

**THE CITY OF GALION, OHIO
PERSONNEL POLICY AND PROCEDURE MANUAL**

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SICK LEAVE

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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 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.

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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-

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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 Department Head 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

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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.
8. Bargaining Unit Employees - Bargaining unit employees shall accrue and use sick leave pursuant to the applicable collective bargaining agreement.

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 department head or

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designee 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 department head. In the case of an absence exceeding three (3) consecutive work days, 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 Use of Sick Leave Form and submit same to the Department Head 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 Use of Sick 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 Department Head shall 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 Department Head shall require another Medical Practitioner's Statement to be

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provided which indicates the new date when the employee will be able to return to work.

5. The Department Head shall review the completed Application For Use of Sick Leave Form and the circumstances surrounding the absence. The Department Head shall recommend or not recommend approval of the sick leave and sign the Application For Use of Sick Leave Form. The form shall then be forwarded to the Administrative Secretary to the City Manager and to the Finance Director.
6. The Department Head 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.

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SICK LEAVE CONVERSION

**SECTION 5.02
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A. POLICY

1. Non-bargaining Unit Employees - Retirement Conversion:

- a. Payment of accrued but unused sick leave will be made to each employee upon service retirement and/or disability 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.
- 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 employees 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. Non-bargaining Unit Employees - Annual Conversion - Non-bargaining unit 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:

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<u>Sick Leave Hours Used in Year</u>	<u>Incentive Payment</u>
0 - 12 hours	\$500.00
13 - 24 hours	\$250.00
Over 24 hours	-0-

3. Bargaining Unit Employees - Payment of accrued but unused sick leave will be made to each bargaining unit employee pursuant to the applicable collective bargaining agreement.

B. PROCEDURE

1. Employees eligible to receive the retirement conversion payment hereunder shall, upon retirement from active service under PERS, see their department head 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.

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VACATION

**SECTION 5.03
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A. POLICY

1. Accrual: Full-time employees accrue paid vacation leave according to the following schedule:
 - a. After one (1) year of service: 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) hours 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

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vacation for the following year at 3.1 hours per pay period. Upon completion of six (6), twelve (12), and seventeen (17) years of service, one (1) additional week (e.g., 40 hours) of vacation shall be added to the employee's accrued vacation balance and the employee shall begin accruing vacation hours for the following year at the applicable higher rate. Upon completion of eighteen (18) years of service and for each additional year thereafter, one (1) additional day [e.g., eight (8) hours] of vacation shall be added to the employee's accrued vacation balance and the employee shall begin accruing vacation hours for the following years at the applicable higher rate (i.e., an additional .31 hours per pay period for each additional year thereafter).

2. Part-time Employment - Part-time employees accrue vacation at a proportionate rate figured by comparing their normal biweekly work schedule to that of a forty (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.

Intermittent employees shall not be eligible for vacation.

Vacation leave is earned while on other paid leave provided by the City 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. Eligibility:

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- a. Full-time employees shall not be entitled to vacation leave under any circumstance until after they have completed one year of service with the City.
- b. Most employees are entitled to credit for prior service with the City only 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. Scheduling and Approval:

- a. Vacation scheduling is subject to the approval of the Department Head and the operational needs of the City.
- b. Vacation leave is to be taken in minimum units as determined by the Department Head, and must be requested on the appropriate leave request form. The Employer may also establish maximum increments.

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

<u>Vacation Leave</u>	<u>Request</u>
1 week or less	24 hours
1 week or more	1 week

5. 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 Department Head, may be permitted to carry over accumulated vacation leave to the following year. ~~However~~ **Except as stated below**, no vacation leave shall be carried over for more than two (2) years. Any excess vacation leave not approved for carryover or which exceeds the two (2) years limit shall be eliminated from the employee's leave balance.

At the City's discretion, there may be times when it is permissible for non-bargaining unit employees with an excess vacation accumulation to carry forward accumulated but unused vacation over the two (2) year limit, or it can be paid out at separation from employment with the City. This shall be done on an individual basis with the approval of the City Manager, or designee.

