

CHAPTER 258 Employees Generally

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CROSS REFERENCES

- Welfare - see Ohio Const., Art. II, Sec. 34
- Workmen's compensation - see Ohio Const., Art. II, Sec. 35;
- Ohio R.C. Ch. 4123
- Salaries and compensation - see CHTR. [Art. V, Sec. 8](#)
- Unused sick leave pay - see Ohio R.C. 124.38
- Public Employees Retirement System - see Ohio R.C. Ch. 145
- Strikes by public employees - see Ohio R.C. Ch. 4117
- Contracts for supplementary personnel - see ADM. [230.01](#)

PURPOSE AND POLICIES

📖 258.001 POLICIES.

(a) Policies, including internal department policies/procedures, are defined as the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.

(b) The policies as set forth by the Village of Evendale are contained herein. All personnel charged with the responsibility of administering policy must be thoroughly knowledgeable of the contents. Furthermore, it is essential that these policies be administered in a systematic, fair, and impartial manner.

(c) Undoubtedly, there will be situations that require administrative interpretations of the policies set forth herein. Every effort must be made to insure that such decisions are made objectively, with the general intent of this policy in mind.

(d) As conditions change within the Village's organization, it may be necessary to add, delete, or revise specific policies affected by such change. The content of all such policy changes will be made known to all affected employees.

(e) These policies are to be utilized by administrative and supervisory employees to ensure uniformity and nondiscriminatory application of the conditions of employment. (Ord. 97-40. Passed 4-2-98.)

📖 258.002 OBJECTIVES.

The Village of Evendale recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective Village government. The policies set forth herein are designed to:

(a) Promote high morale and foster good working relationships among Village employees by providing uniform personnel policies, equal opportunities for advancement, and consideration for employee needs;

(b) Encourage internal promotional practices which enhance the attractiveness of a career with the Village, and enables employees to give their best efforts to the Village and the public;

(c) Inspire courteous and dependable service to the public;

(d) Provide fair and equal opportunity for qualified persons to enter and progress in Village service based on merit and fitness as determined through objective and practical personnel management methods; and

(e) Ensure that all operations are conducted in an ethical and legal manner so as to promote the Village's reputation as an efficient, progressive body in the community and the state.

(Ord. 97-40. Passed 4-2-98.)

📖 258.003 NONDISCRIMINATION.

(a) The Village shall not discriminate against any employee on the basis of age, race, color, sex, sexual orientation, gender expression, marital status, military status, creed, religion, national origin (ancestry), handicap, or disability (Appendix A). The Village, however, reserves the right to establish bona fide occupational qualifications, which all employees and prospective employees must satisfy as a term or condition of employment.

(b) The Village of Evendale is an equal opportunity employer (Appendix B). It is the desire of the Village to maintain an *affirmative action plan* which assures equal employment

opportunity. Violations of the plan by any employee of the Village are considered failure of good behavior and are subject to disciplinary action.
(Ord. 97-40. Passed 4-2-98.)

APPLICABILITY

258.010 SCOPE OF COVERAGE.

These policies apply to all employee..
(Ord. 97-40. Passed 4-2-98.)

258.011 DISCLAIMER.

(a) The policies set forth and adopted herein supersede all previous written and unwritten personnel policies of the Village of Evendale. These policies have been structured so as to comply with any and all applicable Federal and State laws and agreements. In the event there is a conflict between the matters expressed in these policies and any applicable laws or agreements, the applicable law or full text of the written agreement will prevail.

(b) Questions regarding the interpretation and application of these policies shall be directed toward the appropriate department head or designee.
(Ord. 97-40. Passed 4-2-98.)

DEFINITIONS

258.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) “Active pay status.” All hours spent by an employee in actual assigned work duty, all prescheduled vacation hours, and all pre-scheduled holiday hours.

(b) “Affirmative action plan.” An outlined course of action designed to ensure equal opportunity in Village employment and promotion practices.

(c) “Casual time.” Time off with pay in lieu of overtime for salaried/exempt employees. For every hour worked over the exempt employee’s normal work week, that employee will receive equal time off at a future date, which shall be taken no later than one year from date earned.

(d) “Compensatory time.” Compensation granted in the form of time off from regular duties in lieu of additional salary or wages. For every hour worked over the non-exempt employee’s normal work week, that employee will receive time and a half or double time off (depending on method earned) at a future date, which shall not extend past the last day of February for police and fire departments and not past the last day of April for all other departments in the succeeding year in which the time was earned.

(e) “Eligibility list.” A list of persons eligible for employment or promotion, as determined by examination and by provisions of these policies. An eligibility list is established at the date of original appointment or promotion and maintained for full-time employees only.

(f) “Examinations.” The process by which persons are determined to be eligible for employment or promotion within the Village. The process may include, but is not limited to, all or any of the following: review of the candidate's application form, verification of application information, written and non-written tests, psychological examinations, physical agility tests, polygraph tests, performance ratings, and oral interview.

(g) "Exempt personnel." Personnel in full-time management positions whom the Council has exempted. Exempt personnel are not eligible to earn paid overtime or compensatory time but are eligible to earn *casual time*.

(h) "Family." In addition to spouse, the employee's or their spouse's grandparent, parent, step-parent, child, step-child, grandchild, brother or sister, as well as any person under the employee's legal guardianship or any other relative living in the employee's household.

(i) "Firefighter." When used in this Chapter shall include Firefighter/Paramedics.

(j) "Full-time employee." Any employee who works at least 37-1/2 hours per week and is employed 1950 hours per year is considered a full-time employee.

(k) "Holiday equivalent time." Compensation granted in the form of time off from regular duties in lieu of additional salary or wages for Village holidays.

(l) "Inactive pay status." All hours spent by an employee on sick leave, authorized leave without pay, and job-related injury leave as approved by the Ohio Bureau of Workers' Compensation.

(m) "Incident." As related to section 258.120: Total time period which is greater than four hours, of an employee's regular work day. Example: A person who works eight hours or 24 hours per day and is off two hours sick leave that time shall not count as an incident. If that person is off any part over four hours that time is counted as an incident. Any time off four hours or less and accumulated that exceeds four hours is counted as one incident. Five consecutive days with flu is counted as one incident.

(n) "Kelly Day." A day off given to firefighters in order to comply with the Fair Labor Standards Act (Appendix C). Without the Kelly Days, overtime would have to be paid to each firefighter each time they worked more than 144 hours over a 19 day period.

(o) "Management position." A position that customarily and regularly supervises or directs the work of other employees including the development, research, implementation, or evaluation of policies, programs and Village services.

(p) "Non-Exempt personnel." Employees other than those in full-time management positions whom Council has exempted. Non-exempt employees are eligible to earn paid overtime or compensatory time.

(q) "Payroll year." Dates worked that align with the first and last payroll check of the year, as reflected on an individual's W2.

(r) "Part-time employee." Any employee, hired by ordinance, who works less than 1950 hours per year is considered a part-time employee. Part-time employees are considered non-exempt

(s) "Probationary employee." The status of any full-time employee during the first year of employment or any longer period established by ordinance.

(t) "Probationary period."

(1) The first year of employment for any Village full-time employee or any longer period of time established by ordinance is a probationary period during which he/she is required to demonstrate his/her fitness for the job by actual performance of the duties of the position to which he/she was appointed. If performance during such a period is unsatisfactory, the employee will be discharged.

(2) The first year or any longer period established by ordinance in which an employee holds any position to which she/he has been promoted is a probationary period during which he/she is required to demonstrate his/her fitness for the position held by actual performance of the duties of the position to which he/she was appointed. If performance is unsatisfactory during such a

period, the employee will be demoted to the position held prior to the promotion by the employee, or if that position is eliminated, to the next available position that the employee is capable of holding.

(u) "Regular employee." Any full-time employee, hired by ordinance, who has satisfactorily completed the probationary period is considered a regular employee.

(v) "Seasonal employee." Any person hired by ordinance for a specific period of employment that generally coincides with a particular season or seasons of the year - spring, summer, autumn, or winter and works less than 1950 hours a year, is considered a seasonal employee. Seasonal employees are considered non-exempt.

(w) "Seniority." The length of service as a full-time Village employee calculated from the date of hire and measured in chronological days. Seniority will not include any leaves of absence or other breaks in service which Village policy or Federal or State law do not require to be treated as qualifying for continuing seniority. Seniority will include all service to the Village in a full-time capacity, irrespective if interrupted by a break in service, provided that the break in service was not caused by termination for failure of good behavior or a voluntary termination occurring while disciplinary proceedings were pending. Provided, that for the purpose of Police and Fire Department's service in the command structure of those departments, "seniority" will be based on the total amount of time spent in the current rank. For personnel holding the same time in current rank, "seniority" shall be determined by the total amount of time the employee held the previous rank.

(x) "Shift." For all employees, a shift shall be the number of hours in any one work day as determined by the employer.

(y) "Temporary employee." Any person hired under provisions of subdivision (f) of Section 258.029 (b). (Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05; Ord. 07-38. Passed 7-12-07; Ord. 10-08. Passed 2-11-10.)

PAID TIME OFF	Exempt (FT Salaried)	Non-Exempt (FT Hourly)	Part-time (hourly)	Seasonal
Overtime	N	Y	Y	Y
Comp. Time	N	Y	N	N
Casual Time	Y	N	N	N
Vacation	Y	Y	Y*	N
Sick	Y	Y	N	N
Holiday	Y	Y	Y*	N
Personal	Y	Y	N	N
Bereavement	Y	Y	N	N
Civil	Y	Y	N	N

* Personnel employed 1,300 hours or more per prior *payroll year* are entitled paid vacation and holiday time. See 258.110

HIRING, PROMOTIONS, CONDITIONS OF EMPLOYMENT

258.025 JOB DESCRIPTIONS.

The Mayor shall prepare specifications for each position, per mayoral term. The Mayor shall be responsible for seeing that the specifications are kept current by preparing amendments for consideration by Council to cover new positions and changes in duties of old positions whenever such amendments are deemed necessary.

(Ord. 97-40. Passed 4-2-98.)

📖 258.026 ANNOUNCEMENT.

The Mayor or designee shall publicly announce openings for all *full-time* positions through publication in at least one newspaper of general circulation in the Village. Announcements may specify the title of the position to be filled, the time, place, and manner of making application, the closing date for making application, and any other information deemed pertinent by the Mayor or designee.

(Ord. 97-40. Passed 4-2-98.)

📖 258.027 APPLICATION PROCESS.

(a) Applications shall be made on forms prescribed by the Mayor.

(b) Each applicant for entrance *examinations* in the Fire, Police and Service Departments, in addition to meeting the requirements set forth throughout the rest of this chapter, are required to meet all job related requirements as stated on the examination announcement.

(c) The Mayor, or designee, shall make suitable inquiry of employers, educational institutions, and character references given by an applicant to verify the statements made in the application. If the facts indicate the unsuitability of the applicant, the Mayor may reject the applicant.

(d) The Mayor, or designee, shall reject any applicant whose application does not possess the minimum qualifications required, or which is not received within the time limit fixed for applying for the position.

(e) Applications shall be retained in accordance with the Village public records retention policy (Appendix D).

(Ord. 97-40. Passed 4-2-98.)

📖 258.028 NATURE OF EXAMINATIONS.

(a) Applicants for all positions shall be examined in a manner so as to test their relative capacity and fitness to discharge efficiently the duties of the position for which the examination is given. Examination content shall be determined by the Mayor and Council, or their designee, and they shall be responsible for the evaluations of results. *Examinations* may be written or oral, physical or performance tests, and may be assembled, unassembled, or any combination of these. When several different tests are used in a single examination, the department head shall determine and announce to the candidates the value to be assigned to each examination and the score which must be attained to qualify for a place on the *eligibility list*.

(b) All promotions and appointments must be approved by Council. Any applicant for any position or any candidate for a promotion may be required to be interviewed by the Council or a committee thereof as a part of the examination or promotion process. Council reserves the right to assign whatever value they deem appropriate to that interview.

(Ord. 97-40. Passed 4-2-98.)

📖 258.029 PROMOTIONAL EXAMINATIONS.

(a) Whenever, in the judgment of the Mayor and Council, vacancies in a position above the entrance level should be filled by a promotion, a promotional examination shall be given as part of the selection process. Such examination shall be competitive unless the Mayor and Council finds that the number of persons qualified for promotion is insufficient to justify competition, in which case, the promotional examination may be non-competitive. *Eligibility lists* shall be in

effect for one year except for fire and police personnel, in which cases lists shall be in effect for two years.

(b) Where the Mayor and Council decide to fill a vacancy above an entry level position from outside the existing pool of Village employees, the position shall be advertised and filled under provisions set out in Section [258.026](#) to [258.031](#) of this chapter. Internal advancement, other than the department head position, does not need to be publicly advertised. Department head positions must be advertised to the public.

(c) A promotional examination shall include, in addition to tests, allowance for the quality of performance as determined by ratings of the previous service of the candidate as well as *seniority* or any other criteria as Council may deem appropriate.

(d) When a promotion exam is to be given, Council may expand the eligibility criteria for candidates by motion or resolution. Should Council fail to act, those eligible to be examined for promotion shall be limited to those who have served for at least two years in the position or rank from which the promotion is sought, except, with regard to the Fire Department, in those instances provided for otherwise in the Ohio Revised Code (Appendix E) 124.45.

(Ord. 97-40. Passed 4-2-98; Ord. 99-71. Passed 10-7-99; Ord. 03-53. Passed 7-15-03; Ord. 07-29. Passed 6-14-07.)

258.030 NOTIFICATION OF RESULTS.

(a) All persons who take an examination shall be given written notice as to whether they will be recommended for employment, retained on an *eligibility list*, or that they will not be employed or retained on an *eligibility list*. Each applicant shall be entitled to inspect his/her own papers, but not those of other candidates, within one week after notification of the results during regular office hours under the supervision of the department head. Those persons who are successful will either, subject to passage of an ordinance of Council, be employed, or they will be placed on an *eligibility list*. The *eligibility list* will remain active for one year, which period may be extended at the discretion of the Mayor for one additional year. Should a new opening occur, those on the *eligibility list* may be re-interviewed by the Mayor and Council.

(b) The Mayor may, without Council action, hire a temporary employee for a work period not to exceed 45 days. Should the Mayor choose to hire the same person as a *temporary, part-time*, or *seasonal employee* for more than one work period in a calendar year, the total days worked shall not exceed sixty days in a calendar year.

(c) Each *seasonal employee* hiring ordinance shall be effective for the calendar year.
(Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98.)

258.031 RE-EXAMINATION.

No person who has failed to pass an examination shall be reexamined for the same class of positions within one year from the date of such failed examination.

(Ord. 97-40. Passed 4-2-98.)

258.032 INSURABILITY.

As a condition of possible employment, prospective employees shall be required to give written authorization for a check of any prior activities or records that would prohibit the prospective employee from being insured by the employer's insurance carrier. It shall be the responsibility of the employee to retain an insurable status during employment. Failure to do so may result in disciplinary action.

