

THE CITY OF PICKERINGTON
CODE OF PERSONNEL PRACTICES
AND PROCEDURES

Revised: January 2, 2020



CITY OF PICKERINGTON, OHIO
CODE OF PERSONNEL PRACTICES AND PROCEDURES

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SECTION 1

SECTION 1.01 - INTRODUCTION/DISCLAIMER

- A. Policies are the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly-written policies, consistently and fairly administered, are essential to the success of any organization.
- B. Written procedures provide members of the organization with administrative interpretation of the application of the organization's policies and explain the specific manner in which such policies are implemented.
- C. This Code contains the policies and procedures of the City of Pickerington, Ohio (hereinafter referred to as "City").
- D. *THIS CODE PROVIDES GUIDELINES THAT HAVE BEEN ADOPTED BY CITY COUNCIL, FOR THE CITY AND ITS EMPLOYEES TO FOLLOW. HOWEVER, THIS CODE MAY BE CHANGED AT ANY TIME BY THE CITY WITH OR WITHOUT NOTICE (THOUGH THE NORMAL PROCEDURE FOR AMENDMENT IS EXPLAINED LATER). THIS CODE IS NOT AN EMPLOYMENT CONTRACT, EXPRESSED OR IMPLIED. NO REPRESENTATIVE OF THE CITY HAS ANY AUTHORITY TO ENTER INTO AN AGREEMENT WITH AN EMPLOYEE OTHER THAN AS SPECIFIED BY CITY CHARTER.*
- E. The policies set forth and adopted within this Code supersede all previous written and unwritten personnel policies of the City. Questions regarding the interpretation and application of these policies shall be directed toward the City Manager, designee, or your immediate supervisor.
- F. The policies and procedures within this Code apply to all City employees, including bargaining unit employees, unless in direct conflict with a collective bargaining agreement. If any policy or procedure conflicts with such agreement, the agreement will prevail.

SECTION 1.02 - OBJECTIVES

- A. The City recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective government. The policies and procedures set forth in this Code are designed to:
 - 1. promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for advancement, and consideration of employee needs;

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2. maintain recruitment and internal promotional practices which will enhance the attractiveness of public employment and encourage employees to give their best efforts to the organization and the public;
 3. encourage courteous and dependable service to the public;
 4. provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;
 5. ensure that operations are conducted in an ethical and legal manner to promote the City's reputation as an efficient, progressive employer in the community and the state; and
 6. establish acceptable minimum standards of performance which are to be applied fairly and uniformly.
- B. The primary obligation of the City is to provide the residents of the City of Pickerington with superior services at the most reasonable cost.

SECTION 1.03 - DEFINITIONS/ABBREVIATIONS

Unless otherwise indicated, the following definitions and abbreviations apply to the terms as used in this Code.

Abolishment: Means the permanent deletion of a position from the organization or structure of an appointing authority due to lack of continued need for the position, due to reorganization for efficient operation, economy, or lack of work expected to last longer than one (1) year.

Active Service: Being present and able to perform the duties to which an employee has been assigned, which includes, but is not limited to, vacation leave, sick leave and personal leave.

ADA: Americans with Disabilities Act

Allocation: The assignment of a position or job to a classification with a classification plan.

Anniversary Date: The date which regular, continuous employment commenced is the anniversary date of an employee. Such regular, continuous paid employment could begin as part-time, non-certified, probationary, or regular status.

Applicant: A person requesting consideration for employment in a class in the unclassified or classified service.

Appointing Authority: The officer having the power of appointment or removal from positions in the classified and unclassified service. With the exception of the following, the City Manager shall serve as Appointing Authority:

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<u>Position</u>	<u>Appointing Authority</u>
City Manager	Mayor and Council
Mayor's Court Clerk	Mayor
Law Director	Council
Finance Director	Council
City Engineer	Council
City Clerk	Council

Appointment Type: The positions in the classified service shall be defined by the type of appointment as follows: certified or non-certified; full-time or part-time (intermittent, seasonal and part-time). More than one definition may apply to a single position (e.g., a certified, part-time position, or a non-certified, full-time position).

Certified: An employee appointed to a position in the classified service from an eligible list established by Competitive Examination is certified in the position to which they are appointed.

City: "City" used without another name shall mean the City of Pickerington, Ohio.

Civil Service: Means and includes all officers and positions of trust or employment subject to the Civil Service laws of the State of Ohio.

Classified Service: Includes those positions as designated by Section 9.02 of the City Charter and PAB Rule 2(E).

Class (or Classification): A group of positions with the same descriptive title having similar duties and responsibilities and requiring similar qualifications and that can be distinguished from other groups of positions (e.g., Clerk I). There may be only one position in a particular class (e.g., Police Chief).

Class Series: As determined by the City Manager or designee and approved by Council, two or more classes that are similar as to type of work but that differ as to degree of responsibility and difficulty and that have been arranged in a normal line of promotion (e.g., Clerk I, Clerk II, Clerk III). Class Series shall be designated by the first four digits of the Classification Number.

Compensatory Time (Comp Time): Time off work granted to nonexempt employees in lieu of paying actual cash for overtime hours worked and granted off at the rate of one-and-one-half (1 1/2) hours for each hour of overtime.

Condition of Employment: A condition under which an individual accepts appointment to a particular position which determines the terms and conditions of employment such as the duration of the employment or the number of hours to be worked (e.g., seasonal or part-time).

Confidential: Confidential information is defined to include, but is not limited to, non-public information about the City, its suppliers, vendors, clients, and business partners, as well as copyright, patent and trademark information, and any confidential or proprietary manufacturing

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processes. Confidential information does not include information concerning terms and conditions of your employment.

Continuous Posting: A condition under which applications for a class are accepted for examination on a daily basis and without a specified filing deadline.

Day(s): Calendar day, unless otherwise specified.

Demotion: The movement of an employee at the request of the appointing authority or the employee to a position in a classification that has a lower starting rate of pay.

Department: Any department, office, commission, or other body as defined under the City Charter or Pickerington City Ordinances.

Designee: Any employee authorized by the Appointing Authority to perform a function with or on behalf of the Appointing Authority.

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

Eligible: A person who has satisfactorily met all qualifications and requirements for employment in the job class for which the person has made application and whose name appears on an eligible list.

Employee: any person holding a position subject to appointment, removal, promotion, or reduction by the Appointing Authority.

Employer: The City of Pickerington, Ohio.

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

Exempt Employee: An employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who therefore does not have to legally be paid the statutory minimum wage and/or to be compensated, at premium rates, for hours worked over 40 in the workweek.

Felony: Means a felony that is an offense of violence as defined in section 2901.01 of the Revised Code; a felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code; a felony under the laws of this or any other state or the United States that is a crime of moral turpitude; a felony involving dishonesty, fraud, or theft; or a felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

Flex Time: Adjustment of an employee's work hours to avoid the employee working in excess of forty (40) hours in one (1) workweek or any other standard work period established in accordance with the FLSA.

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FLSA: Fair Labor Standards Act.

Full-time: Appointment to a position that is defined as “full-time” at the time of appointment. In general, these are positions for which the hours of work are expected to be forty (40) hours per week.

Grade: When used in reference to testing, means the score plus any applicable credits.

Immediate Family: An employee’s spouse, parent, stepparent, child, stepchild, grandparent, grandparent-in-law, great-grandparent, sibling, step-sibling, grandchild, step-grandchild, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

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

Intermittent Positions: A type of appointment in which the work is of an irregular and unpredictable nature and generally does not exceed one thousand (1000) hours per employee in any twelve (12) month period. Intermittent positions are not to be used to avoid filling full-time positions.

Job Family: A group of classes within an occupational category that are closely related on the basis of common characteristics or general factors of similarity such as work field, purpose, subject matter and service.

Lateral Change: A change to a classification that has the same starting rate of pay.

Municipal Service: Means those positions in the classified service of the City.

Non-Exempt Employee: An employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one-and-one-half (1 ½) times their regular rate of pay for all hours worked in excess of forty (40) in an established workweek.

Non-Work Area: Those areas of the City’s property such as the employees’ lounge, parking lot, or other areas where no official City business nor operations are conducted.

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

O.A.C.: Ohio Administrative Code.

O.R.C.: Ohio Revised Code.

PAB: City of Pickerington Personnel Appeals Board

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Part-time: Appointment to a position that is defined as “part-time” at the time of appointment. In general, these are positions for which the hours of work are expected to be no more than thirty (30) hours per week.

OPERS: Ohio Public Employees Retirement System.

Personnel Action: A specific act by the City to implement a personnel decision (e.g., hiring, promotion, demotion, suspension, removal, layoff, wage increases, etc.).

Position: Any office, employment, or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant or occupied; may be part-time or full-time; and it may be designated as classified or unclassified.

Posted/Posting: The act of publishing in writing the classification, a list of duties and the qualifications for a position so that recruitment of persons seeking position can be accomplished.

Probation: A fixed period of time during which an employee may be removed from a position at the total discretion of the City without appeal. Probationary periods are to be used to evaluate employees to determine their fitness for the position that they hold.

Promotion: A change to a classification that has a higher starting rate of pay.

Psychometric Standards: The standards, principles and procedures in consonance with the American Psychological Association’s “Standards Educational and Psychological Testing”; the American Psychological Association, Division of Industrial Organizational Psychology’s “Principles for the Validation and Use of Personnel Selection Procedures”; and professionally accepted publications in the areas of statistics and personnel selection.

Reallocation: A change in allocation of a position from one class to another.

Regular employment: Means any person holding a position that requires working a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, or seasonal appointees. Removal of non-probationary employees from regular appointments shall be done only pursuant to this Code of Personnel Practices and Procedures and the Personnel Appeals Board, Rules and Regulations.

Score: Means that percent of correct answers on a written examination.

Seasonal Employment: A type of appointment in which the employee works a certain season or period of the year, performing some work or activity limited to that season or period of the year, not to exceed fourteen (14) consecutive weeks except as specifically provided in a position description.

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Seniority: Seniority shall be measured in years and days. Each day that counts toward continuous service shall be added to the total amount of seniority.

An employee's length of continuous service or length of total service with the City, in a class, in classes within a class series, in a job family, or in all classes, depending on the question involved. Employees hired on the same day or promoted into the same class on the same day shall have their seniority ranked upon the basis of a comparison of the last four digits of the applicants' Social Security Numbers. The higher number will be considered the higher ranked with 9999 considered higher than 9998, etc.

Resignation, other than to immediately accept another position in the City, retirement, discharge for cause, a layoff of more than one hundred eighty (180) calendar days, and any other separation from employment, shall constitute a break in continuous service.

Employees who are transferred to another political subdivision and who subsequently transfer back to City employment in the same class may, with the approval of the City Manager or designee, receive a seniority credit for the time spent in such non-City employment provided the employee requests such credit within 30 days of resuming employment with the City.

SERB: abbreviation for State Employment Relations Board.

Service Credit: After one (1) full year of service, the computation of service credit shall be determined by the number of months of full-time work or number of hours of part-time work, not including overtime hours, for the City of Pickerington, divided by 12 (if months) and/or 2,080 (if hours) to determine the number of years. The answer shall be rounded to the nearest lower whole number.

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

Status: A description of the current condition of employment, such as probationary, certified, etc.

Temporary Appointment: A temporary appointment is one that serves at the pleasure of the appointing authority, and that is made without regard to the rules of Sections 124.01 to 124.64 of the Ohio Revised Code and similar rules under this Code, and that may not continue longer than the greater of one hundred twenty (120) days or the duration of the sickness, disability, or other approved leave of absence of a regular officer or employee.

Transfer: A reassignment of an employee from a position in one department, commission, or office to another position, which can be in the same class or in another class for which the employee meets the minimum qualifications, in another department, commission, office or in another political subdivision.

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Unclassified Service: Includes those positions set forth in Section 9.02 of the City Charter and Rule 2(E) of the Rules and Regulations of the Personnel Appeals Board which are exempt from all examinations and which are provided no appeal under the PAB. Appointment to a position in the unclassified service may be made at the discretion of the City Manager and the incumbent may be removed, suspended or reduced from the position at the pleasure of the City Manager.

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

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

SECTION 1.04 - IMPLEMENTATION AND DISSEMINATION

POLICY

- A. The City has the exclusive right and authority to create and issue policies and procedures.
- B. All supervisory personnel responsible for administering policy shall receive and be thoroughly familiar with this Code, administer each policy contained herein, and ensure that subordinate personnel do likewise.

PROCEDURE

- A. The City Manager or designee shall maintain a master copy as the official copy of the Code for the City of Pickerington.
- B. The City Manager or designee shall make a copy of the Code available on the City's website.
- C. All employees shall have access to a copy of the Code of Personnel Practices and Procedures to review and shall be required to sign an Acknowledgement Form. Employees are to schedule time with their immediate supervisors for the review of these policies, if these policies are to be reviewed during business hours.

SECTION 1.05 - AMENDMENT

POLICY

Changes within the organization will necessitate changes in this Code. The Code may be amended, revised, or deleted only by written action of the City Manager. Changes affecting benefits and/or compensation must be approved by Council.

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PROCEDURE

- A. When the City Manager adopts a new policy or procedure, the policy or procedure shall be reviewed to determine whether it amends, revises, or deletes a section of this Code.
- B. The original of the new section shall be placed in the City Manager's master copy of the Code.
- C. A copy of the new section shall be given by the City Manager or designee to each department.
- D. A copy of the new section(s) shall be provided to all employees. All employees must be thoroughly knowledgeable of its contents and must sign an acknowledgement that they have reviewed the revision(s).
- E. Revisions will be posted on the City's website.

The new section may also be posted on the City's bulletin board(s).

SECTION 1.06 - SEVERABILITY

POLICY

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

PROCEDURE

Whenever any section of this Code is amended by operation of law or by court order, the section shall be amended pursuant to Section 1.05 of this Code.

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SECTION 2

SECTION 2.01 - EQUAL EMPLOYMENT OPPORTUNITY

- A. The City of Pickerington is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, ancestry, religion, sex, national origin, age, military or veteran status, disability, pregnancy, sexual identity or orientation, transgender status, genetic information, or any other status protected by federal, state, or local law or regulation.
- B. The designated Human Resources Director is the City's EEO Coordinator. The EEO Coordinator is responsible for providing information regarding anti-discrimination laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the department head.
- C. The EEO Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.

SECTION 2.02 - REASONABLE ACCOMMODATIONS

- A. The City is committed to providing reasonable accommodations to enable pregnant employees and qualified employees with disabilities to perform the essential functions of their jobs. Depending on the circumstances, reasonable accommodations may include modifying the work environment, making facilities accessible, restructuring a job, adjusting work schedules, granting leave, or other measures.
- B. The City is also committed to providing reasonable accommodations of an employee's sincere religious observances and beliefs that conflict with normal job requirements.
- C. Any employee who believes he or she needs an accommodation based on pregnancy, disability or religion is responsible for bringing the matter to the attention of the EEO Coordinator. In the case of disability, the employee may be required to provide medical documentation establishing the existence of a disability, any job-related restrictions, and the estimated length of time for which accommodation is needed. The City will keep all medical information confidential to the greatest extent practical.
- D. Any employee who believes he or she has been denied a reasonable accommodation should promptly notify the EEO Coordinator.

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SECTION 2.03 - DISCRIMINATORY HARASSMENT AND WORKPLACE VIOLENCE

POLICY

It is the policy of the City of Pickerington to maintain an environment that is safe, secure and free of harassment, threats, intimidation, violence and all forms of unlawful discrimination. The safety and security of employees, clients, contractors, and the general public are of vital importance to City of Pickerington.

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from harassment. While it is difficult to define what constitutes illegal harassment under the law, The City realizes that any type of harassing behavior based on race, color, religion, sex, national origin, age, military or veteran status, disability, pregnancy, sexual identity or orientation, transgender status, genetic information, or ancestry or any other status protected by federal, state, or local law or regulation is inappropriate in the workplace. Therefore, the City will not tolerate any behavior that creates an intimidating, offensive or hostile work environment including but not limited to: threats or acts of physical violence made by an employee or anyone else against another person's life, health, well-being, family or property; and/or coercion which involve or affect employees, or which occur on City property or at a worksite, or that interferes with work performance. Employees found guilty of violating this policy will be subject to disciplinary action up to and including termination of employment as well as possible legal action.

A. Definition:

Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, religion, sex, national origin, age, military or veteran status, disability, pregnancy, sexual identity or orientation, transgender status, genetic information, ancestry or any other status protected by federal, state, or local law or regulation.

Examples of harassment that may violate the law and will violate this policy include:

1. Oral or written communications that contain offensive name-calling, jokes, slurs, negative stereotyping, or threats. This includes comments or jokes that are distasteful or targeted at individuals or groups based on race, color, religion, sex, national origin, age, military or veteran status, disability, pregnancy, sexual identity or orientation, transgender status, genetic information, ancestry or any other basis protected by federal, state, or local laws);
2. Nonverbal conduct, such as staring, leering and giving inappropriate gifts;
3. Physical conduct, such as assault or unwanted touching;
4. Visual images, such as derogatory or offensive pictures, cartoons, drawings or gestures. Such prohibited images include those in hard copy or electronic form.

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Sexual harassment is a form of harassment that is based on a person's sex or that is sex-based behavior. Sexual harassment includes, but is not limited to:

1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
2. Repeated verbal abuse of a sexual nature;
3. Graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation;
4. The display of sexually suggestive objects, pictures, or the display of same through other media;
5. The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant's submission to sexual harassment in any form; and
6. Any offensive, abusive, or unwanted physical contact.

The word 'violence' in this policy shall mean an act or behavior that:

1. is physically assaultive;
2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another including telephone calls, letters or other forms of written or electronic communications, including email and website postings;
4. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
5. a reasonable person would perceive as intimidating or menacing;
6. involves carrying or displaying any dangerous weapon(s), destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. consists of a communicated or reasonably perceived threat to destroy property.
8. Intimidating or attempting to coerce an Employee to do wrongful acts, as defined by applicable law, administrative rule and policy or work rule.
9. Willful, malicious and repeated following of another person, also known as stalking and/or making threats with the intent to place another person in reasonable fear for their safety.
10. Suggesting or otherwise intimating that an act to injure persons or property is appropriate, without regard to the location where the suggestion or intimation occurs.
11. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

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A dangerous weapon is described as:

1. a loaded or unloaded firearm, or
2. any dangerous ordnance, device, electronic stun weapon, chemical substance, or any other object or material as defined in O.R.C. 2923.11, that in the manner it is used, or could be used, or is intended to be used, is readily capable of causing serious bodily injury.

B. The City prohibits the following:

1. any act or threat of violence by an employee against another person's life, health, well-being, or property;
2. any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
3. any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public;
4. any act or threat of violence made directly or indirectly by words, gestures, or symbols;
5. use or possession of a weapon on or inside City-owned, rented, leased, or controlled property and in City-owned vehicles.
6. EXCEPTIONS: INDIVIDUALS MAY POSSESS A FIREARM ON CITY-OWNED, RENTED, LEASED OR CONTROLLED PROPERTY IF THE INDIVIDUAL IS ENGAGED IN THE CAPACITY OF A LAW ENFORCEMENT OFFICER OR OTHER COMPARABLE CAPACITY AND IS ENGAGED IN LEGAL LAW ENFORCEMENT ACTIVITIES. AN EMPLOYEE WITH A VALID CONCEALED HANDGUN LICENSE MAY TRANSPORT OR STORE A FIREARM AND AMMUNITION IN HIS OR HER PERSONAL VEHICLE ON THE PREMISES WHERE THE VEHICLE IS PERMITTED TO BE SO LONG AS THE FIREARM AND AMMUNITION ARE LOCKED IN A TRUNK, GLOVE BOX, OR OTHER ENCLOSED COMPARTMENT WITHIN OR ON THE VEHICLE.

C. Responsibility

1. It is the responsibility of all employees to aid the City in maintaining a work environment free from discrimination, including harassment and violence. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any actual, potential, or suspected incidences of discriminatory harassment and/or violence to the proper authority if time and circumstances permit. Incidents involving immediate violence may necessitate the involvement of law enforcement prior to notification to supervisors. (see reporting procedure below). Any employee, who observes any conduct that may constitute discriminatory harassment or violence of a co-worker, but fails to report same, may be subject to disciplinary action. Moreover, any employee who receives a complaint alleging conduct that may constitute discriminatory

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harassment or violence of any City employee, but fails to report same, may be subject to disciplinary action. Do not take the position that the incident is too minor to report or that it does not appear to be a “real problem.” Do not wait until it is too late to be proactive.

2. It is further the responsibility of each supervisor, department head, division director and other appropriate authorities to assess situations, make decisions on the appropriate response, and respond to reports of or knowledge of violent activities that have occurred in the workplace or that involve any City employee(s). Additionally, these authorities must ensure that all employees who report to a supervisor are aware of the policy against discriminatory harassment and workplace violence, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment and workplace violence.
3. It is the responsibility of management to maintain an environment free from discriminatory harassment and workplace violence. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment and workplace violence, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment and workplace violence, and the disciplinary procedure regarding discriminatory harassment and workplace violence.
4. Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive a copy of this policy to maintain an environment free from discriminatory harassment and workplace violence.

D. Complaint/Reporting Procedure

1. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City-owned, rented, leased, or otherwise controlled property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation.

Any employee who believes that he or she has been the subject of discriminatory harassment or workplace violence, and/or any employee who has witnessed an incident, or incidents, of discriminatory harassment or workplace violence, is required to report the matter to his/her immediate supervisor or the City Manager/designee immediately. There will be no reprisals against any employee for making a report as provided in this section. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on City-owned, rented, leased, or otherwise controlled property, or is associated with City employment of any kind.

Once a complaint of discriminatory harassment or workplace violence has been received, or an instance of discriminatory harassment or workplace violence has been reported, the individual reporting the incident will fill out an occurrence report, if time and circumstances permit. The City will initiate an appropriate response. This response may include, but is not limited to, involving law enforcement, suspension and/or termination

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of any business relationship, reassignment of job duties, suspension, or termination of employment, and/or criminal prosecution of the person(s) involved. The complaint shall be immediately forwarded to the City Manager or designee for investigation (see reporting procedure below). The City Manager or designee shall then immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.

Reporting Procedure

- a. Any employee who believes that he or she has been the subject of or witness to discriminatory harassment or workplace violence should immediately report the alleged act(s) to his/her immediate supervisor, the City Manager or HR.
 - b. If there is no one in the office or department to which the employee can report the alleged act(s) (for example, the immediate supervisor, member of management, or the City Manager is the subject of the complaint), the employee should report to HR. If the Mayor is the subject of the complaint, the employee should report the alleged acts to the Council.
 - c. The employee alleging discriminatory harassment or workplace violence may complete a written EEO Complaint Form provided for that purpose. The employee should provide:
 - (1) The employee's name;
 - (2) The name of the subject of the complaint;
 - (3) The incident(s) complained of;
 - (4) The date(s) of the incident(s);
 - (5) Any witnesses to the alleged incident(s); and
 - (6) The resolution the employee is seeking.
 - d. If only a verbal complaint is made, the person to whom the complaint is made may complete the Complaint Form.
2. The City does not tolerate retaliation against any employee for making a complaint under this policy or for cooperating in an investigation of any complaint under this policy. Any employee who retaliates against another employee for making a complaint under this policy or for cooperating in an investigation of any complaint under this policy will be subject to discipline, up to an including termination of employment.
 3. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head, as well as the City Manager a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

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4. THIS POLICY SHALL NOT BE CONSTRUED TO CREATE ANY DUTY OR OBLIGATION ON THE PART OF ANY CITY OF PICKERINGTON ELECTED OFFICIAL TO TAKE ANY ACTIONS BEYOND THOSE REQUIRED OF A CITY BY EXISTING LAW.

E. Investigation

1. After completed complaint has been received, it will promptly be investigated by the City Manager or designee. If the City Manager is the subject of the complaint, the investigation shall be conducted by the Mayor. If the Mayor is the subject of the complaint, the investigation shall be conducted by the Council. If, after a thorough and prompt investigation, it is determined that discriminatory harassment or workplace violence has occurred, the employee who has been found to have committed discriminatory harassment or workplace violence of another employee or a member of the public will immediately be disciplined, up to and including termination. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.

Such actions may include but not limited to:

- a. Assigning a different employee to the area or job;
 - b. Talking with the disgruntled client or employee(s);
 - c. Discussing the incident and offering suggestions for appropriate actions;
 - d. Referring the affected employee(s) to professional help or counseling;
 - e. Disciplining the employee(s), up to and including termination of employment.
2. If, after the investigation, it is determined that no discriminatory harassment or workplace violence occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment or workplace violence has occurred, the complaining employee and/or reporting employee will be informed of same.
 3. The City will make every effort to keep the complaint confidential, except as required by law and as may be reasonably necessary to successfully complete the investigation.

F. Disciplinary Procedure

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

1. The charged party will immediately be placed on administrative leave with pay pending the final resolution of the complaint.
2. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to respond to the charge.

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3. Subsequent to the meeting a final determination will be made. If it is determined that a prima facie case of discriminatory harassment or workplace violence has been established, the charged employee will be verbally notified.

Any employee who is found, after appropriate investigation, to have filed a false claim of discriminatory harassment or workplace violence of another employee or member of the public shall be subject to disciplinary action, up to and including termination.

SECTION 2.04 - EQUAL EMPLOYMENT OPPORTUNITY/ANTI-DISCRIMINATION COMPLAINT PROCEDURE

POLICY

Any person may file a complaint if they believe that another person has illegally discriminated against them under any local, state, or federal anti-discrimination law, including a violation of the ADA or conduct involving discriminatory harassment.

PROCEDURE

- A. All complaints alleging illegal discrimination should be filed on the EEO Complaint Form. This form should be filed as soon as possible after the date the alleged discrimination occurred.
- B. The EEO Coordinator shall investigate all complaints and respond to the complainant within 14 days of the filing. If the complainant is not satisfied with the EEO Coordinator's response, they may file a complaint with the City Manager. The City Manager will investigate and respond within 14 days of the filing.
- C. Any employee who has been found by the City, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person will be subject to appropriate disciplinary action up to and including termination of employment.

SECTION 3

SECTION 3.01 - CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

- A. All employees of the City are presumed to be classified City employees unless the position that they occupy has been exempted from the classified services by the City Charter or by the designation of the City Manager or designee or the employee has lost classified status due to a felony conviction as provided in Section 8.05 of this Code. After completion of the original probationary period, or the probationary period following a promotion, classified employees may only be disciplined for cause.
- B. Some City employees serve in the unclassified City service or who occupy positions that have been exempted from the classified City service. Such employees serve at the pleasure of the City. These positions are designed by the City Manager. The mere failure of the City Manager or designee to designate such unclassified status, or the mere late designation, does not prevent the employee from being in the unclassified service. In the event that the City Manager desires to establish a position that is not specifically listed in Section 9.02 of the Charter as “exempt,” the City Manager with approval from Council and upon review of the essential functions as proposed in the position description shall make a determination of the status of the position as being in the classified or unclassified service.

SECTION 3.02 - CLASSIFICATION PLAN

POLICY

- A. In General: Each authorized position shall be assigned by the City Manager to an appropriate classification based on the duties and responsibilities of such position.
- B. Establishment of Positions: All positions to be staffed by members of the Work Force shall be authorized and established by Council.

PROCEDURE

A. The Classification Plan

1. A classification plan shall be adopted and maintained by the City Manager or designee subject to Council’s approval. It shall provide for the classification and standardization of all positions within the classified service. All positions in the service of the City, except those specifically defined in the City Charter, Rule 2(E)(1) of the Personnel Appeals Board, and this Code as unclassified, shall be in the classified service.

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2. Each grouping of positions or single position within the classified service shall have a corresponding class specification and each grouping of positions or single position within the unclassified service shall have a corresponding class description.
3. Class specifications shall include, but not be limited to: the title of the class; the definition of the class; illustrative examples of the tasks performed by employees in the class; the minimum qualifications for appointment to the class; and knowledge, skills, abilities and personal characteristics related to successful performance in the class.
4. Class descriptions of positions in the unclassified service shall contain only the title of the class, a general definition of the class and illustrative examples of the tasks performed by employees in the class. The information in the description shall be sufficient to identify the basis upon which positions allocated to the class are exempted from the classified service.