- b. An employee with one (1) or more years of service, who resigns, retires or is otherwise separated from service with the City is entitled to compensation at

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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 Department Head 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 following the guidelines outlined in subsection 4 above.
- 2. The Application for Leave Form shall be submitted to the Department Head 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 Department Head 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 on departmental seniority. Requests for one (1) week or more received after March 1 shall be honored based upon the date of request.

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HOLIDAYS

**SECTION 5.04
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A. POLICY

1. Non-Bargaining Unit Employees - Eligibility – Regular, non-bargaining unit 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. Temporary or seasonal employees are not entitled to holidays, and do not receive holiday pay.

2. Holidays - All eligible non-bargaining 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

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The floating holiday must be taken in one (1) eight (8) hour increment. If the federal or state government requires the City to recognize a holiday not included in the above listing, the floating holiday will absorb the required day.

Each eligible employee hereunder is also entitled to twenty-four (24) hours 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.

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, injury or vacation leave balance.
6. Bargaining Unit Employees - Bargaining unit employee's holidays are provided for in the applicable collective bargaining agreement.

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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 department head, and submit same to the employee's immediate supervisor.

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FUNERAL LEAVE

SECTION 5.05

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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 or sister-in-law, step-parent, step-child, step-sibling, legal guardian, or other person who stands in the place of a parent.
2. Two (2) Days of Funeral Leave - All employees may be granted two (2) work days of paid leave in the event of the death of the employee's grandparents, grandparents-in-law, or grandchild.
3. Other - All employees may also be granted two (2) hours paid leave to attend the funeral of a deceased retired employee who worked in the employee's department and eight (8) hours of paid leave to attend the funeral of an employee in their department killed in the scope of their employment.
4. 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 City Manager.
5. Bargaining Unit Employees - Accrual and use of funeral leave for bargaining unit employees is covered in the applicable collective bargaining agreement.

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B. PROCEDURE

1. An employee requesting Funeral Leave must complete an Application For Leave Form and submit the request to the employee's department head.

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CIVIL LEAVE

**SECTION 5.06
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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 Finance Director 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 (1/2) 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, and attach thereto a copy of the subpoena or other evidence of appearance and submit the completed form to their supervisor 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.

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MILITARY LEAVE

**SECTION 5.07
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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

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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 department head by completing a Request for Leave Form.

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FAMILY AND MEDICAL LEAVE

**SECTION 5.08
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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 City 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 City 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;

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**SECTION 5.08
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- 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.
5. Use of Paid Leave - Employees are required to use all paid leave (i.e., accrued vacation, holidays, personal leave, sick leave, etc.), except compensatory time (if applicable), prior to being granted a FML. The combined period of leave, including paid leave and FML, shall not exceed the total of twelve (12) workweeks during any twelve (12) month period.
6. 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.
7. Husband and Wife - In a case in which a husband and wife, both employed by the City, 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. Intermittent/Reduced Leave Schedule - Leave due to the serious health condition of the employee or the employee's spouse, child or parent 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 Appointing Authority. The Appointing Authority

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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.

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. Seniority - An employee granted FML will continue to accrue seniority during FML.
10. 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.
11. Failure to Return:
 - a. If the employee fails to return from the leave, the employee shall reimburse the City for the total insurance premium paid by the City during any time the employee was on an unpaid leave of absence, 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 City.

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- 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. 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. Family, 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.

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- 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.
- d. Serious Health Condition: An illness, injury, impairment or physical or mental condition which involves inpatient care or continuing treatment.
- 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.

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- 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.

B. PROCEDURE

- 1. General Notice - The Employer shall post written notice of employees' rights and ability to file a complaint.
- 2. 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.

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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 relevant Form to the employee. The Employer will also provide notice to employees on FML of any policy change(s).

4. 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 the written application for FML.

However, where the need for leave is not foreseeable thirty (30) days in advance, the employee shall complete the FML Application Form and provide as much advance

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notice as practicable. Leave forms shall be submitted to the employee's immediate supervisor who shall forward them to the City Manager.

