**THE GALION CITY**

**HEALTH DEPARTMENT**

**PERSONNEL POLICY & PROCEDURE MANUAL**

**THIS DOCUMENT IS NOT A CONTRACT**

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**CHAPTER 1 INTRODUCTION**

1.01 Introduction/Disclaimer

1.02 Objectives

1.03 Definitions/Abbreviations

1.04 Scope of Coverage

1.05 Management Authority

1.06 Implementation and Dissemination

1.07 Amendment

1.08 Personnel Administration

1.09 Severability

1.09 City Administrative Staff

1.**10** Table of Organization

**CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY / NONDISCRIMINATION**

2.01 Equal Employment Opportunity

2.02 Americans with Disabilities Act

2.03 Sexual **Discriminatory** Harassment

2.04 Equal Employment Opportunity/Anti-Discrimination Complaint

Procedure

**2.05 Discrimination Disciplinary Procedure**

**CHAPTER 3 EMPLOYMENT**

3.01 Requirements for Employment/Residency Requirement

3.02 Employee Status

3.03 Classification Plan

3.04 Hiring of Employees **Original Appointment –– Classified Service**

3.05 Immigration Reform and Control Act **Vacancies in the Classified Service**

3.06 Probationary Periods **Immigration Reform and Control Act**

3.07 Demotion Probationary Periods

3.08 Layoff/Recall **Demotion**

3.09 Resignation **Layoff/Recall**

3.10 New Hire Reporting **Resignation**

3.11 Performance Evaluations **New Hire Reporting**

3.12 Hepatitis B Immunization **Performance Evaluations**

3.13 **Hepatitis B Immunization**

3.14 **Anti-Terrorism**

**CHAPTER 4 COMPENSATION AND HOURS OF WORK**

4.01 Compensation

4.02 Pay Periods/Paychecks

4.03 Work Scheduling

4.04 Time Records

4.05 Starting/Lunch/Quitting Times

4.06 Overtime

4.07 Compensatory Time

4.08 Exempt Employees

4.09 Clothing Allowances

4.10 Longevity

**CHAPTER 5 EMPLOYEE BENEFITS**

5.01 Sick Leave

5.02 Sick Leave Conversion

5.03 Vacation

5.04 Holidays

5.05 Funeral Leave

5.06 Civil Leave

5.07 Military Leave

5.08 Family and Medical Leave

5.09 Leave of Absence Without Pay

5.10 Disability Leave/Separation

5.11 Group Health Insurance

5.12 Continued Group Health Insurance Coverage

5.13 Other Insurances

5.14 Workers Compensation

5.15 Retirement

5.16 Transitional Work**/Modified Duty**

5.17 Health Insurance Portability and Accountability Act (HIPAA)

5.18 Administrative Leave

**CHAPTER 6 PERSONNEL PROCEDURES**

6.01 Travel **Business** Expense **Payment/**Reimbursement

6.02 Use of Employer-Owned Vehicles or Personal Vehicle on Employer

Business

6.03 Secondary Employment

6.04 Tools, Supplies and Equipment

6.05 Bulletin Boards

6.06 Personal Information Records

6.07 Reporting Changes in Personal Information

6.08 Public Records –– Inspection, Release and Retention

6.09 Computer/Internet/Electronic Mail Policy

6.10 Safety and Health

6.11 Confidentiality

6.12 Continuing Education

**CHAPTER 7 EMPLOYEE CONDUCT**

7.01 Ethics of Public Employment

7.02 Tardiness

7.03 Absenteeism and Notification of Absence

7.04 Solicitation and Distribution

7.05 Personal Appearance

7.06 Alcohol and Drug Abuse

7.07 Employee Assistance Program

7.08 Garnishments

7.09 Political Activity

7.10 Workplace Violence

7.11 **Communications (Internal and External)**

7.12 **Smoking/Tobacco Use**

**CHAPTER 8 EMPLOYEE DISCIPLINE, APPEALS, AND GRIEVANCES**

8.01 Introduction

8.02 Disciplinary Principles

8.03 Progressive Discipline

8.04 Pre-Disciplinary Conference –– Classified Employees

8.05 Grounds for Disciplinary Action and Penalties

8.06 Conviction of a Felony

8.07 **Appeals** of Personnel Actions

8.08 Complaint **Grievance** Procedure

**INTRODUCTION / DISCLAIMER SECTION 1.01**

**A. POLICY**

1. 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.

2. 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.

3. This manual contains the policies and procedures of the Galion City Health Department (hereinafter referred to as "Employer").

4. THIS MANUAL IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY, AND MAY BE CHANGED AT ANY TIME BY THE EMPLOYER WITH OR WITHOUT NOTICE (THOUGH THE NORMAL PROCEDURE FOR AMENDMENT IS EXPLAINED LATER). THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT, EXPRESSED OR IMPLIED. NO REPRESENTATIVE OF THE EMPLOYER HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT WITH AN EMPLOYEE THAT IS CONTRARY TO THE FOREGOING.

**OBJECTIVES SECTION 1.02**

**A. POLICY**

1. The Employer 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 manual are designed to:

a. promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for advancement and consideration of employee needs;

b. 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;

c. encourage courteous and dependable service to the public;

d. provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;

e. ensure that operations are conducted in an ethical and legal manner to promote the Employer's reputation as an efficient, progressive body in the community and the state; and

f. establish acceptable minimum standards of performance.

2. The primary obligation of the Employer is to provide the residents of the City of Galion with superior services ***at the most reasonable cost.[[1]](#footnote-1)*** This is a continuing obligation to which all other obligations are secondary.

**DEFINITIONS / ABBREVIATIONS SECTION 1.03**

**A. POLICY**

1. Unless otherwise indicated, the following definitions and abbreviations apply to the below listed terms as used in this manual.

Active Pay Status - Except where otherwise defined in this manual, active pay status is a period when an employee is eligible to receive pay directly from the Employer and includes hours worked, vacation leave, sick leave, compensatory time, paid military leave and paid court leave.

ADA - Americans with Disabilities Act.

Appointing Authority - The Galion City Board of Health or the designees of such officials who are authorized by law with the power to appoint or remove positions in any office, department, commission, board or institution. The Appointing Authority for the employees covered by this manual is the Health Commissioner.

BWC - Abbreviation for Ohio Bureau of Workers' Compensation.

City - The City of Galion, State of Ohio.

Classification (Class) - A group of positions that involve similar duties and responsibilities, require similar qualifications, and that are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one (1) position in some circumstances.

Classification Plan (Class Plan) - The alphabetically arranged compilation of the classification specifications for employees of the Employer.

Classification Series - Those classifications which are closely related, and grouped to form a career progression.

Classification Title - The descriptive name of a group of positions similar enough to be included under a single classification.

Classified Employee - An employee who, after serving a probationary period, may only be demoted, suspended or removed from public service for cause, in accordance with the State Civil Service statute ORC 124.34.

Compensatory Time (Comp Time) - Time off work granted to non-exempt employees in lieu of paying actual cash for overtime hours worked, and granted off at the rate of one-and-one half (1½) hours for each hour of overtime.

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

Demotion - A change in position that reduces the employee's scope of responsibility and compensation.

Designee - Any person authorized by the Employer or management official to perform a function with or on behalf of the Employer or management official.

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

Dishonesty - Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity. ***Conduct involving bad faith, lack of integrity, or moral turpitude.[[2]](#footnote-3)***

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

Employee - Any person holding a position subject to appointment, removal, promotion or demotion by the Appointing Authority.

Employer - The Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions. As context requires, Employer may also mean any designee who is authorized to carry out certain duties on behalf of the Appointing Authority.

Excused Absence - Absence from work with the approval of the Employer (e.g., sick leave, vacation, holiday, unpaid leave of absence, etc.).

Exempt Employee - A salaried 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 be compensated, at premium rates, for additional hours worked in the workweek.

Fines - A form of disciplinary action whereby the Appointing Authority imposes a monetary penalty as a disciplinary measure aimed at improving the employee’s conduct. Such fine shall not exceed five (5) days pay and shall not reduce the employee’s pay below the minimum wage established by the FLSA. Fines may also be assessed against accrued leave time when appropriate.

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

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.

FLSA - Abbreviation for the Fair Labor Standards Act.

FML - Abbreviation for Family and Medical Leave.

FMLA - Abbreviation for the Family and Medical Leave Act.

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

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

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

Inefficiency - Quality of being incapable or indisposed to perform duties required of an employee within reasonable standards.

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

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

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

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

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 (1½) times the employee's regular rate of pay for all hours worked in excess of forty (40) in an established workweek or other standard work period established in accordance with the FLSA.

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

Non-Work Area - Those areas of the Employer's property such as the parking lot or other areas where no official Employer business is transacted nor operations conducted.

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

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

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

Verbal Warning [[3]](#footnote-4) ***Oral Reprimand*** - Written documentation of a verbal ***an oral*** counseling and instruction which is provided to the employee and placed in the employee's personnel file to correct any misconduct and improve the employee's conduct and performance.

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

***O***PERS - Abbreviation for the ***Ohio [[4]](#footnote-5)***Public Employees Retirement System.

Personnel Actions- A specific act by the Employer to implement a personnel decision (e.g. hiring, promotion, demotion, suspension, removal, layoff, wage increases).

Personnel Decisions - Such decisions include, but are not limited to: (1) recruitment; (2) selection; (3) placement; (4) testing; (5) training; (6) promotions and transfers; (7) layoff and recall; (8) removal; (9) disciplinary action; (10) social and recreational programs; (11) employee benefits and compensation; and (12) tangible program services and benefits.

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

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

R.C. - Abbreviation for Ohio Revised Code when followed by a chapter or section number.

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

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

Supervisor - An individual who has been authorized by the Employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding or disciplining employees under the direction of the Employer; to responsibly direct employees; to adjust their grievances; or to effectively recommend any of these actions.

Suspension - Relief of an employee from duty without pay, usually for a short period of time (i.e., one [1] to fifteen [15] days), as a disciplinary measure aimed at improving the employee's conduct.

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

Unclassified Service - The Civil Service status of employees appointed without competitive examination to positions that are not subject to the discipline or removal provisions contained in R.C. Section 124.34. This includes employees who receive external interim[[5]](#footnote-7), intermittent or temporary appointments pursuant to R.C. Section 124.30 (B), those employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation, and the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals, clerical and administrative support employees and other positions specified in the City of Galion’s Civil Service Rules and Regulations. Such employees serve at the pleasure of the Appointing Authority.

Vendor - Any individual or group engaged in or desiring to engage in the supply of goods, materials or services, (which are utilized in the conduct of public business) to the Employer and/or its employees.

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

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

Working Suspension - A form of discipline, whereby the Appointing Authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee’s regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee’s personnel file in the same manner as other disciplinary actions and will have the same effect as a suspension without pay for the purpose of recording [[6]](#footnote-9) disciplinary action.

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

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

Written Reprimand - The written record of disciplinary action, usually issued after a verbal warning ***an oral reprimand [[7]](#footnote-10)*** has failed to improve an employee's conduct or when the employee has committed a more serious violation, which is provided to the employee and placed in the employee's personnel file in an attempt to improve the employee’s conduct and performance.

**SCOPE OF COVERAGE SECTION 1.04**

**A. POLICY**

1. The policies and procedures in this manual generally apply to classified, unclassified and bargaining unit employees. These policies do not establish tenure or contractual rights for employees not required by law. Although the Employer subscribes to these policies, the Employer may waive irregularities in policies and procedures to the Employer's benefit.

2. To the extent not prohibited from doing so by law, the Employer retains the right to hire, fire, set compensation and manage unclassified and probationary employees without restriction.

3. These policies and procedures supersede all previous written and unwritten personnel policies and past personnel practices of the Employer, and any current department policy or procedures, unless the department policy or procedure is more restrictive due to operational needs of the department.

4. In the event of a conflict between this manual and any applicable law, the law shall prevail, unless the conflict is with a state employment law which the City has superseded by charter or ordinance under its "Home Rule" authority as granted by the Ohio Constitution.

**MANAGEMENT AUTHORITY SECTION 1.05**

**A. POLICY**

1. The Employer retains the full right and responsibility to direct the operations, promulgate policies, rules and regulations and otherwise exercise the prerogatives of management, which more particularly include but are not limited to the following:

a. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, or to reprimand, suspend, discharge or otherwise discipline according to law or agreement.

b. To promulgate and enforce work rules and regulations;

c. To manage and determine the location, type and number of physical facilities, equipment, programs and the work to be performed;

d. To determine goals, objectives, programs, services and budget and to utilize personnel and technology in a manner designed to effectively meet these purposes;

e. To determine work methods, the size, composition and duties of the work force, and the organizational structure;

f. To determine the hours of work, the number of shifts required and work schedules;

g. To relieve employees from duty due to lack of work, lack of funds, reorganization or job abolishment;

h. To determine when a job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained;

i. To determine staffing patterns, including but not limited to assignment of employees, qualifications required and areas worked;

j. To determine the necessity to schedule overtime and the amount required thereof;

k. To maintain the security of personnel**,** and financial records***, and public records*** and other important data or information;[[8]](#footnote-11)

l. To maintain and improve the efficiency and effectiveness of the operations; and

m. To determine and implement necessary actions in emergency situations.

2. The exercise of any such right, power, authority, duty or responsibility by the Employer and the adoption of such rules, regulations or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law.

**IMPLEMENTATION AND DISSEMINATION SECTION 1.06**

**A. POLICY**

1. The Employer has the exclusive right and authority to create and issue policies and procedures.

2. All employees shall be required to read ***notified of the existence of*** this manual, or have it read and explained to them. ***A copy of the manual shall be available for review by employees. Employees are encouraged to ask their supervisor questions regarding any issue which is unclear. [[9]](#footnote-12)***

3. All supervisory personnel responsible for administering policy shall receive and be thoroughly familiar with this manual, administer each policy contained herein and ensure that subordinate personnel do likewise.

4. This manual shall remain the exclusive property of the Employer and shall be surrendered upon request. Unauthorized reproduction is prohibited.

**B. PROCEDURE**

1. This manual shall be adopted as the Employer's official policies and procedures by Board of Health resolution.[[10]](#footnote-13) Thereafter, on the effective date of the manual, the Employer shall sign the cover page and each section of the three (3) ring, master volume of the manual.

3 ***2***. Each employee shall be provided with access to a copy of the manual to read. After reading or having it read to them, the employee shall sign an Acknowledgment Form, located in Section 9, which shall be placed in the employee's personnel file.

**AMENDMENT SECTION 1.07**

**A. POLICY**

1. Changes within the organization will necessitate changes in this manual. Policies and procedures may only be amended, revised or deleted by the Employer. [[11]](#footnote-18)

**B. PROCEDURE**

1. When an ordinance amends, adds or deletes a section or sections of this manual, the Employer shall entirely rewrite the effected manual section(s). At the bottom of the new section(s), the original adoption date and revision number and date shall be filled in, and the section shall be signed by the Employer.

2. The original of the new section shall be placed in the Employer's master volume of the manual, and aplaced in

3. The Employer shall determine by what means the new or amended policy is to be communicated to employees (i.e., group meetings, posting on bulletin boards, etc.).

**PERSONNEL ADMINISTRATION SECTION 1.08**

**A. POLICY**

1. The Employer is charged with the responsibility to administer the personnel system. The Employer, in the exercise of this function, shall:

a. recruit qualified personnel;

b. prepare, schedule and hold examinations other than civil service examinations;

c. establish classification specifications;

d. conduct background investigations of prospective employees; and

e. perform other related personnel duties.[[12]](#footnote-22)

**SEVERABILITY SECTION 1.09**

**A. POLICY**

1. If any section or part of this manual 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 manual is restrained by a court, the remainder of this manual and any amendments shall not be affected and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the Employer's intent.

**B. PROCEDURE**

1. Whenever any section of this manual is amended by operation of law or by court order, the section shall be amended by the Employer pursuant to the Amendment Section of this manual.

**CITY ADMINISTRATIVE STAFF SECTION 1.11**

**A. CITY ADMINISTRATIVE STAFF**

Phil Honsey***Eugene M. Toy*** Rick Kent***Doug Beugly***

City Manager Dir. Of Water/Sewer Operations

468-1857 468-5010

Rick Shifley***Brian Saterfield*** Bill Bauer***Audrey Brodzinsky***

Police Chief Finance Director

468-5255 468-1823

Duane Brandt***Mick Christini*** Les Spring***Eugene M. Toy***

Acting Fire Chief Supt. of Streets, Parks & Airport

468-6763468-2818

Jeff Price Bill Nedolast***Matt Ross***

Electric Line Supt. Building Inspector

468-5520 468-2642

William C. Manthey, M.D.***Stephen Novak, D.O.***

**TABLE OF ORGANIZATION SECTION 1.10**

DEPARTMENT TABLE OF ORGANIZATION

LOCATED ON THE FOLLOWING PAGE

**EQUAL EMPLOYMENT OPPORTUNITY SECTION 2.01**

**A. POLICY**

1. The Galion City Health Department is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, national origin, age or disability.

2. The Administrative Secretary to the City Manager is the Employer's EEO/ADA Coordinator. The EEO Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the Employer.

3. The EEO Coordinator shall be responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. The Employer 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 Employer.

4. No inquiry shall be made as to religious, racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicant’s part. No applicant shall be adversely affected in any way for having refused to complete such form.

Reference: O.R.C. 124.25

O.A.C. 123:1-11-08; 5123 1-7-01

***A. POLICY***

***1. The Galion City Health Department is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon an individual’s race, color, religion, gender, military status, national origin, ancestry, age, or disability.***

***2. The Administrative Secretary to the City Manager is the Employer’s EEO/ADA Coordinator. The EEO/ADA Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the Employer.***

***3. The EEO/ADA Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. The Employer 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 Employer.***

***4. No inquiry shall be made prior to employment regarding the applicant’s race, color, religion, gender, military status, national origin, ancestry, age, or disability, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicant’s part.***

***5. It is the policy of the Health Department to comply fully with all federal, state, and local nondiscrimination laws.***

***6. Health Department employees shall not discriminate against any other employee or anyone requiring services from the Health Department because of that individual’s race, color, gender, age, religion, familial status, disability, military status, national origin, ancestry, or marital status.***

***7. Posters shall be displayed in locations throughout the Health Department offices in such a manner as to be easily readable from a wheelchair.***

***8. It is the policy of the Health Department to provide courteous and efficient service. In that regard, the Health Department shall make every reasonable effort to accommodate persons with disabilities, as well as those persons with language and literacy barriers.***

***B. PROCEDURE***

***Complaints, comments, or questions regarding the Health Department’s compliance with nondiscrimination laws should be filed in accordance with the Discrimination Complaint Procedure contained in Section 2.04 of this manual.[[13]](#footnote-23)***

**AMERICANS WITH DISABILITIES ACT SECTION 2.02**

**A. POLICY**

1. Employment - The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and will not discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions and privileges of employment.

2. Accessible Features - The Employer shall maintain in operable working order all features of facilities and equipment which are for the use, benefit, aid or service of the public, in a manner which is readily accessible to and usable by persons with disabilities.

3. Accessible Facilities - Each service, program and activity shall be operated in a manner that, when viewed in its entirety, shall be readily accessible to and usable by individuals with disabilities.

4. Accessible Communications - The Employer shall ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others.

5. Information - The Employer shall ensure that all interested persons (including those with impaired vision or hearing) can obtain information on the existence and location of accessible services, activities and facilities.

6. Action to achieve accessibility may not be taken when it would result in a fundamental alteration in the nature of a service, program or activity, or cause undue financial and administrative burdens.

7. EEO Coordinator - The Equal Employment Coordinator (see Section 2.01) shall be responsible for:

a. Providing information about the ADA to employees and others;

b. Receiving and resolving complaints involving non-accessibility of services, programs or facilities and alleged discrimination against disabled individuals.

**B. PROCEDURE**

1. Complaint/Comment Procedure - Complaints, comments or questions regarding:

a. Accessibility to any of the Employer's services, programs or facilities; or

b. Discrimination against individuals with disabilities; or

c. The Employer's compliance with the ADA;

should be filed with the EEO Coordinator in accordance with Section 2.04.

***1. The Employer will conduct an interactive dialogue with an individual who has claimed a disability or has requested an accommodation. The interactive dialogue may also be triggered by the Employer’s perception of a potential problem with an employee’s performance.***

***2. The interactive dialogue is an informal interactive discussion between the Employer and the individual aimed at finding a means by which the disabled individual can perform the essential functions of the job. The purpose of the meeting is to identify the precise limitations resulting from the disability and to discuss the potential reasonable accommodations that could overcome those limitations.***

***3. Upon being notified by an individual of a disability or a need for accommodation, or upon the Employer’s perception of a potential problem, the following process will be followed:***

***a. The Employer will analyze the particular job involved and determine its purpose and essential functions;***

***b. The Employer will consult with the potentially disabled individual to ascertain the precise job-related limitations imposed by the claimed disability and how those limitations could be overcome with a reasonable accommodation;***

***c. Provided the individual’s condition meets the definition of a disability (see paragraph 4), the Employer will consult with the disabled individual to identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and***

***d. The Employer will consider the preference of the disabled individual and select and implement the accommodation that is most appropriate for both the employee and the Employer, provided the accommodation does not impose an undue hardship on the operation of the Employer’s business.***

***4. Definitions:***

***a. Disability: The term disability means, with respect to an individual:***

***(1) a physical or mental impairment that substantially limits one or more major life activities of such individual;***

***(2) a record of such an impairment; or***

***(3) being regarded as having such an impairment.***

***b. Major Life Activities:***

***(1) Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and walking.***

***(2) A major life activity also includes the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.***

***c. Regarded as Having Such an Impairment:***

***(1) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the Americans with Disabilities Amendments Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.***

***(2) Paragraph 4. a. (3) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.[[14]](#footnote-24)***

**SEXUAL *DISCRIMINATORY* HARASSMENT SECTION 2.03**

**A. POLICY**

1. The Galion City Health Department absolutely prohibits sexual harassment of employees at all levels by any person, in any form. It is both illegal and against the policy of the Employer for any person, including any supervisor, co-worker, vendor or client of the Galion City Health Department, male or female, to sexually harass an employee. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. The Employer will take preventative and immediate remedial steps to stop sexual harassment from occurring. The Employer will enforce a zero tolerance of sexual harassment which translates into a violation of this policy being a terminable offense.

**B. DEFINITION OF SEXUAL HARASSMENT**

1. Pursuant to the definition of sexual harassment provided by the Equal Employment Opportunity Commission, the Employer has identified three (3) situations in which unwelcome sexual advances, requests for sexual favors and other physical, verbal or visual conduct based on sex constitutes sexual harassment.

Those situations are the following:

a. When submission to the conduct is an explicit or implicit condition of employment;

b. When submission to or rejection of the conduct is used as the basis for an employment decision; or

c. When such conduct has the purpose or effect of unreasonably interfering an individual’s work performance or creating an intimidating, hostile or offensive working environment.

2. Paragraphs (a) and (b) above are commonly referred to as “quid pro quo” sexual harassment, in which acquiescence to sexual advances or some type of sexual consideration is required in exchange for a tangible job benefit. Quid pro quo harassment occurs when someone in a supervisory position relies upon his or her apparent or actual authority to extort sexual consideration from an employee. In addition, no one should imply or threaten that an applicant or employee’s “cooperation” of a sexual nature (or refusal thereof) will have any effect on the individual’s employment, assignment, compensation, advancement, career development or any other condition of employment.

3. Paragraph (c) above is based on a hostile or offensive work environment even where there has been no conditioning of an employment benefit for sexual consideration. This type of sexual harassment may include, but is not limited to, explicit sexual propositions, sexual innuendo, suggestive comments, lewd or explicit sexual remarks, sexually oriented “kidding” or “teasing,” “practical jokes,” jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual materials and physical contact such as patting, pinching or brushing against another’s body.

The definition of sexual harassment includes conduct directed by any sex towards any sex.

**C. RESPONSIBILITY**

1. The Employer has the responsibility to maintain the job site free of harassment, including but not limited to, sexual harassment. This includes discussing this policy with all employees and assuring them they are not to endure insulting, degrading or exploitative sexual or other harassment-related treatment.

2. It is the policy of the Galion City Health Department to discipline, up to and including discharge, any employee found to have engaged in sexual harassment.

**D. COMPLAINT PROCEDURES**

1. Any employee who believes he or she witnessed or has been the subject of sexual harassment should report the alleged harassment immediately. All information disclosed shall be held in strictest confidence to the extent allowed by law, and otherwise will only be revealed on a need-to-know basis in order to investigate and resolve the matter.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment.

Step 1: Any employee who believes he or she has been the subject of harassment should report the alleged act immediately to his or her supervisor, department head, the EEO Coordinator, and/or the Health Commissioner.

Step 2: Regardless to which of the above persons the employee makes a complaint of sexual harassment, the individual alleging sexual harassment will be asked to complete a Complaint form outlining the nature of the complaint. (located in Section 9 of this manual) That employee should be prepared to provide the following information:

a. the employee’s name;

b. the name of the person or persons committing the sexual harassment;

c. the specific nature of the sexual harassment, how long it has gone on and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;

d. potential witnesses to the harassment; and

e. whether the employee has previously reported such harassment and to whom.

Step 3: Investigation of a complaint will be conducted immediately upon receipt of a complaint of sexual harassment, and normally includes conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.

Step 4: The Galion City Health Department’s policy is to investigate all such complaints thoroughly and promptly. If the investigation reveals that the complaint is valid, prompt attention and/or disciplinary action (up to and including immediate termination), designed to stop the harassment immediately and to prevent its recurrence, will be taken.

**E. OBLIGATIONS OF EMPLOYEES**

1. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Sexual harassment may expose the Employer to liability, and a part of each employee’s job is to reduce the Employer’s exposure to liability.

2. Employees are obligated to cooperate in every investigation of sexual harassment, including but not necessarily limited to, coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, and fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.

3. Employees are obligated to refrain from filing bad faith complaints of sexual harassment. With respect to sexual harassment, the Galion City Health Department recognizes that determining whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect, requires an investigation of all facts in the matter. Given the nature of this type of discrimination, it is also recognized that false accusations of sexual harassment can have serious effects upon innocent individuals.

4. Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment or who files a complaint of sexual harassment in bad faith. Also, anyone who knowingly files a complaint of sexual harassment in bad faith will be subject to criminal charges, namely falsification, which is classified as a first degree misdemeanor.

1. ***POLICY***

***It is the policy of the Galion City Health Department to maintain an environment free from all forms of unlawful discriminatory harassment for all employees, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, of opposite or same gender is strictly prohibited.***

***1. Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee’s race, color, gender, military status, national origin, ancestry, age, religion, or disability. Sexual harassment includes, but is not limited to the following:***

***a. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;***

***b. Repeated verbal abuse of a sexual nature;***

***c. Graphic or degrading verbal or written comments about an individual, the individual’s appearance, or the individual’s sexual orientation;***

***d. The display of sexually suggestive objects, pictures, or the display of same through other media;***

***e. 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’s or applicant’s submission to sexual harassment in any form; and***

***f. Any offensive, abusive, or unwanted physical contact.***

***2. Responsibility:***

***a. It is the responsibility of all employees to aid the Employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any instances of discriminatory harassment to the proper authority (see Complaint Procedure, Section 2.04). Any employee who observes any conduct that may constitute discriminatory harassment of any Health Department employee, but fails to report same, may be subject to disciplinary action.***

***b. It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.***

***c. It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.***

***d. Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training in this policy as a part of their employee orientation.***

***3. Procedure:***

***a. Once a complaint of discriminatory harassment has been received, or an instance of such harassment has been reported (see Complaint Procedure, 2.04), the proper member of management will immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.***

***b. If, after a thorough and prompt investigation, it is determined discriminatory harassment has occurred, the employee who has been found to have committed such harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.***

***c. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not such harassment has occurred, the complaining employee and/or reporting employee will be informed of same.***

**EQUAL EMPLOYMENT OPPORTUNITY / SECTION 2.04**

**ANTI-DISCRIMINATION COMPLAINT PROCEDURE**

**A. POLICY**

1. Any person may file a complaint if they believe:

a. 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 sexual harassment).

b. That an Employer program, service or facility is not accessible to disabled individuals.

**B. PROCEDURE**

1. All complaints under this section shall be filed on the EEO Complaint Form. This form shall be filed as soon as possible, and no later than ten (10) working days after the date the alleged discrimination occurred. "Working days" are scheduled workdays for employees, business days for non-employees.

2. Complaints shall be filed with the EEO Coordinator. The EEO Coordinator shall investigate all complaints and respond to the complainant within ten (10) working days of the filing.

3. When reviewing complaints alleging a violation of the ADA, the EEO Coordinator will determine whether the complainant is a "qualified person with a disability," whether the Employer may have discriminated against the complainant and, if so, whether the Employer can "reasonably accommodate" the complainant or otherwise resolve their complaint.

4. If an employee files a complaint claiming discrimination under any complaint procedure available to employees of the Galion City Health Department, the supervisor may process the grievance through the steps for that grievance procedure, but must discuss the grievance with the EEO Coordinator for assistance.

The supervisor should also have the employee fill out the EEO Complaint Form. If an employee files both a grievance through an alternative procedure and an EEO grievance, the Employer will process them through one procedure with assistance from the EEO Coordinator, as described herein.

5. Any employee who has been found by the Employer, 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.

6. Non-employees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately as allowed by law.

7. Any program, service or facility found to be non-accessible to disabled individuals shall be reported to the Employer. The Employer shall advise the City Manager on the appropriate steps to achieve accessibility according to the law.