B. Competitive/Noncompetitive Classes

1. At the time a classification is established, the City Manager or designee shall determine whether the class is to be designated as competitive or noncompetitive based upon the facts and information available at the time.
2. If information warrants a change, the assignment of a class as competitive or noncompetitive shall be reviewed by the City Manager or designee and the class may be reassigned as necessary.
3. In determining whether a class shall be designated as competitive or noncompetitive, the City Manager or designee shall consider the following factors:
 - a. the practicableness of testing for the class by competitive examination in accordance with generally accepted psychometric standards;
 - b. whether the positions in the class require peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as demonstrated by:
 - (1) the level of education, the field of study and the degree of specialization required;
 - (2) the kind, level and amount of work experience required;
 - (3) a special license or certificate required; and/or
 - (4) any recruiting or other information relating to the number or availability of qualified applicants;
 - c. whether the class consists of unskilled positions for which it is impractical to test competitively;

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d. any other relevant information.

4. In the event a new class is established that is assigned to the competitive class and that requires substantial training for new employees in the class, the City Manager or designee may at its discretion give the initial examination for such class one time on a noncompetitive basis.

C. Changes to the Classification Plan

At the request of the City Manager or designee and approval of Council, the classification plan may be changed or amended by the creation, abolishment, merger or revision of classes in any public meeting.

D. Allocation of New Positions and Reallocation of Existing Positions

1. Reports by City Manager

When new positions are established, or when the essential functions and responsibilities of existing positions are changed, the City Manager or designee shall document such fact on the necessary forms prescribed including a description of the essential functions and applicable conditions of employment, if any.

2. Procedure

The City Manager or designee shall review the new position description and allocate or reallocate every position to the appropriate class as determined by an analysis of the essential functions and responsibilities assigned to the position on a regular basis. Duties assigned for training purposes and duties assigned on only a temporary basis shall not be considered. No position shall be reallocated to a higher or lower class unless over a period of at least ninety (90) days the incumbent performs the essential functions of the higher class at least 20% of the working time or the essential functions of the lower class at least 80% of the working time, as reviewed on an annual basis. The individual shall not be reduced except as provided in this Code.

E. Use of the Classification Plan

1. Adherence

The provisions of the classification plan shall be observed in the handling of all personnel actions and activities.

2. Class titles

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The title assigned to positions by their allocations to the appropriate classes established in the classification plan shall be used in all personnel records, budget requests, and financial records

and communications of all departments, divisions, commissions and offices. Working titles may be used in the course of daily activities to indicate authority, status in the organization, or administrative rank for working purposes.

3. Class specifications

The listings of illustrative tasks performed by employees in a class embodied in the class specifications are descriptive and explanatory but are not inclusive or exclusive.

4. Assignment of duties

The City Manager or designee is responsible for maintaining the integrity of the classification plan by assigning employees essential functions that are appropriate for their class in accordance with the City Charter and the applicable class specification. The City Manager or designee may temporarily assign an employee to replace an absent employee, or to fill a vacant position during the posting and selection process, or as otherwise provided herein.

5. Job audits

Requests for audits of positions may be initiated by the City Manager or designee or by an employee working in the position. The position will be analyzed as provided in this Code.

6. Misclassifications

In the event a job audit reveals a position is misclassified, such misclassification shall be corrected within fifteen (15) working days from the date of the determination by either the assignment of appropriate essential functions and responsibilities to the employee(s) involved or a reallocation of the position in accordance with this Code.

SECTION 3.03 - ANNOUNCEMENTS AND APPLICATIONS

POLICY

All vacancies shall be filled pursuant to the City Charter and this Code.

PROCEDURE

A. Examination Announcements

1. Examinations shall be announced in public notices specifying the class title, definition, typical tasks, salary range, the application filing period, the time and place of the examination, examination components, applicant requirements, whether background

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investigations are applicable and other information pertinent to the examination and/or classification.

2. A copy of all examination announcements shall be posted at the City Municipal Office at least two (2) weeks preceding the examination and one copy shall be sent to each City department for posting. Open competitive examination announcements shall be published where necessary to recruit an adequate supply of applicants.

B. Non-Certified Job Announcements

1. Whenever there is a need to fill a vacant position and an eligible list for the class to which the position is allocated does not exist, the City Manager or designee shall act accordingly.
2. The availability of non-certified positions shall be announced in public notices specifying class title, typical tasks, salary range, final date on which applications will be accepted, minimum requirements, background investigations, if applicable, and any other information pertinent to the classification.
3. The City Manager or designee shall post all job announcements for no less than two (2) weeks. At the request of the City Manager or designee, vacancies may be posted for the general public simultaneously with the posting made known only to current City employees.
4. Each department shall be responsible for posting a copy of all job announcements within the department.
5. Non-certified vacancies may be advertised where necessary to recruit an adequate supply of applicants.

C. Filing Applications

1. Applications once filed become the property of the City and shall not be returned to the applicant.
2. Applications shall be reviewed under the direction of the City Manager or designee and shall not be considered filed until completed in the manner prescribed.
3. Applications for admission to assembled examinations shall be filed in the office of the City Manager or designee, within the time prescribed in the examination announcement.
4. Applications for non-certified appointments shall be filed with the City Manager or designee within the time prescribed. At the end of the applicable posting period, all applications received during said period shall be compiled by the City Manager or designee. If the City Manager or designee has ranked or scored the candidates, this shall

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be documented. The City Manager or designee shall choose from among those applicants meeting the minimum qualifications. The appointment shall not become finalized until the appointee successfully completes the probationary period or serves continuously in

the position for six (6) months, whichever is longer. A person appointed to a promotional position in the Police Department under this Section shall not achieve regular employment status merely by serving in the position.

D. General Qualifications

1. Applicants must meet the requirements set forth by the Charter, this Code, and the applicable class specification, and must file a duly signed application on forms prescribed by the City. An application shall be electronically received or postmarked prior to 12:00 midnight by the due date and time as advertised on the job posting.
2. Applicants must meet the requirements at the time of application. However, the City Manager or designee has the authority to waive a motor vehicle operator's license requirement when such license is not an essential function of that particular position. In those cases, where a state-sanctioned license or certification is required, an applicant shall be considered to have conditionally met the requirement if the individual has a comparable license or certification from another state at the time of filing. Such an applicant shall obtain an Ohio license prior to appointment.

E. Disqualification of Applicants and Eligibles

1. Applicants may be rejected from consideration or refused admittance to an examination, and eligibles may be disqualified or removed from an eligible list, or a certification list, for, but not limited to, the following causes:
 - a. Those causes set forth in this Section and Section 3.08;
 - b. The individual is found to lack, any of the established minimum requirements for the position, any requirements set forth by this Code of Personnel Practices and Procedures or the Charter, any other job-related ability, or has failed to provide a transcript, license, certificate or other required documentation within time limits prescribed by the Code;
 - c. The individual fails to pass a pre-employment required medical examination for the position after the offer of employment has been made;
 - d. The individual has a poor traffic record and is applying for a position that requires an operator's license and involves driving;
 - e. The individual has been convicted of a job-related misdemeanor or felony within a relevant time frame;

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- f. The individual has been dismissed from public or private employment for just cause;
 - g. The individual has made a false statement of material fact or omitted a material fact in the application or testing process;
 - h. The individual has practiced or attempted to practice deception or fraud on the application or examination (see Section 3.08), or in securing eligibility or appointment;
 - i. The individual has used, threatened to use, or attempted to use political influence in securing employment, reemployment, or promotion;
 - j. The individual fails to report for an interview or other step in the selection process as directed by the City Manager or designee and does not respond to a certified letter that states he or she will be removed from the list unless he or she responds by ten (10) days/or fails to report for duty as directed by the City Manager or designee. If the individual appears for the interview but declines the appointment, the name of that eligible shall not be certified by the City Manager for filling any vacancy in that department during the life of the eligible list. However, upon approval by the City Manager or designee, and upon good cause shown, the name of such eligible may be restored to the list;
 - k. The individual cannot be located at the address on file with the City;
 - l. The individual failed a drug screening test in that the test showed the presence of illegal drugs or drugs taken unlawfully in the individual's body fluids. This shall not be grounds for disqualification if the substance is a prescribed medication and has been prescribed for applicant by a licensed physician, and has been taken by the applicant in accordance with the physician's instructions;
 - m. The individual, as established by reliable information received by the City, is or has been a regular user of illegal drugs of abuse as defined in Section 3719.011 of the Ohio Revised Code; however this provision is only applicable to applicants for entry-level positions in the Police Department.
 - n. The individual based upon information revealed in a background investigation is not of good moral character or is otherwise unqualified to perform the essential functions of the position.
2. Any individual who has been rejected, refused or disqualified pursuant to Section 3.03, (E)(1)(l), (m) or (n) shall not be eligible to apply for employment in the Police Department for a period of one-year dating from the date of refusal or disqualification. Three (3) such rejections, refusals or disqualifications shall permanently preclude future application for employment in the Police Department; however, in the event the identified drug of abuse is heroin, cocaine, or LSD, one confirmation of abuse by drug-

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testing administered in the course of the selection process may permanently preclude application for such employment.

SECTION 3.04 - EXAMINATIONS

POLICY

Examinations shall be established in accordance with the City Charter and this Code.

PROCEDURE

A. Scheduling of Examinations

Examinations will be scheduled by City Manager or designee in order to provide suitable candidates for the classified service. An examination may be postponed or canceled as deemed necessary. A disabled applicant, who needs accommodation to enable him/her to take the examination, shall receive a reasonable accommodation upon request to the City made sufficiently prior to the examination to allow the City to accomplish such reasonable accommodation. Such provision shall be included in the posting of all examinations.

B. Competitive Examinations

There shall be two (2) types of competitive examinations: Open Competitive and Promotional Competitive.

1. Open competitive

Open competitive examinations shall be open to all applicants who meet the minimum requirements listed in the class specification at the time the test is given for the class being tested.

2. Promotional competitive

Promotional competitive examinations shall be limited to current City employees who meet the minimum requirements listed in the specification for the class being examined. Furthermore, said employees must meet one (1) of the following conditions:

- a. Have completed probationary status in a class determined by the City to be eligible for the examination; or
- b. Have received a non-certified appointment to a position in the class being tested and completed probationary status in a position in a class eligible for promotion; or
- c. Have met the requirements of Eligibility for Promotional exams; or,

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- d. Have met the requirements set forth in any applicable Collective Bargaining Agreement.
3. Competitive examinations shall relate to those matters that fairly test the relative capacity and qualifications of the applicant to discharge proficiently the essential functions of the class to which the individual seeks appointment. Competitive examinations may consist of written, oral, performance or physical fitness tests; demonstrations of manual skill; evaluation of training and experience; evaluation by any other professionally accepted method; or any combination thereof. Tests may include structured interviews, assessment centers, work simulations, examination of knowledge, skills, and abilities, and any other acceptable testing methods. Competitive examinations may also include investigation of training, experience and background.
4. Examination or parts thereof may be modified or voided by the City Manager or designee if it is determined that the results have been jeopardized.
5. Tied Grades

Ties shall be broken by using the methods outlined in the following order until the tie is broken.

- a. Open competitive

When final grades on an open competitive examination are tied, the tie shall be broken as follows:

- 1) an applicant who is currently a City employee shall be ranked ahead of an applicant who is not currently a City employee; however, this provision shall not apply if the employee is serving pursuant to a temporary appointment;
- 2) in the event a tie continues to exist after Step One (1) it shall be broken as follows:
- 3) if the tie is between two (2) or more City employees, they shall be ranked in descending order of seniority based upon all service with the City.
- 4) if the tie is between two or more applicants who are not City employees:
 - a) The tie shall go to a U.S. veteran. "Veteran" means any person who is a resident of Ohio, who has completed service in the uniformed services as described in R.C. 124.23, and who was discharged or released from active duty because of a service-connected disability. Discharge must be under honorable conditions.
 - b) Any veteran who desires to be recognized for this process must provide proof of veteran status at the filing of the employment application. Acceptable proof of uniformed service (Form DD214 or proof of

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honorable discharge) and of disability, if any, shall be furnished to the City with the application or no later than the close of the filing period.

- c) Absent veteran qualifications, there shall be a comparison of the last four (4) digits of the applicants' Social Security Numbers. The higher number will be considered the higher ranked with 9999 considered higher than 9998, etc.
- b. Promotional: When final grades on a promotional examination are tied, the tie shall be broken as follows:
 - 1) the examinees shall be ranked in descending order of seniority based upon all service with the City;
 - 2) subject to the terms of any applicable Collective Bargaining Agreement.

6. Notice of Results

- a. After the grading of a competitive examination has been completed, all test participants shall be notified in writing of their final grade and relative position on the eligible list established as a result of the examination.
- b. When the examination is a promotional examination, there may be an inspection period during which examinees may inspect their answer sheets for possible grading errors by comparing them with a keyed answer sheet provided by the City. The inspection period shall be up to ten (10) calendar days. No examinee may see the test materials after an examination has been given, except for a reasonable review period at the test site immediately following promotional examinations for purposes of appealing specific test items. (See Section 8.09)
- c. No eligible list shall be effective and no certification shall be made therefrom prior to the lapse of the appropriate inspection period, if any.

C. Noncompetitive Examinations

- 1. Noncompetitive examinations shall consist of an evaluation of the applications to determine if the applicants meet the minimum requirements of the class specification for the class being examined. Noncompetitive examinations may also consist of other components to determine if the applicants can perform the essential functions of the class. Applicants who meet the minimum requirements shall have their name placed on the eligible list.
- 2. Applicants shall be notified in writing whether they passed the examination and if their name appears on the eligible list for the class examined.

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D. Medical Examinations

1. Applicants may be required to undergo and pass a medical examination after a conditional offer of employment has been made. This examination may include a physical examination and a drug and alcohol screening test. In accordance with the aforementioned, public safety positions may include polygraphs and psychological evaluations.
2. Employees may be required by the City Manager or designee to undergo a medical examination, in order to determine whether an employee is physically fit to perform the essential functions of the position as defined in the position description. In accordance with the Code of Personnel Practices and Procedures, such person may be subject to termination, demotion or reassignment.
3. An applicant who fails any portion of the medical examination, including the drug and alcohol screening test, polygraph or psychological evaluation if given, shall be so notified. Such applicant shall not be eligible for appointment to the position sought.
4. If an applicant or employee is deemed by the City to be temporarily physically unfit to perform the essential functions as defined in the position description of the position for which application has been made, such person may request a temporary leave of absence or a waiver of appointment as provided in this Code.
5. The medical examinations provided for in this Code shall be conducted by licensed physicians in accordance with generally accepted medical practices and any medical standards established by the City and shall be paid for by the City. A medical determination that a condition would adversely affect job performance may constitute failure of the medical examination and may be grounds for removal from an eligibility list.

SECTION 3.05 - ELIGIBLE LISTS

A. Established by Competitive Examination

1. Open Examinations

After the completion of an open competitive examination, an eligible list may be prepared for applicants who attained a final passing grade. The names of eligibles on lists shall be arranged in the order of the final ranking based on test grades earned.

2. Promotional Examinations

B. Established by Noncompetitive Examination

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After the completion of a noncompetitive examination, an eligible list may be prepared including the names of all applicants, placed in order determined after screening by the City Manager or designee.

C. Addition by Reinstatement

1. Following separation or reduction in rank without fault

Upon written request, the name of an individual may be placed at the top of the eligible list for the classification from which the employee was separated or reduced in rank if all of the following apply:

- a. the request is made within one (1) year from the date of separation or reduction in rank;
- b. the individual was separated from the service or reduced in rank without fault or delinquency (e.g., resignation, retirement, voluntary demotion or termination as a result of a condition of employment); and
- c. the employee held a classified employment status in the class.

If a question arises as to whether the individual separated from the service in good standing or was reduced in rank without fault the City shall investigate the cause and circumstances surrounding the separation or reduction. An individual who resigned in lieu of disciplinary action shall be deemed not to have resigned in good standing. Retirement of an employee at the employee's own request shall be considered a resignation. At the request of the City Manager or designee, a former police officer who successfully completed a probationary period with the City of Pickerington and who resigned in good standing may be reinstated to the eligible list if the officer was continuously employed full time as a sworn officer in a governmental law enforcement agency during the intervening period.

2. Following reduction in rank due to cessation of the conditions that necessitated appointment to a higher class

Upon written request, the name of an individual may be placed at the top of the eligible list for the classification from which the employee was reduced in rank when all of the following apply:

- a. at the time of the appointment from an eligible list to the higher classification the employee was a full time City employee;
- b. the employee was appointed to the higher class in order to facilitate the performance of seasonal tasks (e.g. snow and ice removal);
- c. said appointment lasted no longer than one hundred and fifty (150) days; and
- d. the request is made within one (1) year from the date of the reduction in rank.

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For purposes of this section, the employee need not have completed a probationary period in the class, but time spent in the class by the employee shall be credited to the probationary period for the class.

3. Following a layoff

The name of an employee who is reduced in rank or separated from employment as a result of a layoff shall automatically be reinstated in accordance with Section 3.19 of this Code to the eligible list for the classification from which the layoff occurred:

- a. if the employee has successfully completed a probationary period in the class; or
- b. if the employee had received an original appointment to the class and was serving a probationary period at the time of the layoff.

4. Following a probationary termination

Upon written request, the name of an employee removed by the City Manager or designee during or at the end of a probationary period may be restored to the list from which the name was certified according to the original examination score, if the City Manager or designee determines that the employee would be suitable for appointment to another position in the class.

5. Following a disability retirement in the uniformed ranks

When a former member of the Police Department meets the requirements as set forth in this code, as applicable, upon written request, the name of the individual shall be reinstated to the appropriate eligible list.

6. A name reinstated to the eligible list, unless removed in accordance with this Code, shall remain on the list for a period of one (1) year or until the list expires whichever occurs later, or in the case of a reinstatement as a result of a layoff for two (2) years.
7. Names shall be reinstated to the top of the eligible list pursuant to divisions (1), (2), and (4) of this Section only with the approval of the City Manager or designee. If more than one (1) such name appears on an eligible list, the reinstated names shall be ordered based on seniority in the class, with the name having the greatest amount of seniority being placed highest on the list. Except as otherwise provided in Section 3.19 of this Code as it pertains to layoffs, in filling vacancies the City Manager or designee may consider the names so reinstated for appointment; however, such a name reinstated to the eligible list shall not be counted in calculating the number of names to be certified according to Section 3.06 of this Code.
8. Individuals who are not reinstated pursuant to their request shall be notified in writing.

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D. Expiration of Eligible Lists

1. Noncompetitive lists

Except as otherwise provided herein, noncompetitive eligible lists shall expire at the end of one (1) year, unless extended by the City Manager or designee. In the event the City Manager or designee opens a noncompetitive class for continuous testing, the name of each eligible shall remain on the list for a period of one year.

2. Competitive lists

Competitive eligible lists that have been in effect for one (1) year shall automatically terminate when replaced by a more recently prepared list; however, in cases of continuous recruiting the City Manager or designee may combine the existing list with a new list for the same class whenever the subsequent examination was necessary in order to obtain a sufficient number of eligibles for a list.

3. All eligible lists shall automatically terminate after they have been in effect for one (1) year, except as extended by the City Manager. Except as otherwise determined by the City Manager or Section 3.04 of this Code, no name shall remain on any eligible list for more than two (2) years and no eligible list shall remain in effect for more than two (2) years.

4. Lists with fewer than ten (10) names

Except for promotional eligible lists in the Police Department, when an eligible list is reduced to ten (10) names or less, a new list may be prepared.

E. Order of Eligible Lists

In the event a test is given on both a promotional and open basis, the promotional eligible list shall be established first and shall be used until exhausted.

F. Continuous Posting

The City Manager or designee may elect to designate a classified position for continuous posting for the life of the eligibility list. Continuous posting may not interrupt the hiring process once a certified list of eligibles is established; however, continuous posting may continue to apply to the current eligibility list qualifying for the next immediate vacancy for which the eligibility list was established.

SECTION 3.06 - CERTIFICATIONS

A. Notification of Vacancies

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Whenever the City desires to fill a vacancy in any position in the classified service, the City Manager or designee shall follow the certification procedures. The City Manager or designee shall identify the vacancy on a form that includes the title of the position; the essential functions of the position, any condition of employment and such other pertinent information as may be required. Whenever practicable, the City Manager or designee shall initiate this process not less than fifteen (15) calendar days before the date the vacancy is to be filled.

B. Certification of Eligibles on Competitive Lists

1. Whenever a position in the competitive class is to be filled, and an eligible list of ten (10) or more eligibles exists for the classification to which the position belongs, the City Manager or designee shall immediately certify the ten (10) eligibles ranking highest on the list, or if filling by reinstatement as provided in Section 3.05 of this Code, more than ten (10) eligibles shall be certified. The City Manager or designee must fill the appointment from the list of eligibles.
2. If the eligible list contains fewer than ten (10) eligibles, the eligibles on the list shall be certified by the City Manager or designee; however, the City Manager or designee shall not be required to appoint from the eligible list.
3. If there is more than one (1) vacancy to be filled, the number of eligibles to be certified shall, when available, be determined in the following manner:
 - a. for 2 thru 4 vacancies, certify 15;
 - b. for 5 thru 8 vacancies, certify 20;
 - c. for 9 thru 12 vacancies, certify 25; etc.

To expedite the process of certification, the City Manager or designee may include additional eligibles on a certification provided that the additional names shall be considered for appointment only if one (1) or more of the individuals on the original certification, decline appointment, waive consideration for appointment or fail to appear at the interview.

4. Except as provided in Section 3.05 (Reinstatements) and Section 3.19 (Layoffs) of this Code, each appointment shall be made from a group of ten (10) eligibles certified from those standing highest on the eligible list and one of said group must be appointed. If an eligible is certified to or considered by a City Manager four (4) times, and is not appointed, the name of the eligible shall not be certified during the life of the eligible list. Upon application of the eligible and the City Manager, the name of such eligible may be certified for one (1) additional certification.
5. When an eligible's name is included on a certification, notice shall be sent to the eligible. Unless the City Manager or designee deems that a shorter time period is necessary, an eligible shall be given four (4) work days in which to arrange for an interview for the position.

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C. Certification of Eligibles on Promotional Lists

1. In the event a certification is made in accordance with Section (B) for a promotional appointment, the certification shall include a report that includes the following information with respect to each eligible:
 - a. The dates of all previous appointments, excluding temporary appointments;
 - b. A statement reflecting whether the service of the eligible was continuous and, if applicable, the nature and length of any break in service; and
 - c. A statement reflecting whether the eligible's personnel file contains any disciplinary actions (i.e., suspensions, discharges or demotions).
2. The City Manager or designee shall consider the records of character, conduct and seniority of each eligible in exercising his/her discretion to appoint from the three (3) persons certified for each promotional vacancy.
3. The provisions of any applicable Collective Bargaining Agreement shall prevail over Sections (C)(1)(a)(b)&(c) to the extent the provisions of the Agreement modify the provisions of those sections.

D. Certification of Eligibles on Noncompetitive Lists

Whenever a position in a noncompetitive class is to be filled and an eligible list for the appropriate class exists, the City Manager or designee shall certify all names that appear on the eligible list. The City Manager or designee shall appoint a person whose name appears on the eligible list regardless of the order of the names on the eligible list. In the event an applicant does not meet a license requirement at the time of filing but whose application is accepted in accordance with Section 3.03 of this Code, such applicant may be conditionally certified by the City Manager. No such eligible may be appointed until the appropriate license has been received and is approved.

E. Withdrawal by eligibles

1. Waiver

Prior to an offer of appointment, an eligible may waive consideration for appointment for a period of time, not to exceed ninety (90) calendar days, by filing a waiver with the City Manager or designee no later than four (4) work days after being certified. No more than two (2) waivers will be permitted during the lifetime of the list. An individual may cancel or withdraw a waiver; however each waiver filed shall be counted against the individual.

2. Failure To Appear

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If the name of an eligible is certified by the City Manager or designee and that individual fails to appear for an interview, and fails to respond to a certified letter stating their removal from an eligibility list, or if the individual appears for the interview but declines the appointment, the name of that eligible shall not be certified by the City Manager for filling any vacancy in that department during the life of the eligible list. However, upon approval by the City Manager or designee, the name of such eligible may be restored to the list.

F. Canvassing Eligible Lists

1. When practical prior to the establishment of an eligible list, the applicants shall be canvassed to determine whether they would accept appointments with part-time or other conditions of employment. If a canvass of applicants has not been made prior to the establishment of an eligible list, and appointments with part-time or other employment conditions are to be made, a canvass shall be conducted of the eligible list. A canvass shall be conducted to determine whether eligibles would accept appointments for particular shifts or in particular departments.
2. In the event ten (10) or more names of eligibles result from such a canvass, the City Manager shall make appointments from the resulting list of names in accordance with this Section and Section 3.07 of this Code.
3. In the event fewer than ten (10) names of eligibles result from the canvass, the City Manager may make non-certified appointments to the positions that are subject to the canvass.
4. An eligible appointed as a result of a canvass shall receive an original or promotional appointment as defined in Section 3.07 of this Code.

G. Certification to a Lower Class

If necessary, the City Manager or designee may deem a competitive eligible list to be appropriate for a lower class provided no list exists for the lower class and the essential functions and responsibilities are similar. An appointment may be made to a position in the lower class from such eligible list but the acceptance of the lower position shall not forfeit such person's right to be certified to a position in the higher class.

H. Charter Certification

1. Automatic Certification

Any employee holding a position on or before April 20, 1991, shall be automatically certified by the City Manager or designee.

2. Effect of Certification

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Any employee receiving a Charter certification pursuant to this rule shall be considered as having received an original appointment in accordance with Section 3.07 of this Code. Within each job class, all Charter certifications shall have an effective date of appointment as determined by the City Manager.

3. Eligibility for Promotional Exams

Any employee who received a provisional appointment to a position in a class being tested for promotion may file a petition for certification in the class eligible for promotion at the same time an application for the promotional exam is filed. This employee shall be considered for a promotional competitive examination if:

- a. The employee accumulated two (2) years of full-time, non-seasonal service in a provisional status in the class eligible for promotion.
- b. The class eligible for promotion was subject to the Charter amendment.
- c. The employee was ineligible for automatic certification because prior to certification the employee had accepted the provisional appointment to the class being tested.

4. Certification upon Re-appointment

Any employee who is not eligible for Charter certification in a particular class solely because the employee had accepted a provisional appointment in another class may file a petition for certification within thirty (30) days of the re-appointment. If all the following conditions are met, the petition shall be granted:

- a. The employee accumulated two (2) years of full-time, non-seasonal service in a provisional status on or before, in a class subject to Charter certification in accordance with this rule;
- b. At the time of certification, the employee held provisional status in the same class;
- c. No competitive examination has been administered for that class since the effective date of this rule.

SECTION 3.07 – APPOINTMENTS

A. Original Appointment

A person who has been selected by the City Manager or designee from an open competitive or noncompetitive eligible list, certified in accordance with Section 3.06 of this Code, to fill a vacancy in the classified service or any person who was certified pursuant to the Charter in

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accordance with Section 3.06 of this Code is said to have received an original appointment. Those persons receiving original appointments do not achieve regular employment status until they have satisfied the applicable probationary period set forth in this Code of Personnel Practices and Procedures.

1. Part-time employment

When it is necessary to fill a vacancy for less than forty (40) hours of work per seven (7) consecutive calendar days per fifty-two (52) consecutive weeks per annum, the City Manager or designee may make an appointment in accordance with the policies and procedures set forth in this Code with the condition that it is on a part-time basis.

- a. The City Manager or designee shall determine the number of hours a part-time employee shall work. Whenever it is necessary to reduce the number of part-time employees because of a shortage of work or funds, a part-time employee may be terminated, without regard to the procedures contained herein for layoffs and disciplinary removals, by reducing the number of scheduled hours to zero (0). This provision shall not be used to subvert the process related to termination of classified employees for disciplinary reasons.
- b. In the event a part-time position in a competitive class becomes full-time through a change in circumstances, the City Manager or designee may only fill the vacancy in the manner prescribed by this Code. In the event a part-time position in a non-competitive class becomes full-time through a change in circumstances, the City Manager may appoint the part-time employee to the full-time position using the original appointment certification number.

B. Promotional Appointment

An employee who has been selected by the City Manager from a promotional competitive eligible list certified in accordance with the provisions of Section 3.04 of this Code to fill a vacancy in the classified service is said to have received a promotional appointment.