(Ord. 97-40. Passed 4-2-98.)

📖 258.033 MEDICAL EXAMINATIONS.

(a) Before any person is employed by the Village they shall be required to submit to a medical examination. A certificate by a physician stating that the person so examined is physically capable of performing the duties of the position shall be a prerequisite to appointment. The employer may require a psychological test of any candidate for any position.

(1) **Full-time employees** are required to use a competent physician of the Village's choosing, and the expense of any pre-employment examination and drug testing shall be paid for by the Village.

(2) **Seasonal and part-time employees** shall select a competent physician of their choice, the expenses of which are the responsibility of the prospective employee. A valid work permit is acceptable in lieu of a physician's statement.

(Ord. 97-40. Passed 4-2-98.)

📖 258.034 RESIDENCY REQUIREMENTS.

(a) The Clerk and Treasurer of the Village of Evendale must reside within the Village.

(b) The Law Director of the Village of Evendale must reside within Hamilton County, Ohio.

(Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98; Ord. 04-48. Passed 7-8-04.)

📖 258.035 OUTSIDE EMPLOYMENT.

(a) **Full-time employees** of the Village shall not engage in any occupation or outside activity which is incompatible with their employment by the Village. The criteria by which outside employment may be deemed undesirable includes, but is not limited to, the following:

- (1) Work that interferes with Village needs (including overtime);
- (2) Work that brings the Village into disrepute;
- (3) Work that may represent a conflict of interest.

(b) Any **full-time employee** engaged in an occupation or outside activity for compensation shall inform the Mayor or Department Head, in writing, of the nature of such activity and the time required, prior to undergoing such activity. The Mayor shall determine whether or not such activity is compatible with Village employment.

(Ord. 97-40. Passed 4-2-98.)

📖 258.036 ETHICAL REQUIREMENTS.

(a) Public employment is an honorable calling. Service in this field demands a professional rather than occupational philosophy. A desire for professional status and a devotion to service above self are the motives which impel public employees to discharge their responsibility in full measure.

(b) Public employees do not seek to benefit personally by any confidential information which has come to them by virtue of their assignment. They are faithful and loyal to their organization, constantly striving to cooperate with any employee or resident and promote better relations with all regularly constituted public agencies and their representatives in matters of mutual interest and obligation.

(c) Rigid adherence to the principles set out above is mandatory for anyone accepting a position with the Village.

(Ord. 97-40. Passed 4-2-98.)

📖 258.037 EMPLOYEE RECORD CHANGES.

Employees of the Village shall provide written notice to their department head and payroll clerk of any change in name, address, telephone number, or retirement. **Full-time employees** must also provide written notice of any change in marital status and birth/adoption. Notification will be made no more than three working days after the change takes place to enable the updating of an employee's records.

(Ord. 97-40. Passed 4-2-98.)

📖 258.038 EVALUATIONS

(a) *Determination of reviewer.* In any evaluation of an employee, other than department heads, the evaluator will be the employee's immediate supervisor. Department heads will be evaluated by the Mayor with input from Council. The type of evaluation given will vary from department to department, as the needs and responsibilities of the position within the departments vary.

(b) *Evaluations rationale and scheduling.*

(1) Employees of the Village will receive a written evaluation annually beginning with their first anniversary of employment. Annual evaluations provide a mechanism for constructive criticism of an employee's weak areas and acknowledgment of an employee's strong areas. It is the belief of the Village that annual evaluations promote good employee relations as well as more effective completion of assigned duties.

(2) **Probationary employees** may receive evaluations more frequently than annually, at the discretion of the employee's department head.

(c) *Performance criteria.*

(1) All evaluation forms should be standardized within each department. Standardization aids in preserving the uniformity of evaluations given within each department and facilitates comparison with prior evaluations of an employee.

(2) The standardized form may be objective or narrative in nature, depending on the type of position being evaluated. Generally, the objective type of evaluations are to be used for positions which have quantifiable responsibilities. Narrative or more subjective evaluations are to be used for positions which have less tangible, less measurable responsibilities. In both cases, an overall rating should be given to the employee being evaluated.

(3) All new forms and revisions of existing forms must have the approval of the Mayor.

(d) *Completion of evaluations.* Once an employee of the Village has been evaluated, the employee must be given the opportunity to respond, in writing, on the evaluation form. After completion of the response, the form must be signed by the employee and the completed form must be put in the employee's file as a matter of record. A copy of the completed form shall be given to the employee.

(Ord. 97-40. Passed 4-2-98.)

📖 258.039 LAY-OFF.

Whenever there is a lack of work or lack of funds requiring a reduction in the number of employees, the Mayor shall determine the departments and the number of employees which said reduction shall include. Employees shall be laid off at the time and in the number specified by the Mayor in inverse order of their relative length and quality of service, the latter as established

by performance ratings. When applicable within each affected class, all *probationary employees* shall be laid off before *regular employees*.
(Ord. 97-40. Passed 4-2-98.)

COMPENSATION

258.050 PAY PLAN.

- (a) *Full-time Employees* shall be paid a salary or wage in accordance with the salary and wage schedule adopted by Council.
- (b) *Seasonal* and *part-time employees* shall have an hourly pay rate set by ordinance. (Ord. 97-40. Passed 4-2-98.)

258.051 TAX DEDUCTIONS.

An employee will be required to pay any and all local, state, and federal income taxes as well as contributions to pension plans and such as mandated by law. The employee shall be responsible for filing and amending all forms relative to deductions and the like with the payroll clerk.
(Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05.)

258.052 TEMPORARY PAY RATES.

Any employee who, upon department head recommendation and approval of the Mayor and Council, is promoted or reassigned temporarily shall receive compensation for such service at a rate determined by the Mayor and approved by Council.
(Ord. 97-40. Passed 4-2-98.)

258.053 SALARY ADJUSTMENT.

A Village employee may receive a salary or wage adjustment commensurate with whatever promotion or reclassification they may receive. Such adjustment in salary or wage will be effective on the date the promotion or reclassification takes effect.
(Ord. 97-40. Passed 4-2-98.)

258.054 WORK TIMES.

Employees shall not perform any work for the Village prior to their starting time, after their quitting time, or during any lunch period or off-duty hours without prior approval from their immediate supervisor.
(Ord. 97-40. Passed 4-2-98.)

258.055 WORK PERIOD.

- (a) All *full-time* Administrative, Police, Fire, and Service Department Clerks, Recreation Custodian, Recreation Administrative Secretary and the Tax Administrator, shall be required to work a minimum of five 7-1/2 hour days or a total of 37-1/2 hours per calendar week.
- (b) *Full-time employees* of the Service, Recreation, Cultural Arts Departments, the Director of Administrative Services and the Information Technology Director shall be required to work a minimum of 40 hours per calendar week.
- (c) Sworn police officers shall be required to work 40 hours per calendar week.
- (d) The Fire Department work period for firefighters shall consist of 144 hours within 19 days as determined by the Chief and shall average 53 hours per week over a period of one year.

(e) Work schedules for each department shall be prepared by the department head.

(f) Employees of the Fire, Police, and Service Departments are subject to recall 24 hours a day, seven days a week, for any emergency, except when prior notification of unavailability is given and approved.

(Ord. 97-40. Passed 4-2-98.)

📖 258.056 PAY PERIOD.

The Village shall operate on a two-week pay period, which pay periods shall end with the last *shift* completing work at 11:59 p.m. on a Sunday. To ensure the efficient and accurate preparation of the payroll, Council has determined that a holdback period from the end of the pay period until the following Friday is necessary. Compensation shall be issued for each completed pay period on the following Friday.

(Ord. 97-40. Passed 4-2-98; Ord. 04-10. Passed 2-12-04.)

📖 258.057 OVERTIME.

The Village shall keep work in excess of established schedules to a minimum and permit such work only when it is necessary to meet urgent operating requirements of the Village; however, all employees are required to work overtime when so directed.

(a) The following *management positions* are exempt from overtime compensation:

- Cultural Arts Director
- Director of Administrative Services
- Tax Administrator
- Fire Chief
- Information Technology Director
- Police Chief
- Recreation Director
- Recreation Program Manager
- Recreation Program Supervisor
- Recreation Administrative Secretary
- Service Director/Engineer

Exempt personnel shall be entitled to *casual time* off for time applied on the job in excess of their regular work week. *Casual time* off may not exceed one work day at a time and will be administered on the honor system.

(b) All *non-exempt personnel* shall receive overtime compensation, either in pay or compensatory time, in accordance with the following applicable methods:

(1) *Firefighters* shall be compensated 1-1/2 their normal hourly rate for all hours worked in excess of 144 hours in a 19-day work period;

(2) Police Officers shall be compensated 1-1/2 times their normal hourly rate for all hours worked in excess of 40 hours in a 7-day work period;

(3) In the event *non-exempt employees* are called in or called back to work hours which do not abut their assigned *shift*, they shall be guaranteed a minimum of four hours work for each call-in or call-back;

(4) *Non-exempt employees* shall be compensated 1-1/2 times their normal hourly rate for all hours worked in excess of their normal work week Monday through Saturday;

(5) *Non-exempt full-time employees, except for sworn police and fire personnel*, shall be compensated at two times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(6) *Non-exempt part-time* and *seasonal employees* shall be compensated 1-1/2 times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(7) For all *non-exempt employees*, overtime shall be computed on the basis of actual hours worked, holiday hours, or vacation hours during the work period as defined herein.

(Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98; Ord. 01-44. Passed 6-7-01; Ord. 04-15. Passed 3-11-04; Ord. 05-34. Passed 8-11-05; Ord. 07-18. Passed 4-12-07.)

📖 258.058 LONGEVITY PAY.

Longevity pay shall be paid to *regular full-time employees* of the Village after that employee has provided three years of continuous service to the Village. The amount to be paid will be based on a \$104 base at three years, plus \$52 per year for each additional year and will be paid following the employee's employment anniversary with the Village each year. A ceiling of \$1,248 for 25 years of service will be placed on all longevity payments. Each additional year of service over 25 will be paid at the rate of an employee with 25 years of service. Longevity pay will not be paid in the event an employee leaves the Village before his/her anniversary date. Employees hired after April 1, 1987 shall not be entitled to longevity pay. (Ord. 97-40. Passed 4-2-98.)

COMPENSATORY TIME; SHIFT TRADES

📖 258.059 COMPENSATORY TIME IN LIEU OF OVERTIME PAY FOR SWORN FIRE DEPARTMENT PERSONNEL.

(a) *Purpose*. To establish the guideline for regulating, documenting, and compensating the accumulation and use of overtime, *compensatory time*.

(b) *Overtime*.

(1) Whenever *full-time* sworn employees of the Fire Department are authorized to work in excess of 144 hours within the 19 day work period, the person may have their choice of overtime pay or *compensatory time* at 1 ½ times hours in excess of the 144 hours, computed and recorded in 15 minute increments. Overtime records shall be kept electronically.

(2) Generally, overtime pay or *compensatory time* may be approved for the following duties:

A. Hours worked when personnel are called in to work for emergencies on off-days or on off-duty hours;

B. Attendance in court;

C. Any special event or training which is an extension of fire services and approved for pay by a supervisor in advance.

(3) Personnel shall only be compensated for overtime hours worked that have been authorized by their supervisor, documented electronically, and where the employee actually works more than 144 hours in a 19 day work period [258.34](#).

(c) *Notification of use*.

(1) Sworn fire personnel who desire to use any *compensatory time* as provided for herein must give the Fire Chief or designee as much advance notice of this request as possible. Requests of less than 48 hours will be granted only in unusual circumstances or in an emergency situation.

(2) The granting of the use of any *compensatory time* shall not interfere with the effective and efficient operation of the department.

(3) All overtime and *compensatory time* earned during the calendar year must be used or paid as specified in this procedure prior to the last date of February in the succeeding year. No overtime, *compensatory time*, or vacation time will be carried over beyond that date which was accrued during the prior calendar year.

(4) *Compensatory time* used shall not be counted as hours worked in any 19 day work period.

(d) *Maximum accumulation of compensatory time.* The maximum amount of *compensatory time* that can be accumulated by any person shall be as follows:

(1) No more than 48 hours may be accumulated from January 1 to May 31 of each calendar year. Any overtime earned after a person has reached this maximum must be taken in overtime pay;

(2) No more than 48 hours may be accumulated and/or carried from June 1 to November 30 of each calendar year. Any overtime earned after a person has reached this maximum must be taken in overtime pay;

(3) No more than 48 hours may be carried from December 1 to the last day of February each year. Furthermore, all *compensatory time* to be taken during December must be scheduled and approved prior to December 7 of each year. Any *compensatory time* not scheduled and approved by a supervisor by that date shall be redeemed as overtime pay.

(e) *Documentation.*

(1) Individual records of overtime, holiday time, and *compensatory time* earned and taken by fire personnel will be maintained by supervisors in the Fire Department.

(2) It will be the responsibility of the Fire Chief to ensure compliance with the above procedure.

(Ord. 05-34. Passed 8-11-05; Ord. 07-04. passed 1-11-07.)

📖 258.060 COMPENSATORY TIME FOR POLICE OFFICERS.

(a) *Purpose.* To establish the guidelines for regulating, documenting, and compensating the accumulation and use of overtime, *compensatory time*.

(b) *Overtime.*

(1) Whenever a police officer is authorized to work in excess of 40 hours within a pay period, the officer may have the choice of overtime pay or *compensatory time* at 1-1/2 times hours in excess of 40 hours, computed and recorded in 15 minute increments. An overtime record shall be kept electronically for review by the Administrative Lieutenant.

(2) Generally, overtime pay or *compensatory time* may be approved for the following duties:

A. Hours worked when officers are called in to work for emergencies on off-days or on off-duty hours;

B. Attendance in court (2 hour minimum for Mayor's Court and 3 hour minimum for Municipal/Common Pleas Court);

C. Hours worked when arrests or other situations extend work beyond the end of scheduled work hours;

D. Any special event which is an extension of police services and approved for pay by a supervisor in advance.

(3) All requests for paid overtime will be totaled on a bi-weekly basis, and will be turned into the administrative office by 0900 hours on the Monday preceding the date when bi-weekly paychecks are issued.

(4) Personnel shall only be compensated for overtime hours worked if such work was authorized by the supervisor, appropriately documented, and submitted in accordance with subsection (2)C of this procedure.

(c) *Notification of use.*

(1) Police officers using **compensatory time** are to give the Administrative Lieutenant as much advance notice of their request as possible

(2) The granting of the use of any **compensatory time** shall not interfere with the effective and efficient operation of the department.

(3) All **compensatory time** earned during the calendar year must be used or paid as specified in this procedure prior to the last date of February in the succeeding year.