***A. POLICY***

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

***B. PROCEDURE***

***1. Any employee who believes that he/she has been the subject of or witness to discrimination, including sexual harassment, should immediately report the alleged act(s) to his/her immediate supervisor, the Health Commissioner, or the EEO/ADA Coordinator.***

***If the immediate supervisor, the Health Commissioner, or EEO/ADA Coordinator is the subject of the complaint, the employee should report to the next higher ranking person in the facility’s table of organization.***

***The employee should report the complaint to the Board President if all lower positions in the chain of command are implicated in the complaint. Should the Board President be the subject of the complaint, the employee should report the matter to the City Director of Law.***

***2. The employee alleging discrimination or discriminatory harassment shall complete the Discrimination Complaint Form provided for that purpose. The employee should provide:***

***a. The employee’s name;***

***b. The name of the subject of the complaint;***

***c. The act(s) complained of;***

***d. The date(s) of the act(s);***

***e. Any witnesses to the alleged acts; and***

***f. The remedy the employee is seeking.***

***This form should be completed by the employee as soon as possible following the alleged act(s) giving rise to the discrimination or harassment complaint.***

***3. If the employee alleging the discrimination or discriminatory harassment is unwilling to complete the complaint, the matter should be addressed under the “duty to report” section and the form completed by the person to whom the verbal complaint was made. This form should be completed as soon as possible and no later than two (2) days after the date the alleged act(s) of discrimination or harassment was reported.***

***4. After the Discrimination Complaint Form has been completed, the complaint will promptly be investigated by the Board President or designee, or other authorities as stated in this section.***

***5. If the investigation reveals that the complaint is valid, prompt action will be taken to end the discrimination or harassment immediately.***

***DISCRIMINATION DISCIPLINARY PROCEDURE SECTION 2.05***

**NEW SECTION 2.05 – DISCRIMINATION DISCIPLINARY PROCEDURE**

***A. POLICY***

***1. All allegations of discrimination and/or discriminatory harassment shall be promptly investigated.***

***2. Any employee that makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline in accordance with the Employer’s policy.***

***B. PROCEDURE***

***When it is determined that there is cause for believing that an act of discrimination or discriminatory harassment has occurred, the following steps will be followed:***

***1. All complaints alleging illegal discrimination or discriminatory harassment shall be filed on the Discrimination Complaint Form. This form shall be filed as soon as possible after the date the alleged discrimination occurred.***

***2. The Health Commissioner, Board President, City Director of Law, or other designated individual shall investigate all complaints and respond to the complainant as soon as possible following completion of the investigation. If the complainant is not satisfied with the initial response, he/she may file the complaint with the EEO/ADA Coordinator or the Board President.***

***3. The charged party may immediately be suspended with pay or temporarily transferred pending the final resolution of the complaint.***

***4. 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. The Employer may require that the response be in writing and submitted to the person conducting the investigation.***

***5. Following the meeting and/or completion of the investigation, a final determination will be made. If it is determined that a prima facie case of discrimination or discriminatory harassment has been established, the charged employee will be notified and disciplinary action will be implemented.***

***6. Any employee that makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline in accordance with the Employer’s policy.***

***7. Nonemployees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately as allowed by law.***

***8. When reviewing complaints alleging a violation of the ADA, the Health Commissioner, Board President, City Director of Law, or other designated investigator will determine whether the complainant is a “qualified person with a disability,” whether the Employer may have discriminated against the complainant, and, if so, whether the Employer can “reasonably accommodate” the complainant or otherwise resolve his/her complaint.***

**REQUIREMENTS FOR EMPLOYMENT SECTION 3.01**

**A. POLICY**

1. The Employer appoints, employs, fixes compensation for, disciplines and establishes policies and procedures and other conditions of employment for its employees. Employment with the Employer is employment in a public agency, subject to federal, state and local laws and the requirement that employees recognize and agree to abide by all applicable laws and all applicable policies and procedures as a condition of employment.

2. All employees must be residents of the State of Ohio. The Health Commissioner and all supervisors must be residents of the City of Galion.[[15]](#footnote-25)

3 ***2***. The Employer ***does[[16]](#footnote-26)*** not hire immediate family members of employees or elected or appointed City officials in order to avoid the appearance of impropriety and violations of Ohio's ethics laws. "Immediate family" for purposes of this section is defined as an employee's or official’s grandparents, parents, spouse, children, grandchildren, brother, sister, or any person related by blood or marriage or residing in the employee's or official's household.

***3. Certain classifications of the Employer require that applicants and/or incumbents have and maintain a motor vehicle operator’s and/or professional license, e.g. Registered Nurse (RN) or Registered Sanitarian (RS). Applicants without the required license will be ineligible for appointment. Incumbents who lose the license required for their classification will be deemed to be incompetent to perform the duties of their classification and shall be terminated.[[17]](#footnote-28)***

***4.***

***B. PROCEDURE***

***1.***

***2.***

***1. Any employee violating this policy shall be subject to removal from employment with the Employer.***

***4. In the event of a change in this policy employees subject to any newly established requirements will be notified in writing and given a reasonable[[18]](#footnote-30) deadline in which to comply.***

**EMPLOYEE STATUS SECTION 3.02**

**A. POLICY**

1. In addition to being categorized as classified or unclassified, all employees shall be categorized in one (1) of the following employee status types:

1. HOURS ASSIGNED:

· Full-Time: An employee who works at least forty (40) hours per week on a regularly scheduled basis or the standard full-time workweek as designated by the Employer.

· Part-Time: An employee who works less than forty (40) hours per week but at least twenty (20) hours per week on a regularly scheduled basis, or less than the standard full-time workweek designated by the Employer, but on a regularly scheduled basis.

· Intermittent: An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee generally works less than one thousand (1,000) hours in any twelve (12) month period. Intermittent employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.

1. DURATION OF APPOINTMENT:

· Temporary: An employee appointed to a non-permanent position, on a full-time, part-time or intermittent basis, for a specified period of time, not to exceed six (6) months. Successive temporary appointments to the same position shall not ***may*** be made ***with the approval of the Employer***.[[19]](#footnote-31)  Temporary employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.

· Seasonal: An employee who works on the academic program year or who works on a recurring but temporary basis annually (e.g., summer, mowing season, tax collection period, etc.). A seasonal employee may be appointed on a full-time, part-time or intermittent basis.

Interim: An employee appointed to a position for an indefinite period of time, fixed by the length of absence of another employee due to the sickness, disability or approved leave of absence of such other employee. Such appointment shall continue only for the period of the regular employee's absence. An interim appointment may be made on a full-time, part-time or intermittent basis. External interim appointments (i.e., an appointment of an outside applicant not already serving in the classified service) serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.[[20]](#footnote-32)

· Student: An employee who is a student at an educational institution and employed by the Employer in cooperation with such educational institution to provide training to the student employee. (Student appointments are in the unclassified service by operation of law).

2. Contract service providers and/or vendors are not considered to be employees and are not eligible for benefits provided by the Health Department.

3. The categories outlined above apply for civil service purposes, such as order of retention in the event of layoff. However, these categories may not apply to certain benefit programs, such as eligibility for health care coverage, especially where eligibility and categories of employee status are established by those benefit programs.

4. If an employee works the number of hours per week on a regular basis for six (6) consecutive months which might justify a change in employment status, the employee may request to have their employment status changed.

**B. PROCEDURE**

1. Employees shall be informed upon appointment of their employment status. Temporary, seasonal, interim[[21]](#footnote-33), intermittent and student appointments should be communicated in writing to employees, and that a condition of their appointment is one of a temporary or seasonal nature. Such notification shall also include the approximate dates of employment and cessation of employment. (See applicable form letters, located in Section 9 of this manual).

2. Employees may submit a request to the Employer for a change in employment status if they believe they are working more time on a regular basis than their employment status indicates.

**CLASSIFICATION PLAN SECTION 2.13.03**

**A. POLICY (DOES THE CLIENT MAINTAIN A CLASS PLAN?)**

1. The Employer shall maintain and administer a plan of classification specifications (or class specs), known as a "Classification Plan" (or "Class Plan"). A classification includes one (1) or more positions that are so similar they can be described by a common job classification title. Each position within a job classification may have its own "working" title and its own description. Classifications are used to determine order of layoff and certified status. The Employer will create or amend the class plan and class specs based upon an analysis of the duties, responsibilities, essential functions and qualifications of the positions affected.

**B. PROCEDURE**

1. As positions are changed or added, the class plan must be revised. Factors which may necessitate a revision to the plan are:

a. The addition of a new duty or responsibility to a position.

b. The abolishment of a current duty or responsibility from a position.

c. The reassignment of current duties or responsibilities between or among positions.

d. A new or revised licensure or certification requirement as dictated by law for a position.

2. When any of these factors occurs, the Employer shall submit the change or addition to the Board of Health, who shall review the change or addition and make any appropriate changes or additions to the class spec or class plan.

3. The Employer shall also make all changes to applicable payroll, personnel and operational records necessitated by changes or additions to the class plan.

**HIRING OF EMPLOYEES *ORIGINAL APPOINTMENT –– SECTION 3.04***

***CLASSIFIED SERVICE***

**NEW SECTION 3.04 ORIGINAL APPOINTMENT – CLASSIFIED SERVICE**

***A. POLICY[[22]](#footnote-34)***

***1. Original appointment to a position in the classified service shall be made from an eligible list of candidates certified to the Employer by the Civil Service Commission. If no eligible list exists for a particular position names may be certified from eligible lists most appropriate for the classification.***

***B. PROCEDURE***

***1. When a position in the classified service for which original appointment tests are given becomes vacant, the Employer shall request that the Mayor shall notify the Civil Service Commission of the vacancy. The Commission shall certify to the Mayor the names and addresses of the ten (10) candidates standing highest on a suitable eligible list. The City Manager shall provide this list to the Employer***

***2. Upon receipt of an eligible list, the Employer shall evaluate the candidates as provided in the Evaluation of Applicants for Classified Positions Section of this manual and may thereafter select one (1) of the ten (10) candidates. Upon making an appointment from an eligible list, the Employer shall report to the Commission the name of such appointee, the title and salary of the position and other required information.***

***3. Provisional Appointment: If no eligible list for the classification of the vacancy is certified, the Employer shall be authorized to make a provisional appointment to the position, pursuant to the procedure contained in the Vacancies in the Classified Service Section of this manual.***

**IMMIGRATION REFORM AND CONTROL ACT *VACANCIES SECTION 3.05***

***IN THE CLASSIFIED SERVICE***

**A. POLICY**

1. When a job vacancy exists, a notice of that job will be posted for five (5) days. The vacancy posting will include hours of work, pay rate, requirements for the job location of the job. Any employee may submit an application for that job during the posting period. The Board may advertise in at least two (2) local papers or in other ways, such as through the Ohio Department of Health, other health departments, via WONDER, etc.

The board agrees to give first consideration to an employee within the department who has the necessary qualifications to fill the position. Applications will be reviewed based on qualifications, experience, work record, job performance, disciplinary record and seniority.

The Board will give first consideration to employees within the department who have filed a timely application and who want to be promoted or transferred within the department. The Board reserves the right to select the most qualified person for the job that is open.

If an employee is promoted or transferred within the department, the new rate of pay will be paid upon the first day and thereafter in the new position.

All employees, including transferred and promoted employees, shall serve a probationary period.

***A. POLICY[[23]](#footnote-35)***

***1. When a list of certified applicants is not available from the Civil Service Commission or the list supplied contains less than ten (10) names, appointment from a certified list is not mandatory and vacancies in classified positions shall be filled at the discretion of the Employer as provided herein.***

***2. The Employer shall announce all vacancies in the classified service by appropriate means and maintain a list of announced vacancies for public inspection.***

***3. Each announcement, insofar as practical, shall specify the job title, compensation range, nature of the job, the required qualifications and the deadline, method and place of application. The announcement shall also include the essential functions of the job or contain a reference to a contact person or posting location that will advise applicants of the essential functions of the position.***

***4. The Employer shall post on employee bulletin boards internal vacancies in the classified service which occur or are imminent. The Employer will attempt to fill vacancies from among interested, current employees of the Employer who meet the necessary qualifications and are able to perform the essential functions of the position provided such internal promotion is in the best interest of the City.***

***5. An Application for Employment Form must be properly completed and submitted before an applicant will be considered for employment. Current employees wishing to be considered for the position must apply in the same manner.***

***6. The Employer will make reasonable accommodations to assist qualified persons with disabilities to apply for vacancies.***

***7. Nothing in this section shall be construed to prevent the Employer from advertising for external applicants concurrently with the internal advertising of vacancies.***

1. ***Normally, employment applications will be accepted only when a vacancy exists or is imminent and has been announced. Applications will be considered active for a period of not to exceed 60 days; after which a new application form is required.***

***9. All employees, including transferred and promoted employees, shall serve a probationary period.***

**PROBATIONARY PERIODS IMMIGRATION REFORM AND SECTION 3.06**

**CONTROL ACT**

**A. POLICY**

1. Generally - In accordance with the Immigration Reform and Control Act of 1986 and as a condition of employment, the Employer shall verify both the identity and the employment eligibility of all applicants considered for employment.

2. Anti-Discrimination Policy - It is the intention of the Employer not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The Employer will not discriminate against any citizen or person intending to become a citizen insofar as that person has completed a declaration stating that such person intends to declare U.S. citizenship within six (6) months of the effective date of the Act or six (6) months of eligibility for naturalization.

**B. PROCEDURE**

1. All applicants shall be required to complete the biographical information requested by Form I-9. The applicant shall attest that the applicant is eligible for employment and has presented authentic, original documentation of identity and employment eligibility.

2. The applicant shall furnish one (1) of the documents listed below in order to substantiate both the applicant's identity and employment eligibility:

a. United States passport ***(expired or unexpired)***;[[24]](#footnote-36)

1. Certificate of Citizenship (INS Form N-560) ***Unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization***;

c. Certificate of Naturalization (INS Form N-550**) *Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-551);***

d. Unexpired foreign passport which contains (a) an unexpired stamp stating "processed for I-551..." or (b) has attached thereto Form I-94 bearing the same name and an unexpired employment authorization stamp; (Note: If Form I-94 is presented, the Employer shall verify that the proposed employment does not conflict with the limitations of I-94) ***Unexpired Temporary Resident Card (Form I-688)***;

e. An alien registration card (INS Form I-15) or resident alien card (INS Form I-551) bearing a photograph of the applicant ***Unexpired Employment Authorization Card (Form I-688A)***; or

f. A temporary resident card (INS Form I-668) or employment authorization card (INS Form I-668A) containing a photograph of the applicant ***Unexpired Employment Authorization Document issued by DHS that contains a photograph***.

3. In lieu of any of the documents specified above, the applicant may submit to the Employer one (1) of the documents outlined below to establish employment eligibility and one (1) of the documents outlined below to verify the applicant's identity.

Acceptable Documents for Acceptable Documents for

Verifying Employment Verifying Employment

Eligibility: Identity:

a.Social Security card a. State driver's license

b. An unexpired reentry b. State identification

permit (INS Form I-327) card\*

c. An unexpired Refugee Travel

document (INS Form I-471)

d. A birth certificate issued

by the Dept. of State

(Form FS-545)

e. A certificate of birth

abroad issued by the Dept.

of State (Form DS-1350)

f. An original or certified

copy of a birth certificate.

\* A driver's license or state identification card shall be accepted by the Employer only if the card bears a photograph of the applicant and contains personal identifying information including the applicant's name, date of birth, sex, height, eye color and address.

|  |  |
| --- | --- |
| **Documents that Establish Identity** | **Documents that Establish Employment Eligibility** |
| **a. Driver’s license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address;**  **b. ID card issued by federal, state or local government agencies or entities provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address;**  **c. School ID card with a photograph;**  **d. Voter’s registration card;**  **e. U.S. military card or draft record;**  **f. Military dependent’s ID card;**  **g. U.S. Coast Guard Merchant Mariner Card;**  **h. Native American tribal document;**  **i. Driver’s license issued by a Canadian government authority;**  **For persons under age 18 who are unable to present a document listed above:**  **j. School record or report card;**  **k. Clinic, doctor or hospital record;**  **l. Day-care or nursery school record.** | **a. U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment);**  **b. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350);**  **c. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;**  **d. Native American tribal document;**  **e. U.S. Citizen ID card (Form I-197);**  **f. ID card for use of Resident Citizen in the United States (Form I-179);**  **g. Unexpired employment authorization document issued by DHS (other than those listed under List A).** |

4. If an alien ***applicant*** attests to the Employer that the applicant intends to apply or has applied for legalization or amnesty, the Employer need not require evidence of work authorization as specified above. The applicant must, however, provide to the Employer evidence of the applicant's identity.

5. Post-Hiring Requirements

a. Within three (3) business days after the appointment of the applicant, the Administrative Secretary to the City Manager ***Employer*** shall physically examine the documentation presented by the new employee, then complete the remaining portions of Form I-9.

b. The Employer shall retain Form I-9 and photocopies of the supporting documentation 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.

c. Form I-9 and copies of supporting documentation 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.

d. Should an employee be rehired or reinstated by the Employer within one (1) year of the date of separation, the Employer may use the original I-9 form and supporting documentation for the purpose of complying with the Act.

**DEMOTION *PROBATIONARY PERIODS* SECTION 3.07**

**A. POLICY**

1. Each newly hired or promoted employee shall serve a probationary period. For full-time employees the probationary period begins on the first day of employment and extends for 120 calendar days. For part-time employees, the probationary period begins on the first working day and ends at the end of the 85th day worked. For intermittent employees the period begins on the first working day and ends at the end of the 85th day worked. [[25]](#footnote-37)

The purpose of the probationary period is to determine the employee’s suitability for the appointed position. If a probationary employee’s performance does not merit continued employment, the employee may be removed at any time during the probationary period.

2. The Employer shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Likewise, the employee is encouraged to bring questions or concerns to the Employer, to enhance the employee's performance. The Employer has a responsibility to recommend to the Board the retention of those employees who meet acceptable work standards during the probationary period and to recommend removal of those employees who fail to meet such work requirements.

3. Promoted Employees - Promoted employees shall also serve a probationary period of 120 calendar days. If a promoted employee’s performance does not merit continued employment, they may be returned to their former position, or a similar position, any time during their probationary period. If the same or similar position is not vacant, the employee shall be treated as if the position to which the employee is being demoted had been abolished. In such case, the employee will be offered the appropriate displacement rights. No new probationary period is required following such a demotion. Such reduction is not disciplinary action and shall not preclude advancement to other vacant positions.

4. Probationary Period - The probationary period for Galion City Health Department employees is generally one hundred twenty (120) days. Only time during which an employee is in active pay status and performing the duties of the classification into which the employee was originally appointed shall be counted as part of the probationary period.

5. ***Employees appointed to unclassified positions do not serve a formal probationary period, since they continuously serve at the pleasure of the Employer for the duration of their employment.[[26]](#footnote-38)***

**B. PROCEDURE**

Dismissal or reduction of a employee may be made anytime during the probationary period, at the discretion of the Employer.

1. If a newly hired employee’s performance during probation is found to be unsatisfactory, the employee shall be removed.

2. Removal of a newly hired or return of a promoted classified employee during the employee’s probationary period is accomplished as follows:

The Employer shall notify the employee in writing of the respects in which their performance was unsatisfactory. A predisciplinary conference as described in this manual is not required, although a meeting should be held to give the employee an opportunity to respond. ***A copy of the written notice of removal or reduction shall be filed with the Civil Service Commission.[[27]](#footnote-39)***

3. Any employee failing a promotional probationary period may appeal through the complaint procedure outlined in this manual within five (5) days following notice of failure of probation.

4. Time on unpaid leaves of absence shall not be counted toward the completion of the probationary period.

***5. The Appointing Authority does not intend to waive any right to remove an unclassified employee, at the Appointing Authority’s pleasure, by adopting this policy.[[28]](#footnote-40)***

**LAYOFF / RECALL *DEMOTION* SECTION 3.08**

**A. POLICY**

1. A demotion is the transfer of an employee to a position which has a lower level of responsibility, classification and compensation. Demotions generally result from an employee's failure to perform the duties of their position at an acceptable level or as a result of discipline. Demotions may also be voluntarily requested by an employee or result from an accommodation of a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but can perform the essential functions of a lower classification with or without a reasonable accommodation. Demoted employees shall be placed in the top step of the pay range for the classification to which they have been demoted. ***Demoted employees shall always be assigned to the appropriate pay range assigned to their new classification. The exact pay rate shall be determined by the City Manager or designee Employer, but such rate shall never exceed the amount the employee was receiving in the classification from which they were demoted.[[29]](#footnote-41)***

**B. PROCEDURE**

1. Employees who desire to be considered for a posted vacancy in a lower classification shall complete the required application form and submit it to the Employer or designee within the posting period.

**RESIGNATION *LAYOFF / RECALL* SECTION 3.09**

**A. POLICY**

1.When a change in work or other factors will result in reduction of the force, the Board will:

a. Notify the employees that a layoff is anticipated. The Board and the employees will meet to discuss the possible alternatives.

b. The Board will determine in what classes of employees the layoff will occur.

2. Layoffs will be according to Civil Service regulations. Employees who will be laid off will receive twenty-one (21) days notice from the Board. Recall will be according to Civil Service regulations.Bumping into lower classifications for which the employee is qualified will be according to Civil Service regulations**.**

***A. POLICY[[30]](#footnote-42)***

***1. General Policy: Layoffs of classified employees shall comply with O.R.C. Sections 124.321 - 124.328 and 124.37. If it becomes necessary to reduce staffing levels of classified employees, the Appointing Authority shall lay off employees by using a system which systematically considers length of service in order to determine the order of layoff. (This policy generally explains the rules for layoffs; however, the City’s Civil Service Rules and Regulations may provide additional detailed information regarding the process.) Layoffs shall only occur when one of the following reasons can be demonstrated:***

***a. lack of work;***

***b. lack of funds;***

***c. job abolishment.***

***2. Definitions: The following definitions shall be applied to the procedures set forth in this policy:***

***a. Lack of Funds: means that there is a current or projected deficiency in funding to maintain current, or to sustain projected, levels of staffing and operations.***

***b. Lack of Work: means that there is a current or projected temporary decrease in the workload, expected to last less than one (1) year which requires a reduction of current or projected staffing levels.***

***c. Length of Service: means the continuous, uninterrupted service of the employee, where no break in service has occurred. For the purpose of this definition, any separation lasting 30 days or less shall not be deemed a break in service; nor shall an authorized leave of absence be deemed a break in service. If an employee was separated, but was re-employed or reinstated by specific action of the Appointing Authority within the time period that the employee carries the right to reinstatement, the employee’s absence does not constitute a break in service.***

***d. Pay Range: means the minimum and maximum wage or salary within the compensation schedule that employees can earn in their position.***

***e. Retention Points: means the system of establishing points for length of service, in order to establish the order of layoff.***

***B. PROCEDURE***

***1. Method: When it is demonstrated there is reason to reduce staffing levels, the Employer shall determine the number of positions and the classification(s) in which layoffs will occur. The Employer shall also prepare a retention point listing of all employees who have been appointed to the classification(s) selected for the layoff, and the lower classification(s) where displacement may occur. Such list should be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.***

***2. Civil Service Rules and Regulations: All layoffs shall be implemented in accordance with Civil Service Rules and Regulations.***

***3. Retention Points: Retention points are based on length of continuous service. Employees receive 100 points, plus one (1) point for each biweekly period of full-time service and one-half (.5) point for each biweekly period of other service, for so long as the service has been continuous up to the date for calculating retention points.***

***4. Order of Layoffs: Employees shall be laid off consistent with the needs of the department, as determined by the Appointing Authority, using the following order of layoff: first, seasonal, then part-time permanent, and then full-time permanent within the affected classification(s).***

***The layoff lists shall be developed separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the employee having the most recent date of continuous service from which no break in service has occurred shall be laid off first. If the dates are the same, the Appointing Authority shall decide the order of layoff.***

***5. Notification of Layoff or Displacement: Employees shall be mailed a written notice of their layoff or displacement by another employee at least 17 calendar days prior to the layoff, or such notice shall be personally delivered 14 calendar days prior to the layoff or displacement by another employee. The written notice shall include:***

***a. Reason for layoff or displacement.***

***b. Date the layoff or displacement becomes effective.***

***c. The right of such employee to appeal to the Civil Service Commission, and the time in which to file an appeal (ten (10) days after receipt of notice or the date of displacement).***

***d. A statement advising the employee of the employee’s right to displace another employee and the length of time within which the employee may displace (bump) another employee (five (5) calendar days of after receipt of notice).***

***e. A statement advising the employee of the employee’s right to reinstatement or re-employment.***

***f. A statement that, upon request by the employee, the Employer will make available a copy of the Civil Service Commission rules regarding layoffs.***

***g. A statement that the employee is responsible for maintaining a current address with the Employer.***

***Employees must notify the Appointing Authority in writing of their intention to exercise their displacement rights within five (5) calendar days following receipt of the layoff notice.***

***6. Displacement: Laid off employees may be permitted to displace employees in the next lower classification and successively lower classifications within the classification series when:***

***a. The lower classification is within the same classification series;***

***b. The employee has more retention points than an employee in the lower classification.***

***Employees may not displace to a higher appointment type (e.g., part-time employees may not displace full-time employees, etc.). Employees may not displace into positions which require specialized skills or training which they do not possess. Other rules on displacement may apply, as provided in the Civil Service Rules and Regulations.***

***7. Displacement under Job Abolishment: Whenever the Appointing Authority reduces staffing due to job abolishment, employees have the right to displace as follows:***

***a. If a vacancy is designated available in the classification of layoff, the employee shall first displace to that vacancy, regardless of seniority within the classification.***

***b. If the employee whose position has been abolished has more retention points than any other employee serving in the same classification, then the employee with the fewest retention points shall be displaced.***

***c. If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall have the right to fill an available vacancy in a lower classification in the classification series, provided the employee is qualified for the position.***

***d. If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series, provided the employee is qualified for the position.***

***8. Pay Following Displacement: Whenever an employee displaces to a lower classification as a result of layoff, every effort shall be made not to reduce the employee’s pay; however, pay rates shall be established according to the following provisions:***

***a. If the lower pay range permits, the employee’s rate shall be set at the same or most nearly the same pay level, without receiving an increase.***

***b. If the employee’s pay rate exceeds the pay range of the lower classification, the employee’s rate shall be set at the top level of the lower pay range.***

***9. Appeals: Employees who believe they have been laid off in error may appeal the action to the Civil Service Commission within ten (10) days of the receipt of the notice of the layoff or the date the employee is displaced. Such appeal must be in writing, and include reasons as to why the layoff or displacement was improper.***

***10. Recall Rights: The Appointing Authority shall establish a recall list, and employees shall be eligible for re-employment for one (1) year following layoff. Employees who are qualified to perform the duties of the applicable positions, shall be offered positions that become available at their classification level and lower classification levels within their classification series, according to their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points shall be first on the recall list).***

**NEW HIRE REPORTING *RESIGNATION* SECTION 3.10**

**A. POLICY**

1. Employees may voluntarily resign by submitting a written letter of resignation to their immediate supervisor. Department heads shall give such notice at least four (4) weeks in advance and all other employees at least two (2) weeks in advance of the effective date of separation. Failure to give proper, timely notification shall render the employee ineligible for future re-employment with the Galion City Health Department.

**B. PROCEDURE**

1. Letters of resignation shall be submitted to the immediate supervisor and contain the following information:

a. a statement indicating the employee's intention to resign;

b. the date of the letter;

c. the effective date of resignation;

d. the reason for resignation (optional);

e. the employee's signature.

2. The supervisor shall immediately upon receipt, notify the Mayor’s and Auditor's offices.

3. The supervisor may provide the resigning employee with an Exit Interview Form (located in Section 9) as soon as possible and request that the employee complete the form and discuss its contents with the supervisor at an exit interview, which shall be scheduled and held prior to the employee receiving their last paycheck. The exit interview is for the purpose of:

a. discovering any unknown grievances or problems relating to the resigning employee's employment;

b. determine all compensation and benefits owed;

c. determine the resigning employee's availability for future employment (if applicable); and

d. obtaining the resigning employee's correct mailing address.

4. The Employer ***supervisor[[31]](#footnote-43)*** shall sign, date and place the Exit Interview Form in the employee's personnel file.

**PERFORMANCE EVALUATIONS *NEW HIRE REPORTING* SECTION 3.11**

**A. POLICY**

1. Generally - In accordance with O.R.C. 5101.312, the Employer shall report certain information about employees who are newly hired, rehired or who return to work after a separation of employment. This information will be used by the Ohio Department of Human Services to help locate parents who owe child support, to make adjustments in public assistance benefits and to identify persons who are fraudulently receiving benefits.

**B. PROCEDURE**

1. The Employer shall forward a "ODHS New Hire Reporting Form" or a copy of the employee's IRS W-4 form to the Ohio New Hire Reporting Program, P.O. Box 15309, Columbus, Ohio 43215-0309. Such form should be forwarded within thirty (30) calendar days of the date of hire. (Employers who desire to submit such reports electronically should contact Technical Support at [888] 872-1490 or Fax [888] 872-1611 or www.oh-newhire.com.)

