/10 hour deduction, etc.).

- B. In addition, a tardy employee, including those tardy by less than six (6) minutes, will be subject to progressive disciplinary action.
- C. The employer will consider the employee's tardiness record over the previous 12 months from the date of the most recent occurrence in applying this policy.
- D. Verbal warnings generally will be issued by an employee's immediate supervisor. A "Record of Verbal Warning" form should be given to the employee and a copy placed in the employee's personnel file. Written reprimands will also be issued by the employee's immediate supervisor and a "Record of Written Reprimand" form should be given to the employee and a copy placed in the employee's personnel file.
- E. Should the tardiness continue, the mayor or chief of police chief may suspend or recommend termination of any of their respective employees.

ABSENTEEISM AND NOTIFICATION OF ABSENCE**SECTION 7.03**

- A. Absenteeism increases the workload of other employees and affects the quality of public services delivered. An employee is considered absent, for purposes of this section, if they fail to report to work for an entire workday or leave work prior to the scheduled quitting time, and such absence has not been properly approved in advance, or for which the payment of sick leave, as defined in this manual, has been denied.
- B. Employees may be excused for absences for legitimate reasons if proper notification procedures contained in this manual are met. The employer reserves the right to deny approval for employees who demonstrate a pattern of such absences.
- C. Voluntary Resignation: Employees absent for two (2) or more consecutive workdays without approval will be considered to have voluntarily resigned their position.
- D. Notification (unplanned absences): Employees should contact their immediate supervisor by one (1) hour prior to the employee's scheduled starting time each day the employee will be absent and provide an explanation for the absence, unless instructed otherwise. Notifying a receptionist or fellow employee of your absence is not sufficient. Upon returning to work, the employee should report to the employee's supervisor to further explain the reason for the absence and to provide all documentation required to substantiate the absence (including a Request for Leave form).
- E. Notification (planned absences): Employees who know in advance of a need for an absence shall request the time off by completing a Request for Leave form.
- F. Application of Discipline:

1. Each full day of unexcused absence shall count as a separate absence [i.e., an employee that is absent for two (2) consecutive days will be charged with two (2) absences].
 2. The employer will consider only those absences which have occurred over the previous 24 months from the date of the most recent occurrence when applying this policy for disciplinary purposes.
 3. Written reprimands will generally be issued by an employee's immediate supervisor. A "Record of Written Reprimand" form shall be given to the employee and a copy placed in the employee's personnel file.
 4. The mayor maintains the authority to approve the suspension or termination of an employee. The chief of police shall have the authority to suspend police department employees for up to three (3) days, which shall be reviewed and approved by the mayor. Such three (3) day suspensions shall not be appealable to the Village council. Suspensions of more than three (3) days, or terminations shall be executed by the mayor pursuant to prevailing standards in the Ohio Revised Code.
- G. Voluntary Resignation Procedure: If employees remain absent and do not report in as required for three (3) or more consecutive workdays; the employer will attempt to contact the employee at the employee's last known address and notify the employee that failure to return to work will be deemed a voluntary resignation. If the employer cannot locate the employee or if the employee, after notification, fails to return to work; the employer will consider the employee to have voluntarily resigned and will remove the employee from the payroll. If the employee is an employee of the police department, the employee shall be terminated as prescribed in the Ohio Revised Code.

PERSONAL APPEARANCE**SECTION 7.04**

- A. The employer reserves the right to prescribe appropriate dress and grooming and to set standards that are deemed to be in the best interest of the Village. The mayor will discuss the subject of personal appearance with the employee if it is felt the employee's appearance does not positively reflect the image of the Village.
- B. The employer requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, presents a favorable public image, and be in conformity with regulations established by the employer.
- C. Clothing shall be conducive to the safe and effective performance of required job duties.
- D. In the event that a supervisor determines that an employee is inappropriately dressed, the employee will be sent home to change. Time spent away from work will not be paid.

DRUG FREE WORKPLACE

SECTION 7.05

A. Drug Free Workplace Policy:

1. Generally: The Village is concerned with the effects that alcohol and drug abuse can have on employees, their families, and employees' abilities to perform their work safely and efficiently. The Village believes that it is important, as a public entity, to serve as a leader in the community in the war against drugs by establishing a policy prohibiting the manufacture, distribution, dispersal, possession, or use of controlled substances in the workplace. The following policy is designed to meet the above objectives and comply with the provisions of the Federal Drug-Free Workplace Act of 1988. Medical and recreational use of marijuana while on duty is strictly prohibited. Employees found in violation of this policy shall be terminated.
2. Acknowledgement and Notice:
 - a. All prospective employees will be required to acknowledge they are aware of the Village's Drug Free Workplace policy, and they understand it is a condition of employment.
 - b. Prior to hiring, all successful applicants will receive a copy of the Village's drug free workplace statement and policy. They also will be required to sign an acknowledgment of receipt form, which will become a permanent part of the employee's personnel file.
3. Drug Testing Policy: Prior to appointment, the Village may require conditionally selected applicants for safety-sensitive positions to pass a physical examination, which may include blood, urine, or similar testing to determine the use of illegal drugs. The Village may require current employees to undergo testing for alcohol or drug use, when there is reasonable suspicion to believe the employee is under the influence of alcohol or drugs while at work. The use of recreational or medical marijuana may lead to a positive drug test result and will lead to discipline.
4. Definitions: For purposes of this policy:

Employee: Any person (i.e., management, supervisory, or non-supervisory), who is paid in whole or in part by the Village.

Controlled Substance: Any drugs, compound, mixture, preparation, or controlled substance contained in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or as defined in the Ohio Revised Code, O.R.C. 3719.41, 3719.43, and 3719.44. Medical and recreational use of marijuana shall be deemed a controlled substance for the purpose of this policy.

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

Criminal Drug Statute: A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

5. Distribution of Information: Each employee will receive an information package containing:
 - a. Information concerning the dangers of drug abuse in the workplace.
 - b. A current copy of the Village's posted/published Drug Free Workplace Statement.
 - c. A current copy of the Village's Drug Free Workplace policy.
 - d. Information concerning any available drug counseling, rehabilitation, and employee assistance programs.
 - e. Information concerning the penalties that will be imposed for a breach of the Village's Drug Free Workplace policy.
 - f. Notice to the employee that any work related conviction of any federal or state criminal drug statute must be reported, in writing, by the employee to the Village within five (5) calendar days after such conviction.
 6. Prohibited Activity: 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 workplace is strictly prohibited and will result in criminal prosecution and discipline of the employee. The discipline may include termination from employment.
 7. Notification of Conviction: Any employee convicted of any federal, state, or municipal criminal drug must notify the Village of such fact within five (5) calendar days of the conviction.
 8. Employer Action: The Village will, within 30 days after receiving notice of a conviction from an employee or, upon concluding that an employee has violated the Village alcohol and drug abuse policy:
 - a. Take appropriate disciplinary action against such employee, up to and including termination; and/or
 - b. Require such employee to satisfactorily participate in a drug rehabilitation program, as provided herein.
 9. Failure to Report: Any employee who fails to report a workplace-related drug conviction may be:
 - a. Sent to the employee assistance program for referral and treatment;
 - b. Disciplined, up to and including termination;
 - c. Forever barred from future employment with the Village; and
 - d. Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.
- B. Alcohol and Drug Rehabilitation Policy:
1. The Village recognizes alcoholism and drug addiction may be illnesses which are treatable, and encourages those employees, who may have an alcohol or drug problem, to self-identify the problem and seek professional treatment or assistance on their own initiative. Any employee, who is referred to a drug rehabilitation

- program and fails to satisfactorily participate in the program, will be terminated from employment.
2. Rehabilitation consideration as outlined in part “1” above is only available for those individuals who self-identify their alcohol or drug abuse problem before the employer becomes aware of on-the-job abuse. Rehabilitation services are available through various community agencies.
 3. For the purposes of this policy, an alcohol or drug abuse problem exists when an employee tests positive while on duty, when an employee’s alcohol consumption or drug abuse interferes with the employee’s job performance, and/or when, as the result of such alcohol consumption or drug abuse, the employee presents a threat to the safety of persons or property.
- C. In the case where the Village has reasonable suspicion to believe that the employee has violated the alcohol or controlled substances prohibitions stated in this policy, the following procedure will be followed:
1. A trained supervisor shall be required to document the employee’s conduct by completing the “Reasonable Suspicion Checklist” located in Chapter 9 of this manual. If possible, witnesses shall also complete a signed statement documenting the employee’s conduct. The written record detailing the observations leading to a reasonable suspicion test shall be completed as soon as possible.
 2. Reasonable suspicion tests must be performed within eight (8) hours of the observation.
 3. Any employee who has been ordered to undergo a drug and alcohol test shall be accompanied to the testing site by their supervisor or designee.
 4. A refusal to comply with the drug and alcohol testing will constitute insubordination and a presumption of impairment, and may result in discharge.
 5. The mayor or designee shall inform the employee that he/she is immediately relieved of duty with pay, pending the results of the drug and alcohol test. The supervisor shall accompany the employee home or ensure that a family member or friend accompanies the employee home.
 6. The mayor or designee is required to notify the employee if the controlled substance test results were positive and which substances actually tested positive.
 7. A positive test shall result in discipline up to and including termination. Refer to “Guidelines for Disciplinary Action and Penalties” in Section 8.03 of this manual for information on the discipline process.