(d) *Maximum accumulation of compensatory time.* The maximum amount of **compensatory time** that can be accumulated by any officer shall be as follows:

(1) No more than 50 hours, including the 20 hours from the preceding year, if carried over may be accumulated from January 1 to May 31 of each calendar year. Any overtime earned after an officer has reached this maximum must be taken in overtime pay;

(2) No more than 50 hours may be accumulated and/or carried from June 1 to November 30 of each calendar year. Any overtime earned after an officer has reached this maximum must be taken in overtime pay;

(3) All **compensatory time** to be taken during December must be scheduled and approved prior to December 7 of each year. Any **compensatory time** not scheduled and approved by the Administrative Lieutenant by that date shall be redeemed as overtime pay.

(e) *Documentation.*

(1) Individual officers' records of overtime, holiday time, and **compensatory time** earned and taken will be maintained by the Administrative Lieutenant.

(2) It will be the responsibility of the Chief of Police to ensure compliance with the above procedure.

(3) The Administrative Lieutenant shall make a monthly report of accumulation and usage of **compensatory time**.

(Ord. 97-40. Passed 4-2-98; Ord. 07-04. Passed 1-11-07; Ord. 08-65. Passed 1-15-09.)

258.061 SHIFT AND WORK DAY TRADES.

Employees of the Fire and Police Departments may be granted the privilege of trading work **shifts** or work days provided the following criteria are met. At the discretion of the department head, previously approved trades taken in order to attend previously approved education courses will not be counted when referring to total number of trades allowed per year.

(a) The person who is normally scheduled to work and is requesting the time trade is responsible for attendance on duty in the event the replacement person fails to fulfill the trade, either through sickness or other reason. If the person who is normally scheduled to work is unavailable, the replacement worker is responsible for seeing that the position is filled if the replacement worker is unable to work, either through sickness or other reason. Should either the person originally scheduled to work or the replacement worker fail to get another person to work and overtime is paid to fill the vacancy, then the person who initiated the trade shall have pay deducted for the amount equal to the time lost due to such trade - hour for hour.

(b) A member of the Fire Department shall not be involved in more than 12 trades in any one calendar year. A member of the Police Department shall not be involved in more than ten trades in any one calendar year.

(c) All requests for the trading of time shall be in the Chief's Office at least 48 hours prior to the day of occurrence. The request form shall be signed by all persons as required by the Department Chief.

(d) An approved trade shall be considered a normally scheduled work assignment. The employee serving as qualified relief assumes the responsibility to be on duty at the specified time and place. The employee further assumes all the duties, responsibility, and assignment of the employee for whom the trade was approved.

(e) Under no circumstances shall the trade of *shifts* or parts of *shifts* result in an overtime situation or opportunity for either employee involved.

(f) Trades of regular work days shall be permitted with no restrictions as to reasons for the trade request up to the number of days permitted:

(1) Under unusual or special circumstances, the department head may permit a person to exceed the number of trades permitted (Fire Department, twelve; or Police Department, ten), if the person can show justifiable reason for the trade. The decision of the department head is final;

(2) Each involvement in a trade is counted for one trade toward the total permitted for each Fire or Police Department employee involved.

(g) Trades of "*Kelly days*" in the Fire Department may be permitted at the discretion of the Fire Chief. In no case may a "*Kelly day*" be traded outside the 19-day period, and in no case may a "*Kelly day*" be traded between shifts.

(Ord. 97-40. Passed 4-2-98; Ord. 07-14. Passed 4-12-07.)

📖 258.062 COMPENSATORY TIME FOR ADMINISTRATION, RECREATION AND SERVICE DEPARTMENT.

(a) *Purpose.* To establish guidelines for regulating, documentation, and compensating the accumulation and use of overtime, *compensatory time*.

(b) *Overtime.*

(1) Whenever a *full-time employee* of the Administration, Recreation or Service Department is authorized to work in excess of regular hours within a pay period, the employee may have overtime pay or *compensatory time* at 1-1/2 or 2 times hours in excess of regular hours, computed and recorded in 15 minute increments. An overtime record form detailing the exact hours of the overtime worked will be completed by the employee and turned into the supervisor or department head.

(2) Generally, overtime pay or *compensatory time* will be paid at 1-1/2 times the normal rate unless the time worked is on Sunday or a holiday, then it will be paid at 2 times the regular rate.

(3) Personnel shall only be compensated for overtime hours worked that have been authorized by their supervisor or department head.

(c) *Notification of use.* Employees who desire to use any *compensatory time* as provided for herein must give the director or designee as much advance notice of their request as possible.

(d) *Use of Compensatory Time.*

(1) All *compensatory time* requested will be approved at the discretion of the department head or supervisor.

(2) Maximum amount of *compensatory time* accumulated will be 40 hours; however, only a maximum of 16 hours may be carried over into the next calendar year.

(3) All overtime and *compensatory time* earned during the calendar year must be used or paid as specified in this procedure prior to the last day of April in the succeeding year.

(e) *Documentation.*

(1) Individual records of overtime, vacation time, and *compensatory time* earned and taken by each employee will be maintained by the department head.

(2) It will be the responsibility of the director to ensure compliance with the above procedure.

(Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05; Ord. 08-65. Passed 1-15-09.)

BENEFITS

The following benefits are available to qualified *full-time employees*. Except for participation in the Ohio Public Employee's Retirement System (O.P.E.R.S.) (Appendix G), *part-time* and *seasonal employees* are not eligible for benefits, unless otherwise specifically provided for herein.

258.070 HEALTH INSURANCE.

(a) The Village of Evendale will enter into contracts from time to time with insurance carriers for group health insurance. The Council, in choosing the group health insurance policy or policies, will consider the extent of coverage as well as the cost of the policy.

(b) Council may require all *regular* or *probationary full-time employees* to enroll in the group and be covered by the group health insurance policy. In the event multiple group health insurance policies are available and selected by Council, an employee may enroll in only one group health insurance policy.

(c) *Part-time employees* who work an average of 30 hours per week, the Mayor, members of Council and the Clerk of Council may join and be covered by the group health insurance policy provided they pay all premium costs and the policy permits their enrollment.

(d) (1) *Regular* and *probationary full-time employees* shall pay 13.333% of the cost of the premium for their individual, employee and spouse or, employee and children, or family health insurance benefits incurred by the Village on their behalf, which 13.333% shall be withdrawn over the course of the year in equal amounts from the first two paychecks of each month.

(2) *Regular* or *probationary full time employees* who are enrolled in the Village group health insurance are also eligible to take part in a Health Savings Account. For every \$1 contributed to the Health Savings Account by employees who choose to establish a Health Savings Account the Village will contribute \$9. The Village's obligation to contribute into an employee's Health Savings Account will end when a total of \$1,440 for employees with single coverage and \$2,880 for employees with spouse, children or family coverage has been deposited by the Village in any year.

(3) Employees over the age of 65 are not eligible to deposit contributions or have contributions deposited on their behalf in a Health Insurance Savings Account. In lieu of that the Village will assist such *full-time employees* over 65 with the deductible portion of their health insurance coverage by reimbursing the employee for 50% of the first \$560 of annual medical expenses as they are incurred for those with single coverage and the first \$1,120 of medical expenses for those with spouse, children or family coverage and will reimburse the employee for 100% of medical expenses between \$560 and \$1,440 for those with single coverage and between

\$1,120 and \$2,880 for those with spouse, children or family coverage. “Medical expenses” are defined as those which qualify as deductible payments under the Village-provided health insurance plan then in effect.

(Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05; Ord. 06-18. Passed 4-6-06; Ord. 06-59. Passed 1-11-07; Ord. 09-62. Passed 12-10-09; Ord. 12-57. Passed 11-13-12.)

📖 258.071 LIFE INSURANCE.

(a) Each **full-time employee** of the Village is provided with \$75,000 in life insurance coverage, at no cost to the employee, which includes a double indemnity clause for accidental death or dismemberment.

(b) **Part-time employees** who work an average of 30 hours per week, the Mayor, members of Council and the Clerk of Council may join and be covered by the group life insurance policy provided they pay all premium costs and the policy permits their enrollment.

(c) All benefits paid will be determined by the insurance carrier and in no way reflects any disposition by the Village.(Ord. 97-40. Passed 4-2-98; Ord. 04-35. Passed 5-13-04.)

📖 258.072 DEFERRED COMPENSATION.

(a) All Village employees are eligible to participate in the Ohio Public Employees Deferred Compensation Program, ICMA Deferred Compensation Plan, or any other plan or program as approved by Council. Program participation, however, is voluntary. Further information may be obtained from the Payroll Clerk.

(b) The Village of Evendale does not in any way verify the integrity or solvency of any deferred compensation plan and employees participating in such a plan do so at their own risk. (Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05.)

📖 258.073 COURT TIME ALLOWANCE.

Non-exempt fire and police personnel who are required to appear in court or at any court proceeding directly related to their employment with the Village during hours other than assigned **shift** hours, shall receive hours worked credit for such hours in court. Employees shall be guaranteed a minimum of two hours compensation time/overtime for Evendale Mayor’s Court; three hours for Hamilton County Municipal Court. (Ord. 97-40. Passed 4-2-98.)

📖 258.074 CLOTHING ALLOWANCE.

(a) **Full-time employees** of the Service Department shall be issued clothing that includes: shirts, pants, shoes, jacket, and appropriate safety gear. The Village shall provide for the laundering and repair of any such clothing as needed.

(b) **Firefighters** shall be issued clothing that includes: dress hat, dress shirts, dress pants, dress shoes, tie, dress coat, belt, winter jacket, work pants, work shirts, and work jacket. Full protective gear is provided as well. It includes: helmet, fire coat, boots, turnout pants, gloves, and other accessories. The dry cleaning or laundering and care of all clothing shall be the responsibility of each member of the Fire Department; however, the Village shall provide for the repair of protective gear.

(c) Police Officers shall be issued clothing that includes: hat, summer shirts, winter shirts, polo shirts, turtle necks, pants, tie, shoes, leather accessories, jacket, raincoat, and body armor. The Village shall provide for the dry-cleaning and repair of any such clothing as needed.

(d) Employees of the Recreation Department shall be issued clothing such as shirts, sweaters, and jackets. The laundering and care of such clothing shall be the responsibility of each employee who is issued clothing.

(e) **Full-time** Administrative employees shall receive an annual allowance as determined by the department head.

(f) **Part-time employees** shall receive an annual pro-rated allowance as determined by the department head.

(Ord. 97-40. Passed 4-2-98.)

258.075 TUITION REFUND.

(a) Should an employee seek to enter a multi-year degree program for which tuition reimbursement under division (a) of this section be impractical, upon recommendation of the Mayor, the Council may, by ordinance, authorize the Mayor to enter into a contract with the employee. The contract shall, at minimum, include the following terms:

- (1) The length of time the employee has to complete the degree program;
- (2) The expenses for which the Village will provide reimbursement and the conditions under which reimbursement will be paid;
- (3) The work schedule of the employee during the degree program;
- (4) A specific benefit which the employee will provide to the Village in exchange for the Village providing full or partial reimbursement to the employee for completing the degree program, which may be a requirement that the employee must work for the Village for a specified period of time after completing the degree program or be liable to reimburse the Village for tuition refund payments made.

(b) The following requirements shall apply to all employees participating in the Tuition Refund Program:

(1) The number of individuals who may participate in the Tuition Refund Program is hereby limited as follows: In any given year, no more than three employees in the Fire Department, three employees in the Police Department and one employee in each of the following departments: Recreation, Service and Administration. In the event that more employees in an applicable department are interested in pursuing the Tuition Refund Program, those individuals with the most *seniority* shall be eligible first. To the extent that at the time of the adoption of this section more than the specified number of employees in any department are participating in the program, no new employees in that department may participate until the number of existing participants have completed their studies necessary to bring the department below the specified number of maximum participants;

(2) Employees who already hold a Bachelor Degree are ineligible for the Tuition Refund Program, except as provided below. Employees who have already received an Associate Degree may only take courses working toward a Bachelor Degree;

(3) Employees pursuing a Master's Degree or any degree above a Bachelor Degree, shall be limited to those who are already in supervisory positions (sergeants, lieutenants and captains in Police and Fire, the Recreation Director, Service Director, Director of Administrative Services). Persons already holding a Master's Degree or other advanced degree are ineligible for the Tuition Refund Program;

(4) Refunds shall be made on a course basis. Employees who are taking part in the Tuition Refund Program consistent with the provisions contained in the preceding subsections shall be entitled to an 80% reimbursement of tuition payments and mandatory fees for each course, only if they receive an A or B. An employee shall be entitled to a 50% reimbursement for a C. Employees with a grade below a C, are not eligible for any tuition refund. Passing a pass/fail course shall be regarded as a B;

(5) Prior to each fall semester or fall quarter the cumulative grade average earned by the employee participating in the tuition reimbursement program shall be submitted to the department head and mayor. If the cumulative grade point average falls below a 2.75, the employee is ineligible for reimbursement until the cumulative grade point average rises above 2.75;

(6) The maximum total lifetime reimbursement for each Village employee may not exceed \$30,000 over the course of his/her career as an employee of the Village;

(7) Employees who effective as of the date of this section had a contract to participate in a multi-year degree program may continue to do so pursuant to the provisions contained in Section [258.075](#) of these Codified Ordinances as it existed prior to the adoption of this section, provided they remain in compliance with the terms of the previously existing code and their specific contract with the Village;

(8) Only courses which are a part of the employee's approved degree or certificate program or have been specifically approved as provided in division (a) shall be eligible for tuition refund;

(9) Only courses taken at schools fully accredited by a nationally recognized regional accrediting body are eligible for our tuition reimbursement. Accrediting associations are listed below:

- Middle States Association of Colleges and Schools
- New England Association of Schools and Colleges
- North Central Association of Colleges and Schools
- Northwest Association of Schools and Colleges
- Southern Association of Colleges and Schools
- Western Association of Schools and Colleges

(c) In addition, to comply with the foregoing requirements, uniformed personnel in the Police and Fire Departments must also comply with the following:

(1) Police officers, sergeants and lieutenants are only eligible for tuition reimbursement for courses taken either in the classroom or online at the following public or private college or universities located in the Tri-State area:

- Bowling Green State University
- Kent State University
- Northern Kentucky University
- Wright State University
- Indiana University
- Eastern Kentucky University
- Ashland University
- Penn State University
- Xavier University
- College of Mt. St. Joseph
- University of Cincinnati

Under special circumstances, at the recommendation of the Police Chief, the Mayor may approve other schools.

(2) Uniformed personnel in the Fire Department are only eligible for tuition reimbursement for Bachelor Degree programs approved by the U.S. Fire Administration. Currently, such programs exist at:

- Bowling Green State University
- Eastern Kentucky University
- Hocking College
- University of Cincinnati
- Oklahoma State University
- Wright State University
- Cuyahoga Community College
- Lake Superior State University
- Michigan State University
- SUNY College of Environmental Science and Forestry
- Hampton University

Master's Degrees should be evaluated by the Fire Chief as the U.S. Fire Administration has not created an approved list of programs. Programs that add value to the employees, their job function and Village operations of the Fire Department may be considered for approval.