***A. POLICY[[32]](#footnote-44)***

***1. Generally: In accordance with O.R.C. § 3121.89-3121.8911, the Employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other state agencies to help detect and prevent erroneous unemployment or workers’ compensation payments.***

***2. Employee Definition: The statute defines employee as any individual who is employed to provide services to an employer for compensation and includes an individual who provides services to an employer under a contract as an independent contractor and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.***

***3. Deadline: Information regarding newly hired, rehired, or returning employees shall be submitted within 20 days of the hire or rehire date.***

***B. PROCEDURE***

***1. There are a variety of ways to report new hires, including online reporting, electronic reporting, and by mail or fax. These options for reporting are discussed in detail on the Ohio New Hire Reporting Center’s website at: www.oh-newhire.com.***

***2. If the Employer prefers to submit the Ohio New Hire Reporting Form by mail or fax the Employer shall complete and forward the form to the address or fax number contained in the top left-hand corner of the form. A copy of this form is included in this manual or can be obtained from the above listed website.***

***3. For questions or technical assistance regarding the new hire reporting process employers can contact the Ohio New Hire Reporting Center at (614) 221-5330 or call the toll-free number (888) 872-1490.***

**HEPATIS B IMMUNIZATION *PERFORMANCE EVALUATIONS* SECTION 3.12**

**A.** **POLICY**

1. The Galion City Health Department believes that employee evaluation allows the employee to receive feedback and that feedback is important for maximum job performance. Therefore, it is our policy that formal evaluations be conducted between the employee and their immediate supervisor on the following schedule:

a. Mid Probation - 60-75 days after employment began

b. End of Probation - at 120 days

c. Yearly after probation period, at the anniversary of their employment as a regular employee.

2. Elements of the employee evaluation are:

a. Employee self evaluation - a form will be provided for use by the employee.

b. Supervisor evaluation - a form will be filled out by the supervisor.

c. Sharing of information and discussion of goals for the coming year.

**B. PROCEDURE**

1. Employee evaluations must be signed by the employee and the supervisor. Employees have the right to attach comments or a response to the evaluation if they wish to do so.

2. The supervisor will review and sign the evaluation before it is placed in the employee’s personnel folder.

***HEPATITIS B IMMUNIZATION* SECTION 3.13**

**A.** **POLICY**

1. All employees of the Galion City Health Department who have been determined to be at possible risk for blood exposure will be offered Hepatitis B immunization at no cost to the employee.

**B. PROCEDURE**

1. At-risk employees will be offered immunization at the time of employment. The employee may elect to receive the vaccine or may decline. There is no requirement that the employee take the vaccine. Employees will sign a statement (located in Section 9) saying that they were offered the vaccine and whether they wish to receive the vaccine.

2. At any time during their employment the employee may elect to take the Hepatitis B vaccine if they initially declined it. It is the responsibility of the employee to communicate the desire for the vaccine IN WRITING to their supervisor.

***ANTI-TERRORISM* SECTION 3.14**

**A. POLICY[[33]](#footnote-45)**

**1. In accordance with R.C. Section 2909.34, any applicant who is under final consideration for public employment must fill out a Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization (DMA) indicating whether they have provided material assistance or support to a terrorist organization. The DMA was created to provide the state with an additional tool to deter and prosecute acts of terrorism. A copy of the DMA is included as part of this policy and can be obtained from the Ohio Homeland Security website at: www.homelandsecurity.ohio.gov.**

**2. Material assistance, as defined by the statute, means any of the following:**

**a. Membership in an organization listed on the U.S. State Department’s Terrorist Exclusion List (TEL);**

**b. Use of the person’s position of prominence within any country to persuade others to support an organization on the TEL;**

**c. Knowingly soliciting funds or other things of value for an organization on the TEL;**

**d. Solicitation of any individual for membership in an organization on the TEL;**

**e. Commission of an act that a person knows, or reasonably should have known, affords material support or resources to an organization on the TEL; or**

**f. Hiring or compensating a person known by the person hiring or providing compensation to be a member of an organization on the TEL, or a person known by the person hiring or providing compensation to be engaged in planning, assisting in, or carrying out an act of terrorism.**

**3. The TEL is a list of foreign organizations known to support and/or engage in acts of terrorism. The list is maintained by the United States Department of State. A current copy of the TEL can be obtained from the Ohio Homeland Security website at:**

[**www.homelandsecurity.ohio.gov**](http://www.homelandsecurity.ohio.gov)**.**

**4. Material support or resources, as defined by the statute, means currency, payment instruments (check, draft, money order, traveler’s check, cashiers check, teller’s check), other financial securities, funds, transfer of funds, and financial services that are in excess of $100.00, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets except medicine or religious materials.**

**5. The Employer is prohibited from employing any person who discloses that he or she has provided material assistance, support or resources to any organization listed on the TEL.**

**6. No person, company, affiliated group or organization, or any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group or organization shall be permitted to enter into a contract to conduct business with or receive funding from the City of Galion unless such entity has completed a DMA and been certified as not providing material assistance to any organization listed on the TEL.**

**7. When applying for a contract, falsely representing pre-certification, or representing pre-certification when that pre-certification has been or should have been rescinded, is a felony of the fifth degree.**

**B. PROCEDURE**

**PRE-EMPLOYMENT:**

**1. The Employer shall provide each person who is under final consideration for employment with a copy of the DMA and a then-current copy of the TEL.**

**2. Any person under final consideration for employment who is provided a DMA shall complete the declaration prior to being employed. Any answer of “yes” to any question, or the failure to answer “no” to any question, shall serve as a disclosure of the provision of material assistance to an organization that is listed on the TEL.**

**3. The Employer shall retain the completed DMA form along with the applicant’s application for employment. If the applicant has answered “no” to each of the questions, no further action is necessary by the Employer.**

**4. The Employer shall not employ any person who discloses the provision of material assistance to an organization that is listed on the TEL. The Employer shall then notify the Department of Public Safety’s Division of Homeland Security that it has denied an applicant due to a positive response on the DMA.**

**5. Any person who has been denied public employment pursuant to R.C. Section 2909.34 may submit to the Ohio Department of Public Safety, a Request for a Review of the Denial of Public Employment Due to the Provision of Material Assistance to a Terrorist Organization.**

**6. The Department of Public Safety, upon the request of any person who has been denied employment pursuant to this policy, shall review the request within 30 days to determine if the denial of employment should be voided. The Department shall void that denial if it determines all of the following:**

**a. That the provision of material assistance to an organization on the TEL was made more than ten (10) years prior to the time the DMA was filled out, or the material assistance was provided during the ten (10) years prior to the application and the date of the review, but at the time of the assistance, the organization was either not on the list or would not have merited inclusion on the list had it existed at the time, or at the time of the assistance it was not reasonable to know of the organization’s activities that would have merited its inclusion on the list;**

**b. That it is unlikely in the future that the person will provide material assistance to any organization on the TEL; and**

**c. The person does not pose a risk to the residents of the state.**

**7. The failure of an applicant for employment to disclose the provision of material assistance to an organization on the TEL, as required, or knowingly making false statements regarding material assistance to an organization on that list, is a felony of the fifth degree.**

**DURING EMPLOYMENT:**

**1. The Employer may terminate any employee who falsely answers any question on the DMA or who, after providing a DMA pursuant to this policy, takes an action that would result in “yes” being the correct answer to any question on the declaration, had the declaration been re-administered after taking that action. However, prior to terminating an employee pursuant to this policy, the Employer will comply with one of the following hearing procedures:**

**a. If the employee is entitled to termination proceedings under a collective bargaining agreement, the Employer must comply with those procedures.**

**b. If the employee is not entitled to termination proceedings under a collective bargaining agreement, the Employer must comply with any applicable statutory procedures.**

**COMPENSATION SECTION 4.01**

**A. POLICY**

1. Generally - The compensation practices of the Employer shall comply with sound personnel management principles and practices and be in accordance with applicable laws and regulations.

2. Rates of pay are established periodically by the Board of Health. Current pay rates for all job classifications will be on file with the Business Services Officer and the Health Commissioner.

3. Newly hired employees may start at any rate on the pay scale at the pleasure of the Board based on education and experience.

4. Administrative positions, including the Health Commissioner, Environmental Health Director, and the Director of Nursing, are granted raises at the pleasure of the Board.

5. Intermittent employees shall advance to the next pay grade following the probationary period completion. Thereafter, the Board will review for increase intermittent employees on a yearly basis, subject to a satisfactory evaluation by the supervisor. ***The Board will review increases for intermittent employees on an as needed basis and are subject to a satisfactory evaluation by the supervisor.* (Resolution Change)**

**B. PROCEDURE**

1. All changes in the pay of individual employees shall be reported to the Auditor by completion of a Personnel Action Form which must be signed by the Employer and submitted to the Auditor’s Office.

**PAY PERIODS / PAYCHECKS SECTION 4.02**

**A. POLICY**

1. There are normally twenty-six (26) pay periods per year, each consisting of two (2) weeks. The bi-weekly pay period begins at 12:01 a.m. Sunday and ends at 12:00 p.m. the second succeeding Saturday.

2. In order to accurately figure pays, all leave slips must be in by 10:00 a.m. on the Monday following the two week pay period. Failure to turn in leave slips may result in inaccurate pay, a reduced check, or incorrect posting of time to leave categories.

3. Payday shall be the Wednesday following the end of each two (2) week pay period. If a payday occurs on a holiday, paychecks will be issued on the preceding day, except under extenuating circumstances, in which case paychecks will be issued on the next following work day.

4. Pay advances are not permitted.

5. If an employee will not be present on pay day, the check will be mailed to the employee upon request to the Business Services Officer, or will be held until the employee or his designee picks up the check. Employees may be asked to sign that they have received their pay check. If someone other than the employee will be picking up the employee’s check, the employee must complete an Authorization to Release Paycheck form, located in section 9 of this manual.

6. Paychecks are distributed by the Auditor’s Office to each department head for distribution to employees. Only an employee may obtain the employee's paycheck, without prior authorization complete.

7. Once per year identification may be required by the Auditor’s Office prior to receiving the pay check. Announcement when this will occur will be made by the City.

**B. PROCEDURE**

None.

**WORK SCHEDULING SECTION 4.03**

**A. POLICY**

1. The Employer shall establish the standard workday, workweek and starting and quitting times for each department under the Employer’s authority in consideration of current and anticipated workload, public service needs and other factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the Employer's right to restructure the workday or workweek. Currently, the Galion City Health Department is open from 8:00 a.m. to 4:00 p.m. on weekdays.

2. The Employer may utilize "time off" or flexible hours in order to avoid employees working in excess of the standard workday or workweek or when dictated by the department's work load.

3. Subject to the discretion of the Employer, employees may be authorized to take break periods each full working day. Such breaks shall never interfere with the proper performance of the employee's work responsibilities.

**TIME RECORDS SECTION 4.04**

**A. POLICY**

1. All non-exempt employees are required to record all hours worked for the Employer, including all times the employee starts work and stops work each workday. Time sheets and other records are used by the Employerto document the hours worked by non-exempt employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the Employer may result in the loss of pay for the hours of work in question and disciplinary action.

**B. PROCEDURE**

1. Non-exempt employees are responsible to clock/sign in each time they start work and clock/sign out each time they stop work. ***.[[34]](#footnote-46)***

2.

3. Misrepresenting time worked, altering any time record or allowing a time record to be altered by others shall result in discipline.

**STARTING / LUNCH / QUITTING TIMES SECTION 4.05**

**A. POLICY**

1. Non-exempt 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 the employee's supervisor, except in emergency situations where advance approval cannot be granted.

2. The Galion Health Department has a closed lunch, which means that employees eat within the department and are available to answer phones and serve customers who happen to come in during the half hour lunch period. Appointments, clinics and other services are not scheduled during lunch, but incidental services are performed.

**OVERTIME SECTION 4.06**

**A. POLICY**

1. Any employee may be required to work in excess of the normal workday or workweek schedule to fulfill the operational demands of the Department. FLSA non-exempt employees shall be paid at the rate of one and one-half (1½) times the employee's regular hourly rate of pay for all hours worked in excess of eight (8) in any workday[[35]](#footnote-47) or forty (40) in any workweek. Overtime will be offered to the most senior classified employees in the department, who are qualified to perform the work. FLSA exempt employees (administrative staff) do not earn overtime pay.

2. The standard workweek for employees will be seven (7) consecutive days, beginning Sunday 12:01 a.m. and continuing through Saturday 12:00 midnight. Eligibility for overtime shall be based upon all hours actually worked in the normal workweek. Vacation, sick leave, holiday pay or other paid leave time shall not be counted in determining whether an employee has actually worked in excess of forty (40) hours.

3. All employees holding employment in more than one (1) position with the City must notify the Employer in writing of such joint employment. All of the hours worked by the employee are added together to determine overtime compensation.

4. If a non-FLSA ***non-***exempt[[36]](#footnote-48) employee's combined total hours worked for two (2) City agencies/departments exceeds forty (40) hours during the workweek, the employee shall be paid at the rate of time and one-half the weighted average of their two (2) different rates of pay for each hour worked in excess of forty (40) hours.

5. When a non-FLSA ***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 (i.e., driving a vehicle, attending meetings).

6. Hours spent by non-FLSA ***non-***exempt employees at lectures, meetings, training programs and similar activities 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 Employer.

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 Employer. 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:

a. Attendance is outside the employee's regular working hours;

b. Attendance is voluntary;

c. The employee does not perform any productive work while attending the training program.

7. Normally, overtime must be authorized by the Employer or designee in advance of the overtime being worked. However, unusual or emergency circumstances (i.e., emergency call-outs) may require employees to work overtime without having prior authorization of the Employer. Whenever such circumstances occur the Employer shall be notified by the next scheduled workday. Compensation for overtime worked in unusual or emergency instances shall be determined by the Employer.

8. Scheduled overtime which is subsequently cancelled for any reason shall not entitle the employee to overtime compensation.

9. 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.

**COMPENSATORY TIME SECTION 4.07**

**A. POLICY**

1. Non-exempt employees may elect to take[[37]](#footnote-49) ***accrue***compensatory time off in lieu of receiving cash payment for overtime worked, at the rate of one and one-half (1½) hours off for each hour of overtime worked. Employees may accrue a maximum of two hundred and forty (240) hours of compensatory time (for one hundred and sixty [160] hours worked) at any one time. All overtime hours worked in excess of the two hundred and forty (240) hour limit shall be paid in cash. All accrued but unused compensatory time on the books as of December 31 of each year shall be paid in cash.

2. The supervisor may schedule an employee to compensatory time off at the the supervisor's discretion.

3. Compensatory time off shall be taken in minimum increments of one (1) hour.

4. FLSA exempt employees may receive compensatory time at an hour for hour rate when more than forty (40) hours per week are worked.[[38]](#footnote-50)

**B. PROCEDURE**

1. Employees shall elect to take ***accrue*** compensatory time off in lieu of receiving cash payment by proper notation on the employee's time sheet or time card approved by the Employer.

2. Employees shall request compensatory time off in writing on an Application for Leave Form (located in Section 9).

**EXEMPT EMPLOYEES SECTION 4.08**

**A. POLICY**

1. Salaried employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay or compensatory time as defined in the FLSA. Such employees shall not receive a reduction in pay for absences of less than one (1) day. Such employees are, however, required to follow the procedures for requesting paid leave hereunder, and all pre-scheduled vacation and sick leave of one (1) day or more shall be deducted from the employee's accumulated sick leave or vacation leave balances.

***2. Public Accountability: For purposes of public accountability, exempt employees shall be required to maintain a record of the hours they work and any paid leave utilized.[[39]](#footnote-51)***

**CLOTHING ALLOWANCES SECTION 4.09**

**A.** **POLICY**

1. Full-time employees who work in the Environmental or Nursing Divisions shall be entitled to a***n annual [[40]](#footnote-52)*** $500 clothing allowance and the Registrar shall likewise be entitled to a***n annual*** $250 clothing allowance, to be paid in December of the year of employment.

2. Employees who work in any other category are not entitled to clothing allowances.

3. Intermittent employees in any category are not entitled to clothing allowance.

**LONGEVITY SECTION 4.10**

**A.** **POLICY**

1. To encourage long term employment of valued employees, the following ***longevity [[41]](#footnote-53)*** bonuses will be paid to full-time employees in December of each year:

Year***s*** of ***continuous [[42]](#footnote-54)*** Service Rate

5 ***1-2*** years $20 ***50*** per year

6-10 ***3-5*** years $25 ***60*** per year

11 ***6*** years or over $35 ***80*** per year (**RESOLUTION CHANGE)**

2. Part-time employees will earn longevity pay at exactly half the rate for full-time employees.

Example: At five (5) years of employment ***continuous service*** the rate will be $30/year.

3. Longevityis computed from the first day of service and shall include the probationary period. Approved leaves of absence shall not constitute a break in service for the purpose of longevity pay. [[43]](#footnote-55)

3. ***"Continuous service" - Means the uninterrupted service of an employee with the Employer where no*** *break in service* ***occurs. [[44]](#footnote-56)***

4. *"Break in service"* ***- Means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted by the Employer, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a*** *break in service,* ***provided the employee is reinstated or reemployed within the allowable time. [[45]](#footnote-57)***

**SICK LEAVE SECTION 5.01**

**A. POLICY**

1. Accrual - All employees, regardless of employment status, accrue .0575 hours of sick leave for each hour in active pay status (4.6 hours of sick leave for each completed eighty [80] hours of service), up to a maximum accumulation of one hundred twenty (120) hours per year. Employees may accumulate and carry over all sick leave accrued with no limits. Full-time salaried employees shall accrue sick leave based on a forty (40) hour workweek.

2. Credit For Prior Public Service - Employees who transfer between City Departments or Agencies, or who were previously employed by another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years and provided the employee has not cashed in any portion of that balance under O.R.C. 124.39. The words "public agency" as used above means those entities required to provide sick leave under R.C. 124.38 and 124.382, including the State, counties, municipalities, all boards of education, civil service townships, etc. within the State. Villages, Private Industry Councils, non-civil service townships, libraries organized as non-profit corporations, and other entities not required to provide sick leave under R.C. 124.38 or 124.382 are not "public agencies" for purposes of this policy. Notwithstanding the above or the Sick Leave Conversion Policy herein, if any “person removed for conviction of a felony” within the meaning of R.C. 124.34 is “subsequently re-employed” by the City, such person is only qualified to accrue sick leave as if the individual were a new employee receiving no credit for prior service.

The requirements for allowing sick leave transfers have been the subject of differing interpretations and legislative revisions. Therefore, to the extent the Employer has already allowed employees to transfer in sick leave credit prior to the adoption of this policy, that credit is not negated with respect to employees already credited as of the adoption of this policy or revision.

3. Usage - Upon approval of the Employer, sick leave may be used for the following reasons:

a. Personal illness, injury, pregnancy-related condition or exposure to contagious disease which could be communicated to other employees;

b. Illness, injury or pregnancy-related condition of employee's immediate family where the employee's attendance is reasonably necessary;

c. Death of a member of the employee's immediate family; or

d. Medical, dental, psychological or optical examinations or treatment of employee, or of a member of the employee's immediate family when the employee's attendance is reasonably necessary, and when such examination or treatment cannot be scheduled during non-work hours.

4. Immediate Family - For purposes of this policy, "immediate family" is defined as the employee's: mother, father, brother, sister, child, spouse, grandparent, grandparent-in-law, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-parents, step-children, step-siblings, legal guardian or other person who stands in the place of a parent.

5. Charging Sick Leave - Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. Sick leave payment shall not exceed the employee's normal straight time hourly, daily or weekly earnings. If an employee is paid for sick leave which is subsequently denied, the amount overpaid shall be deducted from the employee's next paycheck. Sick leave shall be charged in minimum increments of one (1) hour.

6. Written Statement For Approval - The employee is required to provide the Employer a written statement justifying the use of sick leave. If medical attention is required by the employee or a member of the employee's immediate family, a physician's certificate may be required. The Employer maintains the right to investigate the circumstances surrounding an employee's request for sick leave. A request for sick leave may be denied if:

a. The employee fails to comply with the procedure for proper sick leave usage;

b. The employee fails to present a required physician's certificate or a properly completed request form by 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used;

c. An investigation of a sick leave request discloses facts inconsistent with the proper use of sick leave, such as a pattern of using sick leave before or after regular days off, falsification of sick leave records including a physician's statement/certificate, acting inconsistent with the request for sick leave or other evidence of intent to defraud; or

d. The employee requesting sick leave is working another job or participating in any recreational or social activity which is inconsistent with the reason the employee requested sick leave.

These circumstances shall also be grounds for disciplinary action which may include dismissal.

7. Sick Leave Abuse - Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or the excessive use of sick leave may result in sick leave denial and appropriate disciplinary action. Employees are expected to be home or hospitalized while on sick leave unless on a medical-related errand or appointment.

**B. PROCEDURE**

1. An employee requesting sick leave for a scheduled medical appointment shall notify the employee’s immediate supervisor as soon as possible. An employee requesting sick leave for other than a scheduled appointment must notify the supervisor of the employee’s absence and reason therefore as soon as possible and no later than one (1) hour before the employee’s scheduled starting time. Certain departments may require an earlier notification period in order to obtain a replacement to cover the employee’s absence. Employees must follow this notification requirement each and every day the employee will be absent, unless otherwise instructed by the supervisor. In the case of an absence exceeding three (3) consecutive workdays, a physician’s statement specifying the employee’s inability to report to work and the probable date of recovery shall be required.

2. Upon return to work from sick leave, an employee must complete an Application For Leave Form and submit same to the Employer as soon as possible but by no later than 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used. If the employee is sick the last day of the pay period the employee must make arrangements to complete and submit an Application For Leave Form within above described time frames.

3. If an employee sought medical treatment for an illness or injury, if an employee's illness or injury extends for three (3) or more consecutive work days, or in cases of a pattern of sick leave usage, the Employer may require a Medical Practitioner's Statement stating the date and nature of the illness or injury and when the employee is able to return to work and perform the duties of the position.

4. If the employee is unable to return to work and perform the duties of the position by the original date the physician indicated in the Medical Practitioner's Statement, the Employer shall require another Medical Practitioner's Statement to be provided which indicates the new date when the employee will be able to return to work.

5. The Employer shall review the completed Application for Leave Form and the circumstances surrounding the absence. The Employer shall recommend or not recommend approval of the sick leave and sign the Application For Leave Form. The form shall then be forwarded to the Administrative Secretary to the Mayor and the Auditor.

6. The Employer shall inform any employee whose sick leave request is denied, the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.

**SICK LEAVE CONVERSION SECTION 5.02**

**A. POLICY**

1. Retirement Conversion:

a. Payment of accrued but unused sick leave will be made to each employee upon service retirement under PERS from active service with the Employer and with at least three (3) years of continuous service with the Employer. Such payment shall be made only once to any employee, and the amount of such payment shall be two-thirds (2/3) of the employee's accrued but unused sick leave. Employees shall only be eligible for such payment if they are employed by the Employer at the time of retirement***, and if they provide the Employer with at least thirty (30) days advance notice in writing***.[[46]](#footnote-58)

b. As used in this policy, “retirement” shall mean disability or service retirement under any state retirement system applicable to the employee. Payment shall be based on the employee’s base rate of pay at the time of retirement.

c. Payment under this policy shall be considered to eliminate all sick leave credit accrued by the employee at the time of payment.

d. Payment of accrued but unused sick leave will be made to the beneficiaries of a deceased employee who would have qualified for the sick leave conversion benefits as described herein, in compliance with ORC Section 2113.04.

2. Annual Conversion - Employees who have accumulated at least six hundred (600) hours of unused sick leave and whose sick leave usage has been limited as provided below from December 31 to December 31 shall receive the incentive payment indicated below:

Sick Leave Hours Used in Year Incentive Payment

0 - 4 hours $200.00

5 - 16 hours $140.00

17 - 32 hours $ 70.00

Over 32 hours -0-

***0 – 12 hours $500.00***

***13 – 24 hours $250.00***

***Over 24 hours -0-[[47]](#footnote-59)***

**B. PROCEDURE**

1. Employees eligible to receive the retirement conversion payment hereunder shall, upon retirement from active service under PERS, see the Employer to complete the required request form.

2. Payment to eligible employees shall be made based on the employee’s hourly rate of pay at the time of retirement and the documented hours of unused sick leave reflected in the records maintained by the City. Salaried employees shall be compensated based upon an eight (8) hour work day and a work year of 2,080 hours.

**VACATION SECTION 5.03**

**A. POLICY**

1. Accrual: Full-time employees accrue paid vacation leave according to the following schedule:

a. After one (1) year of service ***Upon employment***: 3.1 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week. Maximum accumulation per year = 80 hours (2 weeks).

b. Six (6) or more years of service completed: 4.6 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week. Maximum accumulation per year = 120 hours (3 weeks).

c. Twelve (12) or more years of service completed: 6.2 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week. Maximum accumulation per year = 160 hours (4 weeks).

d. Seventeen (17) or more years of service completed: 6.2 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week (4 weeks), plus an additional (.31) days per pay period for each additional year thereafter- (one [1] additional day per year.)

Upon completion of the first year of employment, a full-time employee shall be credited with two (2) weeks of vacation (e.g., 80 hours) and shall begin accruing vacation for the following year[[48]](#footnote-60) at 3.1 hours per pay period. Upon completion of six (6), twelve (12), and seventeen (17) years of service, the employee shall begin accruing vacation hours for the following year at the applicable higher rate.

2. Part-time Employment - Part-time employees accrue ***shall not be eligible for*** vacation at a proportionate rate figured by comparing their normal biweekly work schedule to that of a forty (40) hour employee.[[49]](#footnote-61)

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***Part-time employees accrue vacation at a proportionate rate figured by comparing their normal biweekly work schedule to that of a 40 hour employee as follows:***

***After 1 year of service (.03875) times non-overtime hours worked.***

***After 8 years of service (.0575) times non-overtime hours worked.***

***After 15 years of service (.0775) times non-overtime hours worked.***

***After 25 years of service (.09625) times non-overtime hours worked.***

***3.[[50]](#footnote-62)*** Intermittent employees shall not be eligible for vacation.

***4.*** Vacation leave is earned while on other paid leave provided by the Employer but additional vacation is not accrued when working overtime hours. Vacation is not earned for entire pay periods during which an employee is in non-work status, (i.e., leave of absence, disciplinary suspensions, etc.).

3 ***5***. Eligibility:

a. Full-time employees shall not be entitled to ***use*** vacation leave under any circumstance until after they have completed one year of service with the City ***as it is accrued consistent with the policies and procedures outlined herein***.

b. If an employee transfers from one Employer to another, the employee may not transfer accumulated vacation credits and must be paid by the previous Employer for the employee's balance of vacation hours. ***No employee of the Galion City Health Department is permitted to transfer vacation credits from their previous employer to the Health Department.[[51]](#footnote-63)***

c. Most employees are entitled to credit for prior service with the City, state, or any political subdivision of the state for purposes of determining the rate at which the employee will accrue vacation. However, an employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the City on or after June 24, 1987, shall not have the employee’s prior service counted for purposes of computing vacation leave.

Notwithstanding the above, any person removed for conviction of a felony “within the meaning of R.C. 124.34” who is subsequently re-employed by the City is only qualified to accrue vacation as if the individual was a new employee receiving no prior service credit.

4 ***6***. Scheduling and Approval:

a. Vacation scheduling is subject to the approval of the Employer and the operational needs of the Health Department.

b. Vacation leave is to be taken in minimum units as determined by the Employer, and must be requested on the appropriate leave request form. The Employer may also establish maximum increments.

c. Vacation scheduling is subject to the approval of the Employer based upon the operational needs of the department and in accordance with the following guidelines for notification:

Vacation Leave Request

***Less than*** 1 week or less 24 hours

***One (***1***)*** week or more[[52]](#footnote-64) 1 week

5 ***7***. Carryover and Payment For Unused Vacation Leave:

a. Vacation leave is to be taken within twelve (12) months following the employee's anniversary date. An employee, in special and meritorious cases and upon approval of the Employer, may be permitted to carry over accumulated vacation leave to the following year. Vacation time off may be accumulated up to three (3) ***two (2)*** years. In the event an employee exceeds the ***two (2) year accrual*** limit ***the excess leave may be eliminated from the employee’s leave balance***.  ***Alternatively,*** the Board***,*** will ***in its sole discretion, may elect to*** pay the employee in cash ***for*** the excess ***leave*** or provide time off so that no vacation time shall be lost.[[53]](#footnote-65)

Employees who are on scheduled approved leave when a holiday occurs will receive the holiday and not be charged vacation or sick time.

b. An employee with one (1) or more years of service, who resigns, retires or is otherwise separated from service with theCity is entitled to compensation at the employee's current rate of pay, for any earned but unused vacation leave to the employee's credit at the time of separation. In the event of the death of an employee, the unused vacation balance shall be paid to the employee's estate.

c. The Employer shall determine the number of employees that may be on vacation leave at the same time.

d. Vacation credits are not earned while an employee is in a non-paid status (i.e., disability leave, absence without leave, disciplinary suspension, etc.).

**B. PROCEDURE**

1. Employees shall request vacation leave in writing on an Application for Leave Form (located in Section 9), following the guidelines outlined in subsection 4 above.

2. The Application for Leave Form shall be submitted to the Employer who shall approve or disapprove the request based on its timeliness and the operational requirements of the department.