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.

5. Initial Certification:

- a. In cases involving unpaid FML leave, employees must provide the Employer with certification of the condition from the health care provider in cases involving serious health conditions and attach the certification 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 City. The City 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 City and the employee. This third opinion shall be final and binding.

6. Subsequent Certification:

- a. For pregnancy, chronic or permanent/long-term conditions under continuing supervision of a health care provider, the Employer may request recertification every thirty (30) days the employee is on unpaid leave. However, if

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circumstances described in the previous certification change significantly (i.e., the severity of the condition, complications, etc.), the Employer may immediately request recertification.

- 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.
- 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 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 continuing validity of the certification.
- d. 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 FMLA leave.

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7. 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.

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LEAVE OF ABSENCE WITHOUT PAY

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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 City Manager 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.

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B. PROCEDURE

1. All requests for leaves of absence without pay shall be submitted to the City Manager 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.

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ADMINISTRATIVE LEAVE

SECTION 5.10

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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 City Manager 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.

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SECTION 5.11

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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 Department Head, EEO Coordinator, or City Manager, shall state the reason for the request and, if approved by the Appointing Authority, 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 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 Department Head with a copy of a physician's statement attached. The Department Head shall forward the request with a recommendation to the Appointing Authority 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.

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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, the Appointing Authority 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 Appointing Authority 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 Appointing Authority 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:

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When required:

1. When requested by an Appointing Authority, a medical or psychological examination conducted by a licensed practitioner selected by the Appointing Authority, 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 Appointing Authority shall bear the cost of the examination. Both the Appointing Authority 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. An Appointing Authority 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 Appointing Authority. Prior to examination, the Appointing Authority 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 City. Both the Appointing Authority and the employee shall receive the results of the examination and related documents subject to division (C)(1) of R.C. 1347.08.

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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 Appointing Authority 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 Appointing Authority 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 Appointing Authority. 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 Appointing Authority's evidence of disability, to rebut such evidence and to present testimony and evidence on the employee's own behalf.
2. If the Appointing Authority 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 Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation conference, that the employee is unable to

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perform the essential job duties, then the Appointing Authority 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 Commission within ten (10) days following the Appointing Authority's service upon the employee of the order of involuntarily disability separation.
4. The Appointing Authority 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 Appointing Authority 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 Appointing Authority 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 Appointing Authority shall either reinstate the employee

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or require the employee to submit to a medical or psychological examination conducted as provided by Subsection (D) (2) above.

3. The Appointing Authority shall reinstate the employee after receiving the results of the examination if the Appointing Authority 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 Appointing Authority shall institute pre-reinstatement proceedings if the Appointing Authority 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 Appointing Authority's evidence of continuing disability, to rebut such evidence and to present testimony and evidence on the employee's own behalf.
5. If the Appointing Authority 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 Appointing Authority shall reinstate the employee. If the Appointing Authority 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

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reasonable accommodation, then the Appointing Authority shall not reinstate the employee.

6. If the Appointing Authority 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 Appointing Authority when determining an employee's eligibility for reinstatement
7. Once an Appointing Authority 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 Appointing Authority, 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

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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) 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.

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GROUP HEALTH INSURANCE

SECTION 5.12

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A. POLICY

1. Eligibility - All employees in active pay status may be eligible to participate in the Employer's health insurance program. Employees whose positions are filled by civil service examination or have been exempted from the civil service by City Charter shall have the premiums for such insurance paid by the Employer. All other employees shall pay the entire premium amount for coverage.
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

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become eligible for continuation coverage at the employee's sole expense as provided in this manual.

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 Department Head or designee shall immediately inform the Finance Director'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.

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CONTINUED GROUP HEALTH INSURANCE COVERAGE

SECTION 5.13

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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.

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- 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.

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- 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 located in Chapter 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

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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.

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OTHER INSURANCES

SECTION 5.14

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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 department head for an explanation of currently available insurance benefits and programs.