(3) The Fire Chief may also approve participation in Associate Degree Programs or specific fire related courses at Cincinnati State Technical and Community College or other schools listed in division (c)(1).

(Ord. 97-40. Passed 4-2-98; Ord. 10-48. Passed 9-9-10; Ord. 14-04. Passed 3-11-14.)

📖 258.076 USE OF RECREATIONAL FACILITIES.

(a) Each **full-time employee** and his/her spouse and children who reside in the same household as the employee shall be entitled to membership to programs and facilities provided by the Evendale Recreation Commission at no cost to the employee.

(b) All **Part-time** and **seasonal employees** shall be given at no cost an individual full membership in the Recreation Department during the time period in which they are employed. (Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98.)

VACATION LEAVE

📖 258.095 VACATION LEAVE CREDITED.

(a) All **regular, full-time employees** of the Village shall be entitled to an annual leave of absence with pay, henceforth to be referred to as vacation leave, in accordance with the following schedule:

37 ½ Hour Personnel

Years of Public

Service Completed Vacation Hours

1 - 3 75

4 82.5

5 90

6 97.5

7 105

8 112.5
9 120
10 127.5
11 135
12 142.5
13 150
14 157.5
15 165
16 172.5
17 180
18 187.5
19 195
20 202.5
21 210
22 217.5
23 - retire 225

40 Hour Non-Police Officer Personnel

Years of Public

Service Completed Vacation Hours

1 - 3 80
4 88
5 96
6 104
7 112
8 120
9 128
10 136
11 144
12 152
13 160
14 168
15 176
16 184
17 192
18 200
19 208
20 216
21 224
22 232
23 - retire 240

Police Officers

Years of Public

Service Completed Vacation Hours

1 - 3 80

4 90
5 100
6 100
7 110
8 120
9 130
10 140
11 140
12 150
13 160
14 170
15 180
16 180
17 190
18 200
19 210
20 210
21 220
22 230
23 - retire 240

Firemen
*Years of Public
Service Completed Vacation Hours*

1 - 3 120
4 120
5 144
6 144
7 144
8 168
9 168
10 192
11 192
12 192
13 216
14 216
15 240
16 240
17 240
18 264
19 264
20 288
21 288
22 288
23 - retire 312

(b) All *part-time employees* who work between 1,300 and 1,950 hours per *payroll year* are entitled to vacation leave in accordance with the above 37 ½ hour personnel schedule but prorated based on the average number of hours actually worked the year prior. (Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98; Ord. 06-18. Passed 4-6-06.)

📖 258.096 VACATION LEAVE USE.

On January 1, employee time off banks are credited. Vacation leave shall be taken in not less than ½ hour increments subject to approval by supervisor. Any requested vacation leave that creates over time must be taken as a full *shift*.

(a) With the exception of sworn police and fire personnel, when a Village observed holiday occurs within an employee's vacation period, the employee shall be entitled to an additional day of vacation leave. (Sworn police and fire personnel are compensated by the Village in other ways for holidays.)

(b) Vacation leave earned at the beginning of each calendar year shall be scheduled and used during the calendar year in which it is credited to the employee. It is not cumulative. The Mayor, in the event of hardship, may approve vacation leave being carried into the next calendar year. An employee off on sick leave may use earned vacation time in lieu of earned sick leave only if the sick time is not being used concurrently with FMLA (Appendix H) in place. Otherwise, vacation time earned but not used in the calendar year earned, shall be forfeited unless the Mayor has determined that, due to hardship, earned vacation may be carried over to the next year. An employee on injured-on-duty status who is being paid 100% of base salary shall not earn or be paid for vacation for the period of injured-on-duty status. Vacation time earned prior to going on injured-on-duty status shall be forfeited if not used by the end of the calendar year unless the Mayor has granted an extension.

(c) Vacation leave must be scheduled with the approval of the employee's supervisor.

(d) An employee who resigns without giving at least 14 days prior written notice will forfeit, on the date of resignation, any earned and unused vacation leave, or pay in lieu thereof, at the discretion of the Mayor.

(e) At the date of the termination of employment by any employee, the payroll clerk shall prorate the vacation earned to the date of termination. If the employee has taken any unearned vacation leave, the hours of unearned vacation leave used shall be deducted from the final pay check. If the employee has earned unused vacation leave, the hours of earned vacation leave not used times the employee's hourly rate shall be paid to the employee in the final paycheck.

(f) In extraordinary circumstances, the Mayor may allow vacation leave to be taken prior to the first of the next calendar year, not to exceed the vacation time earned. The vacation time used shall be deducted from the vacation time earned at the beginning of the next year. Should the employee leave the employment prior to January 1 of the upcoming year, the cost of the unearned vacation time taken shall be deducted from the final paycheck of the employee.

(g) Upon retirement an employee shall be paid for any earned but unused vacation pay at the next regular pay date following retirement.

(Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05; Ord. 08-11. Passed 3-13-08.)

HOLIDAY LEAVE

📖 258.110 HOLIDAY LEAVE CREDITED.

(a) All *regular* or *probationary full-time employees*, other than Fire Captains, Lieutenants and *Firefighters* and Police Lieutenants, Sergeants, and Patrolmen, shall be entitled to be absent

from duty without loss of compensation on the holidays listed below. All benefits for new employees shall be pro-rated based on the portion of the year worked by the employee.

- (1) New Year's Day
- (2) Martin Luther King Day
- (3) Memorial Day
- (4) Fourth of July
- (5) Labor Day
- (6) Thanksgiving Day
- (7) Friday following Thanksgiving Day
- (8) The day before or after Christmas (as determined by the Mayor)
- (9) Christmas Day

(b) The Mayor may require any employee to work on the above holidays, and give such employee a substitute day off.

(c) Any employee who is eligible for holiday pay is entitled to one floating holiday in addition to the holidays detailed above. Said floating holiday shall be scheduled by the employee with the approval of the supervisor and must be taken in the year in which it is earned. The employee shall be responsible for scheduling the holiday with the supervisor early enough in the year to allow for the efficient operation of the employee's department. The employee's failure to do so may result in the employee not being able to take the holiday at no penalty to the Village.

(d) All *part-time employees* who work between 1,300 and 1,950 hours per *payroll year* are entitled to holiday pay in accordance with the below schedule.

Hours Worked	Paid Hours Per Holiday
1,300 – 1,400	5
1,401 – 1,500	5.5
1,501 – 1,600	6
1,600+	6.5

(Ord. 97-39. Passed 10-2-97; Ord. 97-40. Passed 4-2-98; Ord. 04-70. Passed 12-9-04; Ord. 06-18. Passed 4-6-06; Ord. 08-11. Passed 3-13-08 Ord. 17-81. Passed 12-1-17.)

 258.112 HOLIDAY PAY FOR POLICE OFFICERS.

(a) On January 1 of each calendar year, each police officer shall be credited with 100 hours of holiday time in lieu of specified pay or specified time off for holidays. Hours worked on holidays will be paid at the officers regular pay rate.

(b) If an officer who is granted 100 hours of holiday time retires or is separated from Village employment for any reason before December 26 of the year, that employee shall reimburse the Village for the use of any such time that exceeds ten hours multiplied by the number of Village observed holidays that have actually taken place during that calendar year. The Payroll Clerk shall deduct the amount of *holiday equivalent time* owed from the employee's last paycheck.

(c) Use of *holiday equivalent time* by police officers.

(1) No more than 70 hours of *holiday equivalent time* shall remain unused for any officer as of May 31 in each calendar year. Any *holiday equivalent time* exceeding that amount which remains unused as of that date shall be taken as regular pay. It shall be calculated by multiplying the officer's regular pay rate by the number of holiday equivalent hours exceeding 70.

(2) No more than 20 hours of *holiday equivalent time* shall remain unused for officer as of November 30 in each calendar year. Any *holiday equivalent time* exceeding that amount which

remains unused as of that date shall be taken as regular pay. It shall be calculated by multiplying the officer's regular pay rate by the number of holiday equivalent hours exceeding 20.

(Ord. 97-40. Passed 4-2-98; Ord. 01-107. Passed 12-6-01; Ord. 04-70. Passed 12-9-04; Ord. 05-34. Passed 8-11-05; Ord. 08-11. Passed 3-13-08.)

📖 258.113 HOLIDAY PAY FOR FIRE DEPARTMENT PERSONNEL.

(a) All **full-time** fire department personnel, except the Chief, shall be entitled to 96 hours of holiday time per year. At the beginning of each year personnel shall choose their holidays with their assigned units for that calendar year. Holiday scheduling cannot create personnel shortages resulting in overtime. Fire Department personnel granted 96 hours of holiday time who retire or are separated from employment for any reason before December 26 of the year, shall reimburse the Village for the use of any such time that exceeds 9.6 hours multiplied by the number of Village-observed holidays that have actually taken place during the calendar year prior to the date of separation. Payroll shall adjust the amount of **holiday equivalent time** earned or taken in the employee's last paycheck.

(Ord. 97-40. Passed 4-2-98; Ord. 04-70. Passed 12-9-04; Ord. 06-08. Passed 2-9-06; Ord. 08-11. Passed 3-13-08.)

OTHER LEAVES OF ABSENCE

📖 258.120 SICK LEAVE.

(a) **Full-time, probationary, or regular employees** earns a paid leave of absence for actual illness and/or for doctor appointments or treatments associated with such illness, injury, or disability of themselves or for a **family** member. Each sick leave shall be considered a separate event. Such leave, henceforth to be referred to as sick leave, shall be considered an **incident** as defined and shall be administered as follows:

(1) 37-1/2 hour personnel shall be credited with the equivalent of 9.38 hours of sick leave on the first day of each month for a total of 112-1/2 hours of sick leave per calendar year;

(2) Police Officers and 40 hour personnel shall be credited with 10 hours of sick leave on the first day of each month for a total of 120 hours of sick leave per calendar year;

(3) Firemen shall be credited with 13.25 hours of sick leave on the first day of each month for a total of 159 hours of sick leave per calendar year.

(b) Unused sick leave may accumulate without limit; however, no sick leave is payable upon termination except for death or official retirement. In such case, an employee may receive 25% of his/her accumulated sick leave up to a maximum of 25% of 1,875 hours for 37-1/2 hour employees; 25% of 2,000 hours for police officers and 40-hour personnel; and 25% of 2,650 hours for firemen upon official retirement. For information, see "Retirement Benefits."

(c) Employees previously employed by a public agency within ten years of their starting date with the Village shall be credited with the unused balance of their accumulated sick leave provided the employee received no compensation from the previous public agency for such unused accumulated sick leave.

(d) To receive compensation while absent on sick leave, the employee shall notify the supervisor or other designated person as soon as possible prior to the normal time of reporting for duty. In the event of absence of more than one work day for Firemen and two work days for 37-1/2 hour, 40 hour, and Police personnel, a signed statement from a licensed physician explaining the nature of the employee's illness or injury and whether the employee is able to perform their normally assigned duties shall be required. Additionally, such a statement from a

licensed physician shall be required for any employee who is absent for sickness or for other reasons on more than four occasions or **incidents** within the previous 12 months.

(e) Employees away longer than the aforementioned days (258.120 (d)) for absence that is FMLA (Appendix H) qualifying must execute the 12 week FMLA (Appendix H) leave entitlement concurrently with sick time used.

(f) Failure to turn in the necessary sick leave reports or written report as required from a doctor or hospital, will result in the person losing one day's pay for each sick day off, due to unexcused absence from duty. All reports are to be turned in as early as possible on the first day reporting back to work.

(g) Falsification and/or abuse of a sick leave report will result in disciplinary action.

(h) In the event a person is off duty on sick leave or injury leave, that person shall not be eligible for overtime or overtime/comp-time pay during such period.

(i) No employee shall earn sick leave in excess of the limits established herein, regardless of the number of **shifts**, tours, or hours scheduled within any work period.

(Ord. 97-40. Passed 4-2-98; Ord. 04-70. Passed 12-9-04; Ord. 12-51. Passed 11-13-12.)

📖 258.121 PERSONAL LEAVE.

(a) **Regular** or **probationary full-time employees** are provided a paid leave of absence, subject to the approval of their department head or designee.

(b) At the beginning of the calendar year, each full-time employee shall receive the equivalent of two shifts for personal leave, except **firefighters** shall receive the equivalent of one shift. Personal leave is not cumulative from one year to the next.

(c) If a personal leave request is denied, the employee may seek further review of the matter by the Mayor.

(Ord. 97-40. Passed 4-2-98; Ord. 05-44. Passed 10-13-05; Ord. 06-06. Passed 2-9-06; Ord. 09-25. Passed 6-11-09.)

📖 258.122 ON DUTY INJURY LEAVE.

(a) All **regular** or **probationary full-time employees** may be allowed on duty injury leave with pay for a period not to exceed six calendar months for injuries received in the course of or arising out of employment with the Village. Such leave, henceforth to be referred to as on duty injury leave, shall be conditional upon the following:

(1) The approval of the Mayor, based upon written recommendation by the injured employee's department head and a qualified healthcare physician of the Village's choosing. Such physician may include the employee's treating physician. Pending such approval, the injured employee's time off shall be deducted from their accumulated sick leave. It shall be restored to his/her credit upon verification by the Mayor that on duty injury leave is approved. Interactive process – The injured employee shall meet with the department head to identify precise work limitations, if any, resulting from injury as determined by the physician. Should the employee have restrictions or have sustained a disability as a result of the injury, the department head will work with the employee to determine what, if any, potential reasonable accommodations could be implemented by the Village to enable the employee to return to work, either in their usual and customary position or in some other type of work;

(2) All injured employees must file a claim with the State of Ohio Bureau of Worker's Compensation (Appendix I). Should the claimant qualify to receive and accepts lost wages from the Bureau, the claimant must assign any funds received as lost wages to the Village Finance

Department while receiving injury leave pay. Injury leave pay shall be at the employee's regular base salary or pay rate;

(3) The Mayor, in consultation with a competent physician of the Village's choosing and the injured employee's department head, shall have the right to extend injury leave;

(4) Before an employee may return from injury leave to assume the duties and responsibilities of his/her regular position, the Village shall require written verification from a competent physician of the Village's choosing confirming the employees' ability to perform his/her regular job duties and responsibilities without endangering themselves or others;

(5) Time off for the purpose of medical examinations or treatments resulting from injury on the job shall be considered injury leave;

(6) The provisions of this policy shall not apply to intentional, self-inflicted injury, injuries incurred as a result of activities not consistent with an employee's normal work duties or responsibilities, gross negligence by the employee, or in situations conflicting with the laws of the State of Ohio or rules and regulations set forth by the Ohio Bureau of Worker's Compensation (Appendix I). In the event a person is off duty on sick leave or injury leave, that person shall not be eligible for overtime pay during such period.

(b) *Temporary Modified Duty.*

(1) The purpose is to describe the procedure for assigning employees to temporary modified duty within their department when injuries sustained during work-related occupational or non-occupational (not work related) activities result in physical limitations as diagnosed by a qualified health care professional.