GAMBLING**SECTION 7.06**

The employer does not permit gambling in any form by employees during workdays. For purposes of this policy, the workday includes regular working hours, lunch periods, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

GARNISHMENTS**SECTION 7.07**

- A. A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt served by legal authority is a garnishment and will be recognized and executed by the employer. Repeated garnishments on the wages of an employee may result in disciplinary action.
- B. Upon receipt of a garnishment for an employee, the following procedure of notification will apply:
 - 1. The mayor or designee will notify the employee's department head of the garnishment order and whether the employee has had any previous garnishment(s) of wages.
 - 2. The employee's department head will schedule a conference with the employee and the mayor or designee to discuss the garnishment.
- C. For a first garnishment received for an employee, the following procedure will apply:
 - 1. The employee will be informed by the department head of the potential consequences of further garnishments; and
 - 2. The employee will be counseled or referred to an appropriate agency by the department head to assist the employee in working out the employee's financial difficulties.
- D. For any second or subsequent garnishment received for an employee:
 - 1. A meeting will be arranged between the employee and the employee's department head to discuss the continuing problem; and
 - 2. Depending on the circumstances, repeated garnishments may be cause for disciplinary action.
- E. Employees who have demonstrated a willingness and effort to resolve their financial problems may not be disciplined for garnishments.

VIOLENCE IN THE WORKPLACE**SECTION 7.08**

- A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the Village of Minerva Park. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.
- B. The purpose of this policy is to provide guidance to employees of the Village. Should they encounter a situation that they believe is or could result in an act of violence.

- C. The word “violence” in this policy shall mean an act or behavior that:
1. Is physically assaultive;
 2. A reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
 2. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
 3. Would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
 4. A reasonable person would perceive as intimidating or menacing;
 5. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
 6. Consists of a communicated or reasonably perceived threat to destroy property.
- D. The employer prohibits the following:
1. Any act or threat of violence by an employee against another person’s life, health, well-being, or property.
 2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.
 3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
 4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
 5. Use or possession of a weapon on the employer’s premises, on a Village controlled site, or an area that is associated with Village employment except as required in the line of duty (i.e., law enforcement).
- E. The most common situations where workplace violence is likely to occur are as follows:
1. Dealing with the Public: Violent situations could occur in employee contact with the public. While the employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.
 2. On-the-Job: Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.
 3. Off-the-Job: An employee could become involved in a personal non-criminal dispute with a co-worker, family member, or neighbor during the employee’s non-working hours. The employer prohibits any act of violence by an employee towards any other employee while off duty. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee’s place of residence in the order.
- F. The possession or use of dangerous weapons is prohibited on employer property, in employer vehicles, or in any personal vehicle which is used for employer business or is parked on employer property, except as hereinafter provided.

1. A dangerous weapon is defined as:
 - a. A loaded or unloaded firearm; or
 - b. A weapon, device, electronic stun weapon, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
2. Exceptions: Individuals may possess a firearm on employer property if the individual is employed in a law enforcement capacity.

Non-law enforcement employees who possess a valid permit to carry a firearm shall be subject to all restrictions as contained in the concealed carry policy herein (Section 7.10). Such employees may keep their firearm in their personal vehicle provided such vehicle is not used to conduct any Village business and provided the handgun remains in a locked compartment inside the locked car while the vehicle is on Village property.

- G. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
- H. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Village controlled site, or is associated with Village employment.
- I. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the department head. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
- J. Supervisor Responsibilities: Supervisors and department heads are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involve an employee of the employer.
- K. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report form. If it is concluded that an actual act of violence

has occurred or if there is a likelihood that violence could result, the department head or designee shall:

1. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
 2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - a. Assigning a different employee to the area or job.
 - b. Talking with the disgruntled client or employee(s).
 - c. Discussing the incident and offer suggestions for appropriate actions.
 - d. Referring the affected employee(s) to professional help or counseling.
 - e. Disciplining the employee(s), up to and including termination of employment.
- L. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

SAFETY AND SECURITY RULES**SECTION 7.09**

- A. Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing all Village of Minerva Park activities. We want to protect you against industrial injury and illness, as well as minimize the potential loss of production.
- B. Please report all injuries (no matter how slight) to your supervisor immediately, as well as anything that needs repair or is a safety hazard. Below are some general safety rules. Your supervisor or department head may post other safety procedures in your department or work area:
1. Avoid overloading electrical outlets with too many appliances or machines.
 2. Use flammable items, such as cleaning fluids, with caution.
 3. Walk — don't run.
 4. Use stairs one (1) at a time.
 5. Report to your supervisor if you or a co-worker becomes ill or is injured.
 6. Ask for assistance when lifting heavy objects or moving heavy furniture.
 7. Smoke only in designated smoking areas.
 8. Keep cabinet doors and file and desk drawers closed when not in use.
 9. Never empty an ashtray into a waste basket or open receptacle.
 10. Sit firmly and squarely in chairs that roll or tilt.
 11. Wear or use appropriate safety equipment as required in your work.
 12. Avoid "horseplay" or practical jokes.
 13. Start work on any machine only after safety procedures and requirements have been explained (and you understand them).