Employees who receive promotional appointments retain their employment status without serving a probationary period; however, such an appointment is subject to a promotional probationary period. Persons not successfully completing promotional probationary periods have the right to be returned to the position from which they were promoted, or in the event that position is not available, to a similar position in the same class from which they were promoted.

C. Provisional Appointment

A person who met the minimum qualifications and who in the absence of an eligible list was selected by the City Manager in accordance with Section 3.03 of this Code to fill an existing vacancy prior to July 1, 2007, pending the establishment of an eligible list for that class, is said to have received a provisional appointment.

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Any person who was appointed provisionally to fill a vacancy and who remained in the provisional status in the same classification for a period of two (2) years of continuous service during which no competitive examination was held, became appointed in the classified service at the conclusion of such two (2) year period. No more provisional appointments will be made.

D. Eligibility for Classified Status

Any employee in the classified service of the City who is appointed by the City Manager or designee under Section 3.03 to a position under Section 124.30 of the Ohio Revised Code, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six (6) months of continuous service, whichever is longer, shall be appointed in the classified service at the conclusion of that period.

E. Other Types of Appointments

1. Temporary Appointment

- a. A temporary appointment may be made without regard to the rules of Sections 124.01 to 124.64 of the Revised Code. Except as otherwise provided in division (A) of Section 124.30 of the Ohio Revised Code or Section 3.07(D)(2) of this Code, the temporary appointment may not continue longer than one hundred and twenty (120) days.
- b. In no case shall an emergency temporary appointment be renewed nor shall successive temporary appointments be made. Unless approved by the City Manager or designee, no individual shall serve more than two (2) temporary appointments in the same classification in one (1) calendar year.
- c. A person who receives a temporary appointment is in the unclassified service and serves at the pleasure of the City Manager or designee. Temporary positions are not to be used to avoid filling part-time or full-time positions, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to such positions.

2. Temporary Appointments Due to Leave of Absence:

Whenever a position is temporarily vacant because of the absence of the incumbent due to an extended leave of absence, the City Manager or designee may appoint a person to fill the vacancy for the duration of the length of absence of the employee. The duration of such temporary appointment shall not exceed the length of the leave of absence.

3. Intermittent Positions:

Whenever there arises the need for work of that is irregular and unpredictable in nature and generally does not exceed one thousand (1000) hours per employee in any twelve (12) month

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period, the City Manager or designee may appoint one (1) or more intermittent employees. Intermittent positions are not to be used to avoid filling full-time positions.

Intermittent employees shall be informed at the time of their employment that such positions are temporary and irregular and that they may be terminated at any time without appeal. Time worked as an intermittent appointment shall not count towards the completion of a probationary period in case of a subsequent appointment.

4. Seasonal Positions:

Whenever there arises the need for appointments in which the employee works a certain regular season or period of the year, performing some work or activity limited to that season or period of the year, not to exceed fourteen (14) consecutive weeks, except as specifically provided in a position description, the City Manager or designee may appoint one (1) or more seasonal employees.

- a. At the end of the designated season, the seasonal employee shall be terminated and placed on inactive status. At the beginning of the next season, the inactive seasonal employee may be returned to active duty if such employee was non-probationary and the City Manager or designee has seasonal work for the seasonal employee to perform.
- b. If there is no eligible list at the beginning of the next season, an inactive probationary seasonal employee may be returned to duty at the discretion of the City Manager or designee.
- c. Seasonal employees shall be informed at the time of their employment that such positions are temporary and irregular and that they may be terminated at any time without appeal.

F. Effect of Reallocation

1. Equal pay level

When, because of a change in essential functions or responsibilities, a position is reallocated to a different classification, a corresponding change in class of an employee in the position may be made without process of examination, if the employee meets the qualifications of the new classification, if the essential functions and responsibilities of the new classification are related to the former and if the classes are on an equal pay level. A reduction in pay shall not occur.

2. Lower pay level

If the pay level of a reallocated position under its new classification is lower than that from which it was reallocated, a corresponding change in class of an employee in the position may be made without process of examination, if the employee meets the qualifications of the new classification and if the essential functions and responsibilities of the new classification are

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related to the former. If necessary, the employee's wage rate may be frozen until such time as the employee's new pay schedule catches up with the frozen wage rate so as to avoid a reduction.

3. Merger of Classes

In the event the City combines two (2) existing classes, and a position is reallocated as a result, a corresponding change in class of an employee in the position may be made without process of examination, if the employee meets the qualifications of the new classification.

4. In all other cases, classified employees who change classes as a result of a position reallocation may retain their status in the new class only in the manner provided above.

5. For the purpose of this section:

- a. "equal pay level" shall mean that the highest pay range of a new classification is equal to or lower than the highest pay range of the original classification and the lowest pay range of new classification is equal to or lower than the lowest pay range of the original classification.
- b. "lower pay level" shall mean that the highest pay level of the new classification is lower than the lowest pay level of the original classification.

G. Effect on certification

If an appointment with a condition of employment is made from an eligible list, the acceptance or declination of such an appointment shall not affect the right of the eligible to be certified for a regular position. The name of an individual selected for a position with a condition of employment shall not be removed from the eligible list as a result of the appointment.

SECTION 3.08 - PROHIBITED ACTIVITIES

A. Prohibited Activities: No person shall:

1. willfully or corruptly, or in cooperation with one or more persons, defeat, deceive, or obstruct any person with respect to that person's right of examination, appointment or employment arising under the Charter, or under this Code;
2. falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the Charter or this Code;
3. make any false representations concerning the results of examinations or concerning any person examined;

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4. furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or certified, or to be appointed, employed or promoted;
 5. impersonate any other person, or permit or aid in any manner any other person to impersonate any person in connection with any examination, registration, appointment, application or request to be examined or appointed;
 6. furnish any false information in connection with any examination, appointment or application;
 7. make known or assist in making known to any applicant for examination any question to be asked on such examination;
 8. discriminate against an individual because of such individual's race, color, religion, sex, military or veteran status, age, national origin, political opinions, disability, ancestry, pregnancy, sexual identity or orientation, transgender status, genetic information, or any other status protected by federal, state, or local law or regulation
 9. secure or attempt to secure a waiver of appointment from an eligible by misrepresentation, threat or promise;
 10. at any examination, by themselves or in cooperation with one or more persons, deceive or attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance; or
 11. shall obtain possession of any confidential examination materials or papers of the Board without authorization to do so.
- B. The name of any person who commits one of the prohibited activities listed above shall be stricken from all Civil Service eligible lists and registers and such individual shall not be permitted to take part in any examination for a position with the City. The City Manager or designee shall notify any individual whose name is so stricken in writing.
- C. If a City employee commits one of the prohibited activities listed above, in addition to the action provided in Division (B) of this Section, the City Manager or designee may take disciplinary action, including discharge, as deemed warranted.

SECTION 3.09 - PROBATIONARY PERIOD

A. Establishment

The City Manager or designee shall establish probationary periods for all positions in the classified service at the time the class is established.

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1. The City Manager or designee may alter the probationary periods at any time. However, no increase or decrease of a probationary period shall have retroactive effect on employees holding positions in the class affected by the change in the probationary period.
2. The probationary period shall be (180) calendar days unless extended by the City Manager.
3. Probationary periods for certain classes as listed, shall be three hundred and sixty-five (365) days.
4. Probationary periods for classifications covered by Collective Bargaining Agreements shall be in accordance with the appropriate provisions of those Agreements.

B. Employees Appointed without Competitive Examination

Non-temporary employees who are appointed without competitive examination shall serve the same probationary period as employees receiving certified appointments.

C. Reemployment

Employees reemployed by reinstatement pursuant to the provisions of Section 3.05(C)(1) shall serve a probationary period of sixty (60) days.

D. Leave of Absence request during Probationary Period

1. In the event that a probationary employee does not perform the essential functions of the position for a period of ten (10) days or longer as a result of an approved leave of absence for any reason, the probationary period may be extended for a period equal to the length of the approved leave of absence from the job. A probationary period may also be extended due the lack of an evaluation, per Personnel Policy and Procedure Manual Section 3.12.
2. To extend the probationary period, an extension form must be executed no later than ten (10) calendar days prior to the original probationary period termination date. The form must be signed by both the City Manager or designee and the employee, must list the period(s) of absence and the reason therefore, and it must specifically state the new probationary termination date. Refusal of the employee to sign the application for extension does not automatically nullify the request.

E. Probationary Termination

1. The service of any employee may be terminated by the City Manager or designee at any time during the probationary period by submitting a written report to the employee specifying the reason the employee's performance is found unsatisfactory and such

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removal shall be final. Appeals may be made to the Personnel Appeals Board only on allegations of procedural irregularities. The Personnel Appeals Board shall have no authority to review the basis for a probationary termination.

2. Unless the employee has been removed prior, an employee shall receive a midpoint probationary evaluation from his/her immediate supervisor within ten (10) days before and ten (10) days after the midpoint date of his/her probationary period. Such evaluation shall provide the employee with a description of his or her progress in the essential functions of the position such that the employee may reasonably determine what changes if any the employee must accomplish so as not to be removed during, or at the end of, the probationary period.
3. Unless the employee has been removed earlier an employee shall receive a final probationary evaluation within five (5) days of the ending date of his/her probationary period.
4. A probationary removal order shall be issued to the employee by the City Manager no later than 11:59 PM of the final day of the probationary period.

SECTION 3.10 - MEDICAL/PHYSICAL EXAMINATIONS

A. **Medical Examination:** A physical, drug screen, BCI/FBI background check, polygraph and mental examination by a qualified physician may be required following a contingent job offer, to ensure that selected job applicants are physically and mentally able to perform the duties of the position for which they are applying.

1. The City shall select the physician or other provider to administer the City's examination and the City shall pay the cost.
2. A current employee may be required to submit to a medical examination during their period of employment with the City. Such an examination is intended to ensure that the incumbent continues to be physically and mentally able to perform the duties of his or her position. In such instances, the City shall inform the employee in writing of the examination. The City shall assume the cost of such required examinations. The employee shall be responsible for attending the examination and shall cooperate with the physician or other provider in order that the report of examination may be delivered to the City Manager. Employees who refuse examination or fail to cooperate may be subject to disciplinary action, up to and including termination.
3. A job applicant or employee may be disqualified from holding a position with the City if it is determined that the individual is unable to perform the essential duties of the position sought or held either with or without a reasonable accommodation.

B. **Physical Examination** — Police Force:

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All regular employees in the Police Department are required to take the following mandatory physical examinations in alternate years at the expense of the Municipality:

4. Standardized physical examination administered by a licensed, practicing medical doctor including standardized blood tests;
5. Standardized stress testing administered by a professional, licensed to administer such tests.
6. Upon recommendation of the City Manager and approval of City Council, the classification plan may be reviewed and revised as changing conditions require. Revisions may include additions, consolidations, divisions, amendments, or abolition of existing classes.

SECTION 3.11 - PART-TIME EMPLOYMENT

A. Regular Part-Time:

Certain job duties require less than 2080 hours of work per year. Persons assigned to such jobs are considered regular employees who work on a part-time basis. Generally, except as noted in the Benefits Section regular part-time employees do not receive any employment benefits. However, regular part-time employees may utilize and shall be subject to all applicable portions of this Code of Personnel Practices and Procedures.

B. Temporary, Seasonal, or Intermittent Part-Time:

Work requirements create the need to supplement the work force from time to time. Temporary, intermittent, or seasonal part-time employees receive no employee benefits. There is no promise or commitment by the Municipality to provide continued work to temporary, intermittent, or seasonal part-time employees. Temporary, intermittent, or seasonal employees may utilize and are subject to all applicable portions of this Code of Personnel Practices and Procedures.

C. Upgrade to Full-Time, Regular Status:

All part-time employees are encouraged to keep their supervisor and the City Manager or designee advised of their interest in or availability for full-time employment.

SECTION 3.12 - PROBATION/FINAL APPOINTMENT

The first 180 days (or such other time as may be established) of employment is on a probationary basis and the employee's performance will be carefully observed by his/her immediate supervisor and City Manager or designee. Non-temporary employees who are appointed without competitive examination shall serve the same probationary period as employees receiving certified appointments. Service as a temporary appointee shall not be counted as a part of the probationary service in case of subsequent appointment to a regular position. The length of the

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probationary period may also be extended as provided for in Section 3.09. The probationary period is necessary to evaluate the work of the new employee and encourage his/her adjustment to the position. Because of the need for more extensive training and review, new members of the Police Department will have a one (1) year probationary period, Employees who successfully complete their probationary period shall receive their final appointment and shall become regular employees of the City.

SECTION 3.13 - OUT OF CLASSIFICATION WORK

In cases of emergency when the City Manager deems it necessary to protect the public peace, health, safety, or welfare of the citizens of Pickerington, the City Manager or designee may temporarily work an employee out of his/her classification. The City Manager or designee may work the employee as the City Manager sees fit until such emergency has ended. At this time, the employee will be assigned work in his/her original classification. At any time, the City and employee may mutually agree to work an employee outside of his/her classification for a limited period of time. At the end of any such time period, the employee will be returned to his/her original classification.

SECTION 3.15 – TRANSFERS

A. Interdepartmental

The City Manager or designee may authorize the transfer of an employee in the classified service from a position in one department, commission, or agency to another position in the same class in another department, commission or agency. An interdepartmental movement of an employee involving a change in classification may be accomplished only as a promotion or demotion in the manner provided elsewhere in this Code.

B. Intradepartmental

Nothing herein shall be construed as prohibiting the City Manager or designee from authorizing an intradepartmental transfer within the same class to which the employee was appointed.

C. By the City Manager

The City Manager may appoint employees to classifications or positions within a classification where the nature of the employment is such that systematic changes in the location of an employee's work assignments are necessary for the efficient operation of an office, department, or institution. An employee who works in such a position shall not be considered to have transferred when changing work locations, if the employee continues to work in the same classification under the same appointing authority (i.e., the City Manager).

D. To Another Political Subdivision

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1. In the event that a City department, division, or sub-unit thereof, is, pursuant to ordinance of City Council, subject to a transfer from the City to another political subdivision established pursuant to provisions of the Ohio Revised Code, the City Manager may authorize the transfer of affected employees in the classified service from a position in the City to the same position in the other political subdivision.
2. The separation from City service that results due to the transfer shall constitute a separation in good standing.
3. An employee being transferred pursuant to this Section may request the opportunity for re-employment in the same classification and department. Such request must be made on a form provided by the City Manager or designee and filed with the City Manager or designee no later than ten (10) days prior to the date of the transfer.
4. The names of those employees requesting re-employment shall be placed upon the eligible or recall list for the applicable classification, as appropriate, in order of seniority.
5. In the event a vacancy occurs in the affected department, the most senior employee on the appropriate list, if any, shall be notified of the vacancy and shall be appointed to the position. If the employee declines the appointment, the individual's name shall be removed from the list and the vacancy offered to the next senior employee.
6. In no event shall reinstatement opportunities accorded by this section extend more than eighteen (18) months after the transfer date.

SECTION 3.16 - RESIGNATIONS

- A. Unless the City Manager consents to a shorter notice, an employee in the classified service who wishes to leave the service in good standing shall file with the City Manager or designee a written resignation giving at least two (2) weeks' notice. The City retains the right to elect to not have an employee serve the notice period.
- B. Without written approval of the City Manager or designee, no resignation may be withdrawn by an employee after it has been accepted or after its effective date.

SECTION 3.19 - ABOLISHMENTS/LAYOFF

A. Layoff Procedure

Whenever it becomes necessary because of a material change in essential functions, a reorganization, or a shortage of work or funds, to reduce the number of full-time classified employees in any department of the City except for an overriding collective bargaining

agreement procedure, the City shall proceed as follows with respect to classified employees: The City Manager shall at least thirty (30) days prior to the expected day of the layoff specify the

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class(es) in which the layoff is to occur and the number of employees to be laid off in each class. [For part-time employees, see 3.07]. As for reductions under R.C. 124.37, such reductions will be subject to that law or an overriding collective bargaining agreement, but to the extent R.C. 124.37 applies, its provisions shall be harmonized with the general provisions under this Section.

If the City Manager determines the lack of continued need of a position, due to reorganization for efficient operation, economy, or lack of work impacting the position for longer than one (1) year, a job abolishment and the resulting layoff may be carried in accordance with the layoff procedures.

B. Certification of Layoff

The City Manager or designee shall indicate the names of those full-time employees to be laid off in accordance with these procedures. Layoffs shall be by class and based on seniority, but in accordance with status and appointment type by using the following categories:

1. Regular employees
2. Probationary employees

Employees in the category at the bottom of the list are to be laid off first and no employees from a higher category can be laid off until all employees in the lower categories have been laid off.

C. Displacement

A laid-off employee may have displacement rights within the same class to another division within the same department, to a lower class within the same class series, or to a class in the same job family in which he or she previously served, and for which he or she is qualified. No laid-off employee may displace another employee in accordance with subsections (1), (2) and (3) unless he or she has more seniority and is in the same or a higher category as listed in (B) above. No employee shall displace an employee for whose position or classification there are certain position-specific minimum qualifications as established by the City Manager or designee or as established by bona fide occupational qualification, unless the employee desiring to displace another employee possesses the requisite position-specific minimum qualifications for the position or classification. A displaced employee has the same displacement rights as a laid-off employee.

1. Same class

A laid-off full-time employee in a division shall have displacement rights within the same class against the least senior full-time employee in the department.

2. Class series

If an employee has no opportunity to displace within the same class, then such employee shall have displacement rights within his division (if none, then within the department) against the

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least senior full-time employee holding a position in the next lower class within the series. If no displacement opportunity is afforded, the same right shall extend to the next and each lower class until the class series is exhausted.

3. Job family

If an employee has no displacement opportunity within the class series, then such employee shall have displacement rights within his division (if none, then within the department) against the least senior full-time employee holding a position in a lower class in the same job family if the laid off employee previously served in the class and if he or she is presently qualified; however, no such displacement may occur in the presence of an appropriate eligible list unless in accordance with these procedures the laid-off employee will have regular status in the previous class. A "lower class" for purposes of this subsection means any class that has a starting rate of pay lower than the starting rate of pay for the class of the laid-off employee.

4. Part-time

In the event the laid-off employee has no displacement rights to a full-time position under these procedures, then such employee shall have displacement rights within the same class against the least senior part-time employee within the division, or if none, within the department.

5. Eligible List

The names of any laid-off regular employee shall be placed at the top of the appropriate eligible list, as provided in Section 3.05 of this Code, in order of seniority, and shall be certified for appointment in any department in accordance with this Code when the City Manager or designee has a vacancy to fill; if the eligible at the top of the list was laid off from that department such person shall be appointed.

6. Recall List

The names of any laid-off probationary employee shall be placed on the appropriate recall list, in order of seniority, for a period of one (1) year. In the event that a vacancy in a department is to be filled in a class for which a recall list exists, then the appointment shall be made of the individual highest on the list who was laid off from that department. Otherwise, appointment may be made as provided elsewhere by these procedures. No recall list shall remain in effect after an eligible list for the class has been established.

7. Other Transitory Employment

Notwithstanding the other provisions of this Section, if a non-regular seasonal, temporary or intermittent position is to be eliminated and the employee in the position was appointed subject

to the availability of work or funding, then that employee shall be terminated in accordance with Section 3.07 of this Code.

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8. Notice of Layoff

An employee shall be given thirty (30) days' notice of layoff or displacement, which may or may not include accrued vacation leave for which the employee is eligible.

D. Voluntary Demotions

1. Any employee who has completed the probationary period in the employee's present position and falls into one of the below categories may be granted a voluntary demotion:
 - a. desires a voluntary demotion; or
 - b. desires to be demoted prior to action taken pursuant to Section 3.05 (C); or
 - c. desires to be demoted prior to action taken pursuant to Section 3.05(D); or
 - d. desires to be demoted prior to action taken pursuant to Section 3.04(C).
2. An employee who holds classified status in the current position may be granted a voluntary demotion to a position in a class in the same job family, even if certified status was never held in the lower class. If such demotion is approved, the employee will receive non-certified status, without further examination, in the class to which the employee is demoted. No employee may be demoted under this provision unless the employee meets the minimum requirements, including the physical qualifications, for the position to which the employee will be demoted.
3. Any employee who takes a voluntary demotion, whether approved as a non-certified or certified appointment to the lower class, must serve the probationary period for the class. However, no probationary period must be served if the employee previously served a probationary period in the same class or if the employee successfully completed a probationary period for a higher class in the same class series.
4. Nothing herein shall be construed as prohibiting other demotions provided for in this Code.

SECTION 3.20 - IMMIGRATION REFORM AND CONTROL ACT

A. In General

In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, the City has adopted the policy set forth below:

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1. The City shall not hire or recruit any employee after November 6, 1986, without substantiating and documenting the employee's employment eligibility in accordance with provisions established by this policy.
2. The City shall not continue to employ an employee knowing the employee is or has become unauthorized with respect to employment.
3. The City has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986 is lawfully authorized to work in the United States.
4. As a condition of employment, the City shall verify both the identity and the employment eligibility of all applicants hired after November 6, 1986 and considered for employment, by following the steps outlined in (B) below.

B. Pre-employment Requirement

All applicants to be hired, as a condition of employment, shall be required to complete Section 1 of Form I-9 (Refer to Form I-9). The City shall require the applicant to furnish original documents as outlined on the Form I-9 within 3 business days of appointment to substantiate the applicant's identity and employment eligibility, as discussed in (C).

C. Post-Hiring Requirements

1. Within three (3) business days after the appointment of the applicant, the City shall physically examine the documentation presented by the new employee, ensure that the documents presented appear to be genuine and relate to the individual, and then complete the remaining portions of Form I-9.
2. If the applicant cannot produce the documents, the applicant must produce a receipt for an application for replacement documents within three (3) days of hire.
3. The City shall retain Form I-9 for three (3) years after the effective date of hire or for one (1) year from the date of the employee's separation from service, whichever is later.
4. Form I-9 shall not be used for any purpose or provided to any agency or person other than for the purpose of complying with the requirements of the Act.
5. Should an employee be rehired or reinstated by the City, within one (1) year of the date of separation, the City may use the original I-9 form for the purpose of complying with the Act.
6. If an employee's authorization to work expires, the City must immediately re-verify that the employee is still authorized to work, based on the employee's documentation of

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continuing eligibility or new authority to work. The City must review the document, and verify on the I-9 Form, noting the document's title, ID number, and expiration date.

D. Anti-Discrimination Policy

It is the intention of the City not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The City will not unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue

SECTION 3.21 - NEW-HIRE REPORTING

POLICY

Generally: In accordance with O.R.C. 3121.891, the City shall report certain information about employees, including independent contractors, who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Job and Family Services for the purposes of establishing paternity; for establishing, modifying, and enforcing support orders being administered by child support enforcement agencies in Ohio; and to detect fraud in any program administered by the Department.

PROCEDURE

The City shall forward a "New Hire Reporting" form to the Ohio New Hire Reporting Program by faxing the form to 1-888-872-1611. Such form should be forwarded within twenty (20) calendar days of the date of hire/rehire.

SECTION 4

SECTION 4.01 - COMPENSATION/LONGEVITY PAY

POLICY

- A. The compensation practices of the City shall be in accordance with applicable laws and regulations.
- B. City Council shall possess exclusive authority to provide for compensation of City employees.
- C. City Council annually adopts the Pay and Benefits plan. Upon recommendation of the City Manager and approval of the Council, the Pay and Benefits Plan may be reviewed and revised as changing conditions require. The City Manager shall determine the appropriate starting pay for each employee.
- D. Except as provided for in a collective bargaining agreement, all employees are entitled to longevity pay after five (5) years of continuous, full-time service. Longevity pay will be five hundred dollars (\$500.00). Employees are entitled to an additional fifty dollars (\$50.00) for each year thereafter of full-time service with no cap. Classifications covered by collective bargaining agreements shall be in accordance with the appropriate provisions of those agreements.

PROCEDURE

- A. For those employees entitled to longevity pay, payment will be made in a lump sum, payable on the employee's fifth (5th) service anniversary and each service anniversary thereafter and shall be included in the next regular pay following the employee's anniversary date.
- B. Upon an employee's retirement, either voluntarily or by disability, an employee who is entitled to longevity will be paid his/her longevity on a pro-rated basis. Such payment shall be pro-rated from the employee's most recent anniversary date to the date on which the separation occurs. In the event of an employee's death, the payment shall be made to the employee's spouse or secondarily to his estate.
- C. Employees terminating their employment for any reason will receive their final pay, including any pay for vacation time, overtime, holiday pay, and sick leave which may be due on their last scheduled workday or on the next scheduled payday. Employees terminated by action of the City shall receive their final pay at the time of termination or on the next scheduled payday.

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- D. Final pay may not be released until the terminating or terminated employee returns all City-owned property that may be in his/her possession to the HR Director. The replacement cost of any property so held, and not returned, may be deducted from final pay as permitted by law.

SECTION 4.02 - COMPENSATION — CLASSIFIED EMPLOYEES

POLICY

- A. Employees shall normally be hired at the minimum rate of the hiring range assigned to their classification.
- B. The City Manager may approve the hiring of new personnel who possess exceptional qualifications at other than the minimum rate for the range. Such exceptions shall normally be based on the need of the City to fill such a position, and the direct correlation between the applicant's qualifications, the functions to be performed, and/or the market rate for the position desired to be filled. Additionally, the City Manager may take into account such facts as:
1. Availability of such personnel in the labor market;
 2. Prior service with the City of Pickerington or any other municipality with similar functions; and/or
 3. The unique characteristics of the position and functions to be performed for the City.

PROCEDURE

- A. An employee whose pay is within the range prescribed for the class in which he/she is employed is continued at that pay until such time as the City Manager or designee determines the employee has merited a pay increase.
- B. Newly-hired employees may receive pay increases after the successful completion of their probationary period, and only after they have demonstrated their aptitude for the position. The supervisor or department head shall recommend such increases, as warranted by the employees' performance.
- C. After the successful completion of the probationary period, increases shall be considered annually and shall be based upon satisfactory performance.
- D. Employees promoted to a position that carries a higher pay range shall be placed in the range at a pay rate that gives the employee at least a four percent (4%) pay raise. Such increases shall be effective on the date on which the employee assumes the responsibilities of the new

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position. Promoted employees shall serve the probationary period specified in the Rules of the Personnel Appeals Board. Employees failing to successfully complete the required probationary period shall be reduced to a position that is the same or similar to the position held immediately prior to the promotion.

- E. Employees demoted for cause or whose position is reassigned to a lower classification shall be paid at a rate established within the new pay range for the classification.
- F. Employees reinstated into classifications previously held shall be reinstated within the pay range assigned to the classification at a rate that is comparable to the rate received prior to a separation or leave.

G. SERVICE DEPARTMENT - Effective January 2, 2020, Service Department employees who fall within the following classifications and pay ranges will be compensated per the step system outlined as Amendment No. 1 within the Employee Pay Plan. Service Department employees shall receive a base annual increase equal to all other non-bargaining unit employees.

<u>CLASSIFICATION</u>	<u>PAY RANGE</u>
Arborist	9
Service Technician I	9
Service Technician II	10
Utilities Treatment Plant Operator 1	10
Utilities Treatment Plant Operator 2	11
Utilities Treatment Plant Operator 3	12

H. Full-time Service employees (listed above in G) shall be hired at Step 1, except as provided in (I) below. Full-time employees will move from Step 1 to Step 2 upon completion of their probationary period. After one (1) year of service in Step 2 the full-time employee will move to Step 3. Further step movement will continue each year until the employee has reached the top step in the pay range. Employees who are promoted (to a position with a higher pay range within the same division of the employee's department) shall be placed in the same step in their new job's pay range, and shall advance through the remaining steps (if any). Employees who make a lateral transfer will continue to receive compensation at their existing pay range and step and then, upon completion of their probationary period, shall move to the new pay range at the step which provides them with a minimum of four percent (4%) increase in wage and shall advance through the remaining steps (if any). All employees in the Service Technician I position, who complete one year in the last step of the wage table shall automatically be advanced to the Service Technician II classification at the same step.

I. New Full-time Service employees, who possess necessary experience relevant to the position, may be hired at Step 1, Step 2, or Step 3 of the appropriate pay range, depending upon the quality of such experience. Such newly hired employees will move to the next step upon completion of their probationary period. After one (1) year of service in that step, the employee shall move to the next step. Further, step movement will continue each year until the employee has reached the top step in the pay range.