3. Vacation scheduling is subject to approval of the Employer based upon the operational needs of the department. ***Written requests for leave increments of one (1) week or more received by March 1 of each year shall be honored based upon departmental seniority. Requests for leave increments of one (1) week or more received after March 1 of each year shall be honored based upon the date of the request (first come, first served).[[54]](#footnote-66)***

**HOLIDAYS SECTION 5.04**

**A. POLICY**

1. Eligibility - Full-time employees who have completed their probationary periods are entitled to the holidays listed herein. In addition, eligible employees in active pay status for the full shift immediately before and after a holiday shall be paid for the holiday as provided herein. Part-time***, temporary, or seasonal*** employees are ***not*** entitled to four (4) hours of holiday time.[[55]](#footnote-67)

2. Holidays - All eligible unit employees are entitled to the following holidays:

a. New Year's Day (January 1)

b. Good Friday (Friday before Easter)

c. Memorial Day (on day observed)

d. Independence Day (July 4)

e. Labor Day (first Monday in September)

f. Veteran's Day (November 11)

g. Thanksgiving Day (fourth Thursday in November)

h. Day After Thanksgiving (fourth Friday in November)

i. Day Before Christmas (December 24)

j. Christmas Day (December 25)

k. Day Before New Years (December 31)

l. One Floating Holiday

The floating holiday must be taken in ***one (1)[[56]](#footnote-68)*** eight (8) hour increment, and scheduled with the Employer’s approval. If at some future time the federal or state government mandates an additional holiday other than those listed above, the floating holiday will become the new holiday.

Each eligible employee hereunder is also entitled to twenty-four (24) hours of personal paid leave per year, to be taken in no less than one (1) hour increments and scheduled at least twenty-four (24) hours in advance, except for emergencies. Each part-time employee shall be entitled to sixteen (16) hours of personal leave. Intermittent employees do not receive personal leave. [[57]](#footnote-69)

**(RESOLUTION STATES: “Each part-time employee shall be entitled to twelve (12) hours of personal leave. Intermittent employees do not receive personal time.”)**

Personal leave may not be used until after successful completion of the probationary period. Personal time that is not used by the end of the year will be lost and will not be paid out in cash to the employee.

Personal leave will be prorated based upon when the employee was hired during the year. Example: Full-time RN is hired in April. She/he will receive 2.66 ***18[[58]](#footnote-70)*** hours of personal leave which may be taken after successful completion of the probationary period.

If a holiday falls on a Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.

3. Holiday Pay - Holiday pay shall be an employee's regular hourly rate of pay times the employee's normal daily work hours.

4. Work On Holiday - Any eligible employee required to work on a day of holiday observance shall be paid for all hours actually worked at one and one-half (1½) times the employee's applicable rate, plus holiday pay.

5. Employees On Paid Leave - If a holiday occurs while an employee is on sick leave or vacation leave, the holiday will not be charged against the employee's sick or vacation leave balance.

**B. PROCEDURE**

1. Employees shall request personal paid leave in writing on an Application For Leave Form at least twenty-four (24) hours in advance of the leave, except for emergencies as determined by the Employer, and submit same to the employee's immediate supervisor.

**FUNERAL LEAVE SECTION 5.05**

**A. POLICY**

1. Three (3) Days of Funeral Leave - All employees may be granted up to a maximum of three (3) consecutive work days of paid leave in the event of the death of the employee's spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, ***step-parent, step-child, step-sibling, legal guardian, or other person who stands in the place of a parent*** grandparents, or grandparents-in-law.[[59]](#footnote-71)

2. ***Two (2) Days of Funeral Leave: All employees may be granted two (2) workdays of paid leave in the event of the death of the employee’s grandparents, grandparents-in-law, or grandchild.[[60]](#footnote-72)***

2 ***3***. Other - All employees may also be granted up to two (2) hours paid leave to attend or participate in the funeral of a deceased City employee, a Board member, a fellow employee, or a retired fellow employee, and up to eight (8) hours of paid leave to attend the funeral of an employee in their department killed in the scope of their employment.

4 ***5***. Usage - Funeral leave may be used to attend the funeral, make funeral arrangements or attend to other matters directly related to the funeral. Funeral leave shall not be granted for any days following the funeral unless approved by the Employer.

**B. PROCEDURE**

1. An employee requesting Funeral Leave must complete an Application For Leave Form (located in Section 9) and submit the request to the employee's[[61]](#footnote-73) Employer.

**CIVIL LEAVE SECTION 5.06**

**A. POLICY**

1. Eligibility - All employees shall be entitled to leave when subpoenaed for a court appearance or jury duty by the United States, the State of Ohio or any political subdivision during regular working hours, unless such court appearance is in connection with the employee's personal business (e.g., traffic court, divorce proceedings, etc.). This section shall not apply to employees who appear in court as part of their employment, with such appearances compensated as hours worked.

2. Payment - Employees on eligible civil leave shall pay all sums paid to them by the court to the Auditor and be paid the employee's applicable hourly rate for all time on court leave.

3. Return to Work - An employee released from court or jury duty prior to the end of one-half (½) of the employee's scheduled work day shall report for the remaining hours of work.

**B. PROCEDURE**

1. Employees shall complete an Application For Leave Form, and attach thereto a copy of the subpoena or other evidence of appearance and submit the completed form to their Employer as soon as possible after receipt of the subpoena. Failure to comply with this notice requirement may result in non-payment of Civil Leave pay ***and/or discipline***.[[62]](#footnote-74)

**MILITARY LEAVE SECTION 5.07**

**A. POLICY**

1. Active Duty Leave - Military Leave is governed by both R.C. Chapter 5903 and R.C. 124.29. In general, any employee with more than ninety (90) days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay. If not accepted for active duty, the employee shall be reinstated to the employee’s former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous position within thirty (30) days after their written request, provided such request is submitted within ninety (90) days of discharge or release from active duty. If temporary physical disability precludes the employee from performing the previous job, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting seniority status, rank, rating, increments, qualifications, etc., as though they had continued their employment.

2. Reserve Leave - R.C. 5923.05 requires that Ohio National Guard, Ohio Military Reserve, Ohio Naval Militia and all U.S. Armed Forces reserve component members be authorized up to twenty-two (22) working days or one hundred seventy-six (176) hours of leave without loss of pay per calendar year for military duty.

Any employee called to military duty for a period in excess of the twenty-two (22) working days because of an executive order issued by the President of the United States or an act of Congress may receive the difference between the employee’s pay and military pay, up to five hundred dollars ($500.00) per month. Along with requests for such leave, employees are required to submit the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.

**B. PROCEDURE**

1. Employees are required to submit a copy of their military orders with written request for leave to their Employer by completing a Request for Leave Form (located in Section 9).

***A. POLICY[[63]](#footnote-75)***

***1. Active Duty Leave: Military leave is governed by both state and federal laws. In general, any employee with more than 90 days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay. If not accepted for active duty, the employee shall be reinstated to the employee’s former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous position within 30 days after their written request, provided such request is submitted within the statutorily required period following discharge or release from active duty. If temporary physical disability precludes the employee from performing the previous job, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting seniority status, rank, rating, increments, qualifications, etc., as though they had been continually employed.***

***2. Military Reserve Leave: R.C. 5923.05 requires that permanent public employees, who are members of Ohio National Guard, Ohio Organized Militia, or other reserve components of the armed forces of the United States be authorized up to 176 hours of leave without loss of pay per calendar year for military duty or training (408 hours if employee is a “public safety employee”). This payment is in addition to the gross uniformed pay and allowances the employee receives from the military.***

***3. Military Reserve Leave in Excess of 176 Hours: Any permanent public employee called to military duty for a period in excess of the 176 hours because of an executive order issued by the President of the United States, because of an act of Congress, or because of an order to perform duty issued by the governor pursuant to R.C. Section 5919.29, is entitled to be paid the difference between the employee’s gross monthly wage or salary and the gross uniformed pay and allowances up to $500.00 per month. If the gross uniformed pay and allowances equals or exceeds the employee’s regular gross monthly wage or salary normally paid by the Employer, the employee is not entitled to any additional compensation from the Employer after being compensated for the initial 176 hours per calendar year.***

***4. Request for Leave: Employees are required to submit to the Employer a copy of the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete and submit a Request for Leave Form.***

***B. PROCEDURE***

***1. Employees are required to submit to their department head a copy of their military orders and a completed Request for Leave Form outlining the anticipated duration of the military leave.***

**FAMILY AND MEDICAL LEAVE SECTION 5.08**

**A. POLICY**

1. Definition - Family and Medical Leave (FML) is a leave of absence, taken for specified medical reasons, during which the Employer shall maintain the employee's health insurance in the same manner as if the employee remained in active pay status. During the leave, however, employees must continue to pay their share of the premium.

2. Eligible employees - Employees who have been employed for a total of at least twelve (12) months and who have completed at least one thousand two hundred and fifty (1,250) hours of actual service with the Employer during the previous twelve (12) month period will be eligible for FML.

3. Employees Not Covered - The following employees are not entitled to FML: elected officials; personal staff of elected officials; unclassified, policy-making appointees; immediate legal advisors to elected officials; unclassified employees of Employer Council; independent contractors; etc.

4. Entitlement to Leave - Eligible employees will be entitled to a total of twelve (12) workweeks of FML during a rolling twelve (12) month period measured backward from the date on which an employee uses Family or Medical Leave. Employees may take the leave for any of the following reasons:

a. Birth of a child of the employee and to care for a newborn child;

b. Placement of a child with the employee by way of adoption or foster care;

c. To care for the spouse, child, parent or one who stood in place of a parent of the employee, if that person has a serious health condition; or

d. Because of serious health conditions that make the employee unable to perform any of the essential functions of the employee's job***,* including a workers’ compensation qualifying injury; or**

**e. Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.**

**5. An eligible employee may be permitted a total of 26 workweeks of unpaid leave during the 12 month period measured forward from the first date the employee uses Family and Medical Leave in order to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. However, when Family and Medical Leave is used for this reason and one (1) or more of the reasons listed in “3” above, the eligible employee will be entitled to a maximum combined total of 26 workweeks of leave.[[64]](#footnote-76)**

5 ***6***. Use of Paid Leave - Employees are required to use all paid leave (i.e., accrued vacation, ***compensatory time,***  holidays, sick leave, etc.), except compensatory time (if applicable), prior to being granted a ***entering non-paid status while on*** FML. The combined period of leave, including paid ***and unpaid*** leave and FML, shall not exceed the total of twelve (12) ***or twenty-six (26)*** workweeks during any twelve (12) month period ***the leave year defined herein***.

6 ***7***. Further Unpaid Leave of Absence - In the event of the continuation, reoccurrence or onset of a serious health condition after the employee has exhausted the twelve (12) workweeks of leave, the employee may request an unpaid leave of absence in accordance with this manual.

**8. The Employer will require the employee to provide appropriate certification in order to support a leave request because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness.**

7 ***9***. Husband and Wife - In a case in which a husband and wife, both employed by the Employer, request leave due to the birth or placement of a child (see A.4.), the total number of workweeks of FML to which both employees are entitled shall be limited to twelve (12) workweeks during any twelve (12) month period.

8 ***10***. Intermittent/Reduced Leave Schedule - Leave due to the serious health condition of the employee or the employee's spouse, child or parent***, or to care for a covered servicemember with a serious illness or injury,***can be taken intermittently or on a reduced leave schedule when medically necessary. In all other cases, it may only be taken with permission of the Employer. The Employer may require an employee taking leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave***. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis.***

FML due to the birth or placement with the employee of a child shall not be taken on an intermittent or reduced leave schedule which would reduce the usual number of hours per workweek or per workday.

9 ***11***. Seniority - An employee granted FML will continue to accrue seniority during FML.

10 ***12***. Reinstatement - When an employee returns from FML, he/she will be restored to the position held by the employee when the leave began or a similar position of equivalent pay and benefits. Where the employee is returning from unpaid leave, the Employer may require that the employee's physician certify that the employee is able to resume work as a condition of return to employment**, *when the leave is due to the employee’s own serious health condition.***

. 11***13***. Failure to Return:

1. If the employee fails to return from the leave, the employee shall reimburse the Employer for the total insurance premium paid by the Employer, unless the failure to return is due to:

• continuation, recurrence or onset of a serious health condition; or

• other circumstances beyond the employee's control.

In such a case, the Employer may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid by the Employer.

b. If an employee does not report to work or request and receive further approved leave after the applicable FML expires, the employee will be absent without leave and may be subject to disciplinary action.

12 ***14***. Records - The Employer shall maintain the following records for three (3) years:

• Employee wage records;

• Dates of FML taken (including paid leave taken);

• Hours of FML; if intermittent or reduced leave is taken;

• Copies of all notices given to employees;

• Copies of all documents describing benefits, policies and practices affecting FML;

• Copies of employee requests for FML;

• Records of the Employer's and employee's health insurance payments;

• Records of any disputes between the Employer and employee over designation of FML.

Records of medical certification of employees or their family members shall be kept confidential as they are "confidential medical records" under the law.

13 ***15***. Family and Medical Leave Definitions:

a. Spouse: Husband and wife. However, common-law marriages after October 10, 1991, have been abolished by Ohio law.

b. Parent: The biological parent or person standing in place of a parent to the employee when the employee was a child. "In-laws" are not included.

c. Child: A biological, adopted, foster or step child; a legal ward; or a child of an employee who is standing in the place of a parent for that child ***loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.***

d. Serious Health Condition: An illness, injury, impairment or physical or mental condition which involves inpatient care or continuing treatment ***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-term incurable conditions and prenatal care.***

e. Continuing Treatment: Continuing treatment by a health care provider which includes at least one of the following:

(1) a period of incapacity for more than three (3) consecutive days which requires subsequent treatment relating to that condition on two (2) or more occasions or on one (1) occasion which results in a regimen of continuing treatment;

(2) incapacity due to pregnancy;

(3) a period of incapacity or treatment due to a chronic serious health condition, which may be episodic but includes periodic visits to health care provider and continues over an extended period of time;

(4) any period of incapacity which is permanent or long term, due to a condition for which treatment may not be effective;

(5) any period of absence due to receiving multiple treatments, e.g., after surgery, accident or for a condition which, if left untreated, would result in absence of three (3) consecutive days.

f. Health Care Provider: Either: 1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or 2) any other person determined by the Secretary of State to be capable of providing health care services.

g. Intermittent Leave: Leave taken in separate blocks of time due to a single qualifying reason.

h. Reduced Leave Schedule: Leave that reduces an employee's usual number of working hours per workweek or workday.

***i. Qualifying Exigency: A non-medical activity that is directly related to the covered military member’s active duty or call to active duty status. For an activity to qualify as an exigency, it must fall within one (1) of seven (7) categories of activities or be mutually agreed to by the Employer and employee. The seven (7) categories of qualifying exigencies are short-notice deployment (leave permitted up to seven (7) days if the military member receives seven (7) or less days’ notice of a call to active duty), military events and related activities, certain temporary childcare arrangements and school activities (but not ongoing childcare), financial and legal arrangements, counseling by a non-medical counselor (such as a member of the clergy), rest and recuperation (leave permitted up to five (5) days when the military member is on temporary rest and recuperation leave), and post-deployment military activities.***

***j. Next of Kin: Nearest blood relative.***

***k. Covered Servicemember: A current member of the Regular Armed Forces, National Guard, or Reserve, including those on the temporary disability retired list (TDRL), but not including former members or members on the permanent disability retired list. The servicemember must be receiving medical treatment or oversight by a Department of Defense or Veterans Affairs health care provider or by a Department of Defense TRICARE network or non-network authorized private health care provider.***

***l. Serious Injury or Illness: A condition that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.***

**B. PROCEDURE**

1. General Notice - The Employer shall post written notice of employees' rights and ability to file a complaint. ***The Employer shall also distribute the general notice to employees through the Employee Handbook or by providing the notice to each new hire.***

1. Paid Leave - If an employee requests paid leave that also qualifies as FML, the Employer shall notify the employee that the paid leave will count toward their FML. Such notice shall be communicated to the employee within two (2) business days from the date the Employer acquires knowledge that the leave qualifies as FML. This notice may be orally provided. However, the employee must then be provided notice in writing by the next payday. If the next payday is less than one (1) week away, the notice may be provided by the following payday.

***Eligibility Notice: The Employer will provide an eligibility notice to any employee who applies for FML leave informing the employee of whether the employee is eligible for FMLA leave. If the employee is not eligible, the notice must state at least one (1) reason why the employee is not eligible. The eligibility notice must be provided within five (5) business days after the first time in each of the Employer’s FML leave year that an employee requests FML leave for a particular qualifying reason. During that same FML leave year, a new notice is required only if the employee’s eligibility status changes.***

3. Personal Notice - Upon receipt of a request for FML or upon determination that paid leave qualifies as FML, the Employer will provide the employee with detailed written notice of:

a. The Employer's expectations and policy;

b. The employee's rights and obligations (including the amount of insurance premium that must be paid);

c. The consequences of an employee's non-compliance;

d. The leave that will be counted against the employee's annual entitlement and how it is measured;

e. The requirements regarding medical certification.

This notice will be provided by furnishing a copy of this entire policy and the Form to the employee. The Employer will also provide notice to employees on FML of any policy change(s).

***3. Rights and Responsibilities Notice: The Employer will provide a rights and responsibilities notice each time an eligibility notice is required. This notice includes numerous pieces of information, including the Employer’s designated 12 month FMLA leave year, whether a certification and other documentation will be required, whether the Employer will require the use of paid time off benefits while the employee is on leave, and a number of other rights and responsibilities of the employee.***

***4. Designation Notice: Once the Employer has determined that a leave is FML-qualifying, the Employer will provide written notice to an employee who has requested FML leave either designating the leave as FML-qualifying or notifying the employee that the leave does not qualify as FML leave. The notice must be provided within five (5) business days after the Employer determines if the leave is FML-qualifying. If the leave qualifies, the notice must specify the amount of leave that will be counted as FML leave if known, and if not known at that time, a designation notice must be provided upon the employee’s request but no more often than every 30 days (if leave was taken during the prior 30 days). The notice must also state whether a fitness-for-duty certification will be required.***

4 ***5***. Employee's Notice Responsibility - Eligible employees requiring FML shall notify the Employer not less than thirty (30) days prior to the date such leave is to begin by completing a written application for FML.

However, where the need for leave is not foreseeable thirty (30) days in advance, the employee shall complete the applicable Form and provide as much advance notice as practicable. Leave forms shall be submitted to the employee's immediate supervisor who shall forward them to the Employer.

Where an employee has no valid excuse for a delay in notice, the Employer may delay the leave until thirty (30) days after the notice has been received***. Absent unusual circumstances, employees must comply with the Employer’s usual and customary notice and procedural requirements for requesting leave. If an employee fails to comply with the Employer’s usual notice and procedures, absent unusual circumstances, the Employer may delay or deny FML-protected leave. The 30 day advanced notice requirement for foreseeable leave does not apply to qualifying exigency leave when a covered family member is called to active duty in the Armed Forces.***

5 ***6***. Initial Certification:

a. In cases involving unpaid FML leave, ***eEmployees who request Family Medical Leave*** must provide the Employer with certification of the condition from the health care provider in cases involving serious health conditions and attach the Certification Form to the application for leave.

b. Upon receipt of the certification, the Employer may, at its expense, require the employee to obtain a second opinion from a health care provider selected by the Employer. The Employer will not seek additional information from the initially certifying practitioner.

c. If the second opinion differs from the first, the Employer may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by the Employer and the employee. This third opinion shall be final and binding.

***d. If an employee submits a complete and sufficient certification signed by the health care provider, the Employer may not request additional information from the health care provider. However, the Employer may contact the health care provider for purposes of clarification and authentication of the medical certification after the Employer has given the employee an opportunity to cure any deficiencies. To make such contact, the Employer must use a health care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances, however, may the employee’s direct supervisor contact the employee’s health care provider. The Employer may not ask health care providers for additional information beyond that required by the certification form.***

6 ***7***. Subsequent Certification:

a. For pregnancy, chronic or permanent/long-term conditions under continuing supervision of a health care provider, the ***The*** Employer may request recertification ***no more often than*** every thirty (30) days the employee is on unpaid leave. However, if circumstances described in the previous certification change significantly (i.e., the severity of the condition, complications, etc.), the Employer may immediately request recertification ***and only in connection with an absence by the employee, unless paragraph b or c below apply.***

b. If the minimum duration of the incapacity specified on a certification is more than thirty (30) days, or if the leave is taken on an intermittent or reduced schedule basis, the Employer may not request recertification before the minimum duration of the specified leave expires unless one of the conditions of paragraph c is met. ***In all cases, the Employer may request a recertification of a medical condition with an absence by the employee.***

c. For circumstances not covered by paragraph a or b, the Employer may request recertification at any reasonable interval (but not more often than every thirty [30] days), unless: ***The Employer may request recertification in less than 30 days if:***

• the employee requests an extension of leave; or

• circumstances described by the previous certification have changed significantly (i.e., duration or nature of the illness, complications, etc.); or

• the Employer receives information that casts doubt upon the ***employee’s stated reason for the absence or the*** continuing validity of the certification.

***d. If one (1) of the conditions of paragraph c occurs, the Employer may immediately request recertification.***

d ***8***. ***Certification Deadline:*** The employee shall provide the requested recertification at the employee's expense within fifteen (15) calendar days unless this time limit is not practicable. Certifications not provided within this time limit without adequate excuse may invalidate the FML leave.

7 ***9***. Employee's Failure to Pay Insurance Premium - Upon commencement of FML, the Employer shall continue the employee's health insurance as if the employee was not on leave. However, the Employer's obligation shall cease if the employee is more than thirty (30) days late in tendering his/her share of the premium, unless COBRA has been elected. In such a case, the Employer shall provide the employee written notice fifteen (15) days prior to ceasing the premium payment by mail.

**LEAVE OF ABSENCE WITHOUT PAY SECTION 5.09**

**A. POLICY**

1. Eligibility - All employees who have completed their probationary period may request a leave of absence from employment without pay. A leave of absence without pay is generally granted for educational or personal reasons. Approval of such request is solely at the discretion of the Employer and each request will be determined on its own merits. A leave of absence without pay shall not exceed six (6) months.

2. Return From Leave - Upon returning from an approved leave of absence, the employee shall be placed in the employee's original position, or another position in the same classification should the employee's original position be unavailable. Should no similar position be available, the employee will be laid off. The leave of absence of a provisionally appointed classified employee is subject to the establishment of an eligible list and terminates automatically in case an eligible list is established during the period of the leave of absence.

3. Failure to Return or Properly Use Leave - Failure to return to work within three (3) working days after the scheduled end of an authorized leave of absence without acceptable justification will be deemed a voluntary resignation effective as of the scheduled expiration of the authorized leave. Failure to use a leave of absence for the reasons stated in the request for leave may result in cancellation of the leave.

4. Effect On Employment - Sick leave, vacation leave, holiday pay and seniority credit are not earned by employees while on an authorized leave of absence without pay, except that a leave of absence without pay related to military service shall not be considered a break in service for seniority purposes.

**B. PROCEDURE**

1. All requests for leaves of absence without pay shall be submitted to the Employer on an Application For Leave Form, indicating the specific reason for the requested leave and with all requested or supporting documentation attached.

2. All leaves of absence of classified employees must be reported to and approved by the Civil Service Commission.

**DISABILITY LEAVE / SEPARATION SECTION 5.10**

This section outlines the conditions under which a Disability Leave or Disability Separation may be granted to classified employees, and procedures for administering their use. It is intended to outline the procedures to be followed after determining that no reasonable accommodation can be made which would allow the employee to perform the essential functions of the employee’s position or other available vacant position for which the employee is qualified.

A. Voluntary Reduction - When an employee becomes physically unable to perform the essential functions of the employee's position even with a reasonable accommodation, but is still able to perform the duties of a vacant lower level position, the employee may voluntarily request reduction to the lower level position. Such request shall be in writing, addressed to the EEO Coordinator, or Employer shall state the reason for the request and, if approved by the City, will be attached to the implementing Personnel Action.

B. Disability Leave - A physically incapacitated employee, who has exhausted all accumulated sick leave, authorized vacation leave and[[65]](#footnote-77) Family and Medical Leave, and for whom voluntary reduction or reasonable accommodation is not practicable, may request up to one (1) year of disability leave without pay in increments of thirty (30) days, only if the employee can present evidence as to the probable date on which the employee will be able to return to the same or similar position within the one (1) year period. Such request shall be submitted in writing to the Employer with a copy of a physician's statement attached. The Employer shall forward the request with a recommendation to the Employer who shall approve or disapprove the request. An employee requesting or receiving approval for a disability leave of absence due to a disabling illness, injury or condition is subject to the provisions of the leave of Absence Without Pay Section of this manual.

C. Involuntary Disability Separation or Termination for Failure to Report for Work - Involuntary disability separation is effective in the following cases:

1. If an employee becomes unable to perform the essential job duties of the employee's position, subject to the Americans With Disabilities Act, and if the employee has exhausted Family and Medical Leave and other available leaves[[66]](#footnote-78), the Employer may involuntarily disability separate the employee.

2. If an employee on disability leave is unable to return to work when the employee's disability leave is exhausted, then the Employer shall involuntarily disability separate the employee if the employee cooperates under this procedure, or remove the employee for being absent-without-leave if the employee does not cooperate. (Please note that disability leave is only granted after Family Medical Leave is exhausted. See B. above.) The Employer shall do so by completing an order of removal indicating the reasons as "incompetency, neglect of duty and non-feasance" with an adequate explanation to make clear the underlying reasons are the employee's failure to report for work able to perform the essential functions of the employee's position. However, if the employee refuses to submit to an examination or to provide proof of disability, grounds for terminating employment shall be neglect of duty, non-feasance and failure of good behavior for failure to report for work without approved leave.

D. Medical Examination - Medical examinations are either required or permitted in relation to Involuntary Disability Separation as follows:

When required:

1. When requested by an Employer, a medical or psychological examination conducted by a licensed practitioner selected by the Employer, substantiating the disabling illness, injury or condition, shall be required prior to involuntarily separating the employee unless the employee is hospitalized at the time the employee is involuntarily separated. The Employer shall bear the cost of the examination. Both the Employer and the employee shall receive the results of that examination and related documents, subject to division (C)(1) of R.C. 1347.08.

When Permitted:

2. The Employer may require an employee to submit to a medical or psychological examination in order to determine the employee's capability to perform the essential job duties of the employee's position with or without a reasonable accommodation. Such examination shall be conducted by a licensed practitioner as determined by the Employer. Prior to examination, the Employer must supply the examining practitioner with facts relating to the perceived disabling illness, injury, or condition and must supply additional information including physical and mental requirements of the employee's position, duty statements and position description. The cost of the examination shall be paid by the Employer. Both the Employer and the employee shall receive the results of the examination and related documents subject to division (C)(1) of R.C. 1347.08.

Failure to Appear for Examination or Refusal to Submit:

3. The refusal to submit to the examination, the unexcused failure to appear for an examination or the refusal to release the results of an examination will subject the employee to removal, as explained in subsection (C)(2) above.

E. Right to Pre-Separation Conference Rights of Appeal:

1. The Employer shall institute pre-separation proceedings when the results of a medical or psychological examination conducted as provided by Subsection D have been received and the Employer initially determines an employee is incapable of performing the essential job duties of the employee’s assigned position with or without a reasonable accommodation, and initially determines the employee is not eligible to receive benefits under a program provided by the Employer. Under such proceedings, a conference shall be scheduled and advanced written notice shall be provided to the employee. If the employee does not waive the right to the conference, then at the conference the employee has a right to examine the Employer's evidence of disability, to rebut such evidence and to present testimony and evidence on the employee's own behalf.

2. If the Employer determines, after weighing the testimony presented and evidence admitted at the pre-separation conference, that the employee is capable of performing the essential job duties, then the pre-separation conference shall cease and the employee shall be considered to be fit to perform the essential job duties of the employee's position. If the Employer determines, after weighing the testimony presented and the evidence admitted at the pre-separation conference, that the employee is unable to perform the essential job duties, then the Employer shall issue to the employee an order of involuntary disability separation, as described in subsection (C)(2) above.

3. An employee so separated shall have the right to appeal in writing to the Civil Service Commissionwithin ten (10) days following the Employer's service upon the employee of the order of involuntarily disability separation.

4. The Employer shall notify the employee, at the time of the involuntary disability separation, of the required procedures to apply for reinstatement.

F. Right to Reinstatement Rights of Appeal:

1. An employee may make a written request to the Employer for reinstatement from an involuntary disability separation. The request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential functions of the employee's job. Such requests shall be made not more than once every three (3) months and not later than three (3) years following the beginning of the disability separation, or a leave of absence followed by a disability separation.

2. When an involuntarily separated employee presents to the Employer substantial, credible medical evidence as provided by (F)(1) above, showing the employee is once again capable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, the Employer shall either reinstate the employee or require the employee to submit to a medical or psychological examination conducted as provided by Subsection (D) (2) above.

3. The Employer shall reinstate the employee after receiving the results of the examination if the Employer determines the employee is once again capable of performing the essential duties of the employee's assigned position with or without a reasonable accommodation.

4. The Employer shall institute pre-reinstatement proceedings if the Employer has received the results of the examination and initially determines the employee remains incapable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation. Under these proceedings, a hearing shall be scheduled and adequate advanced written notice shall be provided to the employee. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the Employer's evidence of continuing disability, to rebut such evidence and to present testimony and evidence on the employee's own behalf.

5. If the Employer determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is once again able to perform the essential job duties of the employee's assigned position with or without a reasonable accommodation, then the Employer shall reinstate the employee. If the Employer determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is not able to perform the essential duties of the employee's assigned position with or without a reasonable accommodation, then the Employer shall not reinstate the employee.

6. If the Employer determines an employee, who has been involuntarily separated, has committed an act which is inconsistent with the employee's disability, illness or injury, then that act may be considered by the Employer when determining an employee's eligibility for reinstatement.

7. Once an Employer properly determines an employee is to be reinstated, the employee has a right to be assigned to a position in the classification the employee held at the time of involuntary disability separation. If the classification the employee held at the time of involuntary disability separation no longer exists or no longer is utilized by the Employer, then the employee shall be placed in a similar classification. If no similar classification exists, the employee may be laid off in accordance with the layoff procedures outlined elsewhere within this manual and may exercise any displacement rights which may exist under such procedures.