14. Use air hoses only for the use intended. Avoid blowing air at yourself or anyone else.
15. Wear appropriate personal protective equipment, like shoes, hats, gloves, goggles, spats, hearing protectors, etc., in designated areas or when working on an operation which requires their use.
16. Keep your work area clean and orderly, and the aisles clear.
17. Stack materials only to safe heights.
18. Watch out for the safety of fellow employees.
19. Use the right tool for the job, and use it correctly.
20. Wear gloves whenever handling castings, scrap, barrels, etc.
21. Operate motorized equipment only if authorized by your immediate supervisor. All operators must be licensed by the State of Ohio.

Remember, failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary actions.

C. Safety Rules When Operating Machines and Equipment:

- Machine guards must be in place while machines are in operation.
- Loose clothing, jewelry, or rings must be removed before operating machinery.
- Steel toe shoes and (if necessary) prescription eye protection is required for some job duties (check with your supervisor).
- Required personal protective equipment, except for prescription glasses and steel toe shoes, will be issued to you by your supervisor.
- Replacement for mandatory personal protective equipment which has been purposely destroyed or lost may be purchased by you at cost.

D. Restricted Areas: In the interest of safety and security, certain portions of the Village of Minerva Park's facilities may be restricted to authorized personnel only. Such areas will be clearly marked. Some areas may be designated no smoking areas as well.

E. Visitors: Our insurance coverage and good common sense prohibits unescorted visitors in our designated work areas. Visitors are not permitted in designated work areas without prior permission from your supervisor. If you are expecting visitors, please request permission from your supervisor.

F. We will continue to provide a clean, safe and healthy place to work and we will provide the best equipment possible. You are expected to work safely, to observe all safety rules, and to keep the premises clean and neat. Remember that carelessly endangering yourself or others may lead to disciplinary action, including possible dismissal.

G. Security: Maintaining the security of the Village of Minerva Park's buildings and vehicles is every employee's responsibility. Develop habits that ensure security as a matter of course. For example:

- Always keep cash properly secured. If you are aware that cash is insecurely stored, immediately inform the person responsible.

- Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.
- When you leave the Village of Minerva Park's premises make sure that all entrances are properly locked and secured.

CARRY AND CONCEALMENT OF WEAPONS**SECTION 7.10**

- A. The safety and security of employees, visitors, contractors and the general public are of vital importance to the Village of Minerva Park. Therefore, the carrying of concealed handguns, or firearms by an employee or anyone else on Village property is strictly prohibited. Employees found guilty of violating this policy will be subject to disciplinary action up to and including termination of employment, and possible criminal charges.
- B. The purpose of this policy is to provide guidance to employees of the Village regarding Ohio's concealed carry law and their responsibilities, should they encounter a situation in which they believe a person possesses a handgun and/or firearm, as defined in O.R.C. 2923.11, in violation of the law or this policy.
- C. The Village prohibits the following except as specifically exempted in paragraph 5 b:
1. The carrying of weapons (including a handgun) while on duty (whether or not licensed to do so).
 2. The use or carrying of weapons and/or a handgun on or off duty while occupying any parking area owned, leased, or controlled by the Village.
 3. The use or carrying of weapons and/or a handgun on or off duty on the employer's premises, on a Village-controlled site, or in an area that is associated with Village employment.
 4. The display of a weapon and/or handgun on or off duty on the employer's premises, on a Village-controlled site, or in any area that is associated with Village employment will be interpreted as a threat and prosecuted by the employer.
 5. Displaying an empty handgun and/or weapon holster on or off duty on the employer's premises, on a Village-controlled site, or in any area that is associated with Village employment will be interpreted as a threat and prosecuted by the employer.
- D. Non-law enforcement employees using or carrying a weapon or handgun while in the employment of the Village will not be defended or indemnified by the employer.
- E. The possession or use of dangerous weapons (including handguns) is prohibited on employer property, in employer vehicles, or in any personal vehicle which is used for employer business or is parked on employer property, except as hereinafter provided.
1. A dangerous weapon is defined as:
 - a. A loaded or unloaded firearm; or

- b. A weapon, device, electronic stun weapon, chemical substance or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
2. Exceptions: Individuals may possess a firearm on employer property or in an employer vehicle if the individual is employed in the capacity of a law enforcement officer and is engaged in law enforcement activities. There is no exception for an employee who has lawfully obtained a conceal permit and is not employed specifically as a law enforcement officer.