(2) It is the policy of the Village to assist injured employees in returning to work as soon as they are medically able to perform meaningful, job related work. Temporary, modified duty assignments may be offered at the sole discretion of a department head with consent of the Mayor on a case by case basis. Temporary modified duty assignments are not permanent assignments nor do they result in permanent or new job positions, nor do they set a precedent for future, if any, temporary assignments.

(3) A department head's ability to offer an employee a temporary modified duty assignment will be based on the limitations of the employee and department needs, and will generally not exceed three months. The process for evaluating an employee for a modified duty assignment, shall be as follows:

- A. The employee's treating health care professional must provide the employee with written clearance stating that the employee is able to work modified duty but with identified work restrictions. Such clearance documentation shall be provided to the employee's department head as soon as practicable;
- B. The department head should evaluate whether or not there is sufficient work in their department that can be done within the work restrictions established by the employee's treating health care professional. If the department head determines that such work is available, the department head may then contact the Mayor or the authorized designee to request a temporary modified duty assignment that is commensurate with the employee's work restrictions. There may be instances when a temporary modified duty assignment within the employee's work restrictions is not available;
- C. If a temporary modified duty assignment is available, the employee may be required to schedule an appointment with a qualified health care physician of the Village's choosing for final medical clearance before reporting for duty;

- D. Extensions of a temporary modified duty assignment may be granted on a case-by-case basis at the sole discretion of the department head with consent of the Mayor. Extensions are not guaranteed. An authorized extension will not expand any temporary modified duty into a permanent assignment and will not be considered as precedent for other extensions. If granted, extensions will be evaluated on a month-to-month basis but can be terminated sooner if/when the employee is either able to return to full duty or the department head determines there is no longer sufficient temporary work;
- E. For employees who are determined to be partially or fully disabled, as defined by the Americans with Disabilities Act (ADA), the Village will comply with the ADA and/or any Ohio laws against discrimination in determining what, if any, reasonable accommodations can be made to enable a partially or fully disabled employee to work on a temporary, modified duty assignment;
- F. While the level of responsibility of the tasks performed may change for an employee working on a temporary modified duty assignment, payment of wages will remain at the same rate as the employee was receiving before the assignment;
- G. No more than two employees per department may be assigned to temporary modified duty assignments at any given time unless approved by the Mayor;
- H. If temporary modified work assignments are available, consideration for assignments will first be given to employees who have suffered work-related injuries;
- I. The provisions of this policy shall not apply in situations conflicting with the laws of the State of Ohio or rules and regulations set forth by the Ohio Bureau of Worker's Compensation (Appendix I).

(3) It is the employee's responsibility to immediately inform the department head of an absence from work and to advise when they believe they will be medically released to return to work, with or without restrictions. The employee shall provide advance notice of his/her potential return to work and shall provide written medical verification of the clearance and any restrictions.

(1) (c) *Return to full duty* if an employee has restrictions prescribed by a qualified health care professional, the department head will evaluate the employee's request to return to full duty work and the written medical verification, and will consult with administration in order to make a determination whether:

- A. The employee may return to full duty;
- B. The employee may return to work to a temporary modified-duty assignment based on whether the department has a need for temporary work assignments that may be accomplished considering the employee's restrictions. These assignments may be offered at the sole discretion of a department head with consent of the Mayor on a case-by-case basis. Temporary modified duty assignments are not permanent assignments, nor do they result in permanent or new job positions, nor do they set a precedent for future, if any, temporary assignments;
- C. The employee should have a fitness-for-duty evaluation;
- D. The employee has reached a permanent and stationary rating and it is necessary to engage in an interactive process to determine a reasonable accommodation.

(d) It is the responsibility of the employee to ensure they are not performing work that violates any restriction. If the employee believes they have been requested or directed to perform work that violates the restrictions, the employee should, prior to following the

request/direction, make a prompt report to the department head or, in the event the request/direction is from the department head, to the Director of Administrative Services. The department head or Director of Administrative Services will then work with the employee to resolve any misunderstandings or discrepancies between the requested/directed work assignment and the ability or inability to perform such work assignment within the healthcare professionals prescribed limitations.

(e) Department heads shall inform the Mayor of all circumstances when an employee's injury, on or off the job, affects their ability to return to work. From time to time as needed, department heads and/or the Director of Administrative Services shall keep the Mayor informed of the status of injured, recovering employees and shall seek the Mayor's consent on decisions or actions when required by this policy.

(Ord. 97-40. Passed 4-2-98. Ord. 16-90. Passed 2/14/2017)

📖 258.123 CIVIL LEAVE.

(a) Any **full-time employee** who is serving as a juror shall be paid regular pay for any time missed from work. Compensation paid for jury service or as a witness fee may be retained by the Village employee so long as the individual reports to work upon release from jury service on a scheduled work day.

(b) A Village employee retained as an expert witness to testify in a matter unrelated to Village business shall do so on his/her own time and shall not be paid by the Village for time spent in preparing or presenting expert testimony, even though it may be pursuant to a subpoena. Civil leave shall not be granted for appearing in court or before a board or commission on personal matters. The Mayor or designee shall make the final decision on the application of this paragraph.

(c) Police and Fire Department personnel subpoenaed into court relative to matters which they investigated in the normal course of their duties shall be considered to be subpoenaed on matters relating to Village business.

(d) An employee may be given time off without pay not to exceed one hour at the discretion of the employee's department head, for the purpose of voting in a general election.

(Ord. 97-40. Passed 4-2-98; Ord. 04-70. Passed 12-9-04.)

📖 258.124 NONPAID LEAVE OF ABSENCE.

A **regular employee** may be granted by the Mayor a leave of absence, without pay, for a period not to exceed 12 calendar months. Such leave may be granted for advanced study, or other purposes which will serve the interest of the Village. While on such leave, the employee may, at the discretion of the Mayor, purchase health and life insurance coverage through the Village at its group rate. When an employee returns from a leave of absence, the employee will be returned to a position in the classification they held with the same rate of pay at the time the leave became effective.

(Ord. 97-40. Passed 4-2-98.)

📖 258.125 BEREAVEMENT LEAVE.

In the event of death in the **family**, a 37-1/2 hour, 40-hour or Police Department employee will be granted a paid leave of absence up to three working days, and a **firefighter** will be granted a paid leave of absence of one 24-hour workday. In the event the funeral is to be held outside of a 200-mile radius of the Village, bereavement leave shall be extended up to five days (two 24-hour

days for a *firefighter*). Any extension beyond those periods shall be deducted from an employee's sick leave. The employee shall give prior notification to the department head or designee that the bereavement leave is requested. Each bereavement leave shall be considered a separate event.

(Ord. 04-70. Passed 12-9-04.)

258.126 FAMILY AND MEDICAL LEAVE (FMLA) (Appendix H)

(a) *Purpose:* To provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including:

- (1) The birth or placement of a child for adoption or foster care;
- (2) To care for an immediate family member (spouse, child or parent) with a serious health condition;
- (3) When an employee is unable to work because of his/her own serious health condition;
- (4) To care for a spouse, son, daughter, parent or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

(b) This policy does not address all possible situations and circumstances that may arise when an employee requests unpaid leave for family or medical reasons. As these unpaid leave situations arise, department heads should consult with the Administration or legal counsel to obtain specific guidance regarding unpaid leave rights and obligations.

(c) *Definitions.*

(1) Child - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

(2) FMLA - The federal Family and Medical Leave Act.

(3) Qualified health care professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the department benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

(4) Spouse - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into.

(d) *Eligible Employee:* Employees are eligible for FMLA after working for the Village for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the unpaid leave.

(e) *Type and duration of leave.* Eligible employees are entitled under FMLA to 12 work weeks of unpaid leave during a 12-month period. Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

(1) Serious Health Condition: Eligible employees may take up to 12 weeks of unpaid leave to care for a spouse, child or parent with a serious health condition or when the employee is unable to work because of his/her own serious health condition. If both spouses are employed by the Village, the combined number of work weeks to care for a sick parent is limited to 12 work

weeks during any 12-month period. Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- A. An overnight stay in a hospital, hospice or residential medical care facility;
- B. Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days;
- C. Any period of incapacity due to pregnancy complications or prenatal care;
- D. A chronic condition which requires treatment;
- E. A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease);
- F. Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis).

(2) Birth or placement of child: Eligible employees may take up to 12 weeks of unpaid leave for the birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care. The unpaid leave must be concluded within one year of the birth or placement of the child. If both parents are employed by the Village, the combined number of work weeks of unpaid leave is limited to 12 work weeks during any 12-month period.

(3) Military exigency leave: Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child or parent is on covered active duty or has been notified of an impending order to active duty. This type of leave is available to a family member of a person in the National Guard, Reserves or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include:

- A. Addressing issues that arise from a short notice (seven or less days) deployment;
- B. Attending military events related to the active duty or call to duty;
- C. Attending family support or assistance programs;
- D. Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty;
- E. Making financial and legal arrangements;
- F. Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment;
- G. Attending post-deployment activities;
- H. Addressing issues that arise from the death of a military member, such as making funeral arrangements;
- I. Caring for a military employee's parent who is incapable of self-care, such as providing care on an immediate need basis or arranging for alternative care.

(4) Military caregiver leave: Eligible employees may take up to 26 weeks of unpaid leave in a single 12-month period to care for a spouse, son, daughter, parent or next of kin (as defined in the Village Administrative Code 258.125) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work.

Military caregiver unpaid leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.

During the single 12-month period, employees are entitled to no more than a combined total of

26 weeks of FMLA unpaid leave. In any case in which a husband and wife are both employed by The Village, the combined number of work weeks of unpaid leave is limited to 26 work weeks during any 12-month period.

Service member FMLA unpaid leave runs concurrent with other leave entitlements provided under federal, state and local law. Where FMLA unpaid leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the unpaid leave will be designated as military caregiver leave first.

(5) *Family military leave:* An eligible employee who is the parent, spouse, or who has or had legal custody of a member of the uniformed services who is called to active duty for more than 30 days, or who is injured, wounded or hospitalized during active service, is entitled to 10 days or 80 hours of unpaid leave, whichever is less, with continued benefits.

(6) *Intermittent leave:* An employee may take unpaid leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary and if that medical need can best be accommodated by an intermittent schedule as defined in federal law. Unpaid leave due to a military exigency may be taken on an intermittent or reduced-leave schedule.

Intermittent unpaid leave for the birth or placement of a child is only available if granted at the discretion of the Department Head unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition. Intermittent unpaid leave for any employee shall be tracked and calculated.

(f) *Employee benefits while on unpaid leave.* While on unpaid leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under non-health benefit plans. Employees are responsible for any health plan employee contributions while on unpaid leave. Employee contribution rates are subject to any change in rates that occurs while the employee is on unpaid leave. If an employee fails to return to work after his/her unpaid leave entitlement has been exhausted or expires, the Village may recover its share of health plan premiums for the entire unpaid leave period unless the employee does not return because of the continuation, recurrence or onset of a serious health condition of the employee or his/her family member that would entitle the employee to unpaid leave, or because of circumstances beyond the employee's control. The Village may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay). Employees may not earn additional time off while on unpaid leave.

(g) *Substitution of paid accrued leaves.* Employees are required to exhaust all applicable paid leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act (Appendix C) during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 work weeks per year.

(h) *Use of sick leave.* Employees are required to first exhaust paid sick leave concurrently with FMLA leave.

(i) *Use of FMLA leave.* If an employee takes a leave of absence for any reason that is FMLA qualifying, the Village may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA unpaid leave entitlement.

(j) *Procedures.* The following procedures will apply for all employees requesting leave under FMLA:

(1) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to the department's operations;

(2) An employee who wishes to take FMLA must provide his/her supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable;

(3) At the time of the request, the employee must complete a FMLA request form;

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work. Once the leave is requested or designated by the Village, the Department Head should forward the request and any medical certifications to the Administration and ensure the employee is provided the necessary forms and FMLA information within five. Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested. Employees shall be required to periodically report on their status and intent to return to work. This may assist in avoiding a delay in reinstatement when the employee is ready to return to work. Employees returning from a medical leave will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated.

(j) *Reinstatement following leave.* Employees returning from FMLA within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Administration or legal counsel to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid leave, unpaid FMLA leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the FMLA unpaid protected leave, the Department Head, in consultation with the legal counsel and the Administration, will determine whether non-FMLA leave should apply.

(k) *Responsibility.* Department Heads should work with the Administration and legal counsel regarding questions relating to leave or reinstatement from leave under this policy. The Administration should advise the Department Head and inform members of their rights and responsibilities.

(l) *Records.* Leave-related records will be preserved in compliance with the Village records retention schedule. Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

RETIREMENT

📖 258.130 INFORMATION.

Information may be obtained from the Payroll Clerk.
(Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05.)

📖 258.131 VACATION PAY CREDIT.

Vacation pay at retirement will be equal to an hour's or tour's pay times the number of hours or tours accrued.

258.132 SICK LEAVE

See 258.120.

(Ord. 97-40. Passed 4-2-98.)

EMPLOYEE CONDUCT

📖 258.140 CONFLICT OF INTEREST.

Employees shall not enter into any agreement, arrangement, engagement, transaction, or any other situation which is in conflict with the discharge of their official duties, represents a conflict of interest with the Village, or undermines the integrity of Evendale Village Government.

(Ord. 97-40. Passed 4-2-98.)

📖 258.141 DRUG AND ALCOHOL TESTING.

(a) (1) Evendale is concerned with the health and well-being of all employees. The Village cannot and will not condone or tolerate substance use and/or abuse, such as:

- A. Use of illegal drugs;
- B. Misuse of alcohol;
- C. Sale, purchase, transfer, use or possession of any illegal drugs;
- D. Arrival or return to work under the influence of any drug (legal or illegal) or alcohol;
- E. Misuse of prescription or over-the-counter medications.

(2) Evendale's Drug-Free Workplace Program establishes clear guidelines for acceptable and unacceptable employee behavior.

(3) The Village holds employees accountable for substance abuse but also supports getting help for employees who come forward voluntarily to identify that they have a substance problem. If they do so prior to being involved in a substance abuse related incident, they may receive assistance from the Village.

(4) Employees with substance abuse problems may be offered a "second chance/last chance" agreement, provided they seek treatment and recovery. The terms and conditions of an agreement are based on factors such as quality of job performance, circumstances of the event, length of service and/or other related factors.

(5) The Village's Drug-Free Workplace Program consists of:

- A. Annual substance awareness education for all employees;
- B. Annual training for supervisors regarding their responsibilities;
- C. Routine and random drug and alcohol testing;
- D. Employee assistance (CONCERN or similar EAP).

(6) Employees will receive information about substance use as a workplace problem, signs, symptoms and dangers associated with drug or alcohol use, and how and where to get help for themselves and their families. Evendale's Director of Administrative Services will be the Village's Drug-Free Workplace Administrator. The Administrator will be responsible for arranging drug and alcohol testing, identifying resources for help, and arranging for qualified people to help with employee awareness education and with supervisor training.