8. If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for up to five (5) years, except a licensed practitioner shall be appointed by the Public Employee's Retirement Board and application for reinstatement shall not be filed after the date of service eligibility retirement.

9. An employee refused reinstatement as provided in Subsection (F)(5) shall be notified in writing of the refusal to reinstate and of the right to appeal in writing to the Civil Service Commission within ten (10) days of receiving notice of the refusal to reinstate.

10. An employee who fails to apply for reinstatement within three (3) ***two (2) [[67]](#footnote-79)*** years following an involuntary disability separation, or a leave of absence followed by an involuntary disability separation, shall be deemed permanently separated from service except as otherwise provided in subsection (F)(8) above.

**GROUP HEALTH INSURANCE SECTION 5.11**

**A. POLICY**

1. Eligibility - All ***full-time (i.e. 40 hours per week)[[68]](#footnote-80)*** employees in active pay status may be eligible to participate in the Employer's health insurance program. Full time employees of the Galion City Health Department shall be entitled to hospitalization insurance. There will be no cost for single or family coverage. [[69]](#footnote-81) The insurance will be provided by the City of Galion or other coverage may be purchased by the Board of Health for its employees. Part time employees must pay half of the coverage cost with the Board paying the other half, if the employee chooses coverage. Intermittent employees are not entitled to medical, vision, dental or life insurance.[[70]](#footnote-82)

2. Election - Employees may elect coverage under the insurance plan at initial appointment, or apply for coverage at a later date by showing evidence of insurability through the completion of a health insurance questionnaire and subject to restrictions or rejection for coverage.

3. Coverage - Eligible employees approved for coverage by the insurance carrier at initial appointment shall become covered within thirty (30) to ninety (90) days after appointment. Current employees become covered after showing evidence of insurability.

4. Paid Leave - The Employer will continue to pay its share of the health insurance premium for employees on all paid leaves of absence for so long as the employee is in active pay status as defined in the Definitions Section of this manual.

5. Unpaid Leave of Absence - For employees who apply for and are granted an unpaid leave of absence, the Employer will continue to pay the employee's health insurance premium for the term of the unpaid leave of absence, up to one (1) year. After one (1) year, the employee shall no longer be eligible for coverage hereunder, but shall become eligible for continuation coverage at the employee's sole expense as provided in this manual.

6. Term Life Insurance - The Board provides full time employees with term life insurance that is enjoyed by other City employees. There is no cost to full time employees.

7. Dental Insurance - The Board provides dental insurance to full time employees at no cost to the employee. Part time employees share the cost of this coverage 50/50 with the Board, if they choose coverage.[[71]](#footnote-83)

8. Vision Insurance - The Board provides vision insurance for full time staff members at no cost. Part time employees share the cost of this coverage 50/50 with the Board, if they choose coverage.[[72]](#footnote-84)

9. Liability insurance coverage is purchased for all employees who are employed by the Health Department. Employees are encouraged to carry their own liability coverage as well. The employer may request copies of professional liability coverage for inclusion in the personnel file.

**B. PROCEDURE**

1. Employees desiring insurance coverage shall complete an application at commencement of employment. Employees declining coverage shall sign a waiver of coverage at commencement of employment.

2. The Employer shall immediately inform the Auditor's Office in writing when an employee is:

a. separated from service;

b. off work on workers' compensation; or

c. on any other unpaid leave of absence.

**CONTINUED GROUP HEALTH INSURANCE COVERAGE SECTION 5.12**

**A. POLICY**

1. Employees who separate from service and/or their spouses and children may be eligible for continuation of health insurance coverage, at their own expense, as described herein. The same health insurance coverage shall continue for eligible employees/ individuals under this policy as is provided to other employees who maintain employment with the Employer.

2. Employees, spouses and dependent children who are covered under the Employer's health insurance plan shall be offered the opportunity to continue health insurance coverage according to the following schedule:

a. An employee who is terminated (other than by discharge for gross misconduct) shall be eligible to purchase health insurance coverage for up to eighteen (18) months following the termination.

b. An employee whose total hours worked are reduced, which reduction causes the employee to be ineligible for continued health insurance coverage, shall be eligible to purchase health insurance coverage for up to eighteen (18) months following such reduction.

c. If a second qualifying event occurs during this eighteen (18) month period, coverage may be extended for an additional eighteen (18) months.

d. If any beneficiary becomes disabled under the Social Security Act and provides timely notice of that status to the Employer, coverage may be extended for up to twenty-nine (29) months.

e. The spouse and dependent children of an employee shall be eligible to purchase health insurance coverage for up to thirty-six (36) months when the employee:

(1) Dies;

(2) Would otherwise lose coverage due to termination and/or reduction as described in the above paragraphs; or

(3) Becomes entitled to Medicare coverage.

f. The spouse and/or dependent children shall be eligible to purchase health insurance coverage for up to thirty-six (36) months when:

(1) The spouse and dependent children would lose eligibility for continued coverage due to a divorce or legal separation; or

(2) The dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.

**B. PROCEDURE**

1. Full-time employees, spouses and dependent children shall be notified of the provisions of this policy as follows:

a. Employees shall be notified of this policy at the time they begin coverage under the Employer's health insurance plan or in the event they are either terminated or reduced.

b. Spouses shall be notified of this policy at the time family or spouse coverage begins under the Employer's health insurance plan or in the event the employee is either terminated or reduced.

c. Service of Notification on the employee's spouse shall be deemed notice to dependent children.

d. A sample COBRA notice is attached hereto (applicable form located in Section 9).

2. Each employee shall be responsible for notifying the Employer of any action which might trigger a spouse's or dependent child's eligibility for continuation of insurance coverage under this policy. Such notice shall be given by the employee to the Employer immediately upon gaining knowledge of the event and shall include divorce, legal separation or loss of dependent eligibility under the Employer's health plan.

3. The Employer or designee shall notify the individual(s) who are eligible for continued health insurance plan coverage of their rights and obligations under this policy, within fourteen (14) days after the occurrence of a triggering event. The notice shall contain a final date by which the employee, spouse or dependent child must respond to the notice.

4. The eligible employee/individual shall notify the Employer of their decision to continue or not continue coverage within sixty (60) days of the triggering event.

5. As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct, but including layoff, resignation, voluntary/involuntary leave without pay, discharge and any other termination which results in the employee's ineligibility for continued health insurance benefits. Employees who are separated in accordance with civil service law for gross misconduct are not eligible for continuation of health insurance plan coverage.

6. An employee, spouse or dependent child who elects continued health insurance coverage shall only be eligible until the earliest date that any of the following occur:

a. Coverage expires either eighteen (18), twenty-nine (29) or thirty-six (36) months after the triggering event;

b. The group health care plan is terminated by the Employer;

c. The individual fails to timely pay the required premium;

d. The employee becomes covered under another group health care plan; or

e. The individual becomes eligible for Medicare benefits.

**OTHER INSURANCES SECTION 5.13**

**A. POLICY**

1. The Employer provides group term life, vision care, dental care and liability insurance at the Employer's expense and may offer other insurance benefit programs at the Employer's and/or employee's expense. Employees should see their Employer for an explanation of currently available insurance benefits and programs.

**WORKERS’ COMPENSATION SECTION 5.14**

**A. POLICY**

1. State law provides that all employees are covered by Workers' Compensation for injuries that arise out of or in the course of employment. The Employer contributes to the Workers' Compensation Insurance Fund an amount determined by the Fund, based on the Employer's experience rate.

2. All injuries which arise out of or in the course of employment shall be reported and compensated for under this Workers' Compensation section and not under the Employer's health insurance plan.

**B. PROCEDURE**

1. Injury Reports - When an employee is injured during the course of employment, the employee's Employer shall provide the employee with an Injury/Accident Form. The form shall be completed regardless of the apparent seriousness of the injury and whether or not medical attention is required. The form shall be completed by the employee and forwarded to the Employer within forty-eight (48) ***twenty-four (24)[[73]](#footnote-85)*** hours of the injury. The Employer shall investigate the accident, review and complete the form and forward same to the Auditor.

2. Application for Payment of Medical Benefits Only - When an employee's injury requires any type of medical attention, the Employer shall, in addition to the Accident Report described above, provide the injured employee with an Application for Payment of Medical Benefits Form-C-3 ***First Report of an Injury, Occupational Disease, or Death***.[[74]](#footnote-86) This form shall be prepared and signed by the employee and given to the Employer, who shall forward same to the Auditor. The Auditor shall send the form to the attending physician for completion.

3. Application for Payment of Compensation and Medical Benefits - When, in addition to medical attention, an employee's injury results in an employee's absence from work for seven (7) days or more, the employee may complete an Application for Payment of Compensation and Medical Benefits-C-1 a ***First Report of an Injury, Occupational Disease, or Death***,[[75]](#footnote-87) if such employee desires compensation for lost wages. This form shall be given to the Employer, who shall forward same to the department's payroll officer for completion. This form shall then be forwarded to the Auditor for completion.

4. Serious Injury - In the event of a serious injury, the injured employee shall notify the Employer immediately so that an investigation can be initiated.

5. Return to Work - The Employer must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to their Employer their expected date of return (if known). The Employer is responsible for immediately notifying, in writing, the Auditor when an employee is able to return to work.

6. Documentation - Any documents received from the injured employee, the employee's physician, the hospital or the State regarding Workers' Compensation claims must be immediately forwarded to the Auditor.

7. Wages on Injury Date - Employees who are injured during the course of employment and who must leave work before completing their work period shall be paid at their regular rate for the balance of time left in their scheduled work day.

8. Repurchase of Used Sick Leave - An employee injured during the course of employment, and who makes application for Workers' Compensation payments, may elect to use accrued sick leave in accordance with Employer policy prior to receiving payments from Workers' Compensation. Employees shall sign an ***Repurchase of Sick Leave[[76]](#footnote-88)*** Agreement directing all Workers' Compensation payments to the Employer as reimbursement for such payments and shall have a proportionate amount of their sick leave reaccredited upon receipt of the Workers' Compensation payments by the Employer. Payment of sick leave in this manner shall not exceed twelve (12) weeks for each injury authorized for payment by the Bureau of Workers' Compensation.

9. Simultaneous Payments - Employees are prohibited from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

10. Accommodation of Disabled Employee - When confronted with an employee claiming a disability under the Workers' Compensation system, who is disabled as defined in the ADA, the Employer will consider making a reasonable accommodation that would allow the employee to continue performing the essential functions of the employee's position. When submitting information to the Bureau of Workers' Compensation or the Industrial Commission, the Employer will include:

a. copies of the employee's classification specification and essential functions list;

b. related medical records; and

c. any offer of reasonable accommodation.

The Employer will provide the same information to any examining physician or other appropriate, licensed practitioner.

1. ***Post-accident Testing: The results of a post-accident drug/alcohol test, or the employee’s refusal to submit to such test, could affect an employee’s eligibility to receive Workers’ Compensation benefits. An employee who refuses to submit to a drug/alcohol test is “rebuttably presumed” to have been intoxicated or under the influence of a controlled substance not prescribed by the employee’s physician. Once such a presumption is established, the employee must then prove that the presence of such drugs or alcohol was not the proximate cause of the workplace injury.***
2. ***In order for the results of a post-accident drug/alcohol test to be considered by the Bureau of Workers’ Compensation, the test that is employed must be a “qualifying test.” A test is “qualifying” if it is administered under one of three (3) circumstances:***

***a. Where the Employer had “reasonable cause” to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee’s physician; or***

***b. Where the examination is conducted at the request of a police officer following an arrest, traffic stop, or auto accident; or***

***c. Where the examination is ordered by a licensed physician who is not employed by the Employer and is not at the Employer’s request.***

***The determination of reasonable cause, as addressed in paragraph a. above, and the procedure for having an employee tested upon reasonable suspicion are addressed in Section 7.06 of this manual, Alcohol and Drug Abuse.[[77]](#footnote-89)***

**RETIREMENT SECTION 5.15**

**A. POLICY**

1. All employees (except uniformed personnel, elected officials and certain seasonal employees) are required by law to participate in the ***Ohio[[78]](#footnote-90)*** Public Employees Retirement System (***O***PERS). Both the employee and the Employer are required to contribute to ***O***PERS, in amounts set by State law. The employee's contribution is paid by payroll deduction. The Employer may elect to "pick-up" or pay the employee's share on a "pre-tax" basis.

2. Employees who separate from service prior to retirement eligibility may withdraw their own contributions without interest from these plans.

3. Notice - All employees are required to notify their Employer of their anticipated retirement in writing at least ninety (90) ***thirty (30)[[79]](#footnote-91)*** days prior to the effective date of their retirement.

4. Questions regarding these plans should be directed to:

***Ohio*** Public Employees' Retirement System

277 E. Town Street

Columbus, Ohio 43215

(614) 466-2085 ***1-800-222-PERS (7377)***

**B. PROCEDURE**

1. Employees shall submit a signed, dated letter to their Employer stating their intention to retire and the effective date of their retirement at least ninety (90) ***thirty (30)*** days in advance. The Employer shall forward a copy of this letter immediately to the Auditor to allow benefits and separation payments to be determined.

**TRANSITIONAL WORK */ MODIFIED DUTY* SECTION 5.16**

**A. POLICY**

1. This policy is limited in its application to injuries and/or illnesses suffered during the course of employment. The purpose of transitional work is to provide such injured employees, who cannot effectively perform the essential functions of his/her position due to a work related illness/injury, the opportunity to continue working for a limited duration, with transitional work, (i.e. light duty) ***during such period of temporary partial disability[[80]](#footnote-92)***.

2. The temporary assignment to transitional work is made at the discretion of the Employer, only after a written request for such work has been submitted by the employee. The Employer may require the employee to provide medical certification from a licensed practitioner, as to the nature and extent of the employee's injury/illness and the probable length of time the employee needs to be assigned to transitional work.

3. During the transitional work period the employee shall continue to be paid his/her regular rate of compensation and accrue all benefits, such as paid leaves, in the same manner as before. Placement into transitional work does not constitute a break in continuous service, nor does it affect the employee's status, as defined in Section 3.03 of this manual. ***The employee’s job duties are temporarily modified as a result of the employee returning to work with medical restrictions.[[81]](#footnote-93)***

4. The period of transitional work shall not exceed thirty (30) days without advance approval by the Employer. Thereafter, the employee will be required to return to his/her previous position. [[82]](#footnote-94) An employee may be granted one (1) additional period of transitional work, upon special and meritorious circumstances.

**B. PROCEDURE**

1. When an employee has been injured during the course of employment, rendering the employee unable to perform the essential functions of the position, that employee may submit a written request to the Employer, asking to be given a ***will be evaluated for a*** transitional work assignment.[[83]](#footnote-95) ***This should, if possible, be done within 24 hours of the worker’s injury or physician’s visit.[[84]](#footnote-96)*** The Employer will approve or deny the request. Only after authorization from the Employer has been received, may the employee begin to perform transitional work (i.e. light duty). A transitional work period is a temporary assignment of limited duration, not to exceed thirty (30) days.

2. ***The cognizant physician or medical provider makes the ultimate decision to determine an employee’s capability to return to work after any work related accident, injury, or illness. The physician makes the decision as to whether the employee’s capability to return to work fits within the scope of transitional work as defined in this policy.***

***The physician or medical provider will evaluate the modified job duties to ensure that the employee will not be required to perform duties that would further aggravate his/her condition***.***[[85]](#footnote-97)***

***3. The result must be the performance of meaningful work that includes productive output during the time of strengthening and healing.***[[86]](#footnote-98)

2 ***4***. If after thirty (30) days of performing transitional work, the employee is still unable to perform the essential functions of his/her assigned position, and special and meritorious circumstances are shown to exist, the employee may request only one (1) additional thirty (30) day period of transitional work. This should be done in accordance with the same procedure as discussed in paragraph B1 above.

3 ***5***. ***If Aafter*** the additional thirty (30) day policy has expired, the employee shall ***is unable to*** return to his/her original position. If the employee ***and*** is still unable to perform the essential functions of the position, then the employee may be subject to an involuntary disability separation. (See Section 5.10.)

***6. The Transitional Work Evaluation Form is for use by physicians and medical providers and establishes the employee’s eligibility for a transitional work assignment.[[87]](#footnote-99)***

***HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY* SECTION 5.17**

***ACT (HIPAA)***

***PURPOSE***

***To identify the responsibilities of the Galion City Health Department under the privacy regulations issued by the US Department of Health and Human Services through the Health Insurance Portability and Accountability Act of 1996 (HIPAA).***

***A. POLICY***

***1. Protected Health Information: The Employer must ensure the privacy of “protected health information.” This term is defined as information that:***

* ***Is created or received by an employer***
* ***Relates to an individual’s health, provision of care of or payment for care; and***
* ***Identifies or could reasonably be used to identify the individual.***

***Protected health information (PHI) includes such information maintained or transmitted in any form. Thus, electronic information, paper records and oral communications are all subject to the privacy rules.***

***B. PROCEDURE***

***1. Disclosing Health Information: Subject to certain exceptions, the Employer may not use or disclose protected health information (PHI) for purposes other than for treatment, payment or health care operations without the employee’s consent. When it is necessary to release PHI, the Employer will comply with the standards and procedures set forth in the HIPAA regulations.***

***When using or disclosing protected health information, the Employer will make every reasonable effort to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.***

***2. A breach of patient confidentiality of protected health information (PHI) by an employee may result in disciplinary action, up to and including termination of employment.***

***ADMINISTRATIVE LEAVE* SECTION 5.18**

***A. POLICY***

***1. An Appointing Authority may place an employee on administrative leave with pay in circumstances where the health or safety of an employee or of any person or property entrusted to the employee’s care could be adversely affected.***

***B. PROCEDURE***

***1. The Employer will provide the employee with notification when they are 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 Employer completes the predisciplinary process, investigates the alleged infraction and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee’s base rate of pay.***

**TRAVEL *BUSINESS* EXPENSE *PAYMENT /* REIMBURSEMENT SECTION 6.01**

**A. POLICY**

1. Generally: Employees shall be reimbursed for the following expenses incurred while traveling on official Employer business.

2. Meetings, Conferences, and Conventions: Upon prior written authorization of the Employer, employees may attend meetings, conferences and conventions related to the employee's position. The Employer will reimburse employees for the necessary and reasonable expenses (as defined herein) incurred to attend such authorized meetings, conferences and conventions. The Employer may pre-pay registration fees when such pre-payment is required or an option. Employees will not be reimbursed for unattended meetings, conferences or conventions.

3. Mileage, Parking, Tolls and Vehicle Rental:

a. The Employer will generally assign an Employer-owned vehicle for travel to and from meetings, conferences or conventions. Employees shall be reimbursed for actual miles driven in their personal vehicle, on official Employer business, at the current reimbursement rate ($.325 per mile). Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) of the two (2) or more employees traveling on the same trip, in the same automobile. Rental of a vehicle is not reimbursable without prior written approval of the Employer.

b. Charges incurred for parking at the destination, and any highway tolls, are reimbursable at the actual amount.

c. Charges incurred for vehicle rental or taxi service at the destination, if necessary, are reimbursable at the actual amount for business purposes only.

d. No expense reimbursement is paid for travel between home and work.

e. Receipts for parking costs, highway tolls, vehicle rentals or taxi services are required.

4. Meals:

a. Upon prior written authorization of the Employer, expenses incurred for meals while on official Employer business during a normal meal period will be reimbursed at the actual cost of the meal, not to exceed the amount authorized on the approved travel request. Employees shall order reasonably priced meals while traveling at the Employer's expense. If meals are included in registration fees, duplicate meals shall not be reimbursable. Alcoholic beverages are not reimbursable.

b. No meals will be reimbursed for travel within the City.

5. Lodging: Upon prior written authorization of the Employer, the actual cost of a motel room (single room rate for one [1] employee, double room rate for two [2] employees who share a room) will be reimbursed in full when an employee travels on official Employer business and such travel requires an overnight stay.

6. Telephone Calls: Employees shall be reimbursed for telephone expenses for official Employer business purposes only, made while on official Employer business.

7. Non-reimbursable Items: The following items or services are not reimbursable:

a. Tips;

b. Alcoholic beverages;

c. Entertainment;

d. Laundry and dry cleaning;

e. Room service charges;

f. Expenses of spouse or other family member traveling with employee;

g. Movies (in room or otherwise);

h. Traffic violations;

i. Any allowable expense where no receipt is provided.

8. Receipts: Receipts for all reimbursable expenses must be kept by employees and submitted with requests for reimbursement.

9. Disabled Employees: When considering any employee’s request for job-related travel, the Employer will consider the special needs of an employee with a permanent disability that substantially affects the employee's ability to drive, see, hear, etc. The Employer will not deny job-related travel opportunities to employees with a disability due to such disability.

**B. PROCEDURE**

1. Each employee shall keep a mileage log upon which mileage driven for the department shall be recorded. Logs may be turned in monthly to the secretary/registrar for payment of mileage. Logs should be turned in at least twice per year, once in June and again in December. This is important for budget monitoring purposes. Failure to turn in logs may result in a reprimand. Any employee desiring to attend a meeting, conference, convention, or otherwise incurring expenses on official Employer business shall make advance written application by use of a Employer Purchase Order Form and submit the same to the Employer.

2. After returning from any meeting, conference, convention or other official Employer function wherein reimbursable expenses have been incurred, an employee shall submit an Expense Reimbursement Report Form along with a copy of the previously approved purchase order and all original receipts and other documentation to the Employer for forwarding to the Purchasing Director for approval. The report shall be reviewed by the Purchasing Director and either approved for reimbursement or returned to the employee for adjustment or further documentation. Once the report has been approved by the Purchasing Director, copies of the report shall be forwarded to the City Auditor for payment.

***A. PURPOSE[[88]](#footnote-100)***

***To outline the Galion City Health Department’s policy and procedures for the authorization, payment and reimbursement of expenses incurred in the performance of official Employer business.***

***B. POLICY***

***1. Application of Policy: The following policy applies to all employees. This policy also applies to elected officials and their employees.***

***2. Authority and Definitions:***

***a. Incurring business related expenses on behalf of the Employer requires the prior, written approval of the Employer.***

***b. The Employer will reimburse employees for the necessary and reasonable expenses (as defined herein) incurred to attend authorized meetings, conferences, and conventions.***

***c. Travel which involves the use of an Employer’s vehicle and does not involve any expense requires the prior, written approval of the Employer by completing a Travel Request Form.***

***d. Travel which involves business related expenses to be paid by the Employer requires the prior, written approval of the Employer on a Travel Request Form.***

***e. If an employee travels and incurs expenses without the required approvals, the determination of whether or not to reimburse the employee is at the discretion of the Employer, and may be denied.***

***3. Business Expenses — Transportation.***

***a. Generally: The Employer will pay the cost of Employer business travel, and certain expenses related to such travel. These costs may be paid by travel expense advance to the employee (partial payment as addressed in paragraph 7 B below), paid directly to a vendor by the Auditor’s Office, or paid as a reimbursement to the employee, as provided herein.***

***b. Transportation — Common Carrier: Transportation by air, rail, or bus must be approved in advance by the Employer and be at the lowest available rate.***

***c. Transportation — Employer-Owned Vehicle.***

***(1) Employees must possess a valid Ohio operator’s license to drive an Employer-owned vehicle or personal vehicle on Employer business. When traveling by automobile on Employer business, employees are to use an Employer vehicle. If no vehicle is available the employee should contact a supervisor to secure a vehicle. Only if no Employer vehicle is provided by the Employer is the use of a personal vehicle permitted.***

***(2) Employees approved to use Employer-owned vehicles for Employer business related travel shall operate such vehicle in full compliance with PPM Section 6.02, Use of Vehicles on Employer Business.***

***(3) Costs resulting from parking and traffic violations or accidents while operating an Employer-owned vehicle are not reimbursable, if the employee is at fault.***

***d. Transportation — Personal Vehicle:***

***(1) If transportation in a personal vehicle for Employer business is authorized per Section 3 (c) above, the employee must carry liability insurance in the minimum amounts and provide proof of same as provided in PPM Section 6.02.***

***(2) Expenses for the use of a personal vehicle shall be reimbursed at the current IRS reimbursement rate for all business related miles traveled.***

***Reimbursement will be paid only once and only to the approved operator when two (2) or more employees are traveling together in the same vehicle.***

***e. Transportation — Rental Vehicles:***

***(1) Use of a rental vehicle while on Employer business must be approved in advance by the Employer, and must be at the lowest available rate for the most economical vehicle available based on the number of occupants and the intended use of the vehicle.***

***(2) Rental of a vehicle may only be approved if no other transportation is available at a lesser cost.***

***(3) Costs resulting from parking and traffic violations or accidents while operating a rental vehicle on Employer business are not reimbursable, if the employee is at fault.***

***(4) Rental vehicle insurance coverage — prior to travel, employee must get proof of insurance and coverage requirements from the Employer’s current insurance carrier.***

***4. Business Expenses — Lodging***

***a. Generally: The Employer will pay the authorized costs of lodging while an employee is away from home on Employer business. These costs may be paid by travel expense advance to the employee (partial payment as addressed in paragraph 7 B below), paid directly to a vendor by the Auditor’s Office, or paid as a reimbursement to the employee, as provided herein.***

***b. Lodging Expenses:***

***(1) Authorized expenses as provided herein will not be paid for events within a 50 mile radius of Galion, regardless of the event’s starting time. For events between 50 miles and 150 miles of Galion which begin at or before 9:00 a.m., lodging expenses will be paid if the event lasts for more than one (1) calendar day, and then only beginning the night before the second day of the event. For events beyond a 150 mile radius of Galion, which begin at or before 9:00 a.m., lodging expenses may be paid for the night previous to a day of the event. Lodging may be approved for the night after the last day of an event at the discretion of the Employer based on the ending time of the event and/or the distance to be traveled. The starting time of the conference or meeting must be documented and such documentation must be attached to the Travel Request Form and Travel Expense Report.***

***(2) A single room rate is the standard for payment. Employees should choose a moderately priced facility convenient to the location of the Employer business. Most hotels/motels offer a special “governmental” rate. Employees must ask for this rate and may only be reimbursed at this rate, if such rate was available.***

***(3) The Employer is exempt from paying sales tax in Ohio for lodging, if payment is made directly to the vendor. If time permits, arrangements for direct payment should be considered.***

***(4) If two (2) or more city employees are approved to share a room, double or triple bed room rates may be approved. In such case, reimbursement will be made to only one (1) employee. The names of the other employees sharing the room must be provided on the Travel Request Form.***

***(5) Only reasonable, business-related expenses associated with lodging will be paid by the Employer. Examples include, but are not limited to, one (1) “safe arrival call” from the employee, city business related phone calls, fax or copying costs, etc. Examples of personal expenses which will not be paid include, but are not limited to, personal phone calls, laundry/dry-cleaning service, in-room movies, etc. Any business-related expense must be itemized in the hotel bill or be separately invoiced to be paid.***

***5. Business Expenses — Meals***

***a. Generally: The Employer will pay the costs of meals eaten by employees while away from home on Employer business as provided herein. These costs are paid by travel expense advance, directly to the vendor, or as a reimbursement to the employee, as provided herein.***

***b. Meals are reimbursed at rates as shown below.***

***c. The following table contains payment amounts based upon the times of departure and return.***

|  |  |  |  |
| --- | --- | --- | --- |
| ***DEPART BEFORE*** | | | |
| ***RETURN AFTER*** | ***6:00 a.m.*** | ***11:00 a.m.*** | ***5:00 p.m.*** |
| ***9:00 a.m.*** | ***$10.00*** | ***N/A*** | ***N/A*** |
| ***1:00 p.m.*** | ***$15.00*** | ***$15.00*** | ***N/A*** |
| ***7:00 p.m.*** | ***$26.00*** | ***$26.00*** | ***$26.00*** |

***d. Receipts are required to receive payment or reimbursement hereunder. Tips are an appropriate use of the meal payment amounts up to 18% of the cost. Alcoholic beverages are not includable, and the cost of same shall not be paid or reimbursed hereunder.***

***e. When any seminar, meeting, etc., paid by the Employer includes a meal, employees will not receive payment hereunder or be reimbursed for an alternate meal.***

***f. Meal costs incurred locally in the normal process of conducting business (i.e., meeting with officials, consultant, etc.), and which are not part of training or a seminar, are not reimbursable. “Local” for this purpose means a 50 mile radius of Galion.***

***6. Business Expenses — Miscellaneous:***

***a. Employer business related expenses, in addition to travel, lodging, meal, and training expenses, may be reimbursed. Examples of such reimbursable expenses are parking, bridge, turnpike or bus fares, reasonable tips, stenographer fees, fax or copying charges, telephone charges for business-related calls, rental charges for equipment and facilities, etc. To be reimbursed, such items must be approved in advance, itemized, and supported with receipts/documentation.***

***b. Examples of expenditures not reimbursable are any expense not deemed by the Employer to be business related, and any expense which requires a receipt, and for which no receipt is provided.***

***c. Entertainment: Expenditures for entertainment at night clubs, golf courses, ball games, etc. are payable only if the expenses are directly associated with the active conduct of Employer business. Such expenses may be incurred only with the advance approval of the Employer, and after review by the Auditor’s Office.***

***d. Spouses may be permitted to accompany employees traveling on Employer business, with the approval of the Employer. In such case, all expenses incurred as a result of the spouses’ presence are the employee’s responsibility.***

***7. Business Expenses — Payment Methods:***

***a. Direct Payment by Finance Department: Substantial invoices for the costs of air travel, hotel, conference rooms, etc., may be paid directly to the vendor by the Employer on approval by the Employer. All requests (vouchers) for direct payments must be submitted to the Auditor’s Office at least five (5) working days before the date the payment is desired.***

***b. Business Expense Cash Advance: The Auditor’s Office may advance Employer funds to employees to pay the cost of Employer business related expenses. Cash advance requested cannot exceed 75% of the total meals + transportation out of pocket estimates. Cash advances will be issued no more than two (2) business days prior to event. Unused portions of cash advances must be returned to the Auditor’s Office with receipts. All requests (vouchers) for advances must be submitted to the Auditor’s Office at least five (5) working days before the date the advance is desired.***

***c. Reimbursement: The third method of paying Employer business related expenses is reimbursement to employees who have used their own funds to pay such expenses and who request reimbursement pursuant to the procedures contained herein.***

***8. Disabled Employees: When considering any employee’s request for job-related travel, the Employer will consider the special needs of an employee with a permanent disability that substantially affects the employee’s ability to drive, see, hear, etc. The Employer will not deny job-related travel opportunities to employees with a disability due to such disability.***

***C. PROCEDURE***

***1. Any employee desiring to attend a meeting, conference, convention, or otherwise incurring expenses on official Employer business shall make advance written application by use of a purchase order and Travel Request Form with program information and submit the same to the Employer for approval.***

***2. After returning from any meeting, conference, convention, or other official Employer function wherein reimbursable expenses have been incurred, an employee shall submit a Travel Expense Report along with a copy of the previously approved purchase order and all original receipts and other documentation to the Employer for forwarding to the Auditor’s Office for approval. The report shall be reviewed by the Auditor’s Office and either approved for reimbursement or returned to the employee for adjustment or further documentation. Once the report has been approved by the Auditor’s Office, the Auditor’s Office will process the report for payment.***

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

**VEHICLE ON EMPLOYER BUSINESS**

**A. POLICY**

1. Employers - Generally:

a. Vehicles purchased or leased by the Employer shall be subject to regulation by the Employer. The employee must recognize that the use of an Employer owned vehicle is a privilege, and that the driver must conduct himself in such a way that he/she is a credit to the Employer and enhances the Employer’s reputation.

b. All vehicles owned or leased by the Employer shall be plainly marked as the property of the City, except law enforcement undercover vehicles.

c. Vehicles may be provided for those officials, Employers and employees who require transportation in the course of their duties. Employer-owned vehicles are not to be used for employee travel to and from work unless authorized by the Employer. City owned vehicles shall not be driven home, nor kept at home. Storage for the vehicle will be behind the Health Department.