Employees may have a loaded handgun in their personal vehicles provided such vehicle is not used in their performance of their work for the Village and provided such handgun is stored in a locked compartment inside a locked vehicle.
- F. Any employee observing a person displaying or showing a strong indication that they may be carrying a weapon, handgun or holster shall immediately notify the Minerva Park Police Department.
- The person who displays a weapon, handgun or holster on the employer's property shall be removed from the premises by the police department as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
- G. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the employer's ability to maintain a safe work environment. All reports will be immediately investigated by the police and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as a possible concealment of a weapon, when that display is job related or might be carried out on a Village controlled site, or is associated with Village employment.
- H. All incidences of suspected or potential concealment should be reported to the Minerva Park Police Department. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
- I. Supervisor Responsibilities: Supervisors and department heads are responsible for follow up with the police department in assessing situations, making decisions on the appropriate response, and responding to reports of concealed weapons that have occurred in the workplace or that involves an employee of the employer.
- J. When any actual, potential or suspected concealment is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately. If it is concluded that an actual act of carry and concealment has occurred or if there is a likelihood that violence could result, the department head or designee shall:

1. Discuss the situation with the police department and employee(s) who witnessed the concealment.
 2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - a. Legal prosecution.
 - b. Disciplining the employee(s), up to and including termination of employment.
- K. The Village shall post in obvious locations signage that contains the following:
- “Pursuant to the Ohio Revised Code, no person other than a law enforcement officer engaged in law enforcement activities shall knowingly possess, have under the person’s control, convey or attempt to convey a deadly weapon or dangerous ordnance or holster onto these premises. A valid concealed carry license does not authorize the licensee to carry a weapon onto these premises.”
- L. Locations where signage shall be posted shall include any Village owned building or facility.

POLITICAL ACTIVITIES	SECTION 7.11
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- A. The employer endeavors to provide a workplace free of political coercion for partisan political purposes and to prohibit employees from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office (see 42 USC 4701).

All employees are encouraged to exercise their constitutional rights to vote. References in this policy to politics and political activity refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.

- B. Therefore, it is the policy of the Village to fully comply with the federal requirements regarding the political activity of employees as outlined in the O.R.C. 124.57, the Federal Merit System Standard, 42 USC 4701, and the Hatch Act, 5 USC 1501, et seq. The following are examples, but the lists are not necessarily all inclusive.

- C. Activities Prohibited for Employees (see 42 USC 4701):

1. Use official authority or influence for the purpose of interfering with an election or nomination to office, or affecting the results thereof.
2. Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary or compensation or anything of value to any party or committee, organization, agency, or person for political purposes.

3. Soliciting a contribution from any person while the soliciting employee is on duty or performing official duties.
4. Soliciting a contribution, while the soliciting employee is in those areas of a public building where official business is transacted or conducted.
5. Soliciting a contribution from a public employee, while that employee is on duty or performing official duties.
6. Soliciting a contribution from a public employee, while that employee is in those areas of a public building where public business is transacted.
7. Knowingly soliciting a contribution at the direction of or with the authorization of a Village elected official from another Village employee.
8. Knowingly soliciting a contribution at the direction of or with authorization from a candidate for Village elected office or the candidate's campaign committee from another Village employee.

D. Activities Permitted for Employees:

1. Registering and voting.
 2. Expressing opinions, either orally or in writing.
 3. Voluntarily financially contributing to political candidates or organizations.
 4. Circulating non-partisan petitions or petitions stating views on legislation.
 5. Attending political rallies. Employees may attend political rallies that are open to the public.
 6. Signing nominating petitions in support of individuals.
 7. Displaying political pictures in the employee's home or on the employee's property.
 8. Wearing political badges or buttons off duty, or displaying political stickers on private vehicles not used for Village business.
 9. Serving as a precinct election official under Section 3501.22 of the Revised Code.
- E. Any employee desiring to seek or accept any public position or office should inform the employer, who may request an opinion from the Village solicitor.

NEWS MEDIA**SECTION 7.12**

- A. All contacts made with the news media regarding the Village shall be handled by the Village of Minerva Park Council, appointing authority, or their designees.
- B. All news releases must be approved by the council, the mayor, or their designees.
- C. If the news media should contact any employee for a comment about Village policies, procedures, rules, etc., the employee shall refrain from commenting and refer the person to the council, the mayor, or their designees. After the intent of the contact has been determined, the employer may refer or ask for the employee's technical help in responding.

SPEECHES**SECTION 7.13**

Due to the numerous services the Village offers to the community, Village staff is often asked to make speeches to various clubs, organizations, and civic groups. Prior to making a commitment to do a speech, all requests should first be cleared through and approved by the department head or designee.