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The rates of pay set forth are based on full-time employment of forty (40) hours in a workweek, eighty (80) hours in a biweekly pay period and two thousand eighty (2080) hours annually.

SECTION 4.03 - PAY PERIODS/PAYCHECKS

- A. There are normally twenty-six (26) pay periods per year. The bi-weekly payroll period for all employees is from 12:01 a.m. Monday through 12:00 midnight the second succeeding Sunday.
- B. The Payroll Administrator is to receive any questions regarding an employee's pay and are responsible for making the necessary explanations or inquiries to resolve the matter.
- C. All employees will be paid by direct deposit every two (2) weeks, typically on Friday. If a holiday falls on a Friday, employees may be paid on the day preceding the holiday.
- D. In those years in which there may be twenty-five (25) paydays or twenty-seven (27) paydays, Council reserves the right to adjust the fiscal calendar to twenty-six (26) paydays.
- E. If any employee believes an error has been made in their paycheck, they should notify their immediate supervisor. Legitimate errors will be corrected.

SECTION 4.04 - PAYROLLS DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law, in accordance with the City's benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement which accompanies his or her bi-weekly paycheck. Deductions include:

- A. PERS: State law requires that employees contribute to the Public Employees Retirement System, or the Police and Fire Disability and Pension Fund, rather than Social Security.
- B. Income Taxes: Federal, State, City and school district taxes may be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished by the Ohio Department of Taxation and various Ohio cities, and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Payroll Administrator
- C. of any dependency change whenever such change occurs. Employees are also required to inform the Payroll Administrator if they are subject to City or school district taxes.
- D. Miscellaneous: Examples include garnishments, deferred compensation, child support, etc. The City may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, or at irregular intervals, or for other causes which the City

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deems not in the best interests of the City. All requests for payroll deductions must be presented to the Payroll Administrator.

SECTION 4.05 - EXEMPT AND NON-EXEMPT EMPLOYEES

- A. Non-exempt: Most employees fall into the nonexempt status. Nonexempt employees qualify for minimum wage and overtime in accordance with the Fair Labor Standards Act and state law.
- B. Exempt: Administrative, executive, professional, and certain other employees paid on a salary basis are specifically exempt or fall into one of the specific categories of the “noncovered” employees under the FLSA. Salaried employees, determined to be exempt from the overtime requirements of the FLSA, shall not be eligible for overtime pay time or compensatory time as defined in the FLSA.
- C. Public Accountability: For purposes of public accountability, exempt employees may be required to maintain a record of the hours they work and any paid leave utilized.

SECTION 4.06 - TIME RECORDS

POLICY

All nonexempt employees are required to record all hours worked for the City, including all times the employee started work and stopped work each workday. Employees paid by salary (FLSA exempt employees) shall not be required to keep daily time sheets, except for an informal accounting of time which shall be kept for purposes of public accountability and to evaluate the need for additional employees and which shall not be used for payroll purposes. Time clocks, time sheets, and other types of records may be used by the City to document the hours worked by employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the City may result in disciplinary action.

PROCEDURE

- A. Employees reporting hours worked on weekly and biweekly time cards/sheets shall indicate on the time card/sheet all actual hours worked in that period. This time card/sheet must also indicate the actual times the employee started work and stopped work and began and ended their lunch period each day. Upon completion, each employee must submit a signed original time sheet to the employee’s Department Head or designee for review and approval. Approved time sheets shall be submitted to the Payroll Administrator by 4:00 p.m. Monday following the end of the pay period so that payroll can be prepared by the following Friday. When Monday is a holiday, the deadline is then 4:00 p.m. Tuesday following the end of the pay period.
- B. Employees using time clocks are responsible to clock in each time they start work and clock out each time they stop work. Employees shall only punch their own time card. An

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employee who punches another employee's time card may be subject to discipline up to and including termination of employment.

- C. Failure to report time worked, misrepresentation of time worked, the altering of any time record, or allowing a time record to be altered by others may result in discipline.

SECTION 4.07 - STARTING/LUNCH/QUITTING TIMES

- A. Nonexempt employees are not permitted to commence work and/or sign/clock-in prior to seven (7) minutes before their scheduled starting time or continue working and/or sign/clock-out more than seven (7) minutes after their scheduled quitting time without the advanced approval of their supervisor, except in emergency situations where advance approval cannot be granted.
- B. Nonexempt employees may be provided a lunch period each workday as determined by the City Manager or designee. The lunch period is to be a non-work period of time during which employees are free to pursue their own personal activities. Employees who choose or are required to remain at their work location are not to perform work assignments during this period and will not be compensated for such period of non-work, unless approved in advance by their supervisor.

SECTION 4.08 - LACTATION BREAKS

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one (1) year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from Employees and members of the public. Employees shall give their supervisor advance notice of this request to make arrangements of such space.

Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

SECTION 4.09 - OVERTIME

- A. Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Nonexempt employees shall be paid at the rate of one and one-

half (1 ½) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in any workweek. Exempt employees are not eligible for overtime pay.

- B. Eligibility for overtime shall be based upon all hours in active pay status. Active pay status are those conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave,

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compensatory time, holidays and personal leave. Time worked, however, on one of the recognized holidays and compensated for at the overtime rate of pay shall not be considered time worked for the purposes of calculating overtime such that an employee is paid overtime twice for the same hours worked (i.e., pyramiding of overtime is not permitted).

- C. All overtime must be scheduled and approved by the City in advance except as otherwise provided by this Section.
- D. All employees holding employment in more than one (1) position with the City must notify their department head in writing of such joint employment. All of the hours worked by the employee are added together to determine overtime compensation.
- E. If a non-exempt employee's combined total hours worked for two (2) City departments exceeds forty (40) hours during the workweek, the employee shall be paid at the rate of time and one-half (1 ½) the weighted average of their two (2) different rates of pay for each hour worked in excess of 40 hours.
- F. When a non-exempt employee incurs an overnight stay on City business, time spent traveling and time spent overnight on official City business shall not be considered time worked for purposes of calculating overtime, except to the extent such time coincides with the employee's normal working hours or to the extent the employee is doing actual work (e.g., driving a vehicle, attending meetings, etc.).
- G. Hours spent by non-exempt employees at lectures, meetings, training programs, and similar activities (duration of which is one (1) day or less/no overnight stay is incurred) designed to assist the employee in performing the employee's current job more effectively, are counted as working time for purposes of determining eligibility for overtime if such training is required or authorized by the City. Please also note that the travel time to and from such activities is compensable and counted as working time for the purpose of determining overtime.

However, attendance outside of regular working hours at specialized or follow-up training which is required by law for required certification does not constitute compensable hours of work even if all or part of the costs of the training is paid by the City. Likewise, any training courses designed to prepare an employee for advancement to another position shall not be considered compensable hours of work provided the following criteria are met:

- 1. Attendance is outside the employee's regular working hours;
 - 2. Attendance is voluntary; and
 - 3. The employee does not perform any productive work while attending the training program.
- H. Normally, overtime must be authorized by the department head or designee in advance of the overtime being worked. However, unusual or emergency circumstances (e.g., emergency call-outs) may require employees to work overtime without having prior authorization of the

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department head. Whenever such circumstances occur the department head shall be notified by the next scheduled workday.

- I. Scheduled overtime which is subsequently canceled for any reason shall not entitle the employee to overtime compensation.
- J. Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the calculation of the overtime hours cannot reasonably be calculated within this time frame, such overtime shall be paid with the next regular pay.

SECTION 4.10 - COMPENSATORY TIME

POLICY

- A. The City may allow a nonexempt employee to accumulate compensatory time in lieu of overtime pay at a rate of one and one-half (1 ½) hours for each one (1) hour worked overtime. Compensatory time must be approved by the employee's supervisor.
- B. Compensatory time can be accumulated and taken as time off in one (1) hour increments.
- C. Employees shall be permitted to accrue no more than forty (40) hours of compensatory time in a calendar year. Any additional overtime, over and above the forty (40) hours comp time, will be monetarily compensated at the rate of one and one-half (1 ½) times the employee's regular rate.
- D. The City can require an employee to use accumulated compensatory time when necessary and will pay out any accumulated compensatory time at the end of the calendar year, or no later than the last pay period of the year. Employees are not permitted to carry compensatory time over from year to year.
- E. Upon separation from employment, employees shall be paid for his accrued but unused compensatory time at their current straight-time hourly rate.

PROCEDURE

- A. Compensatory time shall be approved by the immediate supervisor prior to accumulating such time.
- B. Employees shall request compensatory time off in writing on a Request for Leave of Absence. When an employee desires to use compensatory time, he/she should request such time no less than forty-eight (48) hours prior to its use.
- C. Compensatory time off will be granted when requested unless doing so would unduly disrupt City operations.

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SECTION 4.11 - FLEX TIME

POLICY

The City may utilize “time off” or flexible hours in order to avoid exempt employees working in excess of the standard bi-weekly pay period or eighty (80) hours in a pay period (or other overtime hour limit). Flex time must be used within the standard bi-weekly pay period (12:01 a.m. Monday to 12:00 a.m. the following Sunday). For example, if an employee normally works Monday through Friday from 8:00 a.m. to 4:30 p.m. and it is necessary for the employee to work until 6:30 p.m. on Monday for work-related purposes, the employee can take two (2) hours off later in that same pay period but no later than five (5) workdays after the end of the pay period in which the additional hours were incurred.

The employee could come in at 10:00 a.m. rather than at 8:00 a.m. or could leave at 2:30 p.m. rather than at 4:30 p.m. on another day in the same bi-weekly pay period but no later than five (5) workdays after the end of the pay period in which the additional hours were incurred. The two (2) hours could be split between more than one (1) workday in the same pay period and no later than five (5) workdays after the end of the pay period in which the additional hours were incurred. Such flex time scheduling should be utilized to meet the needs of the Department and must be approved in advance by the City Manager or designee.

PROCEDURE

- A. Normally, any additional hours worked past an employee’s standard bi-weekly pay period must be authorized by the department head or designee in advance unless unusual or emergency circumstances exist. Whenever such circumstances occur the supervisor shall be notified the next scheduled workday.
- B. The City may also require the employee to utilize flex time in order to avoid working in excess of the standard workweek or forty (40) hours in a week.

SECTION 4.12 – CALL-IN PAY

Employees called back into work after the end of the regular shift or called in on a day or at a time the employee would have normally been off duty, shall be entitled to a minimum of two (2) hours pay at time and one half (1 ½). Two (2) or more call-ins within a two (2) hour period shall be considered one (1) call-in.

SECTION 4.13 – ON-CALL PAY

The City may require employees to be on 24-hour, 7-days a week “on-call” status. Employees required to be on-call must respond immediately when called outside of their normally assigned schedule. Employees assigned the on-call status must be available for immediate communication to respond to these events.

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Employees assigned to be “on-call” will be paid an additional seventy-five dollars (\$75.00) per week. All employees in departments required to have on-call personnel are required to work the on-call schedule. Employees will be rotated in each department requiring on-call personnel on a weekly basis. Employees may request an exchange of their assigned week by submitting the request in writing to the Department Head, signed by both affected employees and submitted 14 calendar days prior to the affected work week.

SECTION 4.14 – UNIFORMS AND EQUIPMENT

Such items remain at the City Manager’s discretion.

SECTION 5

SECTION 5.01 - ELIGIBILITY FOR LEAVE AND SPECIAL LEAVE

A. Eligibility:

1. Employees who are assigned to full-time positions in probationary, non-certified, or regular status are eligible for leave as specified in this section.
2. Part-time employees who work more than 1040 hours a year in a regular part-time position have certain limited eligibility for leave as specified in this section.
3. Part-time employees who work fewer than 1040 hours per year, regardless of status as temporary, seasonal, or regular, are only eligible for special leave.

B. Special Leave:

The City Manager may grant special assignment with pay to any employee for activities such as, but not limited to, training, meetings, conventions, seminars, or short courses which will directly benefit the Municipality and increase the employee’s ability to perform his/her job. The City Manager must consider budget and staffing levels prior to approving special assignment with pay. If such assignment will be in excess of thirty (30) days, the City Manager shall notify the Finance Committee.

SECTION 5.02 - VACATION

POLICY

- A. Vacation Accrual and Accrual Balance Schedule: Full-time employees working in regular positions in probationary or regular status accrue vacation leave with pay at the rate of 1/26

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of the annual allocation rate currently in effect for the employee each pay. Vacation accrual is considered “earned” at the end of the last day of the pay period in which it accrues.

Completed Total Years of Service Credit	Yearly Accrual Rate	Maximum Accrual Rate
0 - 5 yrs.	96 hrs.	144 hrs.
6 yrs.	104 hrs.	156 hrs.
7 yrs.	112 hrs.	168 hrs.
8 yrs.	120 hrs.	180 hrs.
9 yrs.	128 hrs.	192 hrs.
10 yrs.	136 hrs.	204 hrs.
11 yrs.	144 hrs.	216 hrs.
12 yrs.	152 hrs.	228 hrs.
13 yrs.	160 hrs.	240 hrs.
14 yrs.	168 hrs.	252 hrs.
15 yrs./or more	176 hrs.	264 hrs.

B. Vacation Waiting Period: No employee may take vacation leave until after six (6) months or 1040 hours of regular time, whichever is greater, of employment with Pickerington unless extraordinary circumstances exist and otherwise authorized by the City Manager.

C. Minimum Increments: Vacation leave must be taken in minimum units of one (1) hour.

PROCEDURE

A. Except in emergency situations, all vacation must be approved in advance. Requests for such leave must be submitted in writing to the City Manager or designee by completing a Request for Leave Form at least two (2) weeks before the start of such proposed vacation. The signed Request for Leave Form will then be forwarded to Personnel for payroll purposes. Vacation requests without a two (2) week notice may be approved at the discretion of the City Manager or designee.

B. Repeated use of “emergency vacation” or randomly scattered single days or parts of days defeats the purpose for vacation. Employees are encouraged to schedule vacation to take advantage of holidays and weekends. Supervisors shall maintain a vacation schedule and shall obtain vacation approvals from the City Manager or designee. Service to the public and coverage of the assigned duties are primary considerations in approving vacations. Where a conflict arises, seniority in class and in the work group shall be the determining factor. Vacation leave may be cancelled by the City Manager or designee in an emergency situation.

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C. Only that amount of vacation time listed in “maximum accumulation” may be carried forward from year-to-year. Excess time not used will be lost. At the first pay period in

September, the Finance Director shall notify all appropriate employees of excess time which must be used or lost.

D. Upon termination of employment, vacation pay shall be granted as follows:

1. Employees’ vacation pay will be paid at the employee’s current hourly rate, not later than the date of the last regular payday. Vacation pay shall not exceed that permitted by the maximum accumulation found in subsection A of this policy.
2. On the death of an employee, vacation pay will be paid in accordance with Section 2113.04 of the Ohio Revised Code or to the employee’s estate.

Additional vacation leave is not accrued through the accumulation of paid overtime.

E. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status. (e.g., leave of absence, disciplinary suspension, etc.).

F. No employee shall be paid vacation pay in lieu of time off, except in those situations listed in subsection D.

SECTION 5.03 – HOLIDAYS

A. All full-time employees are entitled to the following legal holidays:

New Year’s Day	January 1st
Martin Luther King Day	3rd Monday in January
President’s Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Thanksgiving Day	4th Thursday in November

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Day after Thanksgiving	4th Friday in November
Christmas Day	December 25th

- B. The City Manager may grant up to four (4) hours in recognition of Christmas Eve and up to four (4) hours in recognition of New Year’s Eve as paid holidays.
- C. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.
- D. In observance of each authorized holiday, both full-time and part-time employees will normally be granted the day off from work. Full-time employees shall receive straight time holiday pay for each authorized holiday. As stated above part-time employees are not entitled to holidays and shall only be paid if they are required to work.
- E. If a holiday occurs while an employee is on vacation, such vacation day will not be charged against his or her vacation leave.
- F. Employees must be in a paid status on the day before and day after the holiday in order to be eligible for pay on the above holidays. Employees who are absent due to illness on the day before or after a holiday may be required to furnish proof of illness by a physician’s statement or other satisfactory written and signed statement or shall forfeit the holiday pay or any compensatory time awarded in lieu of holiday pay. (For the purposes of this policy, the day before refers to the last regularly scheduled work day, and the day after refers to the next regularly scheduled work day after the day on which the holiday is observed.)
- G. An employee working on a holiday, upon authorization by the City Manager or designee, may either choose to earn comp time or to be paid for the holiday worked.

SECTION 5.04 - PERSONAL LEAVE

POLICY

Each full-time and regular part-time employee will receive four (4) personal days per year (1.23 hours per pay period) to be paid at the employee’s current rate of pay. Personal days are also known as floater days. Personal days must be used by the last pay period of the payroll year. They cannot be carried over from year to year and may not be converted to cash.

Newly-hired full time employees shall be eligible to receive personal days on a pro-rated basis as indicated by the schedule below:

Hired Between	Personal Days Granted
January 1 – March 31	4

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April 1 – June 30	3
July 1 – September 30	2
October 1 – December 31	1

Employees who use personal leave and separate from employment with the City prior to the last pay period of the year must pay back a pro-rated portion of the days taken. This pay-back amount is calculated by multiplying the number of pay periods not worked in the payroll year by 1.23 to arrive at the amount of personal leave to be paid back.

PROCEDURE

- A. Except in emergency situations, all personal days must be approved in advance. Requests for such leave should be submitted in writing to the City Manager or designee by completing a Request for Leave Form at least two (2) weeks before the start of the personal leave. The signed Request for Leave Form will then be forwarded to Personnel for payroll purposes.
- B. Personal days shall be scheduled with the approval of the employee’s immediate supervisor. The granting of personal day requests shall be subject to the scheduling needs of the City.
- C. The signed Request for Leave Form will then be forwarded to the Payroll Administrator for payroll purposes.

SECTION 5.05 - SICK LEAVE

POLICY

- A. An employee may request sick leave for one of the following reasons:
 - 1. Illness or injury of the employee or a member of his/her immediate family;
 - 2. Exposure of employee or a member of his/her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
 - 3. Medical, dental or optical examinations or treatment of employee or a member of his/her immediate family where the employee’s care and attendance is reasonably required;
 - 4. Pregnancy, childbirth and/or related medical conditions; and

For purposes of this policy, the “immediate family” is defined as: mother; mother-in-law; step-mother; father; father-in-law step-father; spouse; brother; brother-in-law; step-brother; sister; sister-in-law; step-sister; son; son-in-law; step-son; daughter; daughter-in-law; step-daughter; grandparents; grandparents-in-law; great-grandparents; grandchildren; step-grandchildren; legal guardian, or other person who stands in the place of a parent (in loco parentis).

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- B. The City maintains the right to investigate any employee's absence. Employees may be required to furnish proof of illness or injury as evidenced by a physician's statement, or other satisfactory written statements of the employee as required by the City Manager or designee.
- C. Full-time employees accrue sick leave at the rate of three and one tenth (3.1) hours per bi-weekly pay period. The amount of sick leave time that full-time employees may accrue is unlimited. Part-time employees do not accrue sick leave.
- D. Sick leave shall be charged in minimum amounts of one-half (½) hour.
- E. Employees absent on sick leave shall be paid at the same basic hourly, daily or bi-weekly rate as when they are working.
- F. Sick leave longer than three (3) working days is permitted subject to availability of accrued sick leave time. The City may require a statement from a licensed and actively practicing physician which certifies that the illness prevents the employee from performing work duties. Such statement must be received in the supervisor's/department head's office not later than six (6) working days after the onset of the illness. In-patient admission will qualify as medical notice. Absences deemed as a serious medical condition as defined under the Family Medical Leave Act of 1993 (FMLA) shall be granted to employees who qualify for eligibility and such absences will follow FMLA procedural guidelines as outlined in section 5.15 of this code.
- G. Vacation leave and compensatory time (if applicable) may be used for sick leave purposes after sick leave is exhausted, at the employee's request and with the approval of the City Manager. Employees who have exhausted all sick leave and vacation leave credits may submit a request for Leave Without Pay to the City Manager. The granting of such leave is at the discretion of the City Manager and in accordance with this Code.
- H. An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action in accordance with policies outlined in this policy.
- I. Altering a physician's certificate or falsification of a written, signed statement shall be grounds for immediate dismissal.
- J. The City will recognize sick leave from Ohio political subdivisions as defined by State Statute. Such leave may be utilized for illness as appropriate. The City of Pickerington will assume no cash value or pay-off value for such transferred leave under any of the policies of this Code or for other benefits which may be adopted.
- K. An employee - hired prior to January 1, 2013 - with ten (10) or more years of service credit shall, upon retirement from employment with the City, be compensated for one-half (1/2) of the employee's unused sick pay up to six hundred (600) hours of total pay. The pay rate per

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hour shall be the employee's final hourly pay rate. "Retirement" shall mean service or disability retirement pursuant to a State of Ohio retirement plan.

An employee - hired on or after January 1, 2013 - with ten (10) or more years of service credit shall, upon retirement from employment with the City, be compensated for one-fourth

(1/4) of the employee's unused sick pay up to three hundred (300) hours of total pay. The pay rate per hour shall be the employee's final hourly pay rate. "Retirement" shall mean service or disability retirement pursuant to a State of Ohio retirement plan.

- L. Employees who take sixteen (16) or fewer hours in the preceding twelve (12) months shall be granted one (1) additional personal day to be used in the payroll year.

PROCEDURE

- A. When an employee calls in sick, he/she must call off no later than 30 minutes prior to the start of their scheduled work day or within the department's prescribed time frame except in the case of an emergency. The employee must give the reason for his/her sick leave and location of convalescence, if different than the home address. Failure to do so may result in denial of sick leave for the period of absence. The employee will submit to such medical examination, nursing visit or other inquiry which the City Manager deems necessary. The employee is responsible for notifying his/her immediate supervisor of the sick leave request and a notation of such shall be made by the supervisor on a Request for Leave Form. The department head shall retain the copy of the Request for Leave Form.
- B. Upon return to work, the employee shall immediately notify the immediate supervisor or department head that will, in turn, provide to the employee the Request for Leave Form. The employee shall immediately complete the form and should attach any supporting documentation such as doctor's slips, etc.
- C. The immediate supervisor or department head shall review the completed form and the circumstances surrounding the absence and then shall either approve or deny the sick leave. The immediate supervisor or department head will sign and date the form in the appropriate space and note whether the requested sick leave is approved or denied. A copy of the completed form should be returned to the employee requesting the leave.
- D. In the event that sick leave is denied, the City Manager or designee shall inform the employee of the fact and the reasons. He/she shall further notify the employee that he/she will not be paid for the day of absence. The City Manager or designee may take appropriate disciplinary action for sick leave abuse.

The Request for Leave Form shall be submitted to the Payroll Administrator no later than 4:00 p.m. on the Monday following the end of the pay period. When Monday is a holiday, the deadline is the 4:00 p.m. Tuesday following the end of the pay period. The sick leave request form and supporting documentation shall be filed in the employee's medical record file and should not be maintained in the personnel file.

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Sick leave records shall be updated every two (2) weeks at the completion of the bi-weekly pay period. The Payroll Administrator should refer to this Code to assist in calculating the amount of sick leave accrued per pay period. They should also refer to the sick leave policy defined in this Code for other rules and regulations regarding sick leave use and accrual.

SECTION 5.06 - SICK LEAVE CASH-IN

An employee hired prior to January 1 2013 is eligible to “sell back” their unused accrual of sick leave (excluding transferred in sick leave from another Ohio political subdivision) once a year at one-third (1/3) their current hourly rate, retaining not less than four hundred and eighty (480) hours. The maximum “sell back” is limited to two hundred forty (240) hours a year.

An employee hired on or after January 1, 2013, is eligible to “sell back” their unused accrual of sick leave (excluding transferred in sick leave from another Ohio political subdivision) once a year at one-sixth (1/6) their current hourly rate, retaining not less than four hundred and eighty (480) hours. The maximum “sell back” is limited to two hundred forty (240) hours a year.

SECTION 5.07 - SICK LEAVE DONATION

POLICY

- A. **Eligibility:** Employees may donate accrued sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave.
- B. **Purpose:** The intent of the sick leave donation policy is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave (i.e., they no longer have “paid leave” balances) due to an extended illness or injury of the employee or a member of the employee’s immediate family that requires the employee to be off work for a consecutive block of time. Intermittent leave does not qualify an employee to receive donated sick leave. Additionally, the intent of this policy is to allow employees to voluntarily make a donation to a co-worker who is in need of leave because all other forms of paid leave have been used. It is not appropriate for the City to go back to employees to request donations a second time because an insufficient amount of hours were donated the first time.
- C. **Definitions:** For the purpose of this policy the following shall apply:
1. Child: a son; step-son; daughter; step-daughter; including a child eighteen (18) years or over, who is incapable of self-care because of a mental or physical disability.
 2. Immediate family: the employee’s spouse, child, step-child or parent.
 3. Parent: biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). In-laws are NOT included in the definition of “parent.”

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4. **Serious health condition:** an illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment for more than three (3) calendar days and involves care by a health care provider. Serious health condition also includes continuing treatment of chronic or long-termed incurable conditions and prenatal care.
5. **Spouse:** husband or wife, including common law marriages where/when recognized.
6. **Transferee:** the employee in need and approved to receive donated sick leave.
7. **Transferor:** the employee volunteering to donate their sick leave.

D. Usage: In the event an employee uses or will use (due to an existing sick leave event) all his/her sick leave, other employees may donate sick leave time to said employee once all other forms of paid leave, including vacation and personal days have been exhausted. A medical emergency or situation requiring the employee to be off work must exist in order for an employee to request sick leave donations. The donated sick leave time shall be deducted from the transferor's accumulated sick leave and credited to the transferee's account.

Employees may only request sick leave donations when they have exhausted all other forms of paid leave due to a serious illness or injury.

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

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

1. has no accrued paid leave;
2. has completed his or her new hire probationary period;
3. has applied for any paid leave, Workers' Compensation, or benefits program for which the employee is eligible;
4. has applied for Family and Medical Leave (if eligible);
5. leave taken under this program will be included and is subject to the twelve (12) week limits of the Family and Medical Leave Act;
6. has no abuse or patterned use of sick leave;

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7. has provided acceptable written verification that the extended illness exists that requires the employee to be off work for a consecutive block of time; and
8. agrees to accept the leave under the terms of this policy and completes an “Application to Receive Donated Leave” Form.
9. Employees are only permitted to use a maximum of 480 hours of donated leave in any twenty-four month period.

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

1. is not a member of the receiving employee’s immediate family as defined above;
2. voluntarily elects to donate sick leave, and does so with the understanding that donated leave will not be returned;
3. donates a minimum of eight (8) hours equivalent to one (1) of the donor’s regularly scheduled workdays, and a maximum of eighty (80) hours in one (1) donor day increments, subject to a maximum eighty (80) hour annual (based on calendar year) donation to any/all employees measured;
4. retains a sick leave balance of at least three hundred twenty (320) hours; and
5. completes an “Application to Donate Leave” Form.

PROCEDURE

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

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

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1. The name of the employee for whom the donated leave is intended;
2. The number of hours to be donated;
3. That the employee will have a minimum sick leave balance after donation of at least three hundred twenty (320) hours;
4. That the sick leave is donated voluntarily, and the employee understands that the donated leave will not be returned.

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

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

SECTION 5.08 - FUNERAL LEAVE

- A. A full-time employee may request funeral leave up to three (3) consecutive working days (upon approval of the City Manager) in the event of a death of an immediate family member. Such funeral leave shall be used for making funeral arrangements, attending funeral services, or for related traveling. A maximum of two (2) additional days may be approved by the City Manager on a case-by-case basis for one of the reasons listed above. These additional days must be deducted from accumulated sick leave unless no sick leave is available and then other accumulated leave must be used. These two additional days shall be counted against the employee with regards to the "personal leave bonus" in Section 5.05(L).
- B. For purposes of this policy the "immediate family" is defined as only: mother, father, sister, brother, child, current spouse, current mother-in-law, current father-in-law, current brother-in-law; current sister-in-law; current step-children, current daughter-in-law, current son-in-law, current stepmother, current stepfather, current stepbrother, current stepsister grandmother, grandfather, grandchild; great grandparents legal guardian, or other person who stands in the place of a parent (in loco parentis), or the employee's spouse's grandparent or the employee's spouse's great-grandparents, or other relative residing in the employee's household. Employees may be asked to provide proof of relationship and death.