The Employer may also assign a City vehicle to employees attending training, seminars, conferences or similar programs approved in advance by the Employer. City owned vehicles can be driven to workshops or seminars that are outside the City provided the vehicle is picked up at the Health Department and returned to the department. The vehicle is not to be driven to the employee’s private residence.

d. Employer-owned vehicles shall be used by employees whenever possible on approved City business. Mileage will not be paid to the employees while using the City vehicle.

***e. An Employer vehicle is a reflection of City government and the public has a right to expect that the employees and vehicles they support are engaged in conducting Employer business. (RESOLUTION CHANGE)***

2. Assignment of City Vehicles:

a. Permanent vehicle assignments or assignment of a vehicle to attend a conference, meeting, etc. will be made based on written request which provides documented justification. Approval will be based on transportation needs, emergency requirements, call-out availability, after hours meetings, cost effectiveness or as otherwise determined by the Employer.

b. Permanent vehicle assignments shall be reviewed annually by the Employer during the budget appropriations process. All permanent vehicle assignments shall be reported to the City Auditor for income tax purposes. Employees assigned vehicles shall comply with the City Auditor's Office in meeting the IRS rules. All employees who have permanently assigned vehicles shall keep a daily record of any personal use of the vehicle. This shall include, but not be limited to, commuting to and from work. All costs associated with personal use must be added as income to the employee's W-2 statement. The records shall also include maintenance, insurance, fuel, etc. Failure to maintain and provide such information may result in loss of use of the vehicle.

c. Daily vehicle assignment will be at the discretion of the Employer based on the operational needs of the respective department.

3. Qualifications For Using Employer Vehicles or Personal Vehicles on Employer Business:

a. All operators of Employer owned or leased vehicles or employees using their own vehicles for Employer business shall be at least eighteen (18) years of age.

b. All drivers must have a current, valid Ohio driver's license that covers the type of vehicle to be operated. A copy of the driver’s license must be placed in the driver's personnel file.

In those classifications which require a certain motor vehicle license, newly hired employees must generally possess such license as a condition of employment, and all current employees must maintain said license for the duration of their employment in said classification. Loss of license and driving privileges by such employees may result in termination of employment for incompetency.

c. Employees operating a vehicle on behalf of the Employer are expected to operate the vehicle in a responsible manner. An individual's driving record as maintained by the State of Ohio Bureau of Motor Vehicles (BMV), or record from any other state or country in which the driver or applicant has resided or operated a motor vehicle during the previous thirty-six (36) months, or any other legal source, will be used as an indication of the individual's ability to responsibly operate a vehicle. The Employer will review the BMV driving record of each City employee who operates a vehicle on behalf of the Employer annually.

d. The following is a listing of motor vehicle related occurrences (violations, convictions and accidents), the appearance of which on the driving record of a City employee during the previous thirty-six (36) month period will normally result in the suspension of the employee's driving privileges for the City.

• A conviction for:

-driving while under the influence of alcohol or drugs;

-vehicular homicide or manslaughter;

-leaving the scene of an accident;

-attempting to elude or flee a police officer after a traffic violation;

-drag racing;

-or other intentional and dangerous or reckless use of a motor vehicle.

e. The following is a listing of motor vehicle related occurrences (violations, convictions and accidents), the appearance of which on the driving record of a City employee during a thirty-six (36) month period may result in the suspension of the employee's driving privileges for the City.

• Two or more "at fault" accidents, the nature and severity of the violations may be taken into consideration by the Employer.

• Two or more moving violations, the nature and severity of the violations may be taken into consideration by the Employer.

• One "at fault" accident and one moving violation, the nature and severity of which may be taken into consideration by the Employer.

In a case where the Employer or the State of Ohio has suspended the employee's driving privileges, or the employee becomes uninsurable under the Employer's policy, and driving is an essential function of the employee's position, the Employer may take appropriate disciplinary action up to and including termination of employment by the City.

The Employer may also require employees to participate in remedial or defensive driving courses when employees evidence poor driving records.

f. An applicant may be denied employment on the basis of an unsatisfactory driving record. At the discretion of the Employer, denial may be made without regard to the number of points or violations or whether they occurred within the State of Ohio. The Employer will review the BMV driving record of any applicant who, if employed, will be operating a vehicle on behalf of the Employer, prior to making an offer of employment.

g. Drivers shall report to their Employer any moving violations or accidents which occur while they are on or off duty. On-duty accidents or moving violations shall be immediately reported to the Employer. Off-duty accidents or moving violations shall be reported as soon as possible, not to exceed within five (5) calendar days of the occurrence.

h. Employees who use their personal vehicle for official Employer business will be reimbursed on a mileage basis at the authorized rate. Insurance coverage for personal vehicles used on Employer business shall be the responsibility of the owner of the vehicle. All employees who use their own vehicle on City business shall show proof of liability insurance to the Employer in the amounts of at least $100,000 per person, $300,000 per accident, Bodily Injury, and $50,000 Property Damage. Employees must show yearly proof that they have car insurance. A copy of the insurance card will be kept in the employee’s personnel file. No mileage reimbursement shall be authorized until a current certificate of insurance is on file.

4. Use of Vehicles:

a. Employer-owned or -leased vehicles shall not be used for any purpose other than official City ***Employer***[[89]](#footnote-101)business.

b. Employees must continuously recognize that use of an Employer-owned vehicle is a privilege and that they are constantly visible as an official representative of the City ***Employer***. Employees should show every courtesy while operating a City ***Employer-owned*** vehicle or their personal vehicle on City ***Employer*** business in order to enhance the good reputation of the City ***Employer***.

c. Employees shall exercise caution and responsibility and adhere to all safety regulations when operating Employer-owned vehicles. Operators and passengers shall wear safety belts at all times while driving or riding in an Employer-owned vehicle or their personal vehicle on Employer business. Negligent, reckless or improper operation of vehicles while on Employer business is grounds for disciplinary action.

d. Except as otherwise provided herein, passengers not on official Employer business and hitchhikers are not permitted in Employer-owned vehicles. A family member or friend may be permitted as a passenger, but never as a driver, in Employer-owned automobiles on authorized trips to meetings, conferences and conventions only if approved in advance by the Employer.

e. Employees who must operate a City ***an Employer-owned*** vehicle as part of their job or their personal vehicle on City ***Employer*** business, either on a regular or occasional basis, are required to report any suspension or revocation of their driver's license to the Employer immediately.

f. Use of alcoholic beverages or controlled substances immediately prior to or during operation of a***n*** City ***Employer –owned*** vehicle is prohibited. Alcoholic beverages or controlled substances shall not be transported in a City ***an Employer-owned*** vehicle except as required in the performance of the employee’s duties (e.g., law enforcement).

Any employee convicted of operating a City ***an Employer-owned*** vehicle while under the influence of alcohol or drugs will be subject to immediate dismissal.

g. Turn signals and warning signals shall be utilized by all vehicle operators. Vehicle headlights shall be used during periods of limited visibility or any time the vehicle windshield wipers are in use.

h. Employees are responsible for ensuring any City ***Employer-owned*** vehicle which they are permitted to take home is properly maintained, kept locked and parked in a safe and secure location.

i. Employees shall ensure any City ***Employer-owned*** vehicle which they use is cleaned, fully fueled and readied for service upon completion of its use. The employee to whom the vehicle is assigned shall be responsible for securing routine maintenance and repair at the designated place for these items. Failure to properly maintain the vehicle may be grounds for disciplinary action.

j. The operator of a vehicle shall be responsible for seeing that any service, safety or maintenance items are corrected on the vehicle or reported to the proper authority.

5. Accidents/Traffic Citations Involving City ***Employer-owned*** Vehicles or Personal Vehicles While on Employer Business:

a. Accident reports shall be completed and submitted to the Employer within twenty-four (24) hours of an accident ***(Driver’s Report Form, BWC From, and/or Injury/Accident Report).[[90]](#footnote-102)***

b. Parking, moving violations and other fines received while operating a City ***an Employer-owned*** vehicle or a personally owned vehicle while on City ***Employer*** business are the responsibility of the operator.

c. Operators involved in accidents while operating a City ***an Employer-owned*** vehicle in a non-approved manner, will be subject to appropriate disciplinary action and may be liable for the cost to repair the vehicle.

**B. PROCEDURE**

1. Mileage Reimbursement Requests:

Employees should use an Employer-owned vehicle whenever possible to conduct Employer business. However, any employee who uses a privately owned automobile on approved City ***Employer*** business shall be reimbursed at the current reimbursement rate established by the Employer. The employee must obtain approval from the Employer prior to incurring the expense. To receive reimbursement, the employee must submit the odometer readings of the vehicle showing starting and ending mileage. When air flight is less expensive than paying mileage, the cost of air flight may be approved at the discretion of the Employer.

2. Reporting Accidents:

Employees shall immediately report all accidents involving Employer-owned vehicles or personally owned vehicles being used for Employer business. A Driver's Report/Accident Report Form shall be completed, signed and submitted by the employee to the Employer. The Employer shall review and submit the Driver's Report Form to the Employer . The driver will also report the accident to the appropriate law enforcement agency, obtain a copy of that agency's accident report and forward such report to the Employer. If the driver is a CDL holder, the driver may be required to take a drug or alcohol test, in accordance with the Employer's policy for CDL holders.

.3. Mechanical problems or safety concerns shall be corrected at the earliest possible time. Mechanical problems that result in towing or repair charges when outside the City will be reimbursed to the employee, provided receipts are submitted for payment.

**SECONDARY EMPLOYMENT SECTION 6.03**

**A. POLICY**

1. Time Conflicts - Full-time employment by the Galion City Health Department 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.

2. 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 Employer.

3. Uniforms and Equipment - No employee shall use Employer-owned uniforms or equipment in performing secondary job duties ***unless approved by the department head for special duty assignments.***

**B. PROCEDURE**

1. Employees shall notify their Employer in writing of any secondary employment (preferably prior to accepting such employment). The Employer will thereafter notify the City Manager of such secondary employment.[[91]](#footnote-103)

2. If the Employer feels an employee's secondary employment presents a conflict, the Employer may demand that the employee terminate the secondary employment relationship. Failure to follow such demand shall be cause for discipline.

**TOOLS, SUPPLIES & EQUIPMENT SECTION 6.04**

**A. POLICY**

1. Tools, supplies and equipment which are needed to perform job duties shall be properly used and maintained. An employee shall be held strictly responsible and accountable for equipment personally issued to the employee, in addition to any generally issued departmental equipment, tools or supplies which are used by the employee.

2. Misuse, neglect, theft and/or abuse of tools, supplies or equipment is prohibited and shall subject an employee to appropriate disciplinary action. Accidents involving misuse or abuse of tools may also be cause for disciplinary action.

3. Employees may be required to pay for tools, equipment and supplies lost or damaged, at the discretion of the Employer.

4. Use of all tools, supplies and equipment by an employee in the performance of the employee's duties is subject to the prior approval of the Employer.

5.

**BULLETIN BOARDS SECTION 6.05**

**A. POLICY**

1. Bulletin boards are a means for the Employer to provide information to employees. The following information may be posted by employees on Employer bulletin boards:

a. employee recreational and social affairs;

b. notices of employee meetings;

c. non-political publications.

2. No information may be posted on Employer-owned bulletin boards which contain:

a. personal, scandalous or derogatory attacks upon any employee, public official, governmental agency, organization or group;

b. unfavorable attacks or comments regarding a candidate for public office; or

c. any material promoting or advocating any particular religion in the workplace.

**PERSONAL INFORMATION RECORDS SECTION 6.06**

**A. POLICY**

1. The Employer maintains and is responsible for personal information maintained concerning employees. "Personal information" includes all information about an employee as defined in ORC 1347.04(E), and may include such information as:

a. personal data;

b. employment application documents;

c. references;

d. medical reports and documentation;

e. documentation pertaining to an employee's change of status;

f. performance evaluations or commendations;

g. communications or disciplinary actions;

h. paid and unpaid leave records;

i. professional license verification;

k. driver’s license verification (if person will be driving as part of job);

l. automobile insurance verification for driving employees;

m. liability insurance documentation;

n. signed sheet for verification of Hepatitis B vaccine;

o. copy of signed health insurance application if coverage is deferred.

2. The Employer shall only use the personal information in the personal information system in a manner consistent with the system and in accordance with ORC Section 1347.01 et. seq., ORC Section 149.43 et. seq., or as otherwise required by Ohio law.

**B. PROCEDURE**

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

2. 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.

3. The Employer will not initiate or contribute to any disciplinary action against an employee who brings to the attention of appropriate authorities, the media or any member of the public, evidence of unauthorized use of information contained in the personal information system.

4. The Employer 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 Employer's functions.

**REPORTING CHANGES IN PERSONAL INFORMATION SECTION 6.07**

**A. POLICY**

1. 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 Employer.

2. For the purposes of this section, a change in personal information shall include the following:

a. Name change;

b. Address change;

c. Phone number change;

d. Marital status change;

e. Changes which may affect employee benefits (i.e., insurance and pension[s] such as changes in dependents or beneficiaries);

f. Number of exemptions for tax purposes;

g. Citizenship;

h. Selective service classification; or

i. Association with a government military service organization.

**B. PROCEDURE**

1. Employees shall report changes in personal information in writing to their immediate supervisor within three (3) days of such change.

2. Supervisory staff will make certain that notification of any change is immediately forwarded to the Auditor's office.

**PUBLIC RECORDS ­­­­–– INSPECTION, RELEASE AND RETENTION SECTION 6.08**

**A. POLICY**

1. The Employer will prepare and make available for inspection and/or copying "public records," as defined in ORC 149.43, upon the request of any member of the general public.

**B. PROCEDURE**

1. In order to accurately and promptly answer such requests, the Employer suggests that requestors comply with the following procedure:

a. Any individual or organization wishing to inspect or obtain copies of public records should submit a written request (in duplicate) to the Employer prior to the inspection or release of such information. Such written request should include the following information:

i. the name of the individual or organization making the request;

ii. the mailing address of the individual or organization making the request;

iii. a list of records the individual or organization wishes to inspect and/or have copied.

b. If the record concerns an employee, the Employer shall notify the employee.

2. The Employer shall charge an administrative fee for each photocopy of records requested. The individual or organization requesting copies of records shall remit full payment of photocopy fees prior to the release of information by the Employer. The Employer shall forward copies of all requested records within a reasonable period of time from the date of the request.

3. The Employer shall make all records requested available for inspection within a reasonable period of time from the date of the request, and at a reasonable time during regular business hours.

4. The Employer may waive any or all provisions under this policy when a request to inspect or obtain copies of records is made:

a. by another governmental agency;

b. by an authorized representative of another governmental agency;

c. by an authorized agent of the City of Galion; or

d. in accordance with a court order.

5. The Employer shall refuse to make the following confidential records available for inspection and copying:

a. medical records;

b. adoption, probation and parole records;

c. juvenile records under ORC Section 2151.85 and appeals therefrom;

d. trial preparation records;

e. confidential law enforcement investigation records;

f. DNA records stored in the DNA database pursuant to ORC Section 109.573;

g. civil service examinations and recommendations of former employers held by the Civil Service Commission; and

h. records, the release of which is prohibited by state or federal law.

6. All public records in the custody of the Employer shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by state and federal laws establishing limitations for specific classes of records.

7. Whether or not a record is a public record as defined in ORC Section 149.43 should be determined by the City Law Director. The Employer shall request such opinion in writing.

***A. POLICY[[92]](#footnote-105)***

***1. All public offices in the City of Galion shall organize and maintain public records, as defined in O.R.C. 149.011 and 149.43, in a manner that they can be made available for inspection and copying in accordance with public records law. Each public office shall adopt and implement a written public records policy in compliance with public records law for responding to public records requests.***

***B. PROCEDURE***

***1. Public Records: Public records are defined as including: any document — paper, electronic, or other format — that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.***

***“Public record” does not mean those records listed in O.R.C. 149.43(A)(1), which includes, but is not limited to:***

***a. medical records [as defined in O.R.C. 149.43(A)(3)];***

***b. adoption, probation, and parole records;***

***c. trial preparation records [as defined in O.R.C. 149.43(A)(4)];***

***d confidential law enforcement investigation records [as defined in O.R.C. 149.43(A)(2)];***

***e. records, the release of which is prohibited by state or federal law; and***

***f. employee’s social security numbers.***

***Public records shall be organized and maintained so that they are readily available for inspection and copying.***

***Each public office shall have available a copy of its current records retention schedule at a location readily available to the public.***

***Each public office shall create a poster that describes its public records policy and shall post it in a conspicuous place in the public office and in all locations where the public office has a branch office.***

***A public office may post its public records policy on its Internet website.***

***A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include its public records policy in its manual or handbook.***

***Each public office shall distribute the public records policy adopted by the public office to the employee who is the records custodian or records manager or otherwise has custody of the records of that office and the public office shall require that the employee acknowledge receipt of a copy of the public records policy.***

***2. Records Requests: Each request for public records should be evaluated for a response using the following guidelines:***

***a. A public records request may be made orally or in writing.***

***Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records.***

***If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the public office cannot reasonably identify what public records are being requested, the public office may deny the request, but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which the records are maintained by the public office and accessed in the ordinary course of the public office.***

***b. The requester does not have to provide his or her identity or the intended use of the requested public record. This information should not be requested, unless the following exception applies:***

***A public office may ask a requester to make the request in writing, may ask for the requester’s identity, and may inquire about the intended use of the information requested, but may do so only [both (a) and (b) must apply]: (a) after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester’s identity or the intended use and (b) when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office to identify, locate, or deliver the public records sought by the requester.***

***c. Public records shall be available for inspection during regular business hours, with the exception of published holidays.***

***Public records must be made available for inspection “promptly.”***

***Copies of public records must be made available within a “reasonable” period of time.***

***“Prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.***

***d. Any denial of public records requested, in part or in whole, shall include an explanation, including legal authority, setting forth why the request was denied. If the initial request was in writing, the explanation to the requester shall be in writing.***

***If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office shall make available all the information within the public record that is not exempt. The exempt portions shall be redacted (obscured or deleted); and the public office shall notify the requester of any redaction or make the redaction plainly visible.***

***3. Costs for Public Records: Those seeking public records shall be charged only the actual cost of making copies.***

***A public office must permit the requester to choose to have the public record duplicated upon paper, the same medium upon which the public office keeps it, or upon any other medium upon which the public office determines that it reasonably can be duplicated as an integral part of the normal operations of the public office.***

***A public office may require the requester to pay in advance the actual cost involved in providing the copy of the public record in accordance with the choice made by the requester.***

***Nothing in this policy requires a public office to allow the person seeking a copy of a public record to make the copies themselves.***

***Requesters may ask that the public records be mailed to them. A public office shall transmit a copy of a public record by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy.***

***A public office may require the requester to pay in advance the actual cost of postage, if the copy is transmitted by United States mail or the actual cost of delivery, if the copy is transmitted other than by United States mail, plus the actual cost of other supplies used in mailing or delivery.***

***The public office may waive provisions under this policy when a request to inspect or obtain copies of records is made by another governmental agency; by an authorized representative of another governmental agency; by an authorized agent of the City of Galion; or in accordance with a court order.***

***4. Retention of Records: All public records in the custody of the Employer shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or part, except as provided by state and federal laws establishing limitations for specific classes or records.***

***5. Questions Regarding Public Records: Questions regarding public records law or a specific public records request should be directed to the City of Galion Law Director in writing.***

***6. Self Help to Records Prohibited:***

***a. Employees may not copy or remove any record or writing, even those regarded as “public record,” without first obtaining advanced, written permission from their Appointing Authority, or without going through the process for obtaining public records outlined above.***

***b. No employee may copy, or use any agency writing, document, or record in any grievance, appeal, or legal action without having first obtained the written permission of the Appointing Authority, or without going through the process for obtaining public records outlined above. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure.***

***c. No employee shall tape record any meeting, hearing, or appeal involving the Employer or a representative of the Employer without the advance written permission of the City.***

***d. Except for official agency business, employees may not have any agency writing or document in their possession, unless obtained through this policy.***

***e. Any employee who is discovered to have violated any of the above policies (a. – d.) will be subject to removal. Any former employee who is discovered to have obtained an unauthorized document or produced any unauthorized tape recording will be barred from re-employment by the City and may be subject to civil or criminal penalties.***

**COMPUTER / INTERNET / ELECTRONIC MAIL POLICY SECTION 6.09**

The use of computer technology and assignment of an e-mail/Internet account is a benefit to the employee and should be treated as such. The following constitute proper use of these privileges. **Computer, Internet, and electronic mail usage may be monitored by system or other personnel at any time. The use of any electronic technology resources of the City of Galion implies acceptance of all current operational policies.**

A. General Standards of Conduct for Internet Use:

1. Any use of Employer’s computers or on-line computer services to facilitate illegal activity is prohibited.

2. Use of the Employer’s electronic services to access obscene or pornographic materials is prohibited, unless such use is authorized as part of a police investigation.

3. Use of the Employer’s electronic services for political, commercial or for-profit purposes is prohibited. This includes buying, selling and bartering, including, but not limited to, the use of credit cards. Employees must use discretion when using the Employer’s electronic services for personal use. When proper discretion is not used, disciplinary action will be taken. Employees are cautioned that network communications will be tracked. Employees are encouraged to use reasonable judgment with such use.

4. Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws or installing non-City-owned software of any kind.

5. The use of electronic services to harass other users or to transmit materials likely to be offensive or objectionable is prohibited.

6. Users of electronic services are to protect themselves and others by not issuing or releasing confidential information, addresses, passwords or telephone numbers, remembering that on-line computer services are not private.

7. Employees shall not use a code or password, access a file or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee’s messages without the latter’s permission. All computer pass codes or passwords used on the Employer’s equipment must be provided to Employers. No pass code or password may be used that is unknown to the Employer.

8. Any employee who violates this policy or uses electronic services for improper purposes shall be subject to discipline, up to and including discharge.

B. E-mail:

1. Any message sent or received may be monitored by the Employer at any time, with or without prior notification. If the Employer discovers any misconduct or criminal activity, the information contained in such e-mail messages may be used to document such conduct and may be revealed to the appropriate authorities. All e-mail usage shall comply with the Employer’s policy and all state and federal laws including those barring discrimination because of age, race, sex, religion, disability, etc.

2. E-mail relevant to the course of business at the Galion City Health Department should be printed and filed in the same manner as written correspondence.

3. E-mail relevant to a specific client should be printed and filed, if appropriate.

4. E-mail accounts are to be used only by the authorized owner of the account or another person with the owner’s specific authorization.

5. Subscriptions to unrelated services or news groups is not allowed as they create unnecessary traffic on the e-mail system.

6. It is permissible to transmit documents via e-mail as attachments. However, transmitting copyrighted material including software, research data and manuscripts without the consent of the copyright holder is strictly prohibited.

7. Caution should be exercised before opening any attachment to any incoming e-mail. If the e-mail is of unknown origin, or is not business-related, the attachment should not be opened.

8. The use of personal e-mail is not forbidden, but should be used with common sense and restraint as is the telephone for personal business.

9. The downloading of files/programs for personal use from the Internet without advance permission is prohibited. Permission is obtained from the Employer or designee.

C. Standards of Conduct for E-mail on a City of Galion Electronic System:

1. Do not overuse e-mail by sending courtesy copies of messages to people who do not need them. Similarly, it is not generally necessary to reply to an e-mail just to inform the sender that you have received it.

2. Be careful when forwarding e-mail messages. Use common sense: if you would not forward a copy of a paper memo with the same information, do not forward the e-mail.

3. Global transmission of e-mail is prohibited without the advance written permission of the Employer.

4. Be careful what you write. E-mail is not the same as conversation. It is a written record, can be duplicated at will, and may constitute a “public record.”

5. Use normal capitalization and punctuation. Typing a message in all caps is bad "netiquette."

6. When replying to e-mail, it is often useful to include a portion of the original senders message to put your reply into context. It is appropriate to delete unimportant portions of the original message in order to prevent the message from getting too long.

7. If a user discovers defamatory, disparaging or otherwise damaging statements about the City of Galion on the Internet, the user should inform the appropriate Employer to follow-up on that discovery.

D. Use of the World Wide Web: The Internet is a powerful and useful tool for research and other functions. Employees are encouraged to develop computer and Internet skills to improve their job knowledge and to promote the interests of the City of Galion. Employees should treat the Internet as a formal communications tool similar to the telephone, radio, video and written communications. All employees are responsible for their actions and communications using computers and the Internet.

**SAFETY AND HEALTH SECTION 6.10**

**A.** **POLICY**

1. **Safety and Accident Prevention-**The Galion City Health Department recognizes the need for the development of safety working practices for the employee and desires on the job safety by encouraging the proper use of buildings, equipment, tools and protective gear.

2. The safety program is the responsibility of the Health Commissioner or his designee. It is desired that all employees be alert to identify and report unsafe conditions so that corrections can be made.

3. Safety rules will be discussed at staff meetings. Safety education will be conducted at staff meetings. Safety education will be promoted by the Health Commissioner or his designee.

In order for our safety program to work, the employee must:

a. Be informed and observe safety practices;

b. Notify supervisors of unsafe conditions;

c. Use personal protective gear;

d. Not engage in horseplay;

e. Attend require training or orientation to increase safety awareness;

f. Not report to work under the influence of illegal drugs or alcohol;

g. Report all job-related injuries or illness to their supervisor;

h. Refrain from smoking areas; and

i. Assist in investigating accidents or which they have knowledge if requested by their supervisor.

4. Injury on the Job: Injury shall be reported to the immediate supervisor as soon as possible, but in no case later than 72 hours after the injury. Proper forms will be filled out regarding the injury.

5. Workers’ Compensation: The Galion City Health Department participates in the Workers’ Compensation program of the State of Ohio. An employee who is disabled or injured on the job and unable to perform the duties of the job may be eligible for BWC. Information about BWC may be obtained from the Auditor’s Office.

6. Safety Meetings: In order to prevent loss and injury the department makes safety a first priority. Periodic safety meetings/training are held. Employees are required to attend these meetings. Make up sessions will be required of employees who are absent on the day of training. A safety manual is located in the clinic room and will be a part of the orientation of each employee.

7. Safety Equipment: Employees who need safety equipment for their job will have that equipment supplied at no charge. Examples of equipment would be face shields, gloves, lab coats, etc. The cleaning of the equipment will be the responsibility of the department, not the employee.

8. Universal precautions: All employees who may encounter blood or body fluid contamination in their work will receive Universal Precaution training as part of their orientation. Yearly thereafter, a refresher session will be required of all employees.

9. First Aid: A first aid kit is available in the clinic room.

**B. PROCEDURE**

1. If an accident occurs, an incident report shall be filed within twenty-four (24) hours or on the next working day following the accident with the supervisor.

2. The City maintains Workers’ Compensation Insurance to cover accidents and illnesses incurred by City employees while on duty. Liability insurance to cover accidents to citizens and visitors is carried by the City to cover possible negligence by its employees.

3. If an injury involves exposure to blood or bodily fluids of another person, such as in a needle stick injury or blood splash, the injured employee will be counseled regarding universal precautions and offered Hepatitis B vaccine and HIV testing. Testing and vaccines will be at no cost to the employee.