- 8.01 Disciplinary Principles
- 8.02 Progressive Discipline
- 8.03 Guidelines for Disciplinary Action and Penalties
- 8.04 Conviction of a Felony

DISCIPLINARY PRINCIPLES**SECTION 8.01**

All employees of the Village, except police department employees, serve at the will of the employer. However, to provide for professional and consistent delivery of services, the employer has adopted the following general principles to administer disciplinary actions of employees:

- A. Employees should be advised of expected job behavior, the types of conduct that the employer has determined to be unacceptable, and the normal penalties for unacceptable behavior. Of course, some infractions are so obvious they will warrant discipline or removal even without a specific rule.
- B. Immediate attention shall be given to policy infractions, unless special circumstances warrant further investigation or delay.
- C. Deviations from standard procedure should be clearly justified and documented.
- D. Each offense should be dealt with objectively.
- E. Discipline for minor offenses, as determined by the employer, should be progressively applied.
- F. Each department head shall be responsible for administering discipline (i.e., verbal warnings and written reprimands) and for making recommendations to the mayor regarding more serious infractions.
 - 1. The mayor, Fiscal Office and/or designee will make final determinations regarding demotions, suspensions, or terminations of employment for all employees, with council's concurrence, except police department employees.
 - 2. The mayor will have final authority regarding demotions, suspensions, or terminations of police department employees after making inquiry into suspensions imposed by the chief of police, as prescribed by law.

PROGRESSIVE DISCIPLINE**SECTION 8.02**

- A. The employer has adopted this discipline policy as a guide for uniformly administering discipline. However, this policy shall not be interpreted as a delegation of, or a limitation upon, the employer's statutory rights and/or obligations set forth in the O.R.C.
- B. This policy provides discipline guidelines for specific offenses. The specific examples of offenses listed are not totally inclusive and serve only as a non-binding guide.
- C. The guidelines provided in this policy do not preclude the application of a more or less severe penalty for any infraction when specific circumstances warrant such deviation.

- D. Disciplinary actions will not be considered for progressive disciplinary purposes after 24 months, provided there has not been a subsequent disciplinary action taken during the 24 month period. Disciplinary actions for immoral or illegal conduct may be considered during the entire period of the employee's employment with the employer.
- E. All records of discipline shall be maintained in the employee's personnel file.
- F. Supervisors may issue verbal and written warnings. Forms for issuing and recording disciplinary actions are contained in Chapter 9 and Section 8.03 of this manual, respectively. The forms shall be completed and signed by the supervisor responsible for administering discipline, delivered to the employee, signed by the employee (if applicable), and placed in the employee's personnel file.
- G. The Mayor has authority to temporarily reassign or reduce an employee's classification or pay, suspend, or terminate an employee with council's concurrence.
- H. The chief of police has exclusive authority to suspend police department employees. When an employee is suspended, the chief shall certify to the mayor in writing that the employee is suspended and for what cause. The mayor shall inquire into the cause of the suspension within five (5) days and may uphold, modify, or dismiss the suspension.
- I. Police employees suspended for more than three (3) days, reduced in rank or pay, or dismissed by the mayor, may appeal the action to the legislative authority of the Village within five (5) days from the date of the mayor's judgment.
 - 1. The legislative authority shall hear the appeal at its next regularly scheduled meeting. The employee may appear in person and/or by counsel, examine all witnesses, and answer all charges.
 - 2. The legislative authority may dismiss the charges, uphold the mayor's decision, or modify the judgment to one of suspension for not more than 60 days, reduction in rank, or removal from the department. The legislative authority must agree by a two-thirds (2/3) majority to suspend or discharge the employee.
 - 3. In case of removal from the department, the employee may appeal on questions of law and fact the decision of the legislative authority to the Court of Common Pleas of Franklin County. The person shall make such appeal within ten (10) days from the date of the finding of the legislative authority.

GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES**SECTION 8.03**

- A. The following forms of misconduct shall be the basis for when a reduction, suspension, or removal of the Village marshal (chief of police) may be taken: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any acts of misfeasance, malfeasance, or nonfeasance (O.R.C. 737.171).
- B. The chief of police has the exclusive right to suspend any of the deputies, officers, or employees in the Village police department who are under the management and control of the chief of police for incompetence, gross neglect of duty, gross immorality, habitual

drunkenness, failure to obey orders given by the proper authority, or for any other reasonable or just cause (O.R.C. 737.12).

- C. The mayor shall terminate the employment of the chief of police, deputy marshal, police officer, night watch person, special police officer, or auxiliary police officer who does either of the following:
1. Pleads guilty to a felony.
 2. Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement in which the employee agrees to surrender the certificate awarded to that person.

In addition, those officers found guilty of domestic violence will not be able to lawfully possess or receive firearms or ammunition for any purpose.