SECTION 5.09 - INJURY LEAVE

- A. Injuries on the job shall be reported as required in Safety and Health Section.

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- B. The employee, or a responsible relative or representative of the employee, must notify the employee's supervisor or department head if the employee will be absent from work. The supervisor or department head should notify the Human Resources Director as to the status of the employee immediately.
- C. Sick leave shall not be used by the employee for any work-related injury and/or illness as a substitute for injury pay.
- D. An employee who suffers a service-connected injury or illness incurred in the course of and arising out of employment with the City shall be eligible for injury leave. Injury leave shall be available for up to three (3) calendar months. This three (3) calendar month leave is fully paid by the City and is in lieu of Workers' Compensation. An employee who applies for injury leave will apply to the Bureau of Workers' Compensation (BWC) for medical benefits only, and not lost income benefits during this time. During the three (3) month absence the employee shall not be charged sick time.
- E. When an absence continues beyond the paid injury leave period, the employee may apply for lost income benefits with the BWC or may apply to the City Manager to have Injury Leave extended.
- F. Injury leave with pay may be granted only for injuries or other disabilities determined to have been caused or induced by the actual performance of the duties of the employee's position. To be eligible for injury leave, the employee's injury must be covered under Workers' Compensation law. If the injury is not subject to Workers' Compensation law, injury leave will be charged back to sick leave. The Municipality has the right to require certification of injury or disability by a physician assigned by the Municipality. All injury leave must be approved by the City Manager.
- G. Before the employee may return to work from injury leave, he/she must present a statement of release and restrictions from a licensed, actively practicing physician to his/her Department Head, or the Human Resources Director.
- H. If the Bureau of Workers' Compensation changes its policy with respect to wage continuation, the employee will be required to file with BWC for lost wages, as well as medical benefits.

SECTION 5.10 - CIVIC LEAVE

- A. A copy of the subpoena or call to jury duty must be presented to the City, in advance, in order to be eligible for this benefit. If an employee is called for court jury duty or subpoenaed to testify in a court of law, during any portion of the employee's regular scheduled working day, that employee may choose to be compensated for such time in one of the manners set forth below:

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1. The employee may choose to receive his/her regular salary or wage in full for each of his/her workdays during the time so served not to exceed one hundred sixty (160) hours within a year. Jury duty fees paid to the employee by the court shall be returned to the City.
 2. The employee may choose to retain all monies received as compensation for court service and waive his/her regular salary or wage in full for such time from the City.
- B. The employee will be expected to report for work following the court appearance or jury duty if a reasonable amount of time remains during his/her scheduled workday.
- C. If an employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his/her regularly scheduled work hours, all monies received as compensation for such court service shall be retained by the employee.
- D. Employees who appear in court for criminal or civil cases, where the case is being heard in conjunction with the employee's personal matters, such as traffic court, divorce proceedings, custody appearing as directed with juvenile, etc., are not entitled to civic/court leave. They must use either compensatory leave, vacation leave, or personal leave. If the employee does not have any paid leave available, he or she may be granted unpaid leave pursuant to subsection 5.13.
- E. Employees appearing in court in connection with their official capacity with the City shall receive their appropriate rate of pay.

SECTION 5.11 - MILITARY LEAVE

POLICY

City employees who are members of the Ohio Organized Militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave under state and federal law. The City complies with both ORC 5923.05 and USERRA. Employees requesting military leave must:

1. Submit a written request to the City as soon as they become aware of such orders.
2. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to O.R.C. 5923.05, employees are authorized up to twenty-two (22) eight (8) hour working days or one hundred seventy-six (176) hours within a year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or one hundred seventy-six (176) hours in a year due to an executive order issued by the President of the United States, or an act of Congress, or by the Governor in accordance with the law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a

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monthly amount equal to the lesser of one (1) the difference between the employee's gross monthly wage and their gross monthly uniformed pay and allowances received for the month, or two (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross pay and benefits exceed the employee's gross wages from the City for that period.

PROCEDURE

- A. Employee Notice: For paid reserve leave taken pursuant to R.C. 5923.05, employees are required to submit a copy of their military orders with a Request for Leave of Absence to the City for final approval. Prior to taking unpaid military leave pursuant to USERRA or O.A.C. 123:1-34-05, the employee must give the City advance written or verbal notice unless the giving of such notice is precluded by military necessity (as defined in 32 C.F.R. 104.3), or the giving of notice is impossible or unreasonable under all of the relevant circumstances (20 C.F.R. 1002.85-1002.86). It is recommended that the employee use a Request for Leave of Absence so that the City can properly process the leave.
- B. Reemployment Positions: Pursuant to USERRA, the City is required to promptly reemploy a returning service member to the position he or she would have held had he or she been continuously employed through the duration of the uniformed service (escalator position). If the returning service member is not qualified for that position (other than as a result of a service-related disability) after reasonable efforts have been made by the City to assist the service member in becoming so qualified, then the returning service member must be reemployed in the position he or she left. However, if the returning service member's period of uniformed service exceeds ninety (90) days, the City may reemploy the returning service member to the escalator position or a position of like seniority, status, and pay. If a returned service member cannot become qualified for any of the positions (escalator position, pre-service position, or like position) described above even after the City has made reasonable efforts, the returning service member must be reemployed with full seniority in a position for which he or she is qualified that is nearest the foregoing positions (20 C.F.R. 1002.191-1002.199).
- C. Qualifications and Exceptions to Reemployment: Under USERRA, there are general eligibility requirements for reemployment (20 C.F.R. 1002.32). These general eligibility requirements have important qualifications and exceptions, which are described in detail in sections 1002.73 through 1002.138 of Title 20 of the Code of Federal Regulations.
- D. Request for Documentation: Pursuant to USERRA (20 C.F.R. 1002.121), if a leave of absence exceeds thirty (30) days, and pursuant to O.A.C. 123:1-34-05 (B)(3), if leave of absence exceeds ninety (90) days, the City may request the employee to submit documentation to establish that the reemployment application is timely; the employee has not exceeded the five (5) year limit on duration of service; and the employee's separation from service was not otherwise disqualifying according to circumstances described in USERRA, 38 U.S.C. 4301 and 4304.

SECTION 5.12 - EDUCATION AND TRAINING LEAVE

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- A. The City may grant a full-time employee an educational leave of absence without pay for the purposes of education or training that would benefit the City. The maximum duration of an educational leave of absence without pay shall be 180 days.
- B. Upon successful completion (at least a C grade or a pass designation for courses using a pass/fail grading scale) of the educational leave of absence, the employee will be returned to his former position or a similar position within the same classification. The employee must submit documentation to the City verifying the employee's successful completion of the coursework.
- C. Special Leave with Pay may be granted by the City to employees who attend a course of study related to their career with the Municipality or to attend professional conferences, seminars, or meetings.

SECTION 5.13 - LEAVE WITHOUT PAY

POLICY

- A. Only the City Manager may grant an employee a leave of absence without pay. Requests must be made formally, in writing. A leave of absence without pay shall only be extended for one calendar year unless required by law (2080 hours for full-time employees or 1040 hours for part-time employees).
- B. Whenever the employee is granted a leave of absence without pay, it shall be the employee's obligation to assume the responsibility for payment of insurance benefits normally paid by the City. Such requirement shall be at the employee's option. However, if dropped during the leave period, the employee may not be eligible for continued benefits upon return to work until the next open enrollment period.
- C. The authorization of a leave of absence without pay is a matter of administrative discretion. The City Manager will decide in each individual case if a leave of absence is to be granted after consideration of all of the facts involved in the request. The City Manager shall give first priority to the maintenance of adequate staffing levels.
- D. A classified employee desiring to leave such class to accept a non-certified appointment to another class may do so with the approval of the City Manager or designee. Such leave shall remain in effect until the employee returns, completes probationary status in the new class, or has the leave rescinded by the City Manager or designee by written notification.

PROCEDURE

- A. The City Manager or designee may grant a leave of absence without pay to an employee.
 - 1. Upon the expiration of the leave of absence, the employee shall be restored to the position that the employee occupied at the time the leave was granted, or to a similar

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position in the same class. If necessary to the official conduct of business of the department, as determined by the City Manager or designee, an employee on leave may be notified in writing to return to work prior to the expiration of the leave. If the City Manager or designee is unable to locate or contact the employee, the subsequent absence shall be deemed to be an absence without approved leave.

2. Failure of an employee to report for duty promptly following the expiration of the leave or failure of an employee to report to work three days after notification to do so, shall be appropriate reason for the City Manager or designee to terminate the employee. This provision is subject to the regulations of the Uniformed Services Employment and Reemployment Rights Act (USERRA) or comparable Ohio laws for employees returning from certain uniformed services.

- B. An employee who is granted a leave of absence without pay shall have the service time counted as continuous service except as otherwise provided herein.

SECTION 5.14 - ABSENT WITHOUT LEAVE

- A. Absence from duty without prior approval for any length of time may be grounds for disciplinary action.
- B. Absence without approved leave for three consecutive work days may at the City Manager's discretion, be deemed a voluntary resignation and abandonment of the position.

SECTION 5.15 - FAMILY AND MEDICAL LEAVE

POLICY

- A. It is the policy of the City to grant eligible employees up to 12 weeks of family and medical leave per year. A fixed twelve (12) month period measured forward from the date the employees' first FMLA usage begins (and up to 26 weeks of leave in a single 12-month period to care for an injured or ill servicemember), in accordance with the Family and Medical Leave Act of 1993 (FMLA) and the amendments to the FMLA enacted as part of the National Defense Authorization Act. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.
- B. The United States Department of Labor has drafted a general notice explaining the FMLA's provisions entitled "Employee Rights and Responsibilities under the Family and Medical Leave Act," which is attached at the back of this Code.
- C. Eligibility: To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

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1. The employee must have worked for the City for at least 12 months or 52 weeks. The 12 months or 52 weeks need not be consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 actual hours during the 12-month period immediately preceding the start date of the FMLA leave.
3. The employee must be employed at a worksite that has 50 or more employees within a 75-mile radius.

Employees Not Covered: The following employees are not entitled to Family and Medical Leave: elected officials; unclassified, policy-making appointees; immediate legal advisors to elected officials; independent contractors; etc.

D. Type of Leave Covered: To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child or parent with a serious health condition.
4. The serious health condition (described below) of the employee that makes the employee unable to perform the functions of the employee's position.

An employee is "unable to perform the functions of the position" where the healthcare provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position.

E. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider.

1. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.
2. A serious health condition involving continuing treatment includes any one or more of the following (certification of the serious health condition may be required):
 - a. Incapacity and Treatment: A period of incapacity of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

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- i. 2 or more in-person visits to a healthcare provider within 30 days of the first day of incapacity (with first visit within 7 days of incapacity), unless extenuating circumstances exist; or
 - ii. 1 in-person visit to a healthcare provider within 7 days of the first day of incapacity which results in a regimen of continuing treatment under a healthcare provider's supervision.
- b. Pregnancy or pre-natal care: Any period of incapacity due to pregnancy or for prenatal care.
- c. Chronic Conditions: A period of incapacity or treatment which:
 - i. requires at least 2 treatment visits with a healthcare provider per year;
 - ii. continues over an extended period of time; and
 - iii. may cause episodic rather than a continuing period of incapacity.
- d. Permanent or long-term conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. Employee or family member must also be under the continuing supervision of a health care provider (e.g., terminal stages of a disease, Alzheimer's disease, etc.).
- e. Conditions requiring multiple treatments: Any period of absence to receive multiple treatments (including a period of recovery therefrom) by a healthcare provider for:
 - i. restorative surgery after an accident or other injury; or
 - ii. a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
- f. A "qualifying exigency" arising out of a covered family member's covered active military duty or call to covered active duty.

An employee whose spouse, son/daughter (of any age) or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave in the rolling 12-month period for reasons related to or affected by the family member's call-up or service, as described further below. "Covered active duty," in the case of a member of a regular component of the Armed Forces, means duty during the deployment of the member with the Armed Forces to a foreign country. "Covered active duty," in the case of a member of a reserve component of the Armed Forces, means duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

A "qualifying exigency" includes one or more of the following situations where there is a relationship between the reasons for leave and the covered active duty or call to covered active duty: (a) short-notice deployment, defined as a call/order to active duty 7 days prior to date of deployment (limited to 7 calendar days of leave beginning on the date the servicemember is notified of deployment); (b) military events and activities related to call

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to active duty; (c) childcare and school activities (e.g., arrange for alternative childcare, provide childcare on urgent or immediate need basis, enroll child in new school or day care, attend meetings with school or day care staff); (d) financial and legal arrangements;

(e) counseling; (f) rest and recuperation (limited to fifteen days per leave to spend with military member on short-term leave); (g) post-deployment activities, defined as up to 90 days following termination of active duty status; (h) to care or a military's member's parent who is incapable of self-care; and (i) additional activities that the employer and employee agree qualify as an "exigency" and agree to the timing and duration of leave. Employees with questions about what activities are covered under this section are encouraged to consult with the Human Resources Director.

The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in the rolling 12-month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service and other facts regarding the exigency. The certification process is outlined later in this policy.

g. To care for an injured or ill servicemember.

Eligible employees (spouse, son, daughter, parent or next-of-kin) are entitled to take up to 26 weeks in a single 12-month period to care for a covered servicemember.

A "Covered Servicemember" includes a current member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A "Covered Servicemember" also includes a veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the period of 5 years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.

A "serious injury or illness," in the case of a current member of the Armed Forces (including National Guard or Reserves) means an injury or illness incurred by the member in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) that may render the member medically unfit to perform the duties of his or her office, grade, rank or rating.

A "serious injury or illness" for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- i. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the

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servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; OR

- ii. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
- iii. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
- iv. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

A "veteran" is a person who served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable.

Next-of-kin is defined as the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter in the following order of priority: blood relatives granted legal custody, brothers and sisters, grandparents, aunts and uncles, and first cousins—unless the covered servicemember designated, in writing, another blood relative as his nearest blood relative for purposes of covered servicemember leave.

The City will measure the 12-month period for covered servicemember leave from the first day the employee takes leave until 12 months after that date and not the rolling 12-month period used for other types of FMLA leave. If the employee does not take all of the 26 weeks of leave during the 12-month period, the remaining portion is forfeited. Leave to care for an injured or ill servicemember, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks

Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. The certification process is outlined later in this policy.

- F. Spousal Employees:** Spouses who are eligible for FMLA leave and are employed by the same employer are limited to a combined total of 12 work weeks of leave during the rolling 12-month period if the leave is taken for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition.

Spouses who are eligible for FMLA leave and are employed by the same employer are limited to a combined total of 26 work weeks of leave during a single 12-month period if the leave is taken for covered servicemember leave or a combination of covered servicemember leave and any other FMLA-qualifying leave. If the leave taken by the spouses includes leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (as described above), that particular type of leave is limited to a combined 12 work weeks.

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G. Procedure for Requesting Leave

1. All employees requesting FMLA leave must provide notice with an explanation of the reason(s) for the needed leave to the Human Resources Director. Calling in “sick” without providing more information will not be considered sufficient notice to trigger the employer’s FMLA obligations.
2. If the leave is foreseeable, the employee must provide a written request for leave and reasons(s) to the Human Resources Director. An employee’s failure to comply with the leave procedures can be grounds for delaying or denying an employee’s request for FMLA-qualifying leave.
3. The employee must give at least thirty (30) days advance notice when the FMLA leave (other than qualifying exigency leave) is foreseeable. If 30 days’ notice is not practicable, then notice must be given “as soon as practicable” (typically the same day or next business day). If an employee fails to provide 30 days’ notice of foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice.
4. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Notice for qualifying exigency leave should be provided when the employee first seeks to take leave for a qualifying exigency.
5. Notice of the need for unforeseeable leave must be given as soon as practicable under the facts and circumstances of the particular case.
6. The City will provide individual notice of eligibility and rights and responsibilities to each employee requesting leave within five (5) business days (absent extenuating circumstances). The eligibility notice will notify the employee whether he/she is eligible for leave and if not, the notice will state at least one reason why he/she is not eligible. If an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and his eligibility status has changed, then the City will notify the employee of his/her change in eligibility status within five (5) business days (absent extenuating circumstances).
7. Once the City has enough information to determine whether the leave is for a FMLA-qualifying reason, it will notify the employee whether the leave will be designated and counted as FMLA leave within five (5) business days (absent extenuating circumstances). Only one designation notice is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave will be a continuous block of leave or intermittent/reduced leave schedule.

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8. The City may make a conditional designation of FMLA (and notify the employee of such) pending receipt of medical certification or requisite information confirming that the leave qualifies under FMLA.

H. Use of Paid and Unpaid Leave

1. Employees will be required to utilize their accumulated unused paid leave (sick, vacation, comp time, personal time, worker's compensation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time. The City reserves the right to designate any qualifying leave under this policy as family/medical leave counted toward the employee's job-protected FMLA leave during the twelve-month period. The City may so designate sick leave of its own initiative and regardless of an employee's request to count leave toward the FMLA total.
2. Birth of an Employee's Child: An employee who takes leave for the birth of their child may use accrued sick leave for the first three (3) days, then must use other paid leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if there is a medical necessity the employee may use accrued sick leave with written documentation from their health care provider. If the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of their sick leave prior to using unpaid leave for the remainder of the twelve (12) week period.
3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
4. Employees Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of their serious health condition or the serious health condition of their family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
5. An employee must substitute accrued paid leave time for any unpaid FMLA time in accordance with the City's policies (including, but not limited to, vacation time).

I. Intermittent Leave or a Reduced Work Schedule

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The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. Employees may take leave on an intermittent or reduced

schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. In all cases, the leave may not exceed a total of 12 work weeks in a rolling 12-month period (or 26 work weeks to care for an injured or ill servicemember over a single 12-month period). If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations. Leave for birth, adoption or foster care of a child must be taken within 12 months of the birth or placement of the child.

The City may temporarily transfer to an available alternative position with equivalent pay and benefits an employee who needs intermittent/reduced leave that is foreseeable based on planned medical treatment for himself, a family member, or a covered servicemember.

J. Certifications - Generally (Serious Health Condition of the Employee or Family Member/Serious Injury or Illness of Covered Servicemember/Qualifying Exigency)

The City will ask the employee for (1) certification of a serious health condition of the employee or covered family member; (2) certification of the serious injury/illness of a covered servicemember; or (3) certification of a qualifying exigency. The City will provide the employee with the required forms. The employee must respond to such a request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

K. Complete and Sufficient Certification

When an employee submits a certification form that is incomplete or insufficient, the City will advise the employee in writing as to what additional information is needed and give the employee 7 calendar days (unless not practicable under the circumstances despite the employee's diligent good faith efforts) to complete and return the form. A certification will be considered incomplete if one or more of the applicable entries have not been completed. A certification will be considered insufficient if it contains information that is vague, ambiguous or non-responsive. If the deficiencies specified by the City are not cured in the resubmitted certification, the City may deny the taking of FMLA leave until the required certification is provided. A certification that is not returned is not considered "incomplete or insufficient" (thereby not eligible for the 7-calendar day "cure" period) but constitutes a failure to provide certification.

L. Authentication and Clarification (not for qualified exigency leave)

1. The City may communicate directly with the healthcare provider of an employee or the employee's covered family member to authenticate or clarify a medical certification (whether the initial certification or recertification) after the employee has had an

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opportunity to cure any deficiencies. Such contact will not be made by the direct supervisor of the employee. The City, at its discretion, may require the employee to sign a release of information form.

2. The City will comply with the Health Insurance Portability and Accountability Act (HIPAA) where appropriate.
3. For covered servicemember leave, the City may seek authentication and/or clarification of the certification in the same manner it can for an employee's or his family member's serious health condition. The City may also seek authentication and/or clarification of the ITO or ITA (see below).

M. Second/Third Opinions

The City has the right to ask for a second opinion if it has reason to doubt the medical certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

N. Recertification

1. As a general rule, the City may request recertifications no more often than every 30 days and only in connection with an absence, unless the minimum duration of the condition is more than 30 days. Completed recertifications must be provided by the employee within 15 calendar days after its request unless not practicable under the circumstances despite the employee's diligent, good faith efforts.
2. Recertifications may be requested in less than 30 days if the following circumstances exist: the employee requested an extension of the leave, circumstances stated in previous certification have changed significantly (e.g., duration/frequency of absence, nature/severity of illness), or the City receives information casting doubt on continuing validity of employee's certification.
3. For employees requesting intermittent or reduced leave for periods in excess of six months, the City may request recertification every six months in connection with an employee's absence.
4. In connection with a recertification, the City may provide an employee's healthcare provider with a record of the employee's absence pattern and ask the healthcare provider if the employee's serious health condition and need for leave is consistent with such a pattern of absences.

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5. Consistent with the process for initial certifications, the City may seek authentication and/or clarification of the recertification directly from the healthcare provider.

O. Annual Medical Certification

When the employee's or his covered family member's need for FMLA leave (due to a serious health condition) lasts beyond a single leave year, the City may require him to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the authentication/clarification provisions and second/third opinions.

P. Certifications - Specific to a Serious Injury/Illness of Covered Servicemember

1. The City will provide employee with a certification form regarding the need for leave to care for an injured or ill servicemember. The certification may be completed by any of the following authorized healthcare providers: (a) Department of Defense healthcare provider; (b) Department of Veterans Affairs healthcare provider; (c) Department of Defense TRICARE network authorized private healthcare provider; or (d) Department of Defense non-network TRICARE authorized private healthcare provider. Employees requesting this type of leave must provide information regarding a family member's or next-of-kin's injury, recovery or need for care. the City may request details about the servicemember's medical condition, including, for example, whether the injury occurred in the line of duty, when it occurred, its probable duration, and the amount of time the servicemember will require care, as well as information from the employee (e.g., regarding the relationship between the employee and the servicemember).
2. The City will also accept as sufficient for covered servicemember leave (instead of its certification form) "international travel orders" (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join a seriously injured or ill covered servicemember at his bedside.

Q. Certifications—Specific to a "Qualifying Exigency"

1. The City will provide employee with a certification form regarding the qualifying exigency. Employees requesting leave based on a "qualifying exigency" arising out of a covered family member's covered active duty or call to covered active duty in the Armed Forces must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication. The City may also request facts regarding the exigency, including for example, dates of the military member's active duty service and date of commencement of exigency.
2. The City may contact an appropriate unit of the Department of Defense to verify that a covered servicemember is on covered active duty or call to covered active duty status.

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3. If employee is meeting with a third party (e.g., to arrange for childcare or make financial arrangements), employee must supply detailed information about the third party and nature of meeting. The City may contact the third party to verify the meeting or appointment schedule and nature of the meeting.

R. Employee Status and Benefits During Leave

1. The employer will continue to pay its portion of premiums for any life, medical, dental and vision insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts they would have been required to pay had they not taken the leave. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment either in person or by mail. Payments are due bi-weekly on the Friday in which payroll occurs. Employee contributions are subject to any change in rates that occur while the employee is on leave. If payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage. If the City allows the employee's health insurance to lapse due to the employee's failure to pay the employee's share of the premium contribution, the City will reinstate the health insurance when the employee returns to work. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.
2. The employer will not continue to pay the employer portion of premiums for any life, medical, dental and vision insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.
3. If an employee exhausts their twelve (12) weeks of FMLA leave and continues to be in an unpaid status, they are required to pay 100% of the insurance premiums. (The employee and employer portion of the premium combined.).
4. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.
5. If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums. If the employee does not continue these payments, the City may discontinue coverage during the leave. If the City maintains coverage, the City may

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recover the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

S. Fitness-for-Duty Certification

1. The City requires a fitness-for-duty certification ("FDC") for an employee on FMLA leave for his or her own serious health condition. The certification should specifically address the employee's ability to perform the essential functions of his or her job, as listed on the designation notice.
2. The City may contact the healthcare provider to authenticate and/or clarify the FDC, however the employee's return to work will not be delayed while the City contacts the healthcare provider.
3. For intermittent/reduced leave, the City may require a FDC up to once every 30 days (assuming there were FMLA absences during that period) if "reasonable safety concerns" exist regarding the employee's ability to perform his or her duties—based on the serious health condition. If the City elects to require a FDC under these circumstances, it will notify the employee at the same time it issues the designation notice that for each subsequent instance of intermittent/reduced leave, the employee will be required to submit a FDC unless one already has been submitted within the past 30 days.
4. The City may delay restoration of employment until the FDC is provided. Unless the employee provides either a FDC or new medical certification for a serious health condition at the time the employee's FMLA leave concludes, the employee may be terminated.

T. Employee Status after Leave

As a general rule, an employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period (e.g., exceptions to reinstatement include, but are not limited to, reductions in force, elimination of positions or departments, etc.).

U. Seniority

An employee granted FMLA shall continue to accrue seniority during the period of such leave provided the employee follows the proper procedures for requesting such leave and returns to work at the expiration of the approved leave period.

V. Exhaustion

After the employee has exhausted the twelve (12) workweeks of leave as provided in this policy, the employee may request a leave of absence without pay as outlined in this code.

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SECTION 5.17 - INCLEMENT WEATHER

- A. The City recognizes that on certain days it may be difficult or impossible for a scheduled employee to come into work, due to excessive snow, ice, or other inclement weather. The City encourages its employees to come into work on such occasions, only if in the employees' judgment they are able to do so in a safe manner. If in the opinion of the City Manager such inclement weather conditions exist, the following policy specifies the guidelines for payment of wages on such days.
- B. Scheduled employees who are able to come into work on such inclement days shall be paid at their regular wage for actual time worked. Those employees who are not able to come into work due to inclement weather shall have the option of receiving an excused day off without pay or using accrued vacation or accrued compensatory time off.
- C. Employees who actually report to work and then are sent home prior to the end of their regular shift due to inclement weather will receive payment for the remaining portion of their shift.

SECTION 5.18 - TRAINING AND TUITION REIMBURSEMENT

- A. Training Program Evaluation. The Appointing Authority shall periodically examine current and proposed training programs in order to ensure the program's relevance to both the individual employee and organizational training needs.
- B. On-the-Job Training (OJT). On-the-job training prepares an employee to effectively perform the responsibilities required of his or her position. It allows the employee to learn his or her job duties, correct procedures, and expected performance levels, under the immediate direction of an experienced worker. The conduct of such training is the responsibility of supervisors under the direction of the appointing authority.
- C. Employees may be required to attend job-related training programs, courses, workshops, classes, seminars, etc. If such training is required and approved by the appointing authority, the expense incurred shall be paid by the City.
- D. The City Manager or designee may grant leave with pay for employees to attend seminars and training courses to further the employee's abilities to perform his/her duties. Applications for such training leave shall be made through the Department Head to the City Manager.
- E. Under the FLSA, time employees spend on job-related training activities is generally compensable. The general rule is that employees do not have to be compensated for training time if:

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1. attendance is outside the employee's regular working hours;
2. attendance is voluntary;
3. the course is not directly related to the employee's job; and
4. the employee does not perform any productive work during time in attendance at the course.

Time spent on training and similar activities must satisfy all four requirements for it to be treated as not compensable.

F. **College Tuition Reimbursement:** The City may provide for tuition reimbursement for full-time employees based upon the following criteria:

1. The employee has successfully completed their new probationary period;
2. Classes must be taken as part of a degree-seeking program at an accredited institution of higher education;
3. Budgetary appropriations have been approved; and the Department Head has granted approval for the course of study prior to the employee taking any classes.
4. The degree being sought is required for a position within the City organizational structure. Any advanced degree must be directly related to the employee's current position.
5. Registration fees and textbooks for Distant Learning Programs or Internet Programs for degrees from accredited institutions of higher learning will qualify for reimbursement. Any software or hardware expenses where the student makes such a purchase for any classes, those on campus or through an off-campus program, will not be counted towards costs eligible for reimbursement.

Upon meeting these requirements, receiving a passing grade of a "B" or better, and providing documentation for grades, all registration fees, and text books, the employee may be reimbursed up to \$2,000 per calendar year. No reimbursements will be made for travel, meals, and parking. All reimbursements will be consistent with all IRS regulations in effect at the time of the reimbursements for reporting an employee's gross income on the W-2 form.

G. Should an employee voluntarily resign employment within three (3) years of receipt of any tuition reimbursement hereunder, the employee shall reimburse the City the proportionate amount of tuition reimbursement he or she received within the three (3) year period prior to separation from service. Such reimbursement may be deducted by the City from any terminal leave pay due to the employee.