(b) *Program protections.*

The Drug-Free Workplace Policy is designed to protect employees from the behaviors of substance users. Some of the protections built into the program are:

(1) Records such as drug/alcohol testing results and referrals for assistance are not subject to public disclosure and are therefore kept confidential in accordance with the Ohio Public Records (Appendix D) requirements;

(2) Employee records, such as testing results and referrals for help, will be maintained in accordance with Ohio Public Records law (Appendix D). Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment;

(3) Testing will be done through a local Ohio Bureau of Workers Compensation (OBWC) (Appendix I) certified laboratory. The lab will have a Medical Review Officer (MRO), a trained physician responsible for validating the presence and purpose for drugs in an employee's system;

(4) If the initial results exceed the cut off levels established by the federal guidelines, then a second test will be administered;

(5) Cut-off levels are used to determine when employees with a certain drug or alcohol in their system is considered a positive test;

(6) A violation of this policy will be reported to law enforcement for investigation to determine breach of criminal law.

(c) *Employee awareness education.*

Every employee will be required to attend drug-free workplace program training. There will be an opportunity to ask questions. The written policy will be shared and employees are expected to sign for receipt. A minimum of one hour of educational training annually will be provided to all employees.

(d) *Supervisor training.*

Supervisors will be trained to recognize substance problems which endanger employees or others, as well as problems which are a violation of this policy. This one hour training is in addition to annual employee education. Supervisors will be trained in testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

(e) *Drug and alcohol testing.*

(1) Testing is intended to detect problems, deter usage, and allow appropriate corrective action. The Village adheres to the testing protocols and drug screen standards as determined by the Ohio Bureau of Workers Compensation (Appendix I).

(2) The Village reserves the right to test for any substance whether legal or illegal when there is a suspicion of abuse.

(f) *Employee assistance.*

The Village provides a substance abuse program by contract through a third party administrator (i.e. CONCERN). When it is determined that an employee has a substance problem, the Director of Administrative Services will meet with the person to discuss the problem. To continue employment, the employee must agree to an assessment and prescribed testing to determine the extent of the problem. The employee will be required to fully cooperate with the testing and treatment, and will be expected not to violate this policy. The Village reserves the right to terminate employment based on a positive test, failure to cooperate in the program or for violating this policy.

(g) *Frequency and situations when testing occurs.*

Pre-employment applicants for full-time positions and employees will be tested for the presence of drugs and alcohol in their breath, blood or urine under the conditions outlined below:

(1) *Post-offer, pre-employment medical examination and drug testing.* As a part of the Village's employment procedures, all applicants for full-time positions will be required to undergo a post-offer, pre-employment medical examination and a drug screen/test that is conducted by a contractor designated by the Village. Any offer of employment is contingent upon, among other things, satisfactory completion of this examination and/or screening, and the determination by the Village and its examining physician that the applicant is capable of performing the responsibilities of the position that has been offered.

(2) *Reasonable suspicion testing.* Reasonable suspicion testing will occur when Village management and/or supervision has reason to suspect that an employee may be in violation of the policy. The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings. Reasonable suspicion testing may be based upon, among other things:

A. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;

B. A pattern of abnormal conduct or erratic behavior;

C. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification to the Village, within five working days, of any drug-related arrest;

D. Information provided either by reliable and credible sources or independently corroborated, regarding an employee's substance use;

E. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty. All supervisors will be trained in the recognition of drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

(3) *Post-accident testing.*

A. Post-accident testing will be conducted whenever an accident occurs as defined below. For purposes of this policy, an "accident" is considered an unplanned, unexpected or unintended event that occurs on Village property during the conduct of the Village's business, or during working hours, or which involves Village-supplied motor vehicles or motor vehicles that are used in conducting Village business, or is within the scope of employment, and which results in any of the following:

1. A fatality of anyone involved in the accident;

2. Bodily injury to the employee and/or another person that requires off-site medical attention away from the Village's place of employment;

3. Vehicular damage whereas the damage causes the vehicle to be incapacitated and requires removal by a tow truck; or

4. Any accident requiring medical attention from a physician.

B. When such an accident results in one of the previously described situations, any employee who contributed to the accident will be tested.

(4) *Drug and/or alcohol testing after an accident.*

Drug testing will be performed within 32 hours of the incident. Alcohol testing will be performed within 8 hours of the incident. Employees expressly grant to the Village the right to obtain specimens for drug and alcohol testing by medical personnel. Further, all employees expressly grant unto the Village, its officers and management, access to any and all other

medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident.

(5) *Random testing.* Unannounced random testing will occur periodically for all employees.

A. In conformance with federal law, the following specifically applies to Service Department employees. Should any equipment operator or foreman of the Service Department have their CDL license suspended for any reason, such suspension shall be disciplined as provided in Section [258.160](#) of these Codified Ordinances.

B. Should any employee fail a drug or alcohol test, refuse to submit to a drug or alcohol test, or tamper or falsify a drug or alcohol test administered under provisions of this section, the employee shall be disciplined as provided in Section [258.160](#) of these Codified Ordinances.

(6) *Follow-up testing and procedures after a positive first test.* Employees who test positive for drug or alcohol may be offered a “last-chance” agreement. The terms and conditions of a “last-chance” agreement include but are not limited to the following:

A. The employee is required to take a second drug and/or alcohol test (“return-to-duty” test) before the employee is allowed to return to work. Employees who pass the second drug and/or alcohol test will be required to submit to four or more additional tests over a period of at least one year proceeding the second test;

B. Employees who fail any drug and/or alcohol test during the “last-chance” agreement timeframe will be terminated.

(7) *Mandatory Testing.* Police and Fire personnel are drug tested with annual physicals.

(h) *Employee's rights upon positive test result.*

An employee who tests positive under this policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to the Village. The MRO can request information on recent medical history and on medications taken within the last 30 days by the employee. The employee may be asked to provide documentary evidence (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation.

(i) *Reporting of results.*

All test results will be reported to the MRO prior to the results being issued to the Village. The MRO will receive from the testing laboratory a detailed report of the findings of the specimen. Each substance tested for will be listed along with the results of the testing. The Village will receive a summary report, and this report will indicate whether the employee passed or failed the test. All procedures are to be consistent with the most current guidelines for Medical Review Officers, published by the Federal DHHS.

(j) *Storage of test results and right to review test results.*

All records of drug/alcohol testing will be stored separately from the employee's general personnel documents. These records shall be maintained as prescribed by Ohio Public Records Law (Appendix D). Access is limited to designated Village officials. The information contained in these files shall be utilized to properly administer this policy and to provide to certifying agencies for review as may be required by law. Village officials who have access to these records are charged with maintaining record confidentiality. Any breach of confidentiality with regard to these records may be an offense resulting in disciplinary action. Any employee tested under this policy has the right to review and/or receive a copy of the respective test results. An employee may request from the Drug-Free Workplace Program Administrator, in writing a copy of the test results.

(Ord. 05-45. Passed 12-8-05.)

📖 258.142 POLITICAL ACTIVITIES.

No employee of the Village shall orally or by letter, solicit or receive any assessments, subscriptions or contributions for any political party or for any candidate for public office during the course of the regular work day; nor shall any employee of the Village be an officer in any Evendale political organization or take part in Evendale politics other than to vote as the employee chooses and to express freely political opinions. Further questions regarding this policy shall be directed by the employee to the Mayor.

(Ord. 97-40. Passed 4-2-98.)

📖 258.143 SEXUAL HARASSMENT.

(a) Sexual harassment of an employee will not be tolerated. The following behaviors are grounds for disciplinary action:

(1) Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct;

(2) Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration of or acquiescence to sexual advances;

(3) Retaliation against an employee for complaining about the behaviors described above.

(b) If an employee encounters such abuse from a supervisor or other employees, the employee should contact the department head or the Mayor.

(Ord. 97-40. Passed 4-2-98.)

📖 258.144 SOLICITATION AND DISTRIBUTION.

(a)

Employee solicitation and distribution restrictions.

(1) Employees shall not solicit or distribute to other employees or nonemployees during working time.

(2) Employees may solicit or distribute to other employees during nonworking time in work areas.

(Ord. 97-40. Passed 4-2-98.)

📖 258.145 MARRIAGE AND COHABITATION.

(a) Marriage.

Employees who are married or are *family* members at the time of employment or who become married or family members during the course of their employment cannot work in supervisory positions where either; a spouse or *family* member is a direct subordinate to the other or where a spouse or family member has the authority, or is assigned the responsibility, to manage, hire, fire, promote or discipline the other. Spouses or *family* members will not be considered for positions where by one spouse is subordinate to or managing the other.

(b) Cohabitation.

Employees who cohabit but are not married or *family* understand that differences in employment work shifts, schedules, and assignments may occur during the course of their employment. Such employees are responsible for making the necessary transportation or similar arrangements to fulfil the duties and responsibilities of their position.

(Ord. 97-40. Passed 4-2-98.)

📖 258.146 GRATUITIES.

(a) No Village employee shall accept any gratuity, gift, or other valuable item from any person or organization when such a gift is given with the expectation or understanding that the employee will secure or attempt to secure for such person or organization, at the hands of the Village, a better or more favorable treatment than that accorded other persons or organizations.

(b) De minimis items valued at approximately \$25 or less, are not considered gratuities under this policy.

(Ord. 97-40. Passed 4-2-98.)

📖 258.147 EMAIL, INTERNET AND COMMUNICATON DEVICE USE.

(a) Use of Village-owned telephones and other communication devices, are subject to the following restrictions:

(1) Village communication devices are not to be used in any manner which interferes with Village business or interferes with an employee's job performance. Limited personal use of Village communication devices is permitted but within the terms and conditions of this policy.

(2) Employees shall not use the internet, email or online services for:

- a. Operating a business for personal gain, sending chain letters or soliciting money for religious and/or political causes;
- b. Transmit or download material that is offensive, obscene, pornographic, threatening or racially or sexually harassing;
- c. To disseminate or print copyrighted materials (including articles and software) in violation of copyright laws;
- d. To provide access to confidential information. Employees shall not use email, internet and online services to provide access to public information without following the existing rules and procedures of the Village for dissemination.
- e. Internet, email or online service account or signature line other than the one assigned to them;
- f. Forging or attempt to forge email messages, or disguise or attempt to disguise your identity when sending mail;
- g. Encrypting communications without obtaining written permission from their supervisor. If approved, the encryption key(s) must be made known to the Village;
- h. Downloading or installing programs, software or outside communication devices (flash drive, CD, etc.) without first consulting the Information Technology Director.

(3) Employees using communication devices are expected to be courteous, responsible and safe in the use of devices.

(a) Village internet, email and communication devices as well as personal cell phones used for Village business are subject to public records law (Appendix D). Village communications are not confidential and are monitored by the Village. Employees shall not permanently delete or destroy an email message that has not met or exceeded the appropriate retention period as set forth by the Records Retention Policy.

(b) Employees who occasionally use personal mobile devices for work related purposes may be eligible for a lump sum reimbursement per month for each month of work-related use. At the end of each month, eligible staff must submit evidence (i.e. phone bill, etc.) to the department head showing when/how/what time they used a personal device for work related purposes. The device must be used on a frequent, but not necessarily daily, basis in any 1 month cycle in order to qualify for the monthly reimbursement. The term “frequent but not necessarily daily” generally means usage on half or more of the total days in any given month. Department heads are responsible for verifying job responsibilities and review of the bills monthly to verify validity of the amount being billed.

(c) Employees using personal devices to generate work products must, when possible, immediately transfer such products onto a work device for retention purposes. Employees are not required to submit their personal device nor their personal information, communications, or records produced or stored on a personal device in response to a public records request. (Ord. 97-40. Passed 4-2-98; Ord. 05-17A. Passed 4-14-05.)

258.148 SOCIAL MEDIA.

(a) *Purpose:* The Village recognizes the importance that social media has attained as a tool for communication with constituents and the expansion of the public's access to information. This policy establishes the Village's position on the utilization and management of social media accounts by Village personnel and provides guidance on the management, administration, and oversight of official Village social media accounts as well as employees' personal accounts. This policy pertains to any current and future social media accounts that the Village utilizes in connection with official Village activity and to Village employees' use of their personal social media accounts, where applicable.

NOTE: The Village's intent is not to create a public forum, but to use social media to post and distribute information. Comments from third parties must directly relate to topics posted by the Village, with language that is appropriate for all citizens (including minors).

(b) *Goals and objectives.*

- (1) To increase public access to information through social media outlets;
- (2) To efficiently reach the public with important Village-related information;
- (3) To prevent the misuse of social media by employees and the public as it relates to the Village.

(c) *Definitions.*

(1) Blog - A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

(2) Page - The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

(3) Post - Content an individual shares on a social media site or the act of publishing content on a site.

(4) Profile - Information that a user provides about himself/herself on a social networking site.

(5) Social Media Account - Any Internet-based resource that integrates user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, LinkedIn), microblogging sites (Twitter), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

(6) Social Media Account, Departmental - Any social media account which is established

and managed by the Village for the dissemination of information related to its official duties and business.

(d) *Official Village Social Media Accounts.*

(1) Publishing and access.

A. Maintenance of any Village social media accounts will be managed by one or more individuals designated as a "social media administrator."

B. The Department Heads shall authorize one or more "social media administrator" to have posting privileges to a Village or Departmental social media account.

C. The social media administrators shall identify and conduct themselves at all times as representatives of the Village and adhere to all Village standards of conduct and observe conventionally accepted protocols and proper decorum.

D. A social media administrator may publish information to a Village or Departmental social media account to the extent that the Council or Department Head has authorized the social media administrators to do so.

E. The Council, Department Heads, etc. reserves the right to change or close a social media account at any time, without notice, to the extent possible without violating the Village's record retention policy or the Ohio Public Records Act (Appendix D).

(e) *Accountability.*

(1) Perceived or actual misuse of a social media account by an employee should be reported directly to the social media administrators.

(2) Perceived misuse of a social media account by a social media administrator should be reported directly to a Department head and/or the Mayor and if necessary Council.

(f) *Security and monitoring.*

(1) Passwords and other sensitive information regarding access to a social media account shall be maintained and updated by the social media administrator(s) and may only be provided to the Department head, IT Department and the social media administrators for the purpose of accessing the Village social media accounts directly.

(2) The social media administrator shall review Village social media accounts and keep them updated on an as-needed basis.

(3) Passwords for all Village social media account must be changed every six months.

(g) *Content management.*

(1) Required content. Social media pages shall clearly indicate they are maintained by the Village and shall have Village or Department contact information prominently displayed. The Information or Description portion of the page will contain the following statements:

A. A disclaimer stating the official nature of the account;

B. Contact information and a link to the Village website; and

C. The following statements shall be included on the information page of the social media account, to the extent possible:

- "This site is not continuously monitored. Call 911 for emergencies."