- D. The mayor shall suspend from employment the above mentioned employees who are convicted, after trial, of a felony. If a conviction is upheld by the highest court upon an appeal or if an appeal is not filed timely, the mayor shall terminate that person's employment. Should an appeal result in the person's acquittal of the felony charge against that person, the mayor shall reinstate that person.

An employee who is reinstated under this subsection (D) shall not receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed due to insufficient evidence.

- E. Subsections C and D of this policy do not apply to an offense that was committed prior to January 1, 1997.
- F. All remaining employees of the Village, except those mentioned above, shall serve at the will of the employer. However, to provide for professional and consistent delivery of services, the employer has adopted the following principles to administer discipline of employees.
- G. The offenses set forth in Groups I, II, and III below are examples of the misconduct and guidelines for determining the appropriate level of discipline for any employee. The examples of specific offenses are not all inclusive, and the examples of disciplinary actions are a general guideline only.
- H. In general, Group I offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency, and/or morale. Group I offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
- I. Group II offenses may be defined as infractions which are more serious in nature than Group I offenses and which, in turn, cause a more serious, longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II offenses, if left undisciplined, can cause serious, longer lasting impact upon the organization than Group I offenses.

- J. Group III offenses may be defined as infractions which are very serious or possibly criminal in nature and/or which cause critical disruptions to the organization in terms of decreased productivity, efficiency, and/or morale. Group III offenses, if left undisciplined, may have a long lasting and serious adverse impact on the organization
- K. The following groups of offenses and guidelines for discipline are examples only and shall not be binding on the employer:

GROUP I OFFENSES

First Offense.....	Verbal instruction and cautioning (verbal warning)
Second Offense.....	Written reprimand
Third Offense.....	A working suspension of one (1) to three (3) days; or a one (1) to three (3) day suspension without pay
Fourth Offense	Five (5) to 15 day working suspension or suspension without pay
Fifth Offense	Up to and including removal from Village employment

Following are examples of Group I offenses:

1. Failure to properly and completely sign/clock in or sign/clock out.
2. Failure to properly “report off” work for any absence or failure to timely notify the proper party of absence.
3. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
4. Unintentional failure to observe official safety rules.
5. Inattention to the needs of the public.
6. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, or otherwise causing disruptions on the job.
7. Malicious mischief, horseplay, wrestling or other potentially harmful conduct.
8. Interfering with the work performance of subordinates or other employees.
9. Failure to cooperate with other employees.
10. Neglect of, or careless failure to observe, employer rules, regulations, policies, and procedures.
11. Excessive garnishments.
12. Use or possession of another employee’s working equipment or property without approval.

- 13. Unauthorized use of the employer’s telephone for other than business purposes.
- 14. Obligating the employer for any minor expense, service, or performance without prior authorization.
- 15. Neglect of, or careless failure to care for, employer property or equipment.
- 16. Disregarding job duties by neglect of work (e.g., reading for pleasure, playing cards, viewing T.V., etc.) during work hours.
- 17. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.).
- 18. Neglect of, or careless failure to, prepare required reports or documents.
- 19. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the employer.
- 20. Violation of any employer policy contained in this manual or otherwise.

GROUP II OFFENSES

First Offense.....	Instruction and a working suspension of one (1) to three (3) days; or a one (1) to three (3) day suspension without pay
Second Offense.....	Five (5) to ten (10) day working suspension or suspension without pay
Third Offense	Up to and including removal from Village employment

Following are examples of Group II offenses:

- 1. Sleeping during work hours.
- 2. Reporting to work or working while unfit for duty.
- 3. Failure to report for overtime work without proper excuse after being scheduled to work in accordance with overtime policy.
- 4. Willful refusal to sign/clock in or sign/clock out when required.
- 5. Performing private work on employer time.
- 6. Neglect or careless failure to observe official safety rules or common safety practices.
- 7. Failure to report an accident.
- 8. Discourteous treatment of the public.
- 9. Threatening, intimidating, or coercing subordinates or other employees.
- 10. Use of abusive or offensive language toward subordinates or other employees, Village officials, or the general public.
- 11. The making or publishing of false, vicious, or malicious statements concerning other employees, the employer, Village operations, or the public.
- 12. Solicitation or distribution on employer property in violation of the solicitation and distribution policy.
- 13. Willful disregard of the employer’s rules, regulations, policies, and procedures.
- 14. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions.