4. If the accident involves a product in the workplace, the MSD sheet will be reviewed with the employee. Sections of the exposure control plan that relate to these types of exposures will also be reviewed.

5. Unsafe Working Conditions: Any employee who detects an unsafe condition shall report that situation to their immediate supervisor immediately.

6.

**CONFIDENTIALITY SECTION 6.10**

**A.** **POLICY**

1. The Galion City Health Department obtains information about clients in the course of providing services. Information about clients gained here in the performance of duties will not be shared with other persons unless the client has authorized the release of information.

2. Client photos may not be taken without the client giving written consent for the photo.

3. Employees of the department must sign a confidentiality statement and agreement at the time of employment that states that they understand the importance of confidentiality and that a breach of confidentiality can be reason for dismissal from employment, (located in Section 9).

**CONTINUING EDUCATION SECTION 6.10**

**A. POLICY**

1. The Galion City Health Department supports the continued education of their employees and may grant time off with pay to attend seminars or courses that are work related. The Employer reserves the right to determine the subject matter, number of courses and employees who attend courses at the same time. The Employer may require the employee to pay the cost of seminars and courses and will reimburse the employee after completion of Employer approved training.

2. Application to attend a course or training seminar must be submitted on a request form to the Employer before the course is held, if possible. Failure to submit on a timely basis may result in denial of the request.

3. Reimbursement of expenses will be made after the course is attended and proof of attendance, receipts, cancelled checks, etc. are submitted to the Employer for payment.

4. The Employer is committed to providing the cost of attendance at seminars that will enable employees to retain licenses or permits that are required to perform their jobs in the department.

**B. PROCEDURE**

1. Logs of attendance at conferences and programs that provide CEU’s are required to be kept on a yearly basis and are to be submitted to the supervisor by February 1 of the following year. Logs will be kept in the employee’s personnel file.

**ETHICS OF PUBLIC EMPLOYMENT SECTION 7.01**

**A. POLICY**

1. 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 Employer. 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.

2. In recognition of same, no employee shall:

a. 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.

b. Use or disclose confidential or proprietary information concerning the property, government or affairs of the Health Department without proper legal authorization.

c. 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 Health Department.

d. Accept from any person, firm or corporation doing business with the Health Department, any material or service for the private use or benefit of the employee.

e. 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.

f. 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.

g. 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 ORC Section 102.04.

h. Have a personal interest in a contract with the Health Department 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.

**B. PROCEDURE**

1. Any employee in doubt as to the application of this Section or other ethics laws or regulations may seek the advice of the Employer or seek an advisory opinion from the City Law Director and/or Ohio Ethics Commission.

2. Employees shall be provided with a copy of Ohio's Ethics Laws, ORC Section 102, at commencement of employment.

3.

**TARDINESS SECTION 7.02**

**A. POLICY**

1. 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 seven (7) minutes or more 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 (¼) of an hour (i.e., seven [7] minutes to twenty-one [21] minutes late = ¼ hour deduction, twenty-two [22] to thirty-six [36] minutes late = ½ hour deduction, etc.).

1. In addition, a tardy employee, including those tardy by less than seven (7) minutes, shall be subject to progressive disciplinary action as follows:

Event Discipline

1 time tardy ............................. oral instruction and cautioning

2 times tardy ............................ oral warning ***reprimand[[93]](#footnote-107)*** (documented)

3 times tardy ............... .............first written reprimand

4 times tardy .............................second written reprimand

5 times tardy ............................ one (1) day suspension without pay

6 times tardy ............................ three (3) day suspension without pay

7 times tardy .............................fifteen (15) day suspension without pay

8 times tardy .............................up to and including termination

**B. PROCEDURE**

1. In applying this policy, the Employer shall only consider the employee's tardiness record over the previous twelve (12) months from the date of the most recent occurrence.

2. Oral warnings ***reprimands*** will generally be given by the supervisor and a Record of Oral Warning ***Reprimand*** Form shall be given to the employee with a copy placed in the employee's file. Written reprimands will also be issued by the employee's supervisor and a Record of Written Reprimand or Suspension Form shall be given to the employee with a copy placed in the employee's personnel file, and a copy to the Employer.

3. Only the City Manager ***Employer*** has the authority to reduce classification or pay, suspend or terminate an employee.

4. Suspensions of more than three (3) days, reductions in pay or classification and terminations of classified employees require the approval and signature of the City Manager ***Employer*** and must be filed with the Civil Service Commission in accordance with the Commission's Rules and Regulations.

**ABSENTEEISM AND NOTIFICATION OF ABSENCE SECTION 7.03**

**A. POLICY**

1. 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 manual has been denied. In addition to not being paid for the time absent (to the next quarter [¼] hour), employees shall be subject to progressive discipline for accrued absences as follows:

Absences Discipline

one (1) time absent .................................. Oral Warning ***Reprimand***

two (2) times absent ................................ Written Reprimand

three (3) times absent .............................. Up to a fifteen (15) working day suspension without pay

four (4) times absent ............................... Termination

***The above progressive discipline does not apply to employees who are absent, without approval and who fail to notify their department head or designee (“no-call/no-show”). Employees who no-call/no-show are subject to discipline up to and including termination for a single offense.***

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

3. 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 Employer may deem such absence a voluntary resignation.

**B. PROCEDURE**

1. Notification - Absent employees must report to the employee's supervisor or designee by one (1) hour before 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 Employer to further explain the reason for the absence and to provide all documentation required to substantiate the absence.

2. Application of Discipline

a. 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).

b. In applying this policy, the Employer shall consider only those absences which have occurred over the previous twelve (12) months from the date of the most recent occurrence.

c. Written reprimands will generally be issued by the supervisor and a Record of Written Reprimand or Suspension Form shall be given to the employee with a copy placed in the employee's personnel file and a copy to the Employer.

d. Only the City Manager ***Employer*** has the authority to reduce pay or classification, suspend or terminate an employee. Suspensions of more than three (3) days, reductions in pay or classification and terminations of classified employees require the approval and signature of the City Manager ***Employer*** and must be filed with the Civil Service Commission in accordance with the Commission's Rules and Regulations.

3. 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 Employer will attempt to contact the employee at their last known address and notify them that failure to immediately return to work will be deemed a voluntary resignation of their position. If the Employer cannot locate the employee, or if the employee, after notification, fails to return to work, the Employer will deem such action a voluntary resignation and will remove the employee from the payroll.

**SOLICITATION AND DISTRIBUTION SECTION 7.04**

**A. POLICY**

1. Non-Solicitation/Distribution - Solicitation is the act of requesting an individual to purchase goods, materials or services, or a plea for financial contribution. Distribution is an act of distributing goods, materials and/or written literature. There shall be no solicitation or distribution by non-employees at any time on any Employer property or in any work area. This section shall not apply to Vendors.

**PERSONAL APPEARANCE SECTION 7.05**

A. **POLICY**

1. The Employer requires that an employee's clothing, grooming and overall appearance be appropriate, in good taste, and present a favorable public image. Clothing shall also be conducive to the safe and effective performance of required job duties. The nature of the work, safety considerations, the nature of the employee’s public contact, and the expectations of outside parties with whom the employee will work should be considered in determining appropriate professional attire.

2. Employees are required to keep clothing or uniforms neat, clean, and in good repair.

3. Certain employees may be required to wear uniforms or badges while on duty.

4. Any clothing that has words, terms, or pictures that may be offensive, obscene, or harassing to others is unacceptable attire.

5. Tattoos and body piercings (except earrings) of all employees who have contact with members of the public shall not be visible during work hours.

1.

**ALCOHOL AND DRUG ABUSE SECTION 7.06**

**A. POLICY**

1. Drug-Free Workplace Policy:

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

b. Acknowledgment and Notice:

(1) All prospective employees will be required to acknowledge they are aware of the Employer’s Drug-Free Workplace policy and they understand it is a condition of employment.

(2) Prior to hiring, all successful applicants will receive a copy of the Employer’s Drug Free Workplace statement and policy. They also will be required to sign an Acknowledgment of Receipt Form which will become a permanent part of the employee’s personnel file.

c. Drug Testing Policy - Prior to appointment, the Employer may require conditionally selected applicants to pass a physical examination which may include blood, urine or similar testing to determine the use of illegal drugs. The Employer may require current employees to undergo testing for alcohol or drug use when there is reasonable suspicion to believe the employee is under the influence of alcohol or drugs while at work.

d. Definitions - For purposes of this policy:

**Employee** - any person (i.e., management, supervisory or non-supervisory), who is paid in whole or in part by the Employer.

**Controlled Substance** - any drugs, compound, mixture, preparation or controlled substance contained in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or as defined in the Ohio Revised Code.

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

**Criminal Drug Statute** - a criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

e. Distribution of Information - Each employee will receive an information package containing:

(1) Information concerning the dangers of drug abuse in the workplace.

(2) A current copy of the Employer's posted/published Drug-Free Workplace statement.

(3) A current copy of the Employer's Drug-Free Workplace policy.

(4) Information concerning any available drug counseling, rehabilitation and employee assistance programs.

(5) Information concerning the penalties that will be imposed for a breach of the Employer's Drug-Free Workplace policy.

(6) 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 Employer within five (5) calendar days after such conviction.

1. 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 Employer's workplace is strictly prohibited and will result in criminal prosecution and discipline of the employee. The discipline may include termination from employment.

g. Notification of Conviction: Any employee convicted of any federal, state or municipal criminal drug statute for a workplace-related drug offense must notify the Employer of such fact within five (5) calendar days of the conviction.

h. Employer Action: The Employer will, within thirty (30) days after receiving notice of a conviction from an employee or, upon concluding that an employee has violated the City Alcohol and Drug Abuse Policy:

(1) take appropriate disciplinary action against such employee, up to and including termination; or

(2) require such employee to satisfactorily participate in a drug rehabilitation program as provided herein.

i. Failure to Report: Any employee who fails to report a workplace-related drug conviction may be:

(1) sent to the employee assistance program for referral and treatment;

(2) disciplined, up to and including termination;

(3) forever barred from future employment with the City; and

(4) held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

Alcohol and Drug Rehabilitation Policy:

a. Referral to a rehabilitation program is designed primarily for those employees who appear to have a treatable condition, not to protect those who manufacture, distribute or dispense drugs in the workplace.

b. Any employee who is referred to a drug rehabilitation program and fails to satisfactorily participate in the program will be terminated from employment.

c. The Employer recognizes alcoholism and drug addiction may be illnesses which are treatable, and encourages those employees who may have an alcohol or drug problem to seek professional treatment or assistance on their own initiative.

d. For the purposes of this policy, a drinking or drug abuse problem exists when an employee tests positive while on duty, when an employee’s alcohol consumption or drug abuse interferes with the employee’s job performance and/or when the employee presents a threat to the safety of persons or property. This policy does not excuse employees from discipline or corrective action initiated by the Employer for unsatisfactory performance or work-related misconduct, including being under the influence of drugs or alcohol while on duty. Rather, this policy is intended to help employees who themselves initiate requests for assistance.

e. The individual’s rights to confidentiality and privacy are recognized. The pertinent information and records of employees with alcohol and/or drug problems will be preserved in the same manner as all other medical records.

f. It will be the responsibility of the employee to comply with the Employer’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 grounds for removal. Refusal may also be considered insubordination.

**EMPLOYEE ASSISTANCE PROGRAM SECTION 7.07**

**A. POLICY**

1. The Employer has established an Employee Assistance Program (EAP) to provide employees with counseling and/or assistance to cope with personal problems affecting their ability to work productively. The types of problems which may be addressed by the EAP include mental health, substance abuse, marital and family difficulties and other behavior problems.

2. The Employer will treat with confidence all requests by employees for counseling or referral assistance. Referrals will be made to a licensed counseling service (such as Community Counseling Services, Inc. of Galion and Bucyrus). The Employer's obligation for payments will be limited to those services covered by its medical insurance plan. The referred employee is responsible for all other costs associated with such treatment.

3. No employee will be disciplined or be refused opportunities because of a request for counseling or referral assistance. The employee's willingness to participate in the EAP shall not alter the Employer's right to discipline for the employee's violation of any work rules or regulations including the Employer's Drug Free Workplace Policy.

4. An employee that is required to be absent from work to receive rehabilitation or treatment will be eligible for the use of accumulated sick leave provided a certificate from the provider of the treatment is submitted to the Employer.

5. Any employee seeking referral assistance under the EAP should contact the Health Commissioner.

**GARNISHMENTS SECTION 7.08**

**A. POLICY**

1. 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 Auditor and the Employer. Repeated garnishments on the wages of an employee may result in disciplinary action. No employee may be terminated because of only one (1) successful garnishment during any twelve (12) month period.

2. No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve the employee's financial problems.

**POLITICAL ACTIVITY SECTION 7.09**

**A. POLICY**

1. Generally - Classified Employees - Classified employees are prohibited by ORC Section 124.57 from engaging in political activity. "Classified employee" for purposes of this section means all employees in active pay status serving in the competitive classified service, whether in certified or provisional status.

2. Permitted Activities - Classified employees may engage in the following activities:

a. Registration and voting;

b. Expressing opinions, either orally or in writing;

c. Voluntary financial contributions to political candidates or organizations;

d. Circulating non-partisan petitions and petitions on legislation relating to their employment;

e. Attendance at political rallies that are open to the general public;

f. Signing nominating petitions in support of individuals;

g. Displaying political pictures, badges, buttons and stickers in their home or private automobiles (but not while on official Employer business).

3. Prohibited Activities - Classified employees may not engage in the following activities:

a. Participation in a partisan election as a candidate for public office;

b. Declaring candidacy for an elected office which is filled by partisan election, or through a nomination obtained in a partisan primary or through the circulating of nominating petitions identified with a political party;

c. Circulating official nominating petitions for any candidate;

d. Holding an elected or appointed office in any political organization;

e. Accepting appointment to any office normally filled by partisan election;

f. Campaigning, by writing for publications (including letters to newspaper editors), by distributing political material or by writing or making speeches on behalf of a candidate for elective office;

g. Soliciting, either directly or indirectly, any assessment, contribution or subscription, either monetary or in kind, for any party or candidate;

h. Soliciting the sale of or selling political party tickets;

i. Engaging in partisan activities at the political polls, such as soliciting votes (for other than non-partisan candidates), assisting voters to mark ballots or transporting or helping get the voters out on election day (for partisan issues only);

j. Acting as a recorder, checker, watcher, challenger, judge or board of election poll worker for any party or partisan committee;

k. Participating in political caucuses of a partisan nature; and

l. Participating in a political action committee which supports partisan activity.

4. All employees, regardless of status, should be aware that certain non-partisan offices or positions have been deemed by the Attorney General and/or the Employer to be incompatible with certain other offices or positions and therefore cannot be held simultaneously.

5. For all purposes of this prohibited activity section, a seat on Galion City Council shall be considered a partisan election.

**B. PROCEDURE**

1. Any employee desiring to seek or accept any public position or office should inform the City Manager, who may request an opinion in advance from the City Law Director.

***1. General: All classified employees, including classified employees on authorized leaves of absence from their positions, are prohibited by law from engaging in certain political activity as identified herein. However, employees are encouraged to exercise their constitutional right to vote.***[[94]](#footnote-108)

***2. Prohibited Activities:***

***a. Candidacy for public office in a partisan election;***

***b. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;***

***c. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;***

***d. Circulation of official nominating petitions for any candidate participating in a partisan election;***

***e. Service in an elected or appointed position in any partisan political organization;***

***f. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;***

***g. Campaigning by writing for publications, by distributing political material or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;***

***h. Solicitation, either directly or indirectly, of any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate;***

***i. Solicitation of the sale, or actual sale, of political party tickets;***

***j. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;***

***k. Service as witness or challenger for any party or partisan committee;***

***l. Participation in political caucuses of a partisan nature; and***

***m. Participation in a political action committee which supports partisan activity.***

***Any employee in the classified service who engages in any of the activities listed in paragraphs 2a to 2m of this rule is subject to removal from his or her position in the classified service.***

***3. Permissible Activities:***

***a. Registration and voting;***

***b. Expression of opinions, either oral or written;***

***c. Voluntary financial contributions to political candidates or organizations;***

***d. Circulation of nonpartisan petitions or petitions stating views on legislation;***

***e. Attendance at political rallies;***

***f. Signing nominating petitions in support of individuals;***

***g. Display of political materials in the employee’s home or on the employee’s property;***

***h. Wearing political badges or buttons, or the display of political stickers on private vehicles; and***

***i. Serving as a precinct election official under Section 3501.22 of the Revised Code.***

***B. PROCEDURE***

***1. Any employee who desires to campaign for or accept appointment to political offices which may not be considered partisan, and where no declaration of political party affiliation is made (i.e., village councils, school boards, etc.) should notify the Mayor. A request for an opinion from the City Law Director as to the legality of the employee campaigning for or holding any such offices, prior to declaring candidacy, circulating petitions, or accepting the position may be made. The decision of the City Law Director shall be final and binding on the employee.***

***2. All employees must notify the Mayor of any intent to declare and campaign for a political office. If, in the opinion of the Mayor, the employee’s candidacy is in conflict with the employee’s current position, or is not in the best interest of the City, the employee must take a leave of absence or resign. The decision of the Mayor shall be final.***

**WORKPLACE VIOLENCE SECTION 7.10**

**A. POLICY**

1. The safety and security of employees, clients, contractors and the general public are of vital importance to the Galion City Health Department. Therefore, threats, threatening behavior or acts of violence made by an employee or anyone else against another person's life, health, well-being, family or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.

2. The purpose of this policy is to provide guidance to employees of the Galion City Health Department, should they encounter a situation that they believe is or could result in an act of violence.

3. The word “violence” in this policy shall mean an act or behavior that:

a. is physically assaultive;

b. 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);

c. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;

d. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;

e. a reasonable person would perceive as intimidating or menacing;

f. involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or

g. consists of a communicated or reasonably perceived threat to destroy property.

4. The Employer prohibits the following:

a. Any act or threat of violence by an employee against another person's life, health, well-being or property.

b. Any act or threat of violence, including, but not limited to, intimidation, harassment or coercion.

c. Any act or threat of violence which endangers the safety of employees, clients, contractors or the general public.

d. Any act or threat of violence made directly or indirectly by words, gestures or symbols.

e. Use or possession of a weapon on the Employer's premises, on a City controlled site or an area that is associated with employment except as required in the line of duty (i.e., law enforcement).

5. The most common situations where workplace violence is likely to occur are as follows:

a. Dealing with the Public: Violent situations could occur in employee contact with the public. While the Employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.

b. On-the-Job: Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.

c. Off-the-Job: An employee could become involved in a personal non-criminal dispute with a co-worker, family member or neighbor during the employee’s non-working hours. The Employer prohibits any act of violence by an employee towards any other employee while off duty. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee’s place of residence in the order.

6. The possession or use of dangerous weapons is prohibited on Employer property, in Employer vehicles, or in any personal vehicle which is used for Employer business or is parked on Employer property, except as hereinafter provided.

a. A dangerous weapon is defined as:

(1) A loaded or unloaded firearm; or

(2) A weapon, device, electronic stun weapon, chemical substance or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

b. Exceptions: Individuals may possess a firearm on Employer property if the individual is employed in the capacity of a law enforcement officer and is engaged in law enforcement activities. Employees who possess a valid permit to carry a firearm, if a firearm is brought on Employer property, must keep the firearm unloaded and in the employee’s personal vehicle, which shall be locked.

**B. PROCEDURE**

1. Any person who makes substantial threats, exhibits threatening behavior or engages in violent acts on the Employer’s property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.

2. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City controlled site, or is associated with City employment.

3. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the Employer. 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.

4. Supervisor Responsibilities: Supervisors and Employers are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involves an employee of the Employer.

5. When any actual, potential or suspected incident of violence is brought to the attention of a supervisor or the Employer, the Employer or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report Form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the Employer or designee shall:

a. Discuss the situation with the employee(s) and attempt to find out what caused the situation.

b. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:

1. Assigning a different employee to the area or job.
2. Talking with the disgruntled client or employee(s).

(iii) Discussing the incident and offer suggestions for appropriate actions.

(iv) Referring the affected employee(s) to professional help or counseling.

(v) Disciplining the employee(s), up to and including termination of employment.

6. 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 the Employer 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.

***COMMUNICATIONS (INTERNAL AND EXTERNAL)* SECTION 7.11**

**A.** **POLICY**

1. Appropriate communication is essential to adequately deal with the responsibilities in attaining top job performance.

Methods to accomplish above goal:

1. Meet at regular staff meetings to discuss activities of the previous and ensuring week.

2. Meetings are documented by minutes.

3. Meet with appropriate staff on a regular basis to discuss scheduling, problems in case handling, planning new programs, and other matters as identified by employees and/or supervisors.

4.

6. Return e-mails, telephone calls, etc. promptly.

7. Transmit information by e-mail, letter, telephone call or other appropriate means.

8.

***SMOKING / TOBACCO USE* SECTION 7.11**

***A. POLICY***

***1. Generally: This policy has been enacted in order to comply with R.C. Section 3794.02 as enacted December 7, 2006.***

***2. Smoking and use of tobacco products is prohibited in all public places and places of employment including areas immediately adjacent to building entrances and exits.***

***a. Public Place: A public place is any enclosed area to which the public is invited or permitted.***

***b. Place of Employment: A place of employment is an enclosed area under the control of the Employer that employees use for work or any other purpose including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles.***

***c. Enclosed Area: An area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.***

***d. Employee: An employee is defined as an individual who provides services to an employer for compensation or for no compensation.***

***e. Smoking: Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.***

***3. Smoking is permitted in designated areas provided by the Employer. Such areas will be provided in compliance with applicable law and shall ensure that smoke does not enter the place of employment.***

***4. Smoking and use of tobacco products is prohibited in all Employer-owned vehicles.***

***5. Rights and Responsibilities of Employees:***

***a. Employees are expected to comply with this policy and the applicable law.***

***b. In the resolution of any dispute arising under this policy, the compliance with the law and the protection of the health of the non-smoking parties shall be given preference over the smoker’s desire to smoke.***

***c. In the event that an individual is found in violation of this policy and the Employer is fined or penalized, the employee will be subject to appropriate discipline.***

***d. No employee or applicant for employment shall be discharged, refused employment or in any manner discriminated against because such employee or applicant exercises the rights afforded him/her under this policy.***

***6. Responsibilities of the Employer:***

***a. Signs will be conspicuously posted where smoking is prohibited including each entrance to the place of employment. Each sign will contain a telephone number to report smoking violations and be of sufficient size to be clearly legible to a person of normal vision.***

***b. Designated smoking areas will be established in unenclosed areas away from the building entrances and such locations will be clearly communicated to employees.***

***c. Ashtrays will be removed from all places of employment.***

***d. The Employer disciplinary procedure will be exercised when an employee refuses to comply with this policy.***

**INTRODUCTION SECTION 8.01**

**A. POLICY**

1. All employees of the Galion City Health Department are members of a team working together for the purpose of serving our community. Employees who fail to follow the necessary rules and regulations governing their conduct are not only penalizing themselves, but are doing a disservice to other employees and the citizens of Galion.

2. These disciplinary provisions are designed to ensure that the rights and safety of all employees are protected and to provide working guidelines to encourage acceptable businesslike behavior and conduct.

3. It is the policy of the Employer that discipline should be characterized as corrective rather than punitive and that employees should be made aware of the conduct expected of them. The following disciplinary provisions are designed to meet both of these objectives.

4. The following disciplinary provisions shall be applicable to all employees of the Galion City Health Department, however, the progressive disciplinary procedures contained herein shall not be applicable to those employees serving at the pleasure of the Employer in the unclassified Civil Service.

**DISCIPLINARY PRINCIPLES SECTION 8.02**

**A. POLICY**

1. The Employer believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the Employer believes that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior.

a. Employees shall be advised of expected job behavior, the types of conduct that the Employer has determined to be unacceptable, and the penalties for such unacceptable behavior.

b. Immediate attention shall be given to policy infractions by those responsible for administering discipline.

c. Discipline shall be applied uniformly and consistently, within the group or groups of employees to whom such rules are directed, and any deviations from standard procedure must be well justified and documented.

d. Each offense shall be dealt with as objectively as possible.

e. Discipline shall usually be progressive, but depending on the severity of the offense, may proceed immediately to suspension or termination of employment.

f. An employee's immediate Supervisor and/or the City Manager ***Employer*** shall be responsible for administering discipline.

**PROGRESSIVE DISCIPLINE SECTION 8.03**

**A. POLICY**

1. The Employer has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the Employer's right to impose a different level of discipline when the circumstances warrant or when the infraction involves an at will employee.

2. This discipline policy provides general guidelines for specific offenses, however, the examples of specific offenses given in any grouping are not all inclusive, and serve merely as a non-binding guide.

3. The guidelines for discipline provided in this manual do not preclude the application of a more or less severe penalty for a given infraction by any employee. This is particularly true for external interim,[[95]](#footnote-109) temporary, intermittent and other unclassified employees whose service may be terminated at the will of the Employer.

4. All active records of discipline shall be maintained in the employee's personnel file. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

5. The Employer may issue a fine or working suspension under certain circumstances, for example, to discipline an FLSA-exempt employee without jeopardizing the employee’s exempt status, or[[96]](#footnote-110) to impose discipline when the Appointing Authority is under-staffed. However, the Employer should use fines sparingly and not in a manner that would cause a non-exempt employee to be paid less than minimum wage under the FLSA.

6. The purpose of disciplinary action is to correct misconduct and encourage improved performance or behavior, except where the employee is removed. To that end, an employee may request, and the Employer may agree, to remove a disciplinary action from an employee's general personnel file after two (2) years when the employee has shown marked improvement. The record of discipline will be kept in a separate "dead" file for at least seven (7) years, or for the period of time designated in theCity’s public record retention schedule, whichever is longer. The Employer is required by the Ohio Civil Rights Commission to maintain such records.

7. Each disciplinary action shall remain effective as specified by the applicable collective bargaining agreement. If the employee is not a member of a bargaining unit, disciplinary action shall remain effective[[97]](#footnote-111) for twenty-four (24) months after the effective date of the disciplinary action, provided there are no intervening disciplinary actions during this twenty-four (24) month period.

**B. PROCEDURE**

1. The Employer may recommend and issue verbal warnings ***reprimands*** and written reprimands. Forms for issuing discipline are included in this manual. These forms should, in each case of discipline, be completed and signed by the Employer, delivered to the employee, and signed by the employee. The completed form shall be placed in the employee's personnel file.

2. Only the Appointing Authority has the authority to reduce in classification or pay, fine, suspend or terminate an employee. Prior to such discipline, a pre-disciplinary conference must be held if it involves a classified employee.

3. Suspensions or fines of more than three (3) days pay, reductions or removals of classified employees must be filed in accordance with Civil Service Commission Rules and Regulations.

4. Reduction in classification or pay, suspension, fine or removal of an unclassified employee may be executed at the discretion of the Appointing Authority. A written notice shall be provided to the employee.

While a pre-disciplinary conference is not legally required for unclassified employees, it is recommended that the Appointing Authority meet with the employee to provide the employee with an opportunity to respond regarding the alleged infraction, prior to reducing, suspending, fining or removing the employee from public service.

5. The Employer may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee’s care could be adversely affected. 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 Employer completes the predisciplinary process, investigates the alleged infraction and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee’s base rate of pay.

**PRE-DISCIPLINARY CONFERENCE –– CLASSIFIED EMPLOYEES SECTION 8.04**

**A. POLICY**

1. Generally - Whenever the Employer or designee determines a classified employee may have committed an offense which could result in a suspension, fine, reduction or removal, the employee will be notified of the allegations and a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged misconduct. A pre-disciplinary conference is primarily an informal fact-finding session, not a legal proceeding. The objective of the conference is to obtain information through testimony, documentation and/or questioning of the employee and witnesses to determine whether the alleged misconduct occurred.

2. Hearing Officer – Pre-disciplinary conferences will be conducted by a hearing officer. The hearing officer may be the Employer or any person the Employer selects to serve in such capacity.

3. Notice - Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Employer or designee will provide the employee with a written outline of the charges which may be the basis for disciplinary action (Notice of Pre-disciplinary Conference Form). In response, the employee must sign an acknowledgment of the notice and must ***elect to do one of the following***:[[98]](#footnote-112)

a. appear at the conference to present an oral or written statement in the employee's defense and answer questions regarding the alleged misconduct; or

b. elect in writing to waive the pre-disciplinary conference (Waiver of Pre-disciplinary Conference).

***c. elect to have a representative appear at the conference and present an oral or written statement in the employee’s defense.[[99]](#footnote-113)***

4. Testimony - An employee who elects to attend the conference and present evidence, or who is called to testify, must answer all questions truthfully. If it is later proven that the employee's answers were not truthful, such dishonesty may result in disciplinary action.

5. Witnesses - At the conference the employee may present any testimony, witnesses or documents which explain whether or not the alleged misconduct occurred. The employee shall provide a list of witnesses to the hearing officer as far in advance as possible, but not later than four (4) hours prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses their attendance is desired.[[100]](#footnote-114)

6. Delay of Predisciplinary Conference - Upon a reasonable request and adequate advance notice from the employee, the Appointing Authority may temporarily delay the pre-disciplinary conference. Generally, the Employer should permit only one (1) such delay.

7. Recording of Proceedings - At the discretion of the hearing officer, the pre-disciplinary conference may be recorded on magnetic tape or by a stenographer. The responding employee may also record the proceedings in a similar manner, if the hearing officer authorizes recording of the proceedings.

