



# PERSONNEL POLICY & PROCEDURE MANUAL



# PERSONNEL POLICY & PROCEDURE MANUAL

Date of Change	Change	Changed By	Re-distributed Yes/No
2016	Previous versions can be found in records		
8/9/16	5.04	T Factor	N
9/13/16	Section 4	T Factor	N
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1/10/17	Full PPM adopted with select sections to be reviewed during 2017, 5.19, Section 9 1.01 Clarification of GCHD Terms, updated agency Mission, Vision, & Values/ Guiding Principles (due to Strategic Plan process- new adoptions), grammar/ punctuation/ formatting corrections	T Factor	Y
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10/17/17	5.03 Vacation Carryover and Cash-in set, grammar/ punctuation/ formatting corrections	T Factor	Y
6/12/18	Corrected numbering, 1.08 updated organizational chart, 5.03 Vacation (prior service credit), 1.05 & 1.06 remove reference to city procedure, 3.11 (are to may), grammar/ punctuation/ formatting corrections	T Factor O Roston	Y
11/13/18	4.07 updated verbiage, removal of compensatory/ flex time language for exempt employees (in place, just correcting PPM language) 5.03 updated verbiage, chart, and capped accumulation increments at 25 years (effective 1/1/2019)	T Factor	

	6.01 change to OBM rates, change to meal reimbursements requiring overnight stay, specifying itemized receipts necessary (effective 1/1/2019) Typographical/ verbiage clean-up		
06/05/23	Added Number 7. For sick leave donation under the Sick Leave Policy which describes the donation process with limitations. Pages 46-48	McBride Barnes	

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### **Manual Changes/ Revisions**

The GCHD will endeavor to give employees advance notice of any Manual changes. However, the GCHD may revise these policies with or without advanced notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and procedures to the Health Commissioner.

If any article or section of this Manual is held to be invalid by operation of law, the remainder of this Manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code (ORC), Ohio Administrative Code (OAC), or applicable federal laws and this Manual, law shall prevail.

The Health Commissioner and/or Board of Health has the right to add, delete, or revise these policies as conditions of business requires.

## APPROVAL

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This plan has been approved and adopted by the following individuals:

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Galion City Board of Health Approval Signature  
(Name & Title)

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Date

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Health Commissioner, Galion City Health Department

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Date

## TABLE OF CONTENTS

Approval.....	5
<b>Section 1 .....</b>	<b>9</b>
<b>Introduction.