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WORKERS' COMPENSATION

SECTION 5.15

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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 supervisor shall provide the employee with a 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 employee's supervisor within twenty-four (24) hours of the injury. The supervisor or department head shall investigate the accident, review and complete the form and forward same to the Finance Director.
2. Application for Payment of Medical Benefits Only - When an employee's injury requires any type of medical attention, the supervisor shall, in addition to the Accident Report described above, provide the injured employee with a First Report of an Injury, Occupational Disease, or Death. This form shall be prepared and signed by the employee and given to the employee's supervisor, who shall forward same to the

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WORKERS' COMPENSATION

SECTION 5.15

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Finance Director. The Finance Director 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 a First Report of an Injury, Occupational Disease, or Death, if such employee desires compensation for lost wages. This form shall be given to the employee's supervisor, who shall forward same to the department's payroll officer for completion. This form shall then be forwarded to the Finance Director for completion.
4. Serious Injury - In the event of a serious injury, the injured employee's supervisor shall notify the department head 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 department head is responsible for immediately notifying, in writing, the Finance Director 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 Finance Director.
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.

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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 a Repurchase of Sick Leave Agreement directing all Workers' Compensation payments to the Employer as reimbursement for such payments and shall have a proportionate amount of their sick leave re-credited 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.

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

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RETIREMENT

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A. POLICY

1. Non-uniformed Personnel - All employees (except uniformed personnel, elected officials and certain seasonal employees) are required by law to participate in the Public Employees Retirement System (PERS). Both the employee and the Employer are required to contribute to 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. Uniformed Personnel - All police officers and firefighters are required by law to participate in the Police and Fireman's Disability and Pension Fund. The employee's contribution is paid by payroll deduction.
3. Employees who separate from service prior to retirement eligibility may withdraw their own contributions without interest from these plans.
4. Notice - All employees are required to notify their department head of their anticipated retirement in writing at least ninety (90) days prior to the effective date of their retirement.
5. Questions regarding these plans should be directed to:

Public Employee's Retirement System
227 E. Town Street
Columbus, Ohio 43215
(614) 466-2085

Ohio Police and Fire Pension Fund

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RETIREMENT

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140 E. Town Street
Columbus, Ohio 43215
(614) 228-2973

B. PROCEDURE

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

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TRANSITIONAL WORK/MODIFIED DUTY

SECTION 5.17

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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. modified duty) during such period of temporary partial disability.
2. The temporary assignment to transitional work is made at the discretion of the Employer. 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, 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.
4. The period of transitional work shall not exceed thirty (30) days without advance approval by the Appointing Authority. An employee may be granted one (1) additional period of transitional work, upon special and meritorious circumstances.

B. PROCEDURE

{9/30/2005 PLGLNCI 00022591.DOC }

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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 will be evaluated for a transitional work assignment. This should, if possible, be done within 24 hours of the worker's injury or physician's visit. Only after authorization from the employee's department head has been received, may the employee begin to perform transitional work (i.e. modified duty). A transitional work period is a temporary assignment of limited duration, not to exceed thirty (30) days. The employee shall be offered an appropriate transitional work assignment within his/her department first. If no such modified job within the department exists, then within the City if such modified assignment exists.
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 their condition.

3. The result must be the performance of meaningful work that includes productive output during the time of strengthening and healing.
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)

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additional thirty (30) day period of transitional work. This should be done in accordance with the same procedure as discussed in paragraph B1 above.

5. The Transitional Work Evaluation Form is for use by physicians and medical providers and establishes the employee's eligibility for a transitional work assignment.

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**HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT (HIPAA)**

**SECTION 5.18
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PURPOSE

To identify the responsibilities of the City of Galion 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 City 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 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.

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**HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT (HIPAA)**

**SECTION 5.18
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B. PROCEDURE

1. Disclosing Health Information:

Subject to certain exceptions, the City 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 City will comply with the standards and procedures set forth in the HIPAA regulations.

When using or disclosing protected health information, the City 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.

Original Adoption Date: _____ Revision Date: _____