8. Hearing Officer Report - If the hearing officer is someone other than the Employer, the following shall apply:

The hearing officer shall objectively hear the case and shall prepare a written report setting forth findings of fact and concluding whether or not the alleged misconduct occurred. The hearing officer shall not recommend discipline. A copy of the hearing officer's report will be provided to the employee and the Employer within five (5) working days following its preparation. The Employer will decide what discipline, if any, is appropriate, and may agree or disagree with the hearing officer's conclusions.

9. Administrative Leave - When the Employer determines it is necessary to temporarily remove an employee from the workplace to protect the health or safety of the employee, other employees or of any person or property entrusted to the employee’s care, the Employer may immediately authorize an administrative leave of absence with pay. Such leave shall normally last only until the investigation, pre-disciplinary hearing and/or other corrective action is completed.

**B. PROCEDURE**

1. Whenever the Employer has cause to believe an employee should receive a suspension, fine, disciplinary reduction in pay or position or removal from public service, the Employer must reduce such allegations to writing.

2. The Employer may place the employee on administrative leave while the charges are being investigated and until the pre-disciplinary conference procedures are completed.

3. The written allegations should indicate in sufficient detail the behavior or conduct which is the basis for the Employer's belief that discipline is necessary.

4. The written allegations should next be processed through the chain of command to the Employer or designee for review and delivery to the responding employee in the form of a Notice of Pre-disciplinary Conference.

If the allegations involve potential criminal charges as well as employment misconduct, the Employer should confer with the City Law Director and the City’s management consultant prior to questioning the employee or scheduling a pre-disciplinary conference.

5. The employee will be notified by the Employer or designee of the time, location and person who will conduct the conference. The hearing officer conducting the conference will recite the allegations and ask the Employer’s representative to summarize the evidence that is the basis of the allegations.

6. The hearing officer 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.

7. The hearing officer may authorize recording of the hearing, in which case the responding employee may also record the hearing.

8. The hearing officer shall determine when the conference is concluded and will adjourn the meeting. The hearing officer may also independently investigate facts alleged by the responding employee or the employee's witnesses, may limit the number of witnesses and may reconvene the conference if necessary to get additional information or to allow the employee an opportunity to respond further or to respond to new matters. For example, if the employee provides an explanation that involves facts previously unknown to the Employer, the hearing officer may continue the hearing to allow the Employer time to investigate. As another example, if the employee or a witness provides information which indicates the employee may have committed additional infractions, the hearing officer may continue the conference to allow the Employer time to investigate or to allow the Employer to issue a revised notice before concluding the pre-disciplinary conference. This is proper procedure provided no discipline is issued prior to reconvening the pre-disciplinary conference and the employee has not already been disciplined for the same offense.

9. If someone other than the Employer is serving as hearing officer, that person shall prepare a written report of findings and submit it to the Employer. The report need not be overly detailed. The report should state whether the person conducting the conference believes the allegations were supported by the evidence and explanations presented. The hearing officer may state whether one person's explanation or evidence was more convincing and for what reason, especially when stories or evidence conflict. However, the hearing officer should not recommend whether the Employer should issue discipline, nor what level of discipline is appropriate.

10. Within a reasonable time following receipt of the report, the Employer shall determine what discipline, if any, is warranted based upon the facts presented.

11. If discipline is warranted, the Employer shall determine the severity of the discipline using the policies herein as a guideline.

**GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES SECTION 8.05**

**A. POLICY**

1. R.C. Section 124.34 sets out the forms of misconduct which are the legal basis for reduction, suspension, fine or removal of a classified employee. Those forms of misconduct are:

a. Neglect of duty;

b. Incompetency;

c. Inefficiency;

d. Dishonesty;

e. Drunkenness;

f. Immoral conduct;

g. Insubordination;

h. Discourteous treatment of the public;

i. Any other failure of good behavior;

j. Any other acts of misfeasance, malfeasance or nonfeasance; or

k. Any violation of Civil Service rules.

2. The offenses set forth in Groups I, II and III below are non-inclusive examples of the above forms of misconduct and guidelines for determining the appropriate level of discipline for classified employees.

3. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.

4. Group II Offenses may be defined as those infractions which are of a more serious nature than the 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 a more serious and longer lasting impact against the organization than the Group I Offenses.

5. Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature and/or 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 have a long lasting and serious adverse impact on the organization.

6. THIS DISCIPLINE POLICY IS A GENERAL GUIDELINE ONLY. THE FOLLOWING EXAMPLES OF SPECIFIC OFFENSES ARE NOT ALL INCLUSIVE, AND ARE NOT INTENDED TO BE BINDING ON THE EMPLOYER.

**GROUP I OFFENSES**

FIRST OFFENSE ............... Verbal warning ***Oral Reprimand***

SECOND OFFENSE ........... Written reprimand

THIRD OFFENSE .............. A working suspension of 1 to 3 days; a fine not to exceed 3 days pay; or a one (1) to three (3) day suspension without pay; (\*five [5] days for administrative, supervisory, or professional employees exempt from overtime)

FOURTH OFFENSE ........... Five (5) to fifteen (15) day working suspension or suspension without pay; or a fine up to 5 days pay;

FIFTH OFFENSE ............... Up to and including termination of employment

\* Under the Fair Labor Standards Act, salaried employees exempt from overtime cannot be given disciplinary time off in less than one (1) week increments.

Following are examples of Group I Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under Civil Service Rules and Regulations.

1. Failure to properly and completely clock/sign in or out (inefficiency, neglect of duty or failure of good behavior).

2. Failure to properly “report off” work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior or nonfeasance).

3. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior).

4. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty or failure of good behavior).

5. Failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

6. Failure to report accidents, injuries or equipment damage (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

7. Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).

8. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior).

9. 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 (inefficiency, neglect of duty or failure of good behavior).

10. Malicious mischief, horseplay, wrestling or other undesirable or potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public or failure of good behavior).

11. Interfering with the work performance of subordinates/other employees or causing other disruptions of the workplace (inefficiency, neglect of duty or failure of good behavior).

12. Failure to cooperate with other employees (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

13. Neglect of or careless failure to observe Employer rules, regulations, policies and procedures (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

14. Excessive garnishments (failure of good behavior or nonfeasance).

15. Use or possession of another employee’s working equipment or property without approval (dishonesty or failure of good behavior).

16. Unauthorized use of the Employer’s telephone for other than business purposes (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

17. Obligating the Employer for any minor expense, service or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior or misfeasance).

18. Neglect of or careless failure to care for Employer property or equipment (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

19. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.) (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

20. Neglect of or careless failure to prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

21. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies and procedures of the Employer (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

22. Failure to commence duties at the beginning of the work shift, or leaving work prior to the end of the work shift (inefficiency, neglect of duty or failure of good behavior).

23. Leaving the job or work area during the regular working hours without authorization (neglect of duty, failure of good behavior or nonfeasance).

24. Making preparations to leave work without specific prior authorization before the lunch period, any official break period or specified quitting time (neglect of duty, failure of good behavior or nonfeasance).

25. Establishing a pattern use of sick leave or other misuse or abuse of sick leave (neglect of duty, malfeasance or failure of good behavior).

**GROUP II OFFENSES**

FIRST OFFENSE .................. A working suspension of 1 to 3 days; a fine not to exceed 3 days pay; or a one (1) to three (3) days suspension without pay; (\*five [5] days for administrative, supervisory, or professional employees)

SECOND OFFENSE ............... Five (5) to fifteen (15) day working suspension or suspension without pay; or a fine up to 5 days pay

THIRD OFFENSE ................. Up to and including termination of employment

\* Under the Fair Labor Standards Act, salaried employees exempt from overtime cannot be given disciplinary time off in less than one (1) week increments.

Following are examples of Group II Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under Civil Service Rules and Regulations.

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 (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

2. Reporting to work or working while unfit for duty (incompetence or failure of good behavior). 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 (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

4. Willful refusal to clock/sign in or out when required (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

5. Performing private work on Employer time (inefficiency, neglect of duty, failure of good behavior or misfeasance).

6. Neglect or careless failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

7. Threatening, intimidating or coercing subordinates, other employees or general public (inefficiency, neglect of duty or failure of good behavior).

8. Use of abusive or offensive language or gestures toward subordinates, other employees, residents or the general public (immoral conduct, insubordination, failure of good behavior or malfeasance).

9. The making or publishing of false, vicious or malicious statements concerning other employees, residents, the Employer or its operations (dishonesty, failure of good behavior or malfeasance).

10. Solicitation or distribution on Employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior or misfeasance).

11. Willful disregard of the Employer’s rules, regulations, policies and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance or nonfeasance).

12. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior or misfeasance).

13. Neglect or carelessness in the use of Employer property or equipment (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

14. Obligating the Employer for a major expense, service or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior or misfeasance).

15. Unauthorized use of Employer property or equipment, including the unauthorized reproduction of this manual or the Employee Handbook (inefficiency, neglect of duty, failure of good behavior or misfeasance).

16. Negligent failure to report accidents, injuries or equipment damage (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

17. A traffic violation or accident while driving an Employer vehicle which evidences recklessness by the employee (inefficiency, neglect of duty, failure of good behavior or misfeasance).

18. Refusing to provide testimony in court during a public hearing (SPBR, SERB, etc.) or any other official hearing, investigation or proceeding involving the Employer (insubordination, failure of good behavior or nonfeasance).

19. Refusing to provide testimony or information concerning any investigation (insubordination, failure of good behavior or nonfeasance).

20. Possession or storage of alcoholic beverages on the Employer’s premises (neglect of duty, drunkenness, failure of good behavior or malfeasance).

21. Unauthorized presence on the Employer’s property (failure of good behavior or misfeasance).

22. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

23. Willful failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

24. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior or misfeasance).

**GROUP III OFFENSES**

FIRST OFFENSE .................. Termination of employment

Following are examples of Group III Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under Civil Service Rules and Regulations.

1. Wanton or willful neglect in the performance of assigned duties (inefficiency, neglect of duty, failure of good behavior, misfeasance or malfeasance).

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 Employer’s premises in violation of R.C. Chapter 4117 (neglect of duty, failure of good behavior or misfeasance).

3. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior or nonfeasance).

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 (dishonesty, failure of good behavior or malfeasance).

5. Knowingly concealing a communicable disease (e.g. TB) which may endanger others (neglect of duty, failure of good behavior, misfeasance or malfeasance).

6. Carrying or possessing firearms, explosives or weapons in the work area (failure of good behavior or malfeasance).

7. Willfully withholding information which threatens the safety and security of the Employer, its operations or employees (dishonesty, failure of good behavior, misfeasance or malfeasance).

8. Willfully demeaning, verbally abusing and/or humiliating a resident, employee or other person (discourteous treatment of the public, neglect of duty, failure of good behavior or malfeasance).

9. Threatening, intimidating or physically abusing a resident, employee or other person (malfeasance or failure of good behavior).

10. Committing an act of discrimination, sexual harassment or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin or disability (immoral conduct, neglect of duty, failure of good behavior or malfeasance).

11. Fighting with or attempting to injure a resident, employee or other person (discourteous treatment of the public, neglect of duty, failure of good behavior or malfeasance).

12. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor (insubordination, neglect of duty, failure of good behavior or nonfeasance).

13. Providing false testimony, statements or information in any official Employer, court or administrative investigation, hearing or proceeding (dishonesty, failure of good behavior, malfeasance or neglect of duty).

14. Providing false information, making a false statement, committing a fraudulent act or withholding pertinent information in the employment application process (dishonesty, failure of good behavior, misfeasance or malfeasance).

15. Gambling during work hours (inefficiency, neglect of duty, failure of good behavior, misfeasance or malfeasance).

16. Stealing or similar conduct, including destroying, damaging, concealing or converting any property of the Employer or of other employees (dishonesty, failure of good behavior or malfeasance).

17. Dishonesty or dishonest action. Examples of “dishonesty” or “dishonest actions” are: theft, pilfering, making false statements to secure an excused absence or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action (dishonesty or malfeasance).

18. Engaging in unauthorized political activity as provided in the Political Activity Section of this manual (failure of good behavior or malfeasance).

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 (drunkenness, immoral conduct, neglect of duty, failure of good behavior or malfeasance).

20. Driving a motor vehicle on duty or Employer business without a valid, applicable operator’s license (dishonesty, failure of good behavior, malfeasance or neglect of duty).

21. Failure to obtain, maintain and/or report the loss of required licenses, certifications or other qualifications of an employee’s position (dishonesty, failure of good behavior, malfeasance or neglect of duty).

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 (dishonesty, failure of good behavior or malfeasance).

23. Intentional misuse of Employer or other public funds (dishonesty, neglect of duty, failure of good behavior or malfeasance).

24. Willful neglect or intentional misuse, abuse or destruction of the property, equipment or tools of the Employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance or malfeasance).

25. Soliciting or accepting a gift, gratuity, bribe or reward for the private use of the employee, or otherwise using one’s position, identification, name, photograph or title for personal gain, or otherwise violating the Employer’s Code of Conduct or Ohio’s ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance or malfeasance).

26. Engaging in off-duty employment activities which the Employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior or misfeasance).

27. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty or malfeasance).

28. Misusing, removing or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization (dishonesty, neglect of duty, failure of good behavior or malfeasance).

29. Misuse, removal or destruction of Employer records without prior authorization (dishonesty, neglect of duty, failure of good behavior or malfeasance).

30. Committing violations of official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior or nonfeasance).

31. Engaging in unauthorized political activity.

32. Sexual harassment.

33. Conviction of certain felonies.

**B. PROCEDURE**

1. Multiple minor 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 outlined in these guidelines; and

b. Multiple offenses which are related are progressively disciplined regardless of the groups in which the offenses are listed and regardless of the order in which the offenses occurred.

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.

**CONVICTION OF A FELONY SECTION 8.06**

**A. POLICY**

1. 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 may not appeal to the Civil Service Commission any disciplinary action taken by the Employer 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.

2. 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.

3. As used in this policy, “Felony” means any of the following:

a. A felony that is an offense of violence as defined in Section 2901.01 of the revised code;

b. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the revised code;

c. A felony under the laws of this or any other State or the United States that is a crime of moral turpitude;

d. A felony involving dishonesty, fraud or theft;

e. A felony that is a violation of section 2921.05, 2921.32 or 2921.42 of the revised code.

**B. PROCEDURE**

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

**APPEALS OF PERSONNEL ACTIONS SECTION 8.07**

**A. POLICY**

1. Classified Employees: Classified employees may appeal suspensions or fines of more than three (3) days pay ***24 hours[[101]](#footnote-115)***, reductions in pay or classification, layoffs, job abolishments or terminations either through the internal grievance procedure contained in this manual or to the Civil Service Commission.

Suspensions of three (3) days ***24 hours*** or less and fines of three (3) days pay ***24 hours*** or less may be appealed to the Employer through the internal grievance procedure only.

External interim, ***tTemporary***, intermittent and other employees serving in the unclassified service have no appeal rights to the Civil Service Commission. Probationary employees likewise may not appeal to the Civil Service Commission. Unclassified employees may appeal all personnel actions through the internal grievance procedure contained in this manual.

Disciplinary action based on conviction of a “felony” within the meaning of R.C. 124.34 may not be appealed to the Civil Service Commission.

**B. PROCEDURE**

1. Appeals to the State Personnel Board of Review (SPBR) by classified employees must be filed within ten (10) days of the date the employee is served the disciplinary order. An appeal from a layoff or a displacement must be filed no later than ten (10) days after receipt of the notice of layoff or displacement.

2. Appeals through the internal grievance procedure shall be submitted within five (5) working days of the occurrence of the incident giving rise to the complaint.

3. The Civil Service Commission maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Civil Service Commission may affirm, disaffirm or modify personnel actions implemented by the Employer.

**COMPLAINT *GRIEVANCE* PROCEDURE SECTION 8.07**

**A. POLICY**

1. Classified employees may appeal suspensions, fines, reductions in pay or classification, layoffs, job abolishments or removals for other than conviction of a felony, hereunder. Any employee may appeal an alleged violation of the Employer’s policies or procedures hereunder.

2. Employees have the right to file such complaints ***grievances***[[102]](#footnote-116) without prejudice. No employee shall be disciplined, harassed or dealt with unfairly as a result of filing a complaint ***grievance*** or testifying in a complaint ***grievance*** hearing.

3. If a complaint ***grievance*** by a classified employee is of a nature to qualify for appeal to the Civil Service Commission, the employee may elect which appeal process to use. If the employee later appeals the matter to the Civil Service Commission or a court of law, the internal complaint ***grievance*** procedure shall be discontinued.

4. Complaints ***Grievances*** 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 manual and not this complaint ***grievance*** procedure.

**B. PROCEDURE**

1. Step One: Immediate Supervisor

a. Informal Step- Any employee with a complaint ***grievance*** shall first discuss the matter with the employee's immediate supervisor, if applicable, within five (5) working days of the action giving rise to the complaint ***grievance***. The supervisor shall make every reasonable effort to resolve the complaint ***grievance*** but may not issue any decision which conflicts with the policies herein. The supervisor shall record the date the complaint ***grievance*** was presented and the date the supervisor responded. The supervisor shall also notify the Health Commissioner of the complaint ***grievance*** and response. ***If the matter cannot be resolved informally or the employee is not satisfied with the informal resolution offered by the supervisor the employee may elect to proceed to the Formal step.***

b. Formal Step- If the informal step does not resolve the issue, the employee shall ***may***[[103]](#footnote-117)submit the grievance in writing to the supervisor within five (5) days after the informal meeting, or not later than ten (10) days after the incident. The supervisor is required to investigate the situation and provide written answers within five (5) working days after the incident. The supervisor is required to investigate the situation and provide written answers within five (5) working days following the receipt of the written grievance. If the employee is not satisfied with the response, the employee may elect to proceed to Step Two.

c. Complaints ***Grievances*** shall be submitted on plain paper with the description of the problem and the printed name and signature of the employee. All complaints shall be dated. (A Complaint ***Grievance*** Form is located in Section 9 of this manual.)

***d. If the employee is not satisfied with the formal resolution offered by the supervisor at Step One the employee may elect to proceed to Step Two.***

2. Step Two: Health Commissioner

a. The employee shall reduce the complaint ***grievance*** to writing using the Complaint ***Grievance*** Form and deliver same to the Health Commissioner, within five (5) working days of receipt of the supervisor’s response in Step One or within five (5) working days of the occurrence of the incident giving rise to the complaint ***grievance*** if Step One was not applicable. The Health Commissioner shall investigate and provide written answers and ***may[[104]](#footnote-118)*** meet with the employee within five (5) working days following receipt of the complaint ***grievance*** and attempt to resolve the matter. The Health Commissioner shall issue a decision ***written response*** within five (5) working days following the hearing ***or, if no hearing is held, within five (5) working days of receiving the grievance***.

b. If the employee is not satisfied with the response ***at Step Two***, the employee may elect to proceed to Step Three.

3. Step Three: Board of Health

a. The employee shall submit the written complaint ***grievance***, copies of all previous written responses and a written explanation why such responses are not acceptable, to the Board within five (5) working days of receipt of the response in Step Two. ***The Board may elect to schedule a hearing with the employee within fifteen (15) days of receiving the grievance.*** The Board shall investigate and ***issue a decision within a reasonable time following receipt of the grievance or the hearing if one is held*** notify the employee in written form within ten (10) working days.[[105]](#footnote-119)  ***The decision issued by the Board of Health shall be final and binding on all parties except as otherwise provided by law.[[106]](#footnote-120)***

Complaints that cannot be resolved may be submitted to the Civil Service Commission. The grievance must be submitted within ten (10) days after the Board issued its written judgment. If the grievance is not submitted to the Civil Service Commission, it will be considered resolved.

4. General Procedures for Hearings:

a. Complaints ***Grievances*** citing issues of law may be forwarded by the Employer to the City Law Director’s Office for an opinion before proceeding, and all time limits shall be held in abeyance until such opinion is received.

b. The parties may extend time limits by mutual written agreement.

c. A complainant ***grievant*** may have an employee representative or witnesses present at any hearing. Employees, employee representatives and employee witnesses shall not lose pay or benefits for time spent in hearings if held during the employee's normal working hours. Prior notice of any employee participating in any complaint hearing shall be provided to the Employer representative to allow the employee to be released from duty.

d. Hearings shall be informal and the rules of evidence customarily applicable in court shall not apply.

1. In City PPM [↑](#footnote-ref-1)
2. Consistent with existing City PPM [↑](#footnote-ref-3)
3. In City PPM [↑](#footnote-ref-4)
4. In City PPM [↑](#footnote-ref-5)
5. In City PPM [↑](#footnote-ref-7)
6. In City PPM [↑](#footnote-ref-9)
7. In City PPM [↑](#footnote-ref-10)
8. In City PPM [↑](#footnote-ref-11)
9. In City PPM [↑](#footnote-ref-12)
10. City PPM says “adopted by ordinance of City Council” instead of Employer, who should sign as the Employer? [↑](#footnote-ref-13)
11. ? Yes. No. OmitYes. Omit City PPM says “City Manager, and submitted to City Council for approval.” [↑](#footnote-ref-18)
12. City PPM also lists, “prepare and recommend to City Council for approval and publication, necessary rules to establish and maintain the City’s merit system.” That should be excluded in Health Dept. PPM right? Yes. [↑](#footnote-ref-22)
13. Consistent with City PPM [↑](#footnote-ref-23)
14. Consistent with City PPM [↑](#footnote-ref-24)
15. New law prohibits residency requirements except for non-volunteer emergency response employees and consistent with City PPM. [↑](#footnote-ref-25)
16. Consistent with City PPM. [↑](#footnote-ref-26)
17. Consistent with City PPM [↑](#footnote-ref-28)
18. See preceding footnote. [↑](#footnote-ref-30)
19. Consistent with City PPM [↑](#footnote-ref-31)
20. Consistent with City PPM. Interim appointments were removed from statute by HB 187. [↑](#footnote-ref-32)
21. See preceding footnote. [↑](#footnote-ref-33)
22. Consistent with City PPM [↑](#footnote-ref-34)
23. Consistent with City PPM [↑](#footnote-ref-35)
24. All changes in Section 3.05 are to make the policy consistent with current laws and the City PPM [↑](#footnote-ref-36)
25. Part-time and intermittent employees serve at the pleasure of the Employer and may be terminated without cause or notice therefore a probationary period is not necessary and may give such an employee some sense of protection that they do not actually have. [↑](#footnote-ref-37)
26. Consistent with City PPM. [↑](#footnote-ref-38)
27. Consistent with City PPM [↑](#footnote-ref-39)
28. Consistent with City PPM [↑](#footnote-ref-40)
29. Consistent with City PPM [↑](#footnote-ref-41)
30. Consistent with City PPM [↑](#footnote-ref-42)
31. Changed to be consistent with previous paragraph. [↑](#footnote-ref-43)
32. Consistent with City PPM [↑](#footnote-ref-44)
33. Consistent with City PPM and statute. [↑](#footnote-ref-45)
34. Consistent with City PPM. [↑](#footnote-ref-46)
35. Just a reminder that the FLSA only requires the payment of overtime after an employee has actually worked in excess of 40 hours in a week, it does not require the payment of overtime for working more than 8 hours in a day. [↑](#footnote-ref-47)
36. Terminology correction, [↑](#footnote-ref-48)
37. Terminology correction consistent with City PPM. [↑](#footnote-ref-49)
38. “Compensatory time” can only be earned by FLSA non-exempt employees. The Employer may choose to allow FLSA exempt employees to do something similar but it would be at the will of the Employer and should not be referred to as “compensatory time.” [↑](#footnote-ref-50)
39. Consistent with City PPM. [↑](#footnote-ref-51)
40. Added for clarity. [↑](#footnote-ref-52)
41. Defines purpose of bonus. [↑](#footnote-ref-53)
42. Defines requirement of service to earn bonus, [↑](#footnote-ref-54)
43. Deleted in lieu of “continuous service” definition. [↑](#footnote-ref-55)
44. Tracks language in Ohio Administrative Code and is term used in Galion Civil Service Rules. [↑](#footnote-ref-56)
45. Tracks language in Ohio Administrative Code and is needed to define what breaks continuous service. [↑](#footnote-ref-57)
46. Consistent with City PPM. [↑](#footnote-ref-58)
47. This scale is consistent with the City PPM. [↑](#footnote-ref-59)
48. Consistent with City PPM. [↑](#footnote-ref-60)
49. Per Diana Sorrick a 2008 letter ended vacations for part-time employees. The new City PPM contains this same revision. Does the Health Department have part-time employees? Does the Health Department want to be consistent with the City PPM on this point? [↑](#footnote-ref-61)
50. Renumbering is necessary. [↑](#footnote-ref-62)
51. I thought the original sentence was poorly written so I tried to make it better. [↑](#footnote-ref-63)
52. Changes consistent with City PPM. [↑](#footnote-ref-64)
53. The changes herein make this consistent with the City PPM with the exception of the reference to paying the employee “in cash” which was removed to eliminate any expectation of payment in currency rather than by normal payroll methods. [↑](#footnote-ref-65)
54. Consistent with City PPM. The granting of leave requests of less than one (1) week is not addressed as to whether it is granted by seniority or first come-first served. Do you want this addressed? [↑](#footnote-ref-66)
55. Changes consistent with City PPM. [↑](#footnote-ref-67)
56. Consistent with City PPM and for clarification. [↑](#footnote-ref-68)
57. City PPM does not extend personal leave to part-time employees. [↑](#footnote-ref-69)
58. The number 2.66 may be a typo on my document. I am assuming that the 24 hours of leave is to be credited to mid-year new hires on a pro-rata basis and since 24 hours equals 2 hours per month, a new hire in April would be credited with 9 months worth of leave equaling 18 hours. Is this how you want it to work? [↑](#footnote-ref-70)
59. Consistent with City PPM. [↑](#footnote-ref-71)
60. Consistent with City PPM. [↑](#footnote-ref-72)
61. Just did not sound right. [↑](#footnote-ref-73)
62. Consistent with City PPM. [↑](#footnote-ref-74)
63. New Policy and Procedure reflects many changes in the applicable statutes and is consistent with City PPM. [↑](#footnote-ref-75)
64. Consistent with City PPM. [↑](#footnote-ref-76)
65. Consistent with City PPM. [↑](#footnote-ref-77)
66. Consistent with City PPM. [↑](#footnote-ref-78)
67. Statute change and consistent with City PPM. [↑](#footnote-ref-79)
68. Consistent with City PPM. [↑](#footnote-ref-80)
69. First sentence is redundant. Costs should be consistent with what the City requires. [↑](#footnote-ref-81)
70. The first sentence of the paragraph makes this sentence unnecessary. [↑](#footnote-ref-82)
71. The City does not provide this to part-time employees. [↑](#footnote-ref-83)
72. City does not provide this to part-time employees. [↑](#footnote-ref-84)
73. Consistent with City PPM. [↑](#footnote-ref-85)
74. Previous form no longer exists and has been replaced. [↑](#footnote-ref-86)
75. Previous form no longer exists and has been replaced. [↑](#footnote-ref-87)
76. Proper name for the Agreement. [↑](#footnote-ref-88)
77. Reflects statutory addition and is consistent with City PPM. [↑](#footnote-ref-89)
78. Reflects accurate name of pension fund. [↑](#footnote-ref-90)
79. Consistent with City PPM and pension fund requirements. [↑](#footnote-ref-91)
80. Consistent with City PPM. [↑](#footnote-ref-92)
81. Consistent with City PPM. [↑](#footnote-ref-93)
82. This appears to be a mandate without exception. An employee may also choose to receive temporary total disability compensation from BWC. [↑](#footnote-ref-94)
83. Due to changes in the law the Employer should evaluate every injured employee for such an assignment and can require that the employee submit to evaluation and perform transitional work if physician approved. [↑](#footnote-ref-95)
84. Consistent with City PPM. [↑](#footnote-ref-96)
85. Consistent with City PPM. [↑](#footnote-ref-97)
86. Consistent with City PPM. [↑](#footnote-ref-98)
87. Consistent with City PPM. [↑](#footnote-ref-99)
88. Policy is consistent with City PPM. [↑](#footnote-ref-100)
89. Consistency with previous section terminology. [↑](#footnote-ref-101)
90. Consistent with City PPM. [↑](#footnote-ref-102)
91. The struck language is in the City PPM but the first sentence requires reporting the secondary employment to their department head head who then goes to the City Manager, such is inapplicable in the Health Department. [↑](#footnote-ref-103)
92. Consistent with City PPM and statutory revisions. [↑](#footnote-ref-105)
93. Consistent with City PPM. [↑](#footnote-ref-107)
94. Consistent with City PPM. [↑](#footnote-ref-108)
95. Interim positions no longer exists. Consistent with City PPM. [↑](#footnote-ref-109)
96. Consistent with City PPM. [↑](#footnote-ref-110)
97. Cleanup of irrelevant language. [↑](#footnote-ref-111)
98. Consistent with City PPM. [↑](#footnote-ref-112)
99. This is a third option available to the employee by law regardless of whether it is put in this policy manual or not. [↑](#footnote-ref-113)
100. The presentation of witnesses by the employee is not a legal requirement however the City elects to do this. I would be happy to discuss the necessary elements of a pre-disciplinary hearing with you so that you can make an informed decision if desired. [↑](#footnote-ref-114)
101. Consistent with City PPM. [↑](#footnote-ref-115)
102. Change in terminology is consistent with City PPM. [↑](#footnote-ref-116)
103. This action is not mandatory but elective. [↑](#footnote-ref-117)
104. Leaves discretion if meeting is not deemed necessary. [↑](#footnote-ref-118)
105. Consistent with City PPM. [↑](#footnote-ref-119)
106. Consistent with City PPM. [↑](#footnote-ref-120)