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Less than one (1) year	Reimburse 66%
More than one (1), but less than three (3) years	Reimburse 33%
More than three (3) years	Reimburse 0%

The above time periods begin on the first day of class.

SECTION 6

SECTION 6.01 – CREDIT CARD POLICY

The City Administration hereby adopts the following policy concerning City-issued credit cards.

Positions authorized to use credit cards. Credit cards will be issued upon request of the City Manager, or designee, for City Council members, department heads, and any supervisor or employee authorized by the department head.

Issuance of cards. Requests for the issuance of a credit card are to be made, in writing, to Finance Director, or designee. Credit Cards are “corporate” cards that are issued in the name of the City with the employee as an authorized user. Prior to issuing a card to an employee, the Finance Director will determine how the purchasing cards will be used by the employee in accordance with this Policy and the specific credit card limit for that cardholder.

Restrictions on use. Credit cards are authorized for the following uses:

- Authorized travel, including airfare, conference registration, hotel, meals, and miscellaneous travel expenses, in accordance with City’s Code of Personnel Practices and Procedures.
- Purchase of materials and supplies from vendors when purchase orders, vendor accounts, or petty cash are not available or practical. (Note: all procurement rules and reimbursement of expense rules will be applicable to purchases made with credit cards).
- Business meals, in accordance with the City’s Code of Personnel Practices and Procedures.
- Other expenditures as deemed necessary as authorized and preapproved by the City Manager or Finance Director.

In all instances, the City’s tax exempt status should be provided to a vendor so that sales tax is not charged. If a vendor fails to waive the tax, the employee should document their effort to have

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the tax waived. The Finance Director is authorized to determine whether the City or the employee is responsible for the tax liability.

City credit cards are to be used solely for City business as outlined above. Use of the credit card for personal items, personal use, alcohol, cash advances, or entertainment is strictly prohibited.

Management of credit cards. The City Manager, or designee, is responsible for administration of City credit cards to include, but not limited to, selection of the card provider, managing issuance and cancellation of cards, and ensuring proper use. The Finance Director, or designee, is responsible for payment of credit card bills.

Compliance Officer. Compliance officer will be appointed by the City Manager, or designee. The Compliance Officer will quarterly review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

Rewards. At least annually, the City Manager, or designee, must report to City Council all rewards received based on the use of the City's credit card account.

Itemized receipts required. Every purchase, including those made via the Internet, **must** have a **detailed itemized receipt**. A credit card signature slip with only the amount charged is not considered sufficient documentation.

Business meal receipts must also include the name(s) of the person(s) attending and the business objective.

In addition to a detailed itemized receipt, a copy of the authorized travel request form, if applicable, must accompany all travel related purchases (i.e., airfare, hotel, meals, etc.).

All receipts and documentation, with appropriate vendor information, account codes, and authorization, must be submitted to the Finance Department within three (3) business days to assure timely processing and payment.

Protection of credit cards. Employees must sign out a credit card including name, date, and purposes for each use. When in use, it is the authorized cardholder's responsibility to safeguard the card and credit card account number at all times. If a City cardholder suspects the loss, theft, or possibility of unauthorized use of the card, the employee shall immediately notify the City Manager, or designee, and the cardholder's supervisor, in writing. If a card is reported as lost or stolen, the City Manager, or designee, will contact the card provider and may cancel or replace the card. All credit cards must be returned to the City Manager, or designee, within 24 hours of use, unless the card is being utilized for out of town travel.

Cancellation of cards. Requests for cancellation of a card should be directed to the City Manager, or designee. Upon separation from employment with the City, or if City Manager, or designee,

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determines that the cardholder's position no longer qualifies for a City-issued card, the card will be cancelled immediately.

Maximum credit limit. Unless specifically authorized by the City Manager (for a limited time or for a specific expenditure), individual credit card accounts shall not exceed \$3,000.

Misuse of card. The use of a credit card account for expenses beyond those authorized by this Policy and/or any failure to comply with these Credit Card Policies or any additional directives issued pursuant to this Policy constitutes misuse of a credit card account. An officer or employee who misuses a credit card account is subject to discipline, including, but not limited to, loss of eligibility to use a City credit card, demotion, and/or termination. Further, the employee may be subject to civil liability and/or criminal proceedings as a result of this misuse and may be required to reimburse City for the unauthorized expenditures or not maintaining proper documentation.

The City Manager, the Finance Director, and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Policy.

SECTION 6.02 - TRAVEL EXPENSE REIMBURSEMENT

POLICY

It is the policy of the City of Pickerington to reimburse employees for expenses incurred while conducting or traveling on approved City business.

A. Employees shall be reimbursed for actual mileage, parking, and tolls as follows.

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

B. Employees will be reimbursed for overnight expenses, as follows:

1. Expenses covering the actual cost of a hotel room shall be reimbursed in full when an employee travels at least fifty (50) miles out of the City on official business, and such

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travel requires an overnight stay. Hotel expenses shall be reimbursed only with the prior written authorization of the City.

2. Meals will also be reimbursed at the per diem rates established by the City (not to exceed the IRS per diem rates).
3. Some conferences which include meals with registration can be billed directly to the City with prior approval.
4. Employees are encouraged, where possible, to direct bills to the City for hotel and other expenses. While a formal action of the City is still required, the employee is not responsible for paying charges out of their pocket, provided such travel has been pre-authorized.
5. The City of Pickerington may reject any travel request it deems inappropriate or not in keeping with fiscal responsibility for tax dollars.

C. Employees will generally not be reimbursed for meals if the employee is not traveling overnight, away from City of Pickerington, unless for:

1. The meal qualifies as an entertainment rule pursuant to IRS Reg. § 1.274-2(c) and (d). Examples of such meals are:

- a. A meal where the main purpose is the active conduct of business, business is actually conducted.
- b. A meal that is associated with the active conduct of the City's business and occurs directly before or after a substantial business discussion.

2. Occasional meals that meet the De Minimis Exclusion pursuant to IRS Reg. § 1.132-6 (d)(2).

D. This policy supersedes all other directives, statements, orders, memos, etc., previously approved or issued regardless of origin.

E. Sales Tax Exemption: Employees shall submit a sales tax exemption form to hotels when applicable, to eliminate the need to pay sales tax when traveling on City business. In order to receive tax exempt status, the hotel reservation must reflect "City of Pickerington" in addition to the employee's name.

F. Frequent Flier Miles/Credit Card Points: Pursuant to the Ohio State Auditor's Office, employees are prohibited from taking advantage of frequent flier miles or credit card points when scheduling flights or hotel accommodations related to City business.

G. The following items are not subject to reimbursement:

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1. tips in excess of 18% of the meal cost;
2. alcoholic beverages;
3. entertainment;
4. laundry and dry cleaning;
5. room service charge;
6. expenses of spouse traveling with employee;
7. any allowable expense where no receipt is proved as documentation by the employee.

PROCEDURE

Employees shall submit to their supervisor a Travel Expense Report Form for reimbursement of travel expenses, and employees shall also obtain prior written authorization for motel expenses.

SECTION 6.03 - USE OF VEHICLES ON EMPLOYER BUSINESS

POLICY

- A. Employees operating vehicles on City business must be at least 18 years of age and have a proper and valid motor vehicle operator's license that covers the vehicle being operated. A copy of the license must be maintained in the employee's personnel file. Employees also must maintain the ability to be insured under the City's vehicle insurance policy as a condition of employment.
- B. Employees shall exercise caution and responsibility and adhere to all safety regulations when operating vehicles on City business. Employees shall wear safety belts at all times while driving or riding in a City-owned vehicle or their personal vehicle on City business. Negligent, reckless, or intentionally improper operation of vehicles on City business is grounds for disciplinary action.
- C. Employees are prohibited from utilizing mobile devices (e.g. cell phones, tablets, MP3 players, etc) while operating a motor vehicle on City business or in a City owned vehicle while driving. Violations of this policy may result in discipline, up to and including discharge.
- D. It will be the duty of any employee performing work that involves the operation of a City vehicle or personal vehicle on City business (whether as an essential function of employment or not) to notify their supervisor – no later than the next business day after the occurrence - of any of the following:
 1. If their license is expired, suspended or revoked.
 2. If they have been cited for a traffic violation that, upon conviction, may result in the assessment of four (4) or more points to their license regardless of whose vehicle was being used.
 3. Employee must report any and all accidents, arrests, violations and citations issued to them. Failure to do so may result in disciplinary action.

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4. The obligation to pay all costs, fines, or similar consequences of any such citation(s) shall be that of the employee.
- E. No alcoholic beverages, illegal drugs or controlled substances are permitted in or on a vehicle except as a function of law enforcement. No alcoholic beverage or illegal drugs are permitted to be transported in or on a vehicle except as a function of law enforcement. No employee shall operate a vehicle under the influence of alcohol or illegal drugs or illegal use of prescription drugs.
- F. The City insures its vehicles for coverage on bodily injury and property damage to the other vehicle and its occupants. Injury to employees while driving on City business is covered by Workers' Compensation. Employees using their own vehicles on City business shall provide proof of insurance annually with liability limits of \$100,000 per person, up to \$300,000 total bodily injury and \$150,000 for property damage.
- G. All accidents involving a City-owned or personally-owned vehicle on City business must be immediately reported to the Risk Manager and City Manager or designee.
- H. City-owned vehicles shall be used by employees whenever possible on approved City business.
- I. City-Owned Vehicles:
 1. The use of City-owned motor vehicles shall be strictly controlled by the City and shall be for business purposes only.
 2. City-owned vehicles are not to be used for employee travel to and from work unless authorized by the City.
 3. Employees must continuously recognize that use of a City-owned vehicle is a privilege; that they are a constantly visible and official representative of the City of Pickerington; that they should show every motor vehicle courtesy possible; and that they should drive so as to enhance the good reputation of the City of Pickerington.
 4. Passengers not on official City business are not permitted in City-owned vehicles.
 5. City-owned vehicles are not to be used overnight, unless previously authorized.
- J. Personal Vehicles: The City Manager, upon recommendation of the Department Head, may approve the use of an employee's private vehicle for official Municipal business. If an employee is routinely required to use his/her car in the performance of official duties for the Municipality, he/she may receive either a monthly car allowance or be paid mileage for the use of his/her car on official City business, at the approved rate per mile actually driven on official government business. Other arrangements at lower levels of reimbursement may be necessary to meet particular situations. Agreements should be reached in advance and must be approved by the City Manager.

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K. Pre-Employment Selection of Employees:

1. The City will practice careful selection of any employee who will be driving a vehicle during the course of their employment by the City. If driving is an essential function of an employee's job, an applicant may be denied employment on the basis of an unsafe driving record, or at the discretion of the City Manager, denial may be made without regard to the number of points or violations, whether they occurred within the past thirty-six (36) months or not, or whether they occurred within the State of Ohio, or if they occurred outside the State of Ohio.
2. Drivers of City vehicles or personal vehicles on City business may be considered qualified to drive when the following are met:
 - a. A review of the employee's Motor Vehicle Record (MVR) indicates a safe driving record.
 - b. Possession of a valid driver's license, and operation of the vehicle within the terms of any restrictions that may be upon the license.
 - c. Proof of insurance or compliance with the State of Ohio's Financial Responsibility Laws.
 - d. CDL holders will continue to follow the policy specific to their position.

PROCEDURE

- A. All supervisors shall annually submit the names, license numbers, and proof of insurance for all employees under their supervision who drive City-owned vehicles or personal vehicles on City business. The City may require authorization from employees to ensure valid driver's license. The Risk Manager shall maintain an eligible drivers list containing the names of all employees eligible under this policy and authorized to drive a vehicle. Motor vehicle records of drivers will be obtained annually for review.
- B. Employees shall immediately report to the local police department and their department head all accidents involving City-owned vehicles or personally-owned vehicles on City time in which they are involved. The employee's Report of Injury or Accident shall be completed, signed, and submitted to the employee's supervisor.
- C. The Department Head shall report the accident immediately to the Risk Manager and City Manager, and where applicable, shall have the employee fill out Workers' Compensation reports. First report of injury forms and/or accident reports are filed with the Human Resources Director.
- D. The employee should not discuss the accident with anyone except medical personnel, the investigating officer, his/her supervisor, his legal counsel or spouse, or anyone authorized by the Municipality to receive the information.

SECTION 6.04 - SECONDARY EMPLOYMENT

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POLICY

- A. Time Conflicts:** Full-time employment by the City of Pickerington shall be considered an employee's primary occupation and take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours or mandatory overtime obligations, if any, or when the demands of a secondary job prohibit adequate rest or otherwise affect the employee's job performance.
- B. Interest Conflicts:** No employee, regardless of employment status, shall have other employment which presents an "interest conflict" with their position. An interest conflict exists when an employee engages in any secondary employment which tends or may appear to compromise the employee's judgment, actions, or job performance, or conflict with the policies, objectives, and operations of the Municipality. Employees must abide by Ohio's Ethics laws.
- C. Medical Leave:** An employee shall not work in a second job when on any kind of Medical Leave.

PROCEDURE

- A.** Employees shall notify the City Manager or designee in writing of any secondary employment (prior to accepting such employment). The City Manager or designee will confer with the employee to determine whether the secondary employment presents a conflict.
- B.** If the City Manager feels an employee's secondary employment presents a conflict, the City Manager may request the employee terminate the secondary employment relationship. Failure to follow such request may be cause for discipline up to and including termination.

SECTION 6.05 - SAFETY

POLICY

- A. Generally:** The City is concerned about the safety of every employee. Supervisors and employees are responsible for maintaining a safe workplace.
- B. Supervisor Responsibility:** Each supervisor is responsible for safety in the area under the supervisor's control and will be given the assistance, authority, and support necessary to fulfill this responsibility. Every work-related accident should be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The supervisor should correct unsafe conditions. The supervisor should ensure that each employee complies with all rules and regulations, and that safe working methods are used by employees under the supervisor's supervision.

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- C. Employee Responsibility:** Employees are responsible for maintaining a safe workplace and a workplace free from illegal activity. Employees shall obey and enforce all workplace safety rules and report all potential or evident workplace safety problems to their supervisor.
- D. Prescribed Safety Equipment for Construction or Maintenance Crews:** Employees working on construction or maintenance crews are required to wear the prescribed safety equipment (hard hats in areas of overhead construction and/or equipment, orange hats and/or vests in traffic conditions, etc.).

SECTION 6.06 - PERSONAL INFORMATION RECORDS

POLICY

- A. The City maintains and is responsible for personal information maintained concerning employees. "Personal information" includes all information about an employee as defined in O.R.C. 1347.01(E), and may include such information as:
1. personal data;
 2. employment application documents;
 3. references;
 4. medical reports;
 5. documentation pertaining to an employee's change of status;
 6. performance evaluations;
 7. communications or disciplinary actions;
 8. paid and unpaid leave records.
- B. The City shall only use the personal information in the personal information system in a manner consistent with the system and in accordance with O.R.C. Section 1347.01 et. seq., O.R.C. 149.43 et. seq., or as otherwise required by law or court order.

PROCEDURE

- A. Each employee shall be allowed to review the contents of the file(s) pertaining to them. Employees may also request that the City conduct an investigation to determine if the information in their file is accurate, relevant, timely, and complete. This investigation must occur within 90 days of written request by the employee. All information determined by the City to be inaccurate as a result of such investigation shall be deleted. If the City determines the record to be correct, the employee may append a brief statement to the file.

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- B. Individuals requesting to obtain or review information about themselves must provide proof of identification. Representatives of employees requesting to obtain or review information must provide a written release from the employee requesting the record.
- C. The City will not initiate or contribute to any disciplinary action against an employee who brings to the attention of appropriate authorities, the media, or any member of the public, evidence of unauthorized use of information contained in the personal information system.
- D. The City shall monitor the accuracy, relevance, timeliness, and completeness of its personal information systems, take reasonable precautions to protect personal information in the system from unauthorized and unlawful modification, destruction, use, or disclosure, and shall collect, maintain, and use only that personal information necessary and relevant to the City's functions.

SECTION 6.07 - REPORTING CHANGES IN PERSONAL INFORMATION

POLICY

- A. Failure to report changes in personal information may prevent employees from obtaining or maintaining valuable employee benefits or services. It is each employee's responsibility to report any change of personal information within three (3) calendar days of the occurrence of the change. Notification shall be made in writing to the employee's immediate supervisor.
- B. For the purposes of this section, a change in personal information shall include the following:
 - 1. name change;
 - 2. address change;
 - 3. phone number change;
 - 4. e-mail address;
 - 5. marital status change;
 - 6. changes which may affect employee benefits (i.e., insurance and pension(s)), such as changes in dependents or beneficiaries;
 - 7. changes to bank account information that could affect automatic payroll deposits.
 - 8. number of exemptions for tax purposes;
 - 9. citizenship;
 - 10. selective service classification; or
 - 11. association with a government military service organization.

PROCEDURE

- A. Employees shall report changes in personal information to their immediate supervisor within three (3) days of such change.
- B. Supervisory staff will make certain that notification of any change is immediately forwarded to the City Manager, Payroll Administrator, and Human Resources.

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SECTION 6.08 - BULLETIN BOARDS

POLICY

- A. General:** It is the policy of the City of Pickerington to provide and maintain an official bulletin board(s) to communicate official information to the citizens of the City of Pickerington and to the City employees. Additionally, the City may designate community bulletin boards for Supervisors to post information of a general interest to the public. City employees are prohibited from posting on bulletin boards.
- B. Official Bulletin Boards:** All City notices, state, or federal required notices and required legal notices shall be posted by the designated representative of the City on the official bulletin boards. Information not directly related to the conduct of City business shall not be posted on the official bulletin board(s).

SECTION 6.09 - PUBLIC RECORDS: INSPECTION, RELEASE AND RETENTION POLICY

A. General:

The employer requires that all staff, interns, contractors, volunteers and other workers exercise a high level of security regarding the matters within the City of Pickerington. Using confidential/proprietary information or City data for any purpose other than as required to complete assigned work tasks, discussing such confidential/proprietary information or data with anyone other than for work purposes, or removal of such information or data from the City's premises without authorization, will result in discipline of the employee, including possible removal from employment.

Any information regarding staff and City business may be considered confidential. Confidential information is defined to include, but is not limited to, non-public information about the City, its

suppliers, vendors, clients, and business partners, as well as copyright, patent and trademark information, and any confidential or proprietary manufacturing processes. Confidential information does not include information concerning terms and conditions of your employment or information subject to disclosure by public records laws. Any unauthorized disclosure, release or transmission of confidential material is considered to be a breach of this policy, subject to penalties.

Questions of whether or not a record is a public record as defined in O.R.C. Section 149.43 should be determined by the City's legal counsel.

- B. Prohibitions:** To prevent a breach of confidentiality, the City of Pickerington specifically prohibits:

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1. Any staff from copying or removing any City records, files, forms, equipment and any other City-related materials from the City premises without prior consent from the City Manager or designee.
2. An employee from working on a matter or processing any action that would have a personal impact or impact to a family member or a personal friend.
3. Employees from viewing records and computerized records of any case that they are not assigned to. Review of case records for the purpose of securing information for personal reasons or “curiosity” is strictly prohibited.
4. Disclosure or transmission of any non-public record or confidential information, to anyone without proper authorization.
5. Authorized individuals from accessing more than the minimum amount of necessary information to complete their assigned task.
6. No employee may copy or remove any document or record in any grievance, appeal, or legal action without having first obtained the written permission of the City Manager. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure, through a public records request, through a subpoena, or through a union information request.

C. Unauthorized Tape Recording

1. Tape recording on city property or while performing city business is permitted only by employees of the City Clerk’s office.
2. Other than members of the City Clerk’s office, no employee may tape record any meeting, conversation, or telephone call unless he/she has received advanced written permission from the department director or as otherwise required by law. This policy is subject to R.C. 2933.52 and the state “wiretapping” laws.

D. Penalties for Violators:

1. Any employee believed to be in violation of this section may be subject to the penalties consistent with those set forth under Ohio Revised Code Section 3125.99 which imposes a fine of not more than five-hundred Dollars (\$500.00), or imprisonment of not more than six (6) months, or both.
2. Additionally, any employee believed to be in violation of this section shall be subject to discipline, up to termination of employment. Any former employee, who is discovered to have violated this policy by producing unauthorized documents or tape recordings at any grievance, administrative appeal, or Civil action against the employer, will be barred from seeking a remedy of reinstatement and may be subject to civil or criminal penalties.

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PROCEDURE

Any employee who has a question regarding the use of confidential/proprietary information or data maintained by the City should request clarification of the City's policy before risking a possible violation.

SECTION 6.10 – TRANSITIONAL RETURN TO WORK/LIGHT DUTY

A. Policy Overview

This policy applies to employees who are or have been on leave due to a work-related injury. Because employees are our most valuable resource, under certain circumstances, the City attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

B. Coordination with Attending Physician

An employee on leave due to a work-related injury may return to work only after the City receives the attending physician's written medical release authorizing such return. However, the City may elect to not require such release(s) for employees returning to work under certain circumstances; for example, after an illness resulting in three or fewer days of consecutive absences.

C. Return-to-Work Options

Arrangements to facilitate an employee's return to work will be made in consultation with the employee's attending physician and/or other qualified medical professionals retained by the City.

The following options will be explored:

1. Return to prior position: An employee will be offered the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential functions of the job, if that position is still available or as required by law.
2. Light duty: An employee who is not able to return to his or her prior position may be offered (subject to the restrictions set forth in Section 4 of this policy) a temporary light-duty assignment, if available, that has been approved by the employee's attending physician.

D. Restrictions on Light-Duty Assignments: The following restrictions apply to light duty assignments:

1. As provided in Section 3 of this policy, the City may endeavor to return employees to gainful employment as soon as possible by exploring possible light-duty assignments. The City does not guarantee the availability of light-duty work.

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2. Ninety (90) calendar day limit. Light-duty assignments are temporary arrangements intended to complement and facilitate the healing process, and to transition the employee back to a regular position. Light-duty assignments cannot exceed ninety (90) calendar days without approval from the City.
3. Employees offered a light-duty job may be exempt from some of the job tasks contained in the job description. This exemption is offered only to employees on light-duty with restrictions that preclude them from performing one or more of the tasks required of the job.

E. Employee Refusal of Work

In the event that an employee refuses to return to work in response to an offer of employment by the City after the employee has been medically released to return to such employment, the employee will be deemed to have voluntarily abandoned his or her employment.

F. Permanent Restrictions

If an employee with a work-related injury has a permanent restriction that prevents them from performing the essential functions of his or her regular position, the City is not obligated to offer the employee a light duty position. The City will evaluate the possibility of placing the employee in a position at the City if required to do so by law.

G. Coordination with FMLA

Nothing in this policy should be construed as denying employees their rights under the Family and Medical Leave Act or any other federal or state law.

The City will designate an employee's leave due to an injury or illness as FMLA leave when required by law. If an employee is on reduced schedule light-duty, to the extent permitted by the FMLA, the City will count such reduction toward the employee's FMLA entitlement.

SECTION 6.11 - MOBILE DEVICES

- A. Purpose:** To describe the assignment, carrying, and use of mobile devices The City of Pickerington recognizes there may be situations which may warrant the use of mobile devices. By allowing the employees this form of communication, the City is reiterating the commitment to provide the highest quality of service to the citizens of Pickerington. Any conduct which violates this policy may result in disciplinary action up to and including dismissal.
- B.** Employees are cautioned that all data sent and received on a City-owned mobile device is subject to public records requests. Further, data sent and received on a personal cell phone or other mobile device may be subject to the public record laws if the data meets the definition

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of public record. Employees are cautioned to refrain from using personal mobile devices to conduct City business.

C. Assignment:

Certain personnel are to be issued a cell phone and those employees will be required to sign an acknowledgement form.

D. Use:

1. Mobile devices are intended for special applications such as purposes of safety or to assist in the completion of an assigned task. It is not intended to be used for personal convenience. However, the City acknowledges that in certain situations employees are better able to perform their work responsibilities through the limited use of the City's mobile devices for personal calls.
2. Mobile devices should be in the silent/vibrate mode for all meetings, training, court, etc.
3. If it is absolutely necessary to take a phone call during a meeting, training, etc., the user should step outside of the room to take the call in order to keep the disruption to a minimum.
4. Use of cell phones (including texting and hands free) is prohibited while driving City owned vehicles or while you are driving on City business.
5. If the driver must use a cell phone while driving a City owned vehicle or while driving on City business, the employee must stop safely, secure the vehicle and then make or take the call.

E. Carrying:

1. The personnel designated as on-call or deemed as necessary will have the mobile device turned on and accessible for use on a 24/7 basis. Unless indicated in the call, the call shall be returned promptly.
2. Employees will have the mobile device turned on and accessible at all times while at work. Unless indicated in the call the call shall be returned promptly.
3. Employees assigned a mobile device shall ensure that the device is on, working properly, and has a charged usable battery.
4. If the device is not working properly, it needs to be reported to the department head so proper service can be performed.

F. Reimbursement:

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1. The City will seek reimbursement from employees for the use of their assigned mobile device when any of the following occur:
 - a. lost, stolen, or damaged equipment as a result of employee negligence;
 - b. unauthorized data usage/overage and download fees;
 - c. any other charges above and beyond the regular monthly service charge established by cell phone provider's agreement.
2. The Accounting Department or designee will determine whether the monthly usage exceeds the base monthly allotment, and in the event it does, take steps to calculate, notify the employee of, and collect any reimbursement for personal use, which may be required pursuant to this policy.

G. Policy Changes:

The City reserves the right to change this policy at any time without notice.

SECTION 7

SECTION 7.01 - ETHICS OF PUBLIC EMPLOYMENT

POLICY

- A. All employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the state of Ohio and other rules and regulations as may be set forth by the City. It is important to remember that the compensation of all employees is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, effective, and friendly manner.
- B. In recognition of same, no employee shall:
 1. use their position for personal gain or engage in any transaction which is in conflict with the proper discharge of the employee's official duties;

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2. use or disclose confidential or proprietary information concerning the property, government, or affairs of the City without proper legal authorization;
3. solicit or accept anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City;
4. accept from any person, firm, or corporation doing business with the City, any material or service for the private use or benefit of the employee;
5. engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair independent judgment or action in the performance of official duties;
6. while an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee;
7. receive or agree to receive outside compensation for services rendered in a matter before any office or department of the City unless excepted as provided in O.R.C. Section 102.04; or
8. have a personal interest in a contract with the City or use their position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or business associate has an interest.

PROCEDURE

When the City is in doubt as to the application of this section or other ethics laws or regulations the City will seek the advice of the City's legal counsel who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.

SECTION 7.02 - NEPOTISM

- A. Based upon R.C. 2921.42 and the Ohio Ethics Law, the City is establishing a policy to prevent the possibility of nepotism in the workplace. The implementation of such a policy will help to ensure continued high morale and productivity and eliminate the possibility of conflicts of interest in the future.
- B. Immediate family members of current City employees will not be eligible for hire by the City to fill a full-time, regular part-time, temporary or intermittent position. For the purposes of hiring eligibility "immediate family" is defined as mother, father, sister, brother, child, current spouse, current mother-in-law, current father-in-law, current stepchildren, current daughter-in-law, current son-in-law, current stepmother, current stepfather, current stepbrother, current stepsister, grandmother, grandfather, grandchild, legal guardian, or other

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person who stands in place of a parent (in loco parentis), or employee’s spouse’s grandparent, or other relative residing in the employee’s household.

- C. This policy also prohibits other “related” employees from appointment to positions in the same department. “Related” employees are those who are related by blood, law, or marriage, including such relatives of spouses, parents, or children. Furthermore, a public official is prohibited from soliciting or using his/her authority or influence, formally or informally, to secure the employment of a “related” employee, or to otherwise act with respect to that related individual’s employment. These matters include, but are not limited to, any of the following: changes in compensation or benefits that are determined by individual working conditions, the assignment of duties that will change the terms of employment, evaluations, and actions involving promotions, discipline, layoffs, and termination.
- D. If a situation is created where two employees come under this policy while currently employed through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the City must be established. Termination of employment will be a last resort.
- E. The City Manager may appoint “immediate” or “related” family members to unclassified seasonal positions provided the related employees are not in the same supervisory chain.
- F. Any “immediate family” members hired as City employees prior to April 11, 2005 will be “grandfathered” and will not be regarded as in violation of this policy.