- "This site and all comments contained within are subject to the Ohio Public Records Act (Appendix D) (Ohio Revised Code (Appendix E)149.43)."

(2) Recommended content. Where possible, social media accounts should state the following:

A. That comments made by the public on the site do not necessarily reflect the views of the Village; and

B. That any ads, links, and suggestions to other pages found on the social media

account are inserted by the social media site operator and that the Village itself does not endorse any of those sites nor does it receive any revenue from the posting of those links. With exception to Cultural Arts Department and the use of external instructors;

C. Proposed disclaimer: The purpose of this site is to present matters of public interest in the Village of Evendale. We encourage you to submit your questions, comments, and concerns, but please note this is a moderated online discussion site and not a public forum.

Once posted, the Village reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, or religious group. Further, the Village also reserves the right to delete comments that:

- are spam or include links to other sites;
- are clearly off topic;
- advocate illegal activity;
- promote particular services, products, or political organizations;
- infringe on copyrights or trademarks;
- use personally identifiable information;
- contain individual-specific and other confidential information. Please note that the public comments expressed on this site do not reflect the opinions and position of the Village of Evendale officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the Village of Evendale.

Residents@evendaleohio.org

Village Hall: (513) 563-2244

Fire Department: (513) 563-2248

Police Department: (513) 563-2249

Recreation Department: (513) 563-2247

Service Department: (513) 563-4338

(3) Permissible Content. Village personnel representing the Village via social media outlets shall do the following:

- A. Keep posts timely;
- B. Keep posts directly related to the business of the Village;
- C. Personnel shall observe and abide by all copyright , trademark, and service mark restrictions in posting materials to social media; and
- D. Village personnel who wish to post information on the Village social media may provide relevant stories/information involving Department activities and events to the social media administrator, who shall post appropriate content promptly. The notification should include:

- Activity Description;
- Date/Time;
- Involved Department District/Section/Unit;
- External Participants;
- Goal/Summary of Activity;
- Photographs or Video Links; and
- Contact Person.

(4) Prohibited content.

A. Posts must be factual and objective; content that is merely an employee's personal opinion is prohibited.

B. Personnel shall not make statements on Village social media about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Village training, activities, or work-related assignments without approval.

C. Personnel shall not make statements on Village social media that would be likely to jeopardize the privacy or safety of any individual.

D. Personnel shall not make statements on Village social media that endorse, support, oppose or contradict any political campaign, social issue, or religion.

E. Any deviation from the above policy shall be approved by a Department Head in writing.

(5) Responses to messages.

A. The social media administrator shall be responsible to direct messages made by anyone to the Village through its social media accounts in a timely manner;

B. Responses shall include information on how to contact the appropriate Village employee for an official response; and

C. Direct messages to the Village through social media shall be forwarded to the appropriate Village employee in such cases where the message constitutes a public records request.;

D. Electronic records requests will be forwarded to the records, and I.T. departments. Social media records will be kept for 1 year.

(h) *Social Media Records Retention.*

(1) All published content, including private messages, are public records subject to disclosure, retention, and disposal under the Ohio Public Records Act (Appendix D).

(2) Any deleted posts will be captured, briefly documented as to why they were deleted, and stored electronically consistent with the Village's policies on storing other electronically-kept public documents.

(i) *Public Document Request.*

(1) Public Document Requests Made Through Social Media. Direct messages to the Village through social media shall be forwarded to the Village Clerk in such cases where the message constitutes a public records request.

(2) Public Document Requests Made Which May Implicate Village's Social Media Account Records. All public documents requests, regardless of the manner made, shall be forwarded to the Village Clerk, who shall review the Village social media account records for any records, published or deleted, which are relevant to the request, and shall produce those documents to the requester in a manner that is consistent with the Ohio Public Records Act (Appendix D).

(j) *Public Use/Conduct.*

(1) Citizens shall be allowed to comment on posts in the broadest manner.

(2) The social media administrator reserves the right to remove comments and posts containing the following:

A. Comments not directly related to the topic being discussed;

B. Profane language;

C. Sexually suggestive language;

- D. Personal attacks;
- E. Comments supporting or opposing a political issue or candidate
- F. Comments that promote discrimination in the basis of race, color, sex, religion, age, national or ethnic origin, HIV status, marital status, sexual orientation, ancestry, health or disability;
- G. Commercial advertising;
- H. Comments encouraging illegal activity;
- I. Comments violating a citizen's privacy;
- J. Comments jeopardizing a citizen's safety; or
- K. Comments violating the intellectual property rights of another party;
- L. Comments violating client or patient confidentiality.

(3) Repeat offenders can be banned from commenting on Village pages.

(4) Questions posted by the media on Village social media pages will be directed to the appropriate Village employee.

(k) *Employees' Personal Social Media Accounts.*

(1) Precautions and Prohibitions - Barring state law or binding employment contracts to the contrary, Village personnel shall abide by the following when using social media, website, Blog, or other similar internet forum of communication:

A. Village personnel are free to express themselves as private citizens on social media sites, website, Blog, or other similar internet forum of communication to the degree that their speech does not impair working relationships in the Village for which confidentiality is important; does not impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Village;

B. As public employees, Village personnel are cautioned that speech on or off duty, made pursuant to their official duties, that owes its existence to the employee's professional duties and responsibilities, is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Village. Village personnel should assume that their speech and related activity on social media sites will reflect upon their office and the Village;

C. Village personnel shall not post, transmit, or otherwise disseminate any information, including photos, documents, etc., to which they have access as a result of their employment without written permission from the Mayor or his/her Department Head.

D. Prohibited Conduct includes, but is not limited to:

- Posting pictures, videos, or comments that are insubordinate with respect to the employee's Department or the Village;
- Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior;
- Knowingly or recklessly posting false information about the Village, Department Heads, coworkers, or public officials. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above;
- Posting pictures, videos, or comments that are sexual, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the Employer or individual's employment.

E. For safety and security reasons, Village personnel are cautioned not to disclose their employment with the Village nor shall they post information pertaining to any other member of

the Department without his/her permission. As such, Village personnel are cautioned not to do the following:

- Display Department logos, uniforms, or similar identifying items on personal web pages;
- Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this Department. Officers who are, or who may reasonably be expected to work in undercover operations, are cautioned not post any form of visual or personal identification.

F. When using social media, Village personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, Village personnel should be mindful of the standards imposed by the Department's code of conduct prior to engaging in any social media, which could be construed as reflecting poorly on Department personnel or the Village. In particular, Village personnel should be aware of the standards created by the Village code of conduct with regard to the following:

- Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals;
- Speech involving themselves or other Village personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

G. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Where applicable, Village personnel thus sanctioned are subject to discipline up to and including termination.

H. Village personnel may not divulge information gained by reason of their Village authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Village without approval from a Department Head, Council or Mayor.

(1) *Village personnel should be aware that they may be subject to civil litigation for:*

(1) Publishing or posting false information that harms the reputation of another person, group or organization (defamation);

(2) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

(3) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

(4) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

A. Village personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

B. Village personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Village at any time without prior notice.

(Ord. 16-69. Passed 11-7-16.)

258.149 CREDIT CARD.

(a) Credit cards are issued to allow designated employees to make certain Village

related emergency, travel and other purchases for official purposes. Credit cards are not to be used to avoid normal purchasing procedures. Use of a credit card by any employee to avoid normal purchasing procedures and/or unauthorized use may result in disciplinary action against the employee up to and including termination.

(b) Credit cards may be used to purchase goods and services if a purchase order has been issued to the card issuer prior to the purchase being made and:

(1) The goods or services are available only on the internet or when purchasing on the internet will result in a savings to the Village. When using the internet, the card holder must make sure the website where the card information is being placed is secure;

(2) The goods or services are needed in a time sensitive manner and the provider will not accept a purchase order;

(3) The goods are available from a retail establishment at a lower cost than from our wholesale supplier and said retailer will not accept a purchase order.

(c) In addition when making a credit card purchase for goods and services:

(1) The purchase order will be issued to the credit card issuer bank and shall include the name of the vendor from which the purchase is being made as well as a detail list of the items purchased if not using a blanket purchase order;

(2) A Tax Exempt certificate is provided to the vendor so that sales taxes are not required or paid.

(d) The Chief Fiscal and Accounting Officer shall keep a list of all authorized users, their title and credit card numbers.

(e) Each department head is responsible to monitor the usage of the credit cards issued to employees. Each card holder is responsible for the security of his/her card. All precautions should be used to maintain confidentiality of all information relating to the card, such as cardholder account number and expiration date. Departments may implement other card security measures, as they deem necessary. The Chief Fiscal and Accounting Officer is responsible to set card limits and restrictions and to monitor usage of all credit cards issued to employees. An employee's credit card privileges may be revoked at any time at the discretion of their Department Head or the Chief Fiscal and Accounting Officer.

(f) Unauthorized use of any credit card issued in the name of the Village of Evendale may be cause for disciplinary action up to and including termination. The card issued to the employee should only be used by the cardholder unless otherwise directed by a Department Head or Chief Fiscal and Accounting Officer. Credit cards may not be used for the purchase of alcohol. ATM, cash advance and all other cash-related transactions are strictly prohibited. Village credit cards are not to be used for personal purchases, but may only be used for authorized expenditures consistent with this policy.

(g) Credit card purchases must not cause the expenses of the department to exceed the amounts authorized by Council during its budget and appropriation process.

(h) Credit cards are to be returned to the Chief Fiscal and Accounting Officer if they are no longer needed or upon termination.

(i) Sometimes, there is a problem with a purchased item or service. Examples include broken merchandise, the billed amount does not match the quote, the billed amount includes sales tax, the statement contains a charge not recognized by the cardholder, or the statement contains duplicate charges from a vendor. In these instances, the cardholder should try to resolve the dispute with the supplier or merchant. If the purchased item needs to be returned for any reason,

send the item back to the supplier and request a credit to the purchasing card account. Report to Finance any unique billing issues.

(j) The Village uses the online Master Card Smart Data system to document all transactions made at the card holder level. The system records transaction date, posting date, amount and description. Expenses are segregated by department. Departments (or card holders) are required to input invoice date, expense description, accounting expense coding, PO number and PO date for each transaction. In addition a receipt is required to be uploaded with the corresponding expense. A review and approval by department head/supervisor, requirement is also built into the system. All data support and approvals must be in place to process the monthly payments. The Payables Clerk generates the expense reports at the card holder level which equate to the monthly billing. The expense reports, details and monthly bill are reviewed by the Chief Fiscal & Accounting Officer to ensure proper documentation of expenses and adherence to the guidelines set forth herein and in the Village travel policy. The monthly bill is paid electronically.

258.150 TRAVEL REIMBURSEMENT.

(a) This policy shall apply to all Village-financed travel. The Director of Administrative Services and/or a department head may impose additional restrictions due to budgetary constraints or other purposes. Pre-approval by a department head for all travel is required and budgeted funds must be available. Travel reimbursement requests that exceed the following guidelines must be signed by the Mayor or Director of Administrative Services. Employees are encouraged to use good judgment when traveling, in that their travel is funded by the taxpayer's dollar.

(b) *Direct billing.*

Whenever possible, certain travel related items should be billed directly to the Village (registration, lodging, airline tickets).

(c) *Allowable Travel Expenses.*

(1) Transportation.

A. Use of Village vehicles: If authorized by the Supervisor, employees will be reimbursed for fuel purchased. Use of Village credit card for fuel is permitted. Original receipts required.

B. Employee's personal vehicle: If travel requires an employee to use his/her own vehicle, mileage will be reimbursed at the current IRS mileage rate for all other employees.

(2) Airfare.

A. When at all possible airfare should be billed directly to a Village credit card. If an employee does not have access to Village credit card the employee will be reimbursed for airfare charges. Airfare should be booked as early as possible to reduce cost to the Village. All airfare will be booked at coach or the equivalent rate except under extraordinary circumstances.

B. In accordance with the State of Ohio Ethics Commission rulings, frequent flyer miles may be accrued only if they are used for Village related business travel. If an employee chooses to use frequent flyer miles in connection with Village business, it is his/her responsibility to keep track of the accrual/usage for auditing purposes. Frequent flyer miles cannot be used to upgrade tickets. Accrual of hotel points, rental car company enticements and other inducements in connection with Village related travel is prohibited.

(3) Other Transportation Expenses: With original receipts/documentation, other approved travel related expenses (tolls, taxi fares, and parking costs) will be reimbursed to the employee.

(4) Lodging: If at all possible, lodging expenses for approved travel should be paid by the Village directly by check or use of employee's Village credit card. If unable to be paid by the Village, employees will be reimbursed for the cost of reasonable lodging. In either case, a detailed billing and proof of payment are required. When making lodging reservations, the employee should notify the establishment that the Village of Evendale is tax exempt. A tax exempt certificate should accompany any direct payment for lodging or should be taken by the employee if employee is to be reimbursed at a later date. If the establishment does not accept the Village's tax exempt status, reimbursement will be made for any lodging tax paid by the employee. Employees should notify the Administration Department prior to travel so that the proper tax exempt forms can be provided. Room rates may not exceed the rate established at GSA.gov by more than \$50 without prior approval from the Mayor or Director of Administrative Services. All GSA.gov rates are updated annually effective October 1 through September 30.

(5) Meals.

A. Approved Overnight Travel: Employees will be provided a full-day per diem rate for each full-day of travel based on the location of the travel destination and the rates established for that region at GSA.gov which calculates both per diem rates and reimbursable meal rates by location. In the absence of any unusual circumstances, partial day per diem will be paid at $\frac{3}{4}$ the full-day per diem for departure and/or arrival traveling days. Unique situations shall be reviewed and decided upon by the Supervisor. An employee's daily per diem will not be prorated for meals provided as part of a conference or seminar registration. The daily per diem rate includes meals, beverages, taxes and tips.

The employee may choose to use their Village issued credit card for meal payment rather than Using a per diem rate. In this event all charges for meals must have an original detailed receipt for support documentation. The Village will not reimburse an employee for alcohol purchases under any circumstance.

B. "Day-trip" seminars/conferences: Employees will not be reimbursed for personal Meals purchased during "day-trip" seminars/conferences.

C. Business meals: Upon approval of the Village Mayor or Director of Administrative Services, business meals (business luncheons) will be reimbursed to the employee upon identification of participants and the business purpose of the discussion. Original detailed receipts are required. Credit card charge slips, without detail information, are not considered adequate documentation for reimbursement. Tip reimbursements are limited to 20% of the food and non-alcoholic beverage total.(d) *Travel reports*. Approved travel reports should be submitted to Finance no later than three days after returning from business travel, or upon returning to work. Original detailed receipts for transportation, lodging and other allowable expense should be attached to the travel voucher and submitted to Finance for processing. (Ord. 15-47. Passed 8-11-15.)

DISCIPLINE

258.160 DISCIPLINARY PRINCIPLES.

(a) Employees shall be advised of unacceptable job behaviors and conduct and the penalties for such behavior/conduct.