- 15. Intentional neglect or misuse of employer property or equipment.
- 16. Obligating the employer for a major expense, service, or performance without prior authorization.
- 17. Unauthorized use of employer property or equipment, including the unauthorized reproduction of this manual or making copies of materials for personal use.
- 18. Failure to report equipment or property damage.
- 19. A traffic violation or accident while driving an employer vehicle which evidences recklessness by the employee.
- 20. Refusing to provide testimony in court, during a public hearing or any other official hearing, investigation, or proceeding involving the employer.
- 21. Refusing to provide testimony or information concerning any investigation being conducted by the employer.
- 22. Possession or storage of alcoholic beverages on the employer’s premises.
- 23. Unauthorized presence on the employer’s property.
- 24. Habitual neglect of timely completion of required reports or documents.
- 25. Willful failure to timely complete required reports and documents.
- 26. Violation of any employer policy contained in this manual or otherwise.

GROUP III OFFENSES

First Offense.....Removal from Village employment

Following are examples of Group III offenses:

- 1. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for a scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the employer’s premises, in violation of O.R.C. 4117.
- 2. Refusal without legitimate reason to work during emergency situations or conditions.
- 3. Signing/clocking or altering other employees’ time cards or records; altering one’s own time cards or records or having one’s time cards or records signed/clocked or altered by another without authorization.
- 4. Knowingly concealing a communicable disease (i.e., T.B., etc.) which may endanger others.
- 5. Carrying or possessing firearms, explosives, or weapons on employer property at any time.
- 6. Willfully withholding information which threatens the safety and security of the employer, its operations, or employees.
- 7. Threatening, intimidating, or physically abusing a client, resident, employee, or other person.
- 8. Willfully demeaning, verbally abusing, and/or humiliating another person.
- 9. Committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability.

10. Failure to report an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability.
11. Fighting with, or attempting to injure, a client, resident, employee, or other person.
12. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor.
13. Providing false testimony, statements, or information in any official employer, court, or administrative investigation, hearing, or proceeding.
14. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process.
15. Violating the employer's gambling policy as contained in this manual.
16. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the employer or of other employees.
17. Dishonesty or dishonest action. Examples of "dishonesty" or "dishonest actions" are: theft, pilfering, making false statements to secure an excused absence or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action.
18. Wanton or willful neglect in the performance of assigned duties.
19. The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol or a controlled substance which takes place in whole or in part in the workplace and/or a violation of the reporting requirements of the employer's Drug Free Workplace policy.
20. Driving a motor vehicle while on duty or on employer business without a valid applicable operator's license.
21. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position.
22. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position.
23. Intentional misuse of Village or other public funds.
24. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the employer or another employee.
25. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph, or title for personal gain, or otherwise violating the employer's Code of Conduct or Ohio's ethics laws for public employees.
26. Engaging in off duty employment activities which the employer has determined to be an interest or time conflict.
27. Making false claims or misrepresentations in an attempt to obtain any benefit (i.e., falsification or altering a physician's statement when requesting sick leave).
28. Misuse or removal of documents or information of a confidential nature or revealing such information without prior and appropriate authorization.
29. Misuse, removal, or destruction of employer records without prior authorization.
30. Engaging in unauthorized political activity as provided in the Political Activity policy as contained in this manual.
31. Intentional violations of official safety rules or common safety practices, which results in injury to any person or damage to property.

32. Conviction of certain felonies.
 33. Intentional violation of the Internet, Electronic Mail, and Online Services Use policy as contained in this manual.
- L. Multiple minor infractions will normally be dealt with by following the progressive discipline procedure set forth below:
1. Multiple offenses which are unrelated should be progressively disciplined in the groups in which the offenses are outlined in these guidelines;
 2. Multiple offenses which are related should be progressively disciplined regardless of the groups in which the offenses are outlined in these guidelines and regardless of the order in which the offenses occurred; and
 3. Multiple offenses which are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the normal severity for separate offenses.
- M. Predisciplinary Meeting: Prior to the imposition of a suspension or termination, the department head will notify the employee concerning the allegations of misconduct and meet with the employee to provide an opportunity for the employee to respond to said allegations.

CONVICTION OF A FELONY**SECTION 8.04**

- A. The mayor shall not appoint a chief of police, a deputy marshal, a police officer, a night watch person, a special police officer, or an auxiliary police officer on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony. Refer to Section 8.03 on guidelines for disciplining employees of the police department who have been convicted of a felony.
- B. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an employee, removed under this section, is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action, under this section upon the employee's reinstatement.
- C. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
- D. As used in this policy, "felony" means any of the following:

1. A felony that is an offense of violence, as defined in Section 2901.01 of the revised code.
 2. A felony that is a felony drug abuse offense, as defined in Section 2925.01 of the revised code.
 3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude.
 4. A felony involving dishonesty, fraud, or theft.
 5. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the revised code.
- E. Any person, removed for conviction of a felony, is entitled to a cash payment for any accrued, but unused, sick and vacation leave as authorized by policy. If subsequently reemployed in the public sector, such person shall qualify for and accrue sick and vacation leave in the manner specified by Village policy for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.