SECTION 7.03 - TARDINESS

POLICY

- A. Habitual tardiness is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after the employee’s scheduled starting time, and such tardiness is not excused. Employees tardy by more than seven (7) minutes shall not be paid for the period of time the employee is tardy. Time and pay shall be deducted for this purpose to the next quarter (1/4) of an hour (i.e., eight [8] minutes to 15 minutes late = one-quarter (1/4) hour deduction, 16 to 30 minutes late = one-half (1/2) hour deduction, etc.). Employees who work 8 to 14 minutes over their scheduled end time will be rounded up and counted as a quarter hour of work time.
- B. In addition, a tardy employee, including those tardy by less than seven (7) minutes, shall be subject to progressive disciplinary action as follows, unless the employee has also committed an offense subjecting the employee to discipline pursuant to Section 8 of this Code:

Event	Discipline
One (1) time tardy	verbal instruction and cautioning

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Two (2) times tardy	verbal reprimand
Three (3) times tardy	written reprimand
Four (4) times tardy	Five-day suspension without pay
Five (5) times tardy	15-day suspension without pay
Six (6) times tardy	termination from service

PROCEDURE

Records of discipline shall be given to the employee with a copy placed in the employee's personnel file.

SECTION 7.04 - ABSENTEEISM AND NOTIFICATION OF ABSENCE

POLICY

A. Absenteeism increases the workload of other employees and affects the quality of public services. An employee is absent for purposes of this section if they fail to report to work for an entire workday or leave work prior to the scheduled quitting time, and such absence has

not been excused (as defined below) or for which the payment of sick leave as defined in this Code has been denied. In addition to not being paid for the time absent (to the next quarter (1/4) hour), employees shall be subject to progressive discipline for accrued absences as follows, unless the employee has also committed an offense subjecting the employee to discipline pursuant to the Grounds for Disciplinary Action and Penalties section of this Code:

Unexcused Absences	Discipline
One (1) time absent	written reprimand
Two (2) times absent	three (3) day suspension
Three (3) times absent	ten (10) day suspension
Four (4) times absent	up to and including termination

B. Employees may be excused for absences for legitimate reasons if the notification procedures contained herein and otherwise in this Code are met. The City reserves the right to deny approval of otherwise legitimate excuses for employees who demonstrate a pattern of such absences.

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- C. **Voluntary Resignation:** If an employee fails to report to work at their regularly scheduled time and remains absent for three (3) or more consecutive workdays without reporting such absence, the City may deem such absence a voluntary resignation.

PROCEDURE

- A. **Notification:** Absent employees must report to the employee's supervisor or designee within one-half (1/2) hour prior to the employee's scheduled starting time on each day of absence and explain the reason for the absence. Upon return to work, the employee shall report to the employee's supervisor to further explain the reason for the absence and to provide all documentation required to substantiate the absence.

B. Application of Discipline:

1. Each full day of unexcused absence shall count as a separate absence (i.e., an employee absent for two (2) consecutive days is charged with two (2) absences).
2. Records of discipline shall be given to the employee with a copy placed in the employee's personnel file.

- C. **Voluntary Resignation Procedure:** If an employee fails to report to work at their regularly scheduled time and remains absent for three (3) or more consecutive workdays without reporting such absence, the City will attempt to contact the employee at their last known address/telephone number and notify them that failure to immediately return to work will be

deemed a voluntary resignation of their position. If the City cannot locate the employee, or if the employee, after notification, fails to return to work, the City will deem such action a voluntary resignation and will remove the employee from the payroll.

SECTION 7.05 - SOLICITATION AND DISTRIBUTION

POLICY

- A. **Generally:** This solicitation and distribution policy is designed to protect the interests of the citizens of the City of Pickerington by ensuring that only official City business is transacted in the City's work areas during work time.

B. Definitions:

1. **Distribution:** an act of distributing goods, materials, and/or written materials or literature.
2. **Non-Work Area:** those areas of the City's property such as the employees' lounge, parking lot, or other areas where no official City business nor operations are conducted.
3. **Non-Work Time:** any time during an employee's workday where the employee is totally relieved of work duties, such as break time or lunch time. Whether an employee is in

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active pay or no-pay status during these times is immaterial to the designation of non-work time.

4. Solicitation: an act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution.
5. Vendor: any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the City and/or its employees, which goods, materials, or services are utilized in the conduct of public business.
6. Work Time: all the time when an employee's duties require that the employee be engaged in work tasks, not including meal periods, scheduled breaks, and time before or after work.

C. Non-Employee Solicitation and Distribution: There shall be no solicitation or distribution by non-employees at any time on any City property or in any work area. This section shall not apply to vendors.

D. Employee No Solicitation Rule: There shall be no solicitation by employees of any other employee or non-employee during work time. Employees may solicit other employees during non-work time in work areas and during non-work time in non-work areas.

E. Employee No Distribution Rule: There shall be no distribution by employees during work or non-work time in the work area. Employees may distribute goods and written materials during non-work time in non-work areas only.

F. Employee Compliance: Employee compliance with these policies is required. Employee violations of these policies will result in appropriate disciplinary action.

SECTION 7.06 - PERSONAL APPEARANCE

- A. The City reserves the right to prescribe appropriate dress and grooming in the City's best interest.
- B. The City requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, present a favorable public image, and be in conformity with regulations established by the City due to the specialized nature of service provided or the employment position maintained.
- C. Clothing shall be conducive to the safe and effective performance of required job duties.

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SECTION 7.07 - ALCOHOL AND DRUG ABUSE

A. Drug Free Workplace Policy:

The City is concerned with the effects drug abuse can have on employees, their families, and employees' ability to perform their work safely and efficiently. The City believes that it is important, as a public entity, to serve as a leader in the community in the war against drugs by establishing a policy prohibiting the manufacture, distribution, dispersal, possession, or use of controlled substances in the workplace. The following policy is designed to meet the above objectives and comply with the provisions of the Drug Free Workplace Act of 1988.

1. Notice Upon Hiring:

- a. Prior to appointment, the City may require non-employees to pass a physical examination which may include blood or urine or similar testing to determine the use of illegal drugs.
- b. As a condition precedent to hiring, all prospective employees will receive a copy of the City's drug free workplace statement and policy and will be required to sign the Drug Free Workplace Acknowledgement which will become a permanent part of the employee's personnel file.
- c. In addition, all prospective employees will be required to acknowledge that they are aware of the City's drug free workplace policy and understand that it is a condition of employment.

2. Definitions: For purposes of this policy:

- a. Employee: means any person subject to appointment, removal, promotion, or reduction by an appointing officer (i.e., management, supervisory, or non-supervisory), who is paid in whole or in part by the City.
- b. Controlled Substance: means those substances defined in Sections 3719.01 and 3719.41 of the Ohio Revised Code and in 21 USC 812 and includes without limitation cannabis, cannabinoids, and cannabinoid derivatives.
- c. Conviction: means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- d. Criminal Drug Statute: means a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. Section 3719.01 et seq. and O.R.C. Section 2925.01 et seq.

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3. Distribution of Information: Each employee will receive annually an information package containing:
 - a. information concerning the dangers of drug abuse in the workplace;
 - b. a current copy of the City's posted/published statement;
 - c. a current copy of the City's drug free workplace policy;
 - d. information concerning any available drug counseling, rehabilitation, and employee assistance programs;
 - e. information concerning the penalties that will be imposed for a breach of the City's drug free workplace policy; and
 - f. notice to the employee that any work-related conviction of any federal or state criminal drug statute must be reported in writing by the employee to the City within five (5) calendar days after such conviction.
4. Regulations: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the City's workplace is strictly prohibited and will result in criminal prosecution and discipline of the employee which may include termination from employment.
5. Notification of Conviction: Any employee convicted of any federal, state, or municipal criminal drug statute for a workplace-related drug offense must notify the City of such fact within five (5) calendar days of the conviction.
6. City Action: The City will, within thirty (30) days after receiving notice of a conviction from an employee or upon concluding that an employee has violated Paragraph (A)(1) above:
 - a. take appropriate personnel action against such employee up to and including termination; or
 - b. require such employee to satisfactorily participate in a drug rehabilitation program as provided herein.
7. Failure to Report: Any employee who fails to report a workplace-related drug conviction:
 - a. will be terminated from employment; and
 - b. may be held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

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8. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
9. The City has a zero-tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and shall be subject to discipline including termination for such use.
10. Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.
11. Employees are responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of City policies and procedures. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

B. Alcohol and Drug Rehabilitation Policy:

1. Any employee who is referred to a drug rehabilitation program and fails to satisfactorily participate in the program will be terminated from employment. No employee shall be provided more than one opportunity at rehabilitation.
2. The City's decision whether to terminate an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.) the employee's work record, and other factors traditionally considered when determining whether to retain an employee.
3. The City recognizes alcoholism and drug addiction as diseases which are treatable and encourage those employees who may have an alcohol or drug problem to seek professional treatment or assistance on their own initiative.
4. For the purposes of this policy, a drinking or drug abuse problem exists when an employee's alcohol consumption or drug abuse interferes with the employee's job

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performance or presents a threat to the safety of persons or property or presents an unfavorable image to the public. This policy is intended to assure that no employee with a drinking problem will have their job security or promotional opportunities jeopardized by a request for treatment. However, this does not mean that a request for treatment will automatically exonerate them from discipline initiated by the City for manufacturing, distributing, dispensing, possessing, or using drugs in the workplace, or violating other policies due to alcohol abuse. An employee who seeks treatment on the employee's own initiative is in a better position than one who brings up a drinking or drug problem for the first time in a disciplinary hearing.

5. The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with alcohol or drug problems will be preserved in the same manner as all other medical records.
6. It will be the responsibility of the employee to comply with the City's referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as all other illnesses when job performance continues to be adversely affected. Refusal may be considered insubordination.
7. Implementation of this policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance.

C. Prescription/OTC Medications:

1. Employees must inform the City if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any City function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.
2. Employee use of prescription or over-the-counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the City or its employees, or result in criminal behavior.

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SECTION 7.08 - DRUG TESTING

- A. In order to maintain a safe and healthful work environment, the City reserves the right to set standards for employment and to require employees to submit to physical examinations including tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by such use or misuse.
- B. If while performing work duties or while operating a City-owned vehicle, an employee is involved in a motor vehicle crash in the public right of way, that employee must immediately report the incident to a supervisor. The supervisor will arrange to have the employee driven to a drug and alcohol testing facility for a post-accident drug and alcohol screen. This test must be administered immediately, prior to the end of the work shift. The employee is prohibited from driving at work until the results are reported.
- C. In cases where the City has a reasonable suspicion to believe that the employee is under the influence of the substances referenced in Paragraph A above, the City may require the employee to go to a medical clinic, at the City's expense, to provide blood or urine specimens. For purposes of the above, "reasonable suspicion" means suspicion based on personal observation by a City representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior. The following help to define reasonable suspicion:
1. observable phenomena, such as direct observation of drug or alcohol use or possession and/or of the physical symptoms of being under the influence of a drug or alcohol;
 2. a pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
 3. arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug or alcohol possession, use, or trafficking;
 4. information provided by reliable or credible sources and independently corroborated;
 5. evidence that an employee has tampered with a previous drug test; or
 6. facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice that indicate the employee may be impaired.
- D. If requested, the employee will sign a consent form authorizing the clinic to withdraw a specimen of urine and release the test results to the City. A refusal to provide either specimen

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will constitute insubordination and a presumption of impairment and may result in discharge. Refusal to test for purposes of this policy shall include:

- a. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
 - b. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample.
- E. Any employee tested in accordance with the above procedure may, if the test results are positive, request retesting at the City's expense; or may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.
- F. The results of any such test will constitute medical information and will remain confidential except for their use in official safety investigations, criminal prosecution of the employee, or any action necessary to defend the discharge or discipline of the employee.
- G. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the City's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be

consistent with federal law and will be made available to employees required to hold CDLs and their supervisors.

SECTION 7.09 - GAMBLING

The City does not permit the organizing and/or running of games of chance for the individual profit of the organizer (gambling) by employees during workdays or on City property. For the purpose of this policy, the workday includes regular working hours, lunch periods, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

SECTION 7.10 - GARNISHMENTS

- A. A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is a garnishment and must be recognized and executed by the Finance Department and the Payroll Administrator. Repeated garnishments on the wages of an employee may result in disciplinary action.
- B. No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve the employee's financial problems.

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SECTION 7.11 - POLITICAL ACTIVITY

Certain specific political activities are legally permitted or prohibited to all classified employees, including classified employees on authorized leave of absence from their positions. Unclassified employees are substantially less restricted.

All employees are encouraged to exercise their constitutional rights to vote. References in this policy to politics and political activity refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates. The following are examples, but the lists are not necessarily all-inclusive:

A. Examples of Activities Permitted to All Employees:

1. registering and voting;
2. expressing opinions, either orally or in writing, but not political campaigning;
3. voluntarily contributing financially to political candidates or organizations;
4. circulating nonpartisan petitions or petitions stating views on legislation, not on work time;
5. attending political rallies – classified employees may attend political rallies that are open to the general public;
6. signing nominating petitions in support of individuals;
7. displaying political materials in the employee's home or on the employee's property;
8. wearing political badges or buttons (or displaying political stickers on private vehicles, however, all employees are prohibited from wearing political badges/buttons in the workplace);
9. serving as a precinct election official in accordance with O.R.C. 124.57 and 3501.22.

Although there are a few references in 1-9 to activities that are not permitted, an employee may engage in such activities if and only to the extent they are permitted under Subsections 7.11(B)

B. Examples of Activities Prohibited to Classified Employees:

1. filing petitions meeting statutory requirements for partisan candidacy to elective office;
2. circulating official nominating petitions for any candidate participating in a partisan election;

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3. holding an elected or appointed office in any partisan political organization;
4. accepting party-sponsored appointment to any office normally filled by partisan election;
5. campaigning by writing for publications, by distributing political material, or by making speeches on behalf of a candidate for partisan elective office;
6. soliciting, either directly or indirectly, any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate;
7. soliciting the sale of or selling political party tickets, materials, or other political matter;
8. engaging in partisan activities at the election, such as soliciting votes, assisting voters to mark ballots, or transporting or helping get out the voters on election day;
9. service as, witness or challenger, for any party or partisan committee, except as provided under O.R.C. 124.57 and 3501.22;
10. engaging in political caucuses of a partisan nature;
11. participating in a political action committee which supports partisan activity.

Notwithstanding the above, but subject to Subsection 7.11(B), an employee may engage in the activities listed under 1-12 above on non-work time with respect to his or her own candidacy or appointment to an office that is not on the City Council of Pickerington and that is otherwise not incompatible with his or her employment with the City of Pickerington.

C. Activities Prohibited to All Employees:

1. soliciting a political contribution from any person, except with respect to the employee's candidacy for an office that he or she is permitted to seek under this policy, and even then, the other restrictions in this policy on soliciting still apply;
2. soliciting a political contribution while the soliciting employee is in those areas of a public building where official business is transacted or conducted;
3. soliciting a political contribution from a public employee while that employee is performing his/her official duties;
4. soliciting a political contribution from a public employee while that employee is in those areas of a public building where public business is transacted;

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5. coercing, intimidating, or causing harm to another person or threatening to do so, because that person makes or does not make a political contribution to a candidate, campaign committee, political party, legislative campaign fund, or political action committee;
6. knowingly soliciting a political contribution at the direction of or with the authorization of a City elected officer or his/her campaign committee from any City employee.

SECTION 7.12 - WORKPLACE RELATIONSHIPS

- A. Employees are encouraged to socialize and develop professional relationships in the workplace provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the workplace. Employees who engage in personal relationships (including romantic and sexual relationships) should be aware of their professional responsibilities and will be responsible for assuring that the relationship does not raise concerns about favoritism, bias, ethics and conflict of interest. In cases of doubt, advice and counsel should be sought from the Human Resources Director.
- B. If an employee enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Human Resources Director or other appropriate City personnel. Reporting any such relationship is mandatory. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.

SECTION 7.13 - USE OF MUNICIPAL VEHICLES, EQUIPMENT, OR FACILITIES

No employee shall be permitted the use of any Municipal equipment or facilities for any purpose other than official use, except as may be designated and determined by the Department Head and the Manager.

All employees required to drive a Municipal vehicle must maintain the ability to be insured under the City's vehicle insurance policy as a condition of employment.

SECTION 7.14 - USE OF TECHNOLOGY

- A. Purpose:** The purpose of this policy is to establish the approved use of technology in the City. It is the intent to establish and communicate reasonable standards designed to protect the City from unwarranted and unauthorized technology usage. This policy will provide a structure in which technology can be most effectively used and prevent occurrences of abuse.

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- B. Scope:** This policy shall be applicable to all City employees (full time, part time, temporary, seasonal) as well as temporary employees provided by outside temporary employment agencies and independent contractors who are provided access to the City's technology systems. This policy, however, shall not be applicable to the LEADS/NCIC interface, which is governed by the State Highway Patrol.

Employees are hereby advised that failure to comply with this Policy may result in disciplinary action, including suspension and/or dismissal.

- C. Background:** The City of Pickerington furnishes a variety of technology resources to employees, contractors, temporary personnel, and other agents of the City in order to conduct the business of the City. With such a proliferation of devices, services, and software, greater care is required to prevent misappropriation of publicly-owned technology resources.

The City expects public servants to devote their time to conducting the City's business and compensates them for that time. In the use of their time and technology resources, public servants must be mindful of the public trust that they discharge, of the necessity for conducting themselves according to the highest ethical principles, and of avoiding any action that may be viewed as a violation of the public trust.

D. Policy:

1. **Use of City-Provided Technology Resources:** The City of Pickerington provides computers, services, software, and other technology resources to employees, contractors, temporary personnel, and other agents of the City for supporting the work and conducting the affairs of City government. Personal use, if permitted, shall be strictly limited and can be restricted or revoked at the City's discretion at any time.
2. **Use of City-Provided Telephone and Services:** Restrictions on the use of technology resources outlined in this policy apply to wired and wireless telephone devices and services, including fax machines connected to the City's telephone service.
3. **Unacceptable Personal Use:** With access to computers and people all over the world also comes the availability of material that may not be considered appropriate. On a global network it is impossible to control all materials and an industrious user may discover controversial information. The valuable information and interaction available on the worldwide network far outweighs the risk that users may procure material that is not consistent with the goals of the City of Pickerington. However, employee usage of the Internet via the City's technology system must at all times be appropriate. Prohibited uses of the Internet, via usage of the City's technology system, include illegal activities, viewing pornographic, obscene, sexually-oriented, racially offensive, gambling, or any other websites which, from a community standards viewpoint, would be considered inappropriate or offensive. (Prohibitions on the use of the Internet to view pornographic, obscene, sexually-oriented, racially offensive, gambling, or other inappropriate websites shall not be applicable to legitimate law enforcement investigations conducted by the

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Division of Police). Other prohibited uses also include inappropriate e-mail use, involvement in political endorsements, or any transaction that would compromise the integrity of the City in any way.

Any personal use of technology resources that disrupts or interferes with government business, incurs an undue cost to the City, could potentially embarrass or harm the City, or has the appearance of impropriety is strictly prohibited. Additionally, personal use that is strictly prohibited includes, but is not limited to, the following:

- a. Violating or supporting and encouraging the violation of local, state, or federal law;
 - b. Downloading, duplicating, disseminating, printing, or otherwise using copyrighted materials, such as software, texts, music and graphics, in violation of applicable copyright laws;
 - c. Operating a business, directly or indirectly, for personal gain;
 - d. Visiting websites with inappropriate content such as, but not limited to, personals and dating, recreational drug use, computer hacking, profanity, hate, racism, terrorism, and violence;
 - e. Downloading, displaying, transmitting, storing, or printing material that is offensive, obscene, threatening, or harassing;
 - f. Wagering on, participating in, or observing any type of gambling event or activity;
 - g. Except for agency-approved drives, soliciting money or support on behalf of charities, religious entities, or political causes.
 - h. Computers are not to be used to play games during working hours except as part of formal training programs.
4. **Unauthorized Use of Online Services:** Registering, subscribing, participating, downloading, or uploading at an online service including, but not limited to: online forums, chat rooms, listservs, blogs, wikis, instant messaging, peer-to-peer file sharing, and social networks, such as online dating services, is strictly prohibited unless organized or approved by the City.
5. **Unauthorized Installation of Software:** Installing and using software including, but not limited to, instant messaging clients and peer-to-peer file sharing software, without proper City approval is strictly prohibited. Installation and use of unlicensed software is strictly prohibited. Duplication of software is strictly prohibited.
6. **Unauthorized Hardware Connection:** Attaching any kind of hardware or wireless devices to any City technology resource, including computers and network services, without prior authorization is strictly prohibited. Hardware may not be disconnected or moved without the approval of the City.
7. **No Expectation of Privacy:** The City's technology system is the property of the City. This policy serves as notice to public servants that they shall have NO reasonable

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expectation of privacy in conjunction with their use of City-provided technology resources. Contents of City computers may be subject to review, investigation, and public disclosures. Access and use of the Internet including communication by e-mail and the content of e-mail, are not confidential, except in certain limited cases, such as a legal privilege recognized by state or federal law. The City reserves the right to view any files and electronic communications on City computers, monitor and log all electronic activities, and report findings to appropriate supervisors and authorities.

8. Impeding Access: Impeding the City's ability to access, inspect, and monitor technology resources is strictly prohibited. A public servant shall not encrypt or conceal the contents of any file or electronic communications on City computers without prior authorization. A public servant shall not set or manipulate a password or any City computer, program, file, or electronic communication without proper authorization.
9. Misrepresentation: Concealing or misrepresenting one's name or affiliation to mask unauthorized, fraudulent, irresponsible, or offensive behavior in electronic communications is strictly prohibited. Public servants shall avoid both the appearance of impropriety and leveraging the stature of the City by using their City e-mail identity, such as "first initial lastname@pickerington.net" for personal communications in activities including, but not limited to, public forums and personal business transactions.
10. Access: All full-time, full-time seasonal, and part-time employees who are eighteen (18) years of age or older shall be permitted access to the Internet in the performance of their job duties subject to the limitations set forth in this section. The City Manager can

approve a Department/Division Head request for any exceptions to this access policy. Full-time, full-time seasonal, and part-time employees younger than eighteen (18) years of age shall have access to the Internet in the performance of their job duties at the discretion of their Department/Division Head and only with the written approval of their parents or guardian.
11. Security Violations: Any use of City-provided technology resources that interferes with or compromises the security of operations of any computer system, or compromises public trust, is strictly prohibited.
12. Disseminating Confidential Information: Using technology resources to violate or attempt to circumvent confidentiality procedures is strictly prohibited. Disseminating confidential information or information about another person without authorization is strictly prohibited. Confidential information does not include information relating to the terms and conditions of your own employment.
13. Accessing Systems: Accessing networks, files or systems, or accessing an account of another person without proper authorization is strictly prohibited. Public servants are individually responsible for safeguarding their passwords.

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14. **Distributing Malicious Code:** Distributing malicious code or circumventing malicious code security is strictly prohibited.
15. **Sharing Technology Access and/or Passcodes:** Providing unauthorized access of any technology or software to any individual is prohibited. Employees are responsible for protecting the integrity of the City's network by maintaining the confidentiality of password-protected technology. Employees shall be responsible for protecting the security of their assigned technology through proper use of login/logout and lock-out procedures.
16. **Penalties:** Violation of this policy may result in disciplinary action or contractual penalties and may be cause for termination. In addition, public servants may be subject to a civil action or criminal prosecution as a result of inappropriate use or misuse of technology resources.
17. **Education and Awareness:** The City shall ensure that restrictions and controls on personal use of technology resources are addressed by education and awareness programs. Public servants shall be made aware of the City's use policy, applicable local, state, and federal laws, and any applicable collective bargaining agreements. The City shall provide their employees, contractors, temporary personnel, and other agents of the City a copy of the City's Internet, e-mail, and technology resource use policy.
18. **Future Technology/Development/Use:** The City will continue to develop and implement the use of technology for the efficiency of City operations. Therefore, employees are hereby advised that electronic and/or computer technology that is developed and

implemented in the future, which may not fall within the ordinary definitions of current technology (including, but not limited to e-mail and Internet usage), will be regarded by the City as City property and employees should not have a right or reasonable expectation of privacy in the use of City technology.
19. **Technology Use Apart From City Property:** Employees shall not be permitted to copy programs from City owned systems for use at home. Employees shall not be permitted to take City owned systems from a City building without the approval of their supervisor and the City Manager.

E. Definitions:

1. **Blog:** Web-based content consisting primarily of periodic articles or essays listed with the latest entry and visitor comments at the top. Blog topics can range from personal diaries to political issues, media programs, and industry analysis. Blogs are also known as "weblogs" or "web logs."
2. **Chat Room:** An online forum where people can broadcast messages to people connected to the same forum in real-time. Sometimes, these forums support audio and video communications allowing people to chat in audio and watch each other.

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3. Instant Messaging (IM): A software tool that allows real-time electronic messaging or chatting. Instant messaging services use “presence awareness” indicating whether people on one’s list of contacts are currently online and available to chat. Examples of IM services are AOL Instant Messenger, Yahoo! Messenger, and MSN Messenger.
 4. Technology Resources: Any information technology resource, such as computer hardware and software, IT services, telecommunications equipment and services, digital devices such as digital copies and fax machines and the Internet made available to public servants in the course of conducting state government business in support of agency mission and goals.
 5. Listserv: An electronic mailing list software application and also known as “discussion lists.” A listserv subscriber uses the listserv to send messages to all the other subscribers who may answer in similar fashion.
 6. Online Forum: A web application where people post messages on specific topics. Forums are also known as web forums, message boards, discussion boards, and discussion groups.
 7. Peer-to-Peer (P2P) File-Sharing: Directly sharing content like audio, video, data, software, or anything in digital format between any two computers connected to the network without the need for a central server.
 8. Public Servant: Any employee of the City, regardless of employment status, and any other person performing a government function, including but not limited to, a consultant, contractor, advisor volunteer, or a member of a temporary commission.
 9. Social Networks: Websites promoting a “circle of friends” or “virtual communities” where participants are connected based on various social familiarities such as familial bonds, hobbies, or dating interests. Examples include eHarmony, Friendster, LinkedIn, Match.com, Plaxo, and Yahoo! Groups.
 10. Wikis: A web application that allows one user to add content and any other user to edit the content. The popular software used to implement this type of web collaboration is known as “Wiki.” A well-known implementation is Wikipedia, an online encyclopedia.
- F. E-Mails are Public Records:** City employees’ e-mails are public records. A public record is any item that: (1) contains information stored on a fixed medium (such as paper, computer, film, etc.); (2) is created, received, or sent under the jurisdiction of a public office; and (3) documents the organization, functions, policies, decisions, procedures, operations or other activities of the office. Information kept on computer disks or tapes, audiotape, microfilm, microfiche, e-mail, or just about any other fixed media is subject to disclosure under the Public Records Act. If there are any questions about what constitutes a public record, the City’s legal counsel should be consulted.

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G. E-Mail Retention: Because the City’s employees’ e-mails are public records, the City has adopted the retention schedule recommendations established by the Ohio Historical Society for City employees’ e-mails. The content of e-mails may vary considerably, and therefore, this content must be evaluated to determine the length of time the e-mail must be retained. The OHS classifies four categories of e-mail retention: (1) non-record e-mails, (2) transitory e-mails, (3) intermediate e-mails, and (4) permanent e-mails. Non-record e-mails are generally not public records and may be deleted anytime. The remaining three categories (transitory, intermediate, and permanent) meet the definition of official records in the Ohio Revised Code and must be scheduled, retained and disposed of as such.