(b) Immediate attention shall be given to policy infractions.

(c) Discipline shall be applied uniformly and consistently and any deviation from the disciplinary procedures defined in this policy must be documented.

(d) Each offense shall be dealt with objectively.

(e) An employee's immediate supervisor and/or the Mayor and Council are responsible for administering discipline.
(Ord. 97-40. Passed 4-2-98.)

📖 258.161 DISCIPLINE.

(a) The Village has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon the statutory rights of each department as set forth in the Ohio Revised Code (Appendix E).

(b) Department supervisors and the Mayor will consider the following in determining the appropriate disciplinary action: the employee's intention when the offense was committed; the effect on the morale of the department; disruption to the organization in terms of morale, productivity, and efficiency; and effect on other employees and or the public.

(c) This discipline policy provides penalties for offenses however, the examples of specific offenses given are not all-inclusive, but serve merely as a guide.

(d) The penalties provided in this policy do not preclude the application of a more or less severe penalty for an infraction when specific circumstances exist.

(e) Records of verbal warnings and written documentation are no longer in effect after 12 months from issuance. If intervening discipline occurs, the warning shall remain in effect until 12 months have elapsed following the date of the most recent incident.

(1) Records of suspension are no longer in effect after 24 months from issuance. If intervening suspension occurs, the suspension record shall remain in effect until 24 months have elapsed following the date of the most recent suspension.

(2) All records of discipline shall remain in the employee's personnel file, even if the disciplinary action is no longer in effect.

(f) Where multiple policy infractions have occurred, a more severe penalty may be applied.
(Ord. 97-40. Passed 4-2-98.)

📖 258.162 PREDISCIPLINARY CONFERENCE.

(a) Whenever the Mayor determines that an employee may be disciplined for cause, resulting in a loss of pay, a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.

(b) Not less than 24 hours prior to the scheduled starting time of the conference, the Mayor will provide to the employee a written outline of the charges which are the basis for disciplinary action. The employee must choose to: appear at the conference to present an oral or written statement in his/her defense; appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or elect in writing to waive the opportunity to have a predisciplinary conference. Failure of the employee to appear at a scheduled predisciplinary conference shall be considered as a waiver by the employee of the right to such conference.

(c) Predisciplinary conferences will be held by a Mayor-selected department head not directly in chain of command of the employee.

(d) At the predisciplinary conference the selected department head will ask the employee or the representative to respond to the charges. Failure to respond or respond truthfully may result in further disciplinary action.

(e) At the conference the employee may present any testimony or documents which explain whether or not the alleged conduct occurred. The employee may be represented by any person

he/she chooses, whether such individual is an employee or not. No conference will be delayed more than 24 hours to enable an employee representative to attend.

(f) It will be the responsibility of the Mayor selected department head to hear testimony of the employee and of the Village in order to determine whether or not the alleged incident or infraction actually occurred and to verify incident related facts and circumstances. The Mayor selected department head will prepare a written report of the conference and his/her findings within five working days of the date of the conference. A copy of the report shall be made available to the employee involved.

(g) The Mayor will review all of the facts of the case as presented in the predisciplinary conference report, and will determine what disciplinary action will be implemented, if any. The Mayor will report the decision to Council.

(h) Within 14 days of the decision regarding demotion, suspension, or termination of employment imposed by the Mayor under this section, the employee may, by written notice to the Clerk of the Village, request a hearing before the Village Council. Within 45 days of receipt of the written notice by the Clerk, the Village Council shall hold a hearing on the appeal. The Village Council shall consider all relevant evidence. The Council, by concurrence of two-thirds of its members, may affirm, reverse, or modify the decision of the Mayor. Council may, by concurrence of two-thirds of its member's award back pay. The Village Law Director shall represent Council at any hearing under this subsection. The employee may be represented by another employee of his/her choice or an attorney. All hearings before the Council under this subsection shall be open to the public.

(Ord. 97-40. Passed 4-2-98; Ord. 99-66. Passed 9-2-99.)

258.163 DISCIPLINE OF A DEPARTMENT HEAD.

An action against a Department Head in which suspension or termination is sought shall be determined by the Village Council under proceedings as set out in Ohio R.C. 733.35 to 733.39. An action against the Police Chief in which suspension or termination is sought shall be heard as provided in Ohio R.C. 737.171.

(Ord. 97-40. Passed 4-2-98; Ord. 05-34. Passed 8-11-05.)

258.164 GROUNDS FOR DISCIPLINARY ACTION.

The following actions by any employee are a violation of the code of conduct required of Village employees and may be a grounds for disciplinary action:

- (a) Discourteous treatment of the public.
- (b) Dishonesty or any dishonest action.
- (c) Failure to "report off" work for any absence.
- (d) Unauthorized absence from work.
- (e) Abuse of sick leave or falsification of sick leave forms, any doctor's or medical excuse, or any written or verbal statement used to obtain sick leave benefits.
- (f) Neglect or carelessness in signing in or out.
- (g) Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
- (h) Leaving the job or work area during the regular working hours without authorization.
- (i) Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.

- (j) Leaving post of a continuous operations position prior to being relieved by employee of incoming shift.
- (k) Failure to report for overtime work, without good reason, after being scheduled to work according to overtime policy.
- (l) Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
- (m) Distracting the attention of others, unnecessary shouting, demonstration, or otherwise causing disruption on the job.
- (n) Malicious mischief, or other undesirable conduct, including use of profane or abusive language.
- (o) Threatening, intimidating, coercing, or interfering with subordinates or other employees.
- (p) Failure to cooperate with other employees as required by job duties.
- (q) Unauthorized use of Village property or equipment
- (r) Failure to use or operate with reasonable care Village property. This includes vehicles or equipment, abuse, or deliberate destruction, in any manner, of Village property, tools, equipment, or the property of employees.
- (s) Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
- (t) Use or possession of another employee's working equipment without authorization.
- (u) Failure to report accidents, injury, or equipment damage.
- (v) Failure to observe department rules.
- (w) Violation of departmental uniform regulations.
- (x) Disregarding job duties by neglect of work or reading for pleasure during working hours.
- (y) Sleeping during working hours.
- (z) Performing private or personal work on Village time during working hours.
- (aa) Stealing or similar conduct, including destroying, damaging, or concealment of any property of the Village or of other employees.
- (bb) Unsatisfactory work or failure to maintain required standard of performance.
- (cc) Failure to make required reports.
- (dd) Misuse or removal of Village records or information without prior authorization.
- (ee) Reporting for work or working while unfit for duty.
- (ff) Being in possession of, or drinking alcoholic beverages on the job.
- (gg) The use of or sale of any illegal drug or narcotic.
- (hh) Gambling during working hours.
- (ii) Conduct violating morality or common decency, e.g., sexual harassment.
- (jj) Solicitation on Village premises without authorization.
- (kk) Unauthorized political activities.
- (ll) The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the Village, or its operations.
- (mm) Unauthorized posting or removal of notices or signs from bulletin boards or Village property.
- (nn) Distributing or posting written or printed matter of any description on Village premises unless authorized.
- (oo) Unauthorized presence on Village property.
- (pp) Giving false testimony during a complaint or grievance investigation, a predisciplinary conference, or in a court hearing.

(qq) Refusing to provide testimony in court, during an accident investigation, or any type of public hearing relating to Village business.

(rr) Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any Village records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.

(ss) Making false claims or misrepresentation in an attempt to obtain any Village benefit.

(tt) Obligating the Village for any expense, service, or performance without authorization.

(uu) Fighting or attempting injury to other employees, supervisors, or persons.

(vv) Carrying of firearms in Village buildings where signs have been placed relevant to state law that prohibits such carrying.

(ww) Instigating, leading, or participating in any walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the Village's work stations except as provided by law.

(xx) Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.

(yy) Failure to maintain proper Federal and State licenses deemed by the Village to be necessary for the position held.

(zz) Any other act which is substantially similar to the above which involves the failure to serve the public or the intention to disrupt the functions of any department of the Village.

(Ord. 97-40. Passed 4-2-98.)

258.165 DISCIPLINARY PENALTIES.

Department Heads and the Mayor shall have the authority to exercise discretion in determining the penalty for a violation as described in Section [258.164](#) based upon the seriousness of the incident, the circumstances surrounding the incident, the employee's past disciplinary record, the employee's past work performance, the overall negative impact on the department or Village, and the likelihood of future, similar incidents. Disciplinary actions which may be imposed are:

(a) Instruction and cautioning;

(b) Verbal warning;

(c) Written reprimand;

(d) Suspension with pay;

(e) Suspension without pay; and

(f) Termination.

(Ord. 97-40. Passed 4-2-98.)

GRIEVANCES

258.175 GRIEVANCES

(a) *Rationale.*

(1) It is the policy of the Village to ensure that the employees' questions, grievances, and complaints arising from misunderstandings and the application of policies, procedures, and work rules, are to be promptly heard, answered, and action taken appropriate to the particular situation.

(2) All employees, shall have the right to file grievances or complaints without prejudice. No employee shall be disciplined, harassed, or dealt with in any unfair manner as a result of filing a grievance or testifying in a grievance hearing.

(3) A grievance is defined as a disagreement between an employee and management as to the interpretation or application of official Village policies, Village ordinances, anything subject to state or federal law, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to discipline, treatment, or other conditions of employment.

(b) *Election of remedy.*

(1) Nothing in this policy is intended to deny employees their legal rights, including the right to appeal to the Ohio Civil Rights Commission (Appendix B), the Equal Employment Opportunity Commission (Appendix B), or any court of competent jurisdiction.

(2) However, once an employee elects as their remedy the provisions or procedures of any of the above named commissions or courts, they are denied the remedy of the grievance procedure provided herein.

(c) *Settlement.*

The employee must proceed through all steps of the grievance procedure in proper order and within the prescribed time limits, except as otherwise noted. However grievances are to be settled at earliest possible step of the procedure.

(d) *Exceptions to procedure.*

Where a grievance cites issues of law which the respondent (individual hearing the grievance) cannot address, the grievance shall be forwarded to the Law Director for an opinion before proceeding. All time limits set forth in this procedure shall be in abeyance until a response from the Law Director is received.

(e) *Waiver of time limits.*

Time limits as set forth in the procedure may be extended by mutual agreement of the parties in writing.

(f) *Representation.*

A grievant may have a representative (employee or nonemployee) of his/her choosing present at any step of the procedure, except Step 1 in Section [258.175\(j\)](#). The expense of any legal representatives shall be borne by the party calling them. Witnesses may be called by both parties. The Village maintains the right to schedule witnesses for hearings.

(g) *Forms*

All grievances filed under this procedure shall be written on the Village grievance form (Appendix J).

(h) *Definition of work days.*

For the purpose of this section, the term "working days" shall mean all days that the Village Administrative offices are open to the general public for normal business purposes.

(i) *Health and Safety Grievances.*

Grievances relating to issues of health or safety shall be expedited through the steps of the procedure.

(j) *Procedure.*

Step 1. Immediate supervisor.

An employee having a grievance shall file a written grievance (Appendix J) with their immediate supervisor, as outlined in the schematic procedures (Appendix K) for their work unit. In order for the grievance to be recognized, it must be filed within five working days from the date of the incident giving rise to an alleged grievance. The immediate supervisor shall investigate the grievance and shall provide a solution or explanation on the grievance form within three working days after the date on which the grievance was submitted.

Step 2. Department head.

If the grievant is not satisfied with the response received from Step 1, the individual may pursue the matter by presenting the original copy of the grievance to the proper department head within three working days of receipt of the Step 1 answer. The department head shall hold a hearing within seven working days of receipt. The employee may be accompanied by a representative of his/her choosing, but if an employee representative is chosen, the aggrieved must notify that employee's department head in advance of the hearing so that the employee representative may be relieved of duty, if necessary, to attend the hearing. The department head, after review and investigation of all matters of fact relative to the grievance, shall issue their decision on the grievance form, within five working days following the hearing. If the department head is also the aggrieved employee's immediate supervisor, the grievant shall proceed from Step 1 to Step 3. If the aggrieved employee is a department head or the Director of Administrative Services, the grievant shall proceed from Step 1 to Step 4.

Step 3. Mayor.

Where the grievant is not satisfied with the Step 2 response, the aggrieved employee may submit the original grievance to the Mayor within three working days of the receipt of the Step 2 answer. The Mayor will review the grievance and all responses within ten working days following the day the Mayor received the grievance. If the Mayor determines that responses were adequate and proper, the Mayor will so inform the grievant of the decision by letter. If the Mayor desires additional information, the Mayor may hold, within seven working days of receipt of the Step 2 answer, a hearing, as outlined in Step 2. The Mayor shall conduct such hearing, and issue a response within ten working days. The Mayor's response shall be reported to the Council.

Step 4. Council.

Where the grievant is not satisfied with the response received from Step 3, the individual may pursue the matter by presenting the original copy of the grievance and the Mayor's response within three working days of the Step 3 answer to the Village Clerk for delivery to Council. The Council shall, at the next regular meeting occurring more than seven days after the receipt of the Step 3 answer, hold a hearing. Council, at its option, may hear the matter at an earlier special meeting occurring prior to their next regular meeting. The employee may be accompanied to such hearing by a representative of his/her choice, but if an employee representative is chosen, the aggrieved must notify that employee's department head in advance of the hearing so that the employee representative may be relieved of duty, if necessary, to attend the hearing. The Council, after review and investigation of all matters of fact relative to the grievance, shall issue their decision on the grievance by resolution following the hearing. The Council's decision shall be final and shall be reported to the Mayor.

(Ord. 97-40. Passed 4-2-98.)

DEPARTMENT RULES

258.195 DEPARTMENT RULES

(a) *Additional rules.*

Village departments may propose supplemental rules and regulations for the operation of the specific department provided as follows.

(Ord. 97-40. Passed 4-2-98.)

(1) *Limitations of departmental rules.*

Departmental rules and regulations are not in conflict with this chapter or any other Village ordinances (Appendix F) or State statutes applicable to chartered municipalities, or in conflict with the Constitution of the State or the United States Constitution.

(Ord. 97-40. Passed 4-2-98.)

(2) *Submission to Mayor and Council.*

Department supplemental rules and regulations shall be submitted in writing to the Mayor for approval.

(Ord. 97-40. Passed 4-2-98.)

 258.210 INTERPRETATION OF PERSONNEL POLICIES.

(a) It is intended that the policies and procedures, as contained herein, fully comply with all applicable Federal and State laws, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial decision interpretation.

(b) If any article or section of these policies shall be held invalid by law or by a court of competent jurisdiction, or in the event any article or section of this policy is restrained by such court, the remainder of the policy shall not be affected and shall remain in full force and effect.

(Ord. 97-40. Passed 4-2-98.)

 258.220 MODIFICATIONS TO PERSONNEL POLICIES.

The Village reserves the right to delete, modify, or amend the policies contained herein or to adopt new policies by ordinance of Council.

(Ord. 97-40. Passed 4-2-98.)

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