1. **Non-Record Messages:** E-mails that do not meet the criteria of the Ohio Revised Code definition of a public record may be deleted at any time, unless they become part of some official record as a result of special circumstances. These types of e-mails may include:
2. **Personal Correspondence:** Any e-mail not received or created in the course of business, may be deleted immediately, since it is not an official record. This includes the “Let’s do lunch” (not a business lunch) or “Can I catch a ride home” type of note.
3. **Non-State Publications:** Publications, promotional material from vendors, and similar materials that are “publicly available” to anyone, are not official records unless specifically incorporated into other official records. In the electronic world, this includes listserv messages (other than those you post in your official capacity), unsolicited promotional material (“spam”), files copied or downloaded from Internet sites, etc.
4. Under the OHS, these items may be deleted immediately, or maintained in a “non-record” mailbox and deleted later, just as you might trash an unwanted publication or promotional flyer.
5. **Transitory E-Mails:** Much of the communication via e-mail has a very limited administrative value. For instance, an e-mail notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the e-mail has marked the date and time in his/her calendar. Transitory e-mails include telephone messages, drafts and other limited documents which serve to convey information of temporary importance in lieu of oral communication.
6. Transitory messages do not set policy, establish guidelines or procedures certify a transaction or become a receipt. The informal tone of transitory messages might be compared to a communication that might take place during a telephone conversation or conversation in an office hallway. Under the OHS, employees are required to retain these messages until they are no longer of administrative value, and then they can be destroyed.
7. **Intermediate E-Mails:** E-mails that have more significant administrative, legal and/or fiscal value, but are not scheduled as transitory or permanent should be categorized under other appropriate record series. These may include, but are not limited to:

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- a. **General Correspondence:** Includes internal correspondence such as letters and memos. Also includes correspondence from various individuals, companies, and organizations requesting information pertaining to local and legal interpretations and other miscellaneous inquiries. This correspondence is informative and it does not attempt to influence policy.
 - b. **Routine Correspondence:** Referral letters, requests for routine information or publications provided to the public and are answered by standard form letters.
 - c. **Monthly and Weekly Reports:** Document status of on-going projects and issues; advise supervisors of various events and issues.
 - d. **Minutes of Agency Staff Meetings:** Minutes and supporting records documenting internal policy decisions.
8. **Permanent E-Mails:** E-mails that have significant administrative, legal and/or fiscal value and are scheduled as permanent. These may include, but are not limited to:
- a. **Executive Correspondence:** Correspondence dealing with significant aspects of the administration of the municipal employees' offices. Correspondence includes information concerning agency policies, program, fiscal and personnel matters.
 - b. **Departmental Policies and Procedures:** Includes published reports, unpublished substantive reports and policy studies.

The OHS has a list on its web site regarding types of permanent municipal records. This list includes certain types of records, including: General Administrative, Airport, Building, Planning and Zoning, Cemetery, Council, Mayor's Court, City Engineer's, General Financial, Sinking Fund, Fire Department, Police Department, Health, Legal, Parks and Recreation, Payroll/Personnel, Billing and Administration.

- H. Acceptable E-Mail Use:** The use of the networks must comply with the rules appropriate to that network. Transmission of any material in violation of any US or state regulation is prohibited.
- I.** It is not acceptable to interfere with or disrupt other users. Such interference or disruption includes but is not limited to: distribution of unsolicited advertising, propagation of computer worms or viruses and using the network to make unauthorized entry to other communications devices or resources.
- J. Etiquette -** You are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
- 1. Be polite. Do not get abusive in your messages to others.

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2. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
3. Do not reveal your personal address or phone numbers of colleagues.
4. Do not use the network in such a way that you would disrupt the use of the network by other users.
5. Prohibited uses of electronic systems and information include, but are not limited to: illegal activities, threats, harassments, slander defamation, obscene or suggestive messages, offensive graphical images, racially offensive or derogatory material, political endorsements, commercial activities, chain letters, copies of documents in violation of copyright laws or trade secrets, to compromise the integrity of the City in any way.
6. Once the e-mail message has left the sender, the sender relinquishes a domain over it and the recipient(s) may do with it as they wish. Employees must also be aware that no e-mail message is anonymous in nature and any e-mail message, or its content, may ultimately be traced back to the author or original sender.

K. Penalty and Liability Issues:

1. City Employees Retaining E-mails for Shorter Time Period Than Retention Policy Requires.
2. The City could incur penalties, and even liability that would not otherwise exist, should its employees delete e-mails before the City's retention policy allows. As noted herein, e-mails are public records. According to general Ohio public records laws, "No official records are to be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by a records commission in a political subdivision . . ." Pursuant to Revised Code §149.351(B):
3. Any person who is aggrieved by the removal, destruction, mutilation, or transfer of, or by other damage to or disposition of a record . . . or by threat of such removal, destruction, mutilation, transfer, or other damage to or disposition of such a record, may commence either or both of the following: (1) a civil action for injunctive relief to compel compliance with [rules for removal, destruction, or transference of records,] and to obtain an award of the reasonable attorney's fees incurred by the person in the civil action; or (2) a civil action to recover a forfeiture in the amount of \$1000 for each violation, and to obtain an award of the reasonable attorney's fees. . .
4. Based upon the state law, it is critical that City employees do not delete any e-mails before the retention policy allows.

L. Social Media Policy

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1. Content on any City social media site should promote the City's business, generate revenue, and foster interaction among employees, the general public, and our customers. The City, in its sole discretion, retains the right to monitor, access, change, and/or terminate any City-hosted social media site.
2. The City retains exclusive control over its social media sites. It will not publish and/or will remove material (once discovered) that is contrary to its policies and procedures, including without limitation, its policies against workplace harassment and discrimination.
3. Business Use of Social Media Sites
 - a. The City understands that social media tools such as content-sharing websites, blogs, micro-blogs, online forums, and other digital channels established for online interaction and connection are rapidly becoming popular channels of communication. Examples include Facebook, Instagram, Snap Chat, Twitter, LinkedIn, Flickr, Live Journal, YouTube, and Wikipedia. This Policy establishes required procedures for City employees who have a business-related need to use social media sites, including any City-hosted social media site. This policy is not intended to interfere with an employee's legally protected rights or to prohibit communications protected by law.
 - b. Employees engaged in City-approved, business-related use of social media sites should:
 - i. Follow City's Policies. Do not publish any material that would be contrary to the City's policies and procedures, including without limitation, its policies against workplace harassment and discrimination.
 - ii. Follow the Law. Do not publish material that violates applicable state and federal laws. For example, you must abide by applicable copyright, trademark, trade secrets, patents, and fair use laws and shall not use or reproduce any copyrighted text, photos, graphics, video, or other material owned by others without the necessary documented authorizations from the rights holder(s). Any and all images, likenesses, video, or audio posted on a City social media site must be: in the public domain; owned by the City -- with proper media release documentation; or must have the necessary credit/approval.
 - iii. Never claim authorship of someone else's work product. If you use another person's content, make sure he/she is credited for it in your post and that he/she authorized (in writing) your use of his/her content. Otherwise, if you submit material, you agree it is your own original work. Plagiarism is forbidden.
 - iv. Every social media site in which you communicate online has its own rules — often called Terms and Conditions. You must respect those site's rules. They may be

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more restrictive than you might assume. Therefore, you must be knowledgeable about the scope of your online activities within the context of each site's rules.

- v. **Identify Yourself Accurately.** If you have a business-related need to use social media sites during your work day, you must secure prior approval from the City Manager (or authorized designee). If you identify yourself as a City employee on a social media site, and your post has not been approved by the City Manager (or authorized designee) then you should make it clear that your posts (or views) are your own and do not represent the views of the City. You can do so by using the following disclaimer: "The postings on this site are my own and do not represent the City of Pickerington's positions or views." Only certain designated City employees have authority to speak on City's behalf.
- vi. **Forward Business-Related Inquiries.** If the news media or a blogger contacts you about your business-related posting, please refer that person to the City Manager so the inquiry can be directed to the appropriate and authorized City representative.
- vii. **"Friending" of Employees.** Supervisors should be mindful of the content of your oral, written, and electronic communications with fellow employees. Without devoting the necessary thought and focus to them, online communications can be hurried, incomplete, unprofessional, and/or far too casual. As a result, those postings may lead to misperceptions, misunderstandings, and potential conflicts of interest. If, for some reason, you choose to "friend" a City employee, understand that City's various policies may apply. There may be consequences for your actions.

4. **Personal Use of Social Media Sites.**

- a. Whether a City employee opts to create or participate in social media sites for personal reasons, is his/her own decision. "Personal" use of social media is any participation that is not authorized by City. Your use of social media sites through City equipment must be job-related for an approved social media application/project. Accessing personal social media site accounts from a City computer during your work time is strictly forbidden.
- b. While generally what you do on your own time is not the City's concern, anything you post will ultimately be your responsibility. If you choose to participate in a social media site, please exercise sound judgment and common sense. You should not post anything that would be contrary to City's workplace policies, including without limitation, its policy against workplace harassment and discrimination.

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SECTION 7.15 - CONCEALED CARRY

In the interest of protecting the safety of employees and citizens of the City of Pickerington, the City adopts the following policy:

- A. Effective April 8, 2004, as required by Ohio Revised Code §2923.1212, the following sign (or language substantially similar) will be posted at the entrance of every City-owned building, and at the entrance to the portion of any non-City-owned building which is leased by the City.

Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises.

- B. Employees and officials of the City of Pickerington, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from carrying firearms into any City building, in any City vehicle, or at any time while they are acting within the course and scope of their employment.
- C. Employees and officials of the City of Pickerington, other than law enforcement officers, specifically authorized with a valid concealed handgun license must secure any transported or stored firearm and ammunition (whether loaded or not) in his or her personal vehicle on the premises where the vehicle is permitted to be. The firearm and ammunition must be locked in a trunk, glove box, or other enclosed compartment within or on the vehicle.
- D. Any non-law enforcement City employee who carries or discharges a firearm in a City building, in a City vehicle, or while on duty will be acting outside the course and scope of their employment with the City will be in violation of this policy and will be subject to disciplinary action, up to and including discharge. The City of Pickerington will not defend or indemnify such actions by any City official or employee.
- E. City employees who use a firearm or make comments about firearms in such a way that intimidates, harasses, coerces, or threatens any person will be subject to disciplinary action, up to and including discharge.

SECTION 7.17 - FRAUD REPORTING

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or through the United States mail.

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

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US Mail: Ohio Auditor of State's office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
Web: www.ohioauditor.gov

SECTION 7.18 – TOBACCO-FREE POLICY

POLICY

Smoking and tobacco use of any kind are prohibited on all City of Pickerington owned and/or leased locations/premises, in all City-owned vehicles, and while operating City owned equipment of any kind. This policy shall apply to all City employees.

For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarettes, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco. It also includes any product that delivers nicotine other than for the purpose of cessation.

Employees in violation of this policy shall be subject to disciplinary action as determined and administered by their Supervisor or designee.

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SECTION 8

SECTION 8.01 - DISCIPLINARY PRINCIPLES — CLASSIFIED EMPLOYEES

The City of Pickerington believes that a clearly written discipline policy serves to promote fairness and equality in the workplace and will minimize potential misunderstandings in disciplinary matters. Certain basic principles, as set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory performance and behavior:

- A. Employees should be advised of expected job performance and behavior, the types of conduct that the City has determined to be unacceptable, and the penalties for unacceptable behavior.
- B. Immediate attention shall be given to policy infractions unless special circumstances warrant further investigation or delay.
- C. Discipline shall be applied as uniformly and consistently throughout the City as possible, and any deviations from standard procedures should be justified and documented.
- D. Each offense shall be dealt with as objectively as possible.
- E. Discipline should usually be progressive, but depending on the severity of the offense, may be at any level deemed commiserate with the infraction, up to and including immediate termination of employment.
- F. An employee's immediate supervisor, his or her department head, and the City Manager shall be responsible for recommending discipline absent special circumstances.

SECTION 8.02 - PROGRESSIVE DISCIPLINE — CLASSIFIED EMPLOYEES

- A. The City Manager and supervisors generally follow an established system of progressive discipline in efforts to correct job behavior.
- B. The City has adopted this progressive 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 City's right to impose a different level of discipline when circumstances warrant.
- C. This discipline policy provides standard penalties for specific offenses. The examples of specific offenses given in any grouping, however, are not all inclusive, but serve merely as a guide. Typical disciplinary action may include reprimands, suspensions, demotions (reductions), and removals. Working suspensions have the same effect as suspensions from

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work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

- D. The standard penalties provided in this policy do not preclude the application of a more-or-less severe penalty for a given infraction when unusual circumstances exist. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation must be noted in writing by the City Manager, department head, or the supervisor administering the discipline.

SECTION 8.03 - DISCIPLINE BY THE CITY MANAGER

- A. Except as otherwise provided throughout this Code, the tenure of every classified employee shall be the period of time during good behavior and sufficient service. No employee shall be unlawfully discharged, demoted, laid off, transferred, reprimanded, discriminated against, or suspended due to such employee's race, color, religion, military status national origin, political opinions, age, sex, disability or ancestry.
- B. Except as otherwise provided in the Charter, disciplinary action taken against employees covered by collective bargaining agreements shall be taken as provided in the Code of Personnel Practices and Procedures subject to their respective collective bargaining agreements.
- C. The City Manager or designee may discharge, reduce in pay or position, suspend or reprimand (verbal or written) an employee for: (1) incompetency; (2) inefficiency; (3) dishonesty; (4) insubordination; (5) neglect of duty; (6) inability to perform the job; (7) drunkenness; (8) giving or receiving a bribe; (9) violation of a prescribed City work rule or a department work rule on file with the Board; (10) the illegal use, possession, or sale of, or addiction to any drug, narcotic, barbiturate, amphetamine, hallucinogen, drug of abuse, or controlled substance, as defined under the laws of the United States, State of Ohio and/or City of Pickerington; (11) misfeasance, malfeasance and/or nonfeasance; (12) illegal political activity as defined under the laws of the State of Ohio, City of Pickerington and/or these Rules; (13) any violation of the laws of the United States, the State of Ohio and/or City of Pickerington deemed related to the job to be performed by the employee; and (14) any violation of Section 3.08 of this Code. The enumeration of the causes shall not be construed as exclusive.
- D. Demotion or Discharge for Incapacity
1. When an employee becomes unable to perform the essential functions of the position (with or without a reasonable accommodation), fails to maintain a required license or certificate, or for any other reason becomes unable or unqualified to perform the essential functions of the position held and is charged pursuant to Section C (1), C (2) or C (6) above, the employee may be discharged or, upon the request of the City Manager, be demoted to a vacant position for which the employee is qualified.

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2. The employee shall be served with a written notice and the same procedures shall be followed as for disciplinary actions. If the employee is demoted, complete facts regarding such change in classification shall be documented and the demotion shall not become effective until the qualifications of the employee are approved.
3. A certified employee will receive certified status, without further examination, in the class to which the employee is demoted if it is within the same job family or if the employee previously worked in that class and successfully completed a probationary period for that class.
4. Whenever the lack of qualification no longer exists, and the employee is able to perform the essential functions of the original position from which the employee was discharged or demoted, the individual's name may be reinstated to the appropriate eligible list.

SECTION 8.04 - GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES

- A. In general, Group 1 Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organization productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary minor adverse impact against the organization unless such acts are compounded over time.
- B. Group 2 Offenses may be defined as those infractions which are of a more serious nature than Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause serious and longer lasting adverse impact against the organization than Group I Offenses.
- C. Group 3 Offenses may be defined as those infractions which are of a very serious or possibly criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may cause long lasting and critically serious adverse impact against the organization.

GROUP 1 OFFENSES

Group 1 Offenses	
First Offense	Instruction and Cautioning
Second Offense	Written Reprimand
Third Offense	A three (3) day suspension without pay
Fourth Offense	Reduction in pay or position and/or suspension without pay

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Fifth Offense	Termination
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Following are examples of Group 1 Offenses.

1. Failure to properly and completely clock/sign in or out.
2. Arriving at work late as defined in this Code.
3. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
4. Failure to report equipment damage.
5. Discourteous treatment of the public.
6. Inattention to the needs of the public.
7. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, misuse of two-way radios, or otherwise causing disruptions on the job.
8. Malicious mischief, horseplay, wrestling, or other undesirable or potentially harmful conduct.
9. Interfering with the work performance of subordinates/other employees or causing other disruptions of the workplace.
10. Failure to cooperate with other employees.
11. Neglect of or careless failure to observe City rules, regulations, policies, and procedures.
12. Use or possession of another employee's working equipment or property without approval.
13. Unauthorized use of the City's telephone for other than business purposes.
14. Obligating the City for any minor expense, service, or performance without prior authorization.
15. Neglect of or careless failure to care for City property or equipment.
16. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.).
17. Neglect of or careless failure to prepare required reports or documents.

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18. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the City.
19. Failure to commence duties at the beginning of the work shift or leaving work prior to the end of the work shift.
20. Leaving the job or work area during the regular working hours without authorization.
21. Making preparations to leave work without specific prior authorization before the lunch period, any official break period or specified quitting time.
22. Establishing a pattern use of sick leave or other misuse or abuse of sick leave.
23. Leaving a post of continuous operations prior to being relieved by another employee.

GROUP 2 OFFENSES

Group 2 Offenses	
First Offense	Instruction and up to and including a two (2) or three (3) day suspension
Second Offense	Reduction in pay or position and/or suspension without pay
Third Offense	Termination

Following are examples of Group 2 Offenses.

1. Disregarding job duties and neglecting work by sleeping, reading for pleasure, playing cards, viewing T.V., etc., when there are work duties to be completed.
2. Reporting to work or working while unfit for duty. This may be a Group III Offense for CDL holders.
3. Failure to report for overtime work, without proper excuse, after being scheduled to work.
4. Willful refusal to clock/sign in or out when required.
5. Performing private work on City time.
6. Threatening, intimidating, or coercing subordinates, other employees, or general public.

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7. Use of abusive or offensive language or gestures toward subordinates, other employees, residents, or the general public.
8. The making or publishing of false, vicious, or malicious statements concerning other employees, residents, the City, or its operations.
9. Solicitation or distribution on City property in violation of the solicitation and distribution policy.
10. Willful disregard of the City's rules, regulations, policies, and procedures.
11. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions.
12. Neglect or carelessness in the use of City property or equipment.
13. Obligating the City for a major expense, service, or performance without prior authorization.
14. Unauthorized use of City property or equipment.
15. A traffic violation or accident while driving a City vehicle which evidences recklessness by the employee.
16. Refusing to provide testimony in court, during a public hearing (PAB, SERB, etc.) or any other official hearing, investigation, or proceeding involving the City.
17. Refusing to provide testimony or information concerning any investigation.
18. Possession or storage of alcoholic beverages on the City's premises.
19. Unauthorized and unlawful presence on the City's property.
20. Habitual neglect of timely completion of required reports or documents.
21. Willful failure to timely complete required reports and documents.
22. Unauthorized posting or removal of notices or documents on or from bulletin boards.

GROUP 3 OFFENSES

Group 3 Offenses

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<p>First Offense</p>	<p>Reduction in pay or position, suspension without pay, and/or up to and including termination of employment</p>
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Following are examples of Group 3 Offenses

1. Wanton or willful neglect in the performance of assigned duties.
2. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for a scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the City's premises in violation of R.C. Chapter 4117.
3. Refusal to work during emergency situations or conditions when required.
4. Signing/clocking or altering other employees' time cards or records; altering one's own time card or record or having one's time card or record signed/clocked or altered by another without authorization.
5. Knowingly concealing a communicable disease (e.g., T.B., etc.) which may endanger others.
6. Carrying or possessing firearms, explosives, or weapons (e.g. handgun) in the work area while on duty, whether or not licensed to do so.
7. Willfully withholding information which threatens the safety and security of the City, its operations, or employees.
8. Willfully demeaning, verbally abusing, and/or humiliating a resident, employee, or other person.
9. Threatening, intimidating, or physically abusing another employee or other person.
10. Committing an act of discrimination, harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, military status, age, religion, national origin, disability, or ancestry.
11. Fighting with or attempting to injure another employee or other person.
12. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor.
13. Providing false testimony, statements, or information in any official City, court or administrative investigation, hearing, or proceeding.

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14. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process.
15. Gambling during work hours.
16. Stealing or similar conduct including destroying, damaging, concealing, or converting any property of the City or of other employees.
17. Dishonesty or dishonest action. Examples of “dishonesty” or “dishonest actions” are: theft, pilfering, making false statements to secure an excused absence or justify an absence or an incident of tardiness or late arrival to work. These are examples only and do not limit the terms dishonesty and dishonest action.
18. Engaging in unauthorized political activity as provided in the Political Activity section of this Code or otherwise.
19. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance which takes place in whole or in part in the workplace.
20. Driving a motor vehicle on duty or City business without a valid, applicable operator’s license.
21. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee’s position.
22. Conviction of any violation of law which may adversely affect the public’s trust in the employee’s ability to perform the duties of the employee’s position.
23. Intentional misuse of City or other public funds.
24. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the City or another employee.
25. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one’s position, identification, name, photograph, or title for personal gain, or otherwise violating the City’s Code of Conduct or Ohio’s ethics laws for public employees.
26. Engaging in off-duty employment activities which the City has determined to be an interest or time conflict.
27. Making false claims or misrepresentations in an attempt to obtain any benefit.
28. Misusing, removing, or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization.

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29. Misuse, removal, or destruction of City records without prior authorization.
30. Committing violations of official safety rules or common safety practices.
31. Conviction of certain felonies.
32. Failure or negligent failure to report accidents or injuries.
33. Neglect or failure (careless or otherwise) to observe official safety rules or common safety practices.
34. Failure to properly “report off” work prior to start time or failure to timely notify the proper party of absence.
35. CDL suspension of more than 30 days if employee is required to hold a CDL.
36. Serious violation of the Electronic Use Policy.
37. Reporting for work under the influence of alcohol or illegal or unprescribed chemical substances or testing positive for these substances during random or post-accident testing.

PROCEDURE

Multiple policy infractions should be dealt with by following the progressive discipline procedure set forth below:

- A. multiple offenses which are unrelated are progressively disciplined in the groups in which the offenses are classified;
- B. multiple offenses which are related are progressively disciplined regardless of the groups in which the offenses are classified and regardless of the order in which the offenses occurred; and
- C. multiple offenses which are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the severity of the total sum of the separate offenses.

SECTION 8.05 - CONVICTION OF A FELONY

POLICY

- A. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee

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may not appeal to the Personnel Appeals Board any disciplinary action taken by the City Manager as a result of the employee's conviction of a felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.

- B. Any employee convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal, notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
- C. As used in this policy, "felony" means any of the following:
1. a felony that is an offense of violence as defined in section 2901.01 of the Revised Code;
 2. a felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;
 3. a felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
 4. a felony involving dishonesty, fraud, or theft; or
 5. a felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

PROCEDURE

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused vacation leave as authorized by City policy. If subsequently reemployed in the public sector, such person shall qualify for and accrue sick and vacation leave in the manner specified by the City's policy for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

SECTION 8.06 – PRE-DISCIPLINARY CONFERENCE

POLICY

- A. Whenever the City Manager or a Supervisor determines that a non-probationary employee may be disciplined for cause to include suspension, reduction or termination, a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.

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- B. Pre-disciplinary conferences will be conducted by the City Manager or designee, or other supervisory position designated by City Charter.
- C. Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the City will provide a “Notice of Pre-Disciplinary Conference” to the employee outlining the charges which may be the basis for disciplinary action. The employee may choose to:
 - 1. Appear at the conference to present an oral or written statement in his/her defense;
 - 2. Appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or
 - 3. Elect in writing to waive the opportunity to have a pre-disciplinary conference.

PROCEDURE

- A. At the pre-disciplinary conference the individual conducting the conference will ask the employee to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.
- B. At the conference, the employee may present any testimony, witness, or documents which explain whether or not the alleged conduct occurred. The employee may be represented by any person he/she chooses. The employee shall provide a list of witnesses to the individual conducting the conference as far in advance as possible, but not later than one (1) hour prior to the pre-disciplinary conference. It is the employee’s responsibility to notify witnesses that their attendance is desired.
- C. The employee or his/her representative will be permitted to question witnesses. A written report will be prepared by the individual conducting the conference concluding as to whether or not the alleged conduct occurred. The City Manager will decide what discipline, if any, is appropriate. A copy of the report will be provided by the individual conducting the conference to the employee within five (5) days of the hearing.
- D. The individual conducting the conference may tape record the conference, as may the employee or his representative.

SECTION 8.07 - ADMINISTRATIVE LEAVE

POLICY

The City is hereby authorized by this policy to place an employee on administrative leave with pay in circumstances where the health or safety of the employee, other employees, or of any person or property entrusted to the employee’s care could otherwise be adversely affected.

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PROCEDURE

The City will provide the employee with notification when he/she is being placed on administrative leave. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the City completes an investigation of the matter, conducts a pre-disciplinary conference, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's normal straight-time rate of pay.

SECTION 8.08 – APPEALS

Personnel actions are appealable to the extent allowed by the Rules of the Personnel Appeals Board, the City Charter, and/or the terms of a collective bargaining agreement.

As stated in the Charter, The Personnel Appeals Board is responsible “to hear appeals whenever any official or employee in the competitive service feels aggrieved by any action of the City Manager or is suspended, reduced, or removed and requests such a hearing.”

SECTION 8.09 - PROMOTIONAL EXAMINATION APPEALS

- A. An examinee taking a promotional competitive examination may within ten (10) days of the test date appeal specific multiple-choice items to the Personnel Appeals Board.
- B. In the event a promotional examination includes one or more phases that are not multiple-choice tests, the appeal process may be expanded upon the request of the appellant to allow for appeals of the non-multiple-choice phases. If necessary, the expanded appeal procedure shall be sent to all promotional candidates who completed the phase being appealed.
- C. An appeal to the Board shall not prohibit any certification carried out in accordance with this Code.

SECTION 8.10 - APPLICANT APPEALS

Any applicant who is rejected for consideration or who is aggrieved by any action of the City Manager or designee may seek review of such action by the Personnel Appeals Board within ten (10) calendar days of the date the action was taken.

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SECTION 8.11 - COMPLAINT PROCEDURE

POLICY

The City recognizes that within any organization there will be occasional differences among its employees regarding interpretations of rules and other problems stemming from conditions of employment. However, this complaint procedure will not be used to address complaints regarding illegal discrimination. Rather, complaints regarding illegal discrimination are to be filed and resolved pursuant to the complaint procedure contained in the Equal Employment Opportunity/Anti-Discrimination section of this Code. In order to provide employees with an orderly process by which they may seek resolution of such differences, the City has established the following complaint procedure:

PROCEDURE

- A. Step 1: Any employee having a complaint may file his/her complaints in writing to his/her immediate supervisor. In order for the complaint to be recognized, it must be filed within three (3) working days from the date the alleged complaint occurred. Within three (3) working days from the date the aggrieved first presented his/her complaint, the supervisor will attempt to resolve the matter.
- B. Step 2: If the complaint is not resolved in Step 1, the aggrieved may pursue the matter by resubmitting his/her written complaint to the department head. Within three (3) working days of the reply received at the preceding step, the department head shall render a written decision. The department head shall meet with the complainant concerned and attempt to resolve the matter.
- C. Step 3: If the complaint is not resolved at Step 2, the aggrieved may pursue the matter by presenting in writing his/her complaint to the City Manager within three (3) working days of the reply received at Step 2. The City Manager or his designee shall meet with the complainant concerned and attempt to resolve the matter. The City Manager or designee shall issue a written decision within five (5) days of the meeting. If the employee does not appeal the City Manager's response to Step 4 within the stipulated time limits, the complaint will be deemed settled on the basis of the City Manager's answer at Step 3.
- D. Step 4: If the complaint is not resolved at Step 3, the aggrieved may pursue the matter by presenting in writing his/her complaint to the Personnel Appeals Board within ten (10) calendar days of the reply received at Step 3 or as otherwise stated in the Personnel Appeals Board, Rules and Regulations. Hearings will be conducted in accordance with the Personnel Appeals Board, Rules and Regulations.
- E. A complainant may have a representative of his/her choosing present at each step of the complaint procedure.

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- F. In the event of extenuating circumstances, a time limit may be extended by the mutual agreement of both parties in writing.
- G. Complaints not processed to the next step of the procedure within the specified time limit or any written extension thereof shall be considered to have been resolved on the basis of the decision at the previous step.
- H. Any complaints not answered within the prescribed time limit or extension thereof shall be considered to have been answered in the negative and may be advanced to the next step.

Complaints citing issues of law shall be forwarded by the City Manager to the City's legal counsel for an opinion before proceeding, and all time limits shall be held in abeyance until such opinion is received by the City Manager.

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EMPLOYEE ACKNOWLEDGEMENT

This is to acknowledge that I have received a copy of the City of Pickerington Code of Personnel Practices and Procedures adopted by City Council effective January 2, 2020.

I understand that it is my responsibility as an employee of the City of Pickerington to read, understand and adhere to these policies. I have been issued a copy of this manual for my use and I have been made aware that there are additional digital copies of this manual in my department, digitally on the City's shared drive and electronically on the City's website.

Print Name: _____

Sign Name: _____

Date: _____

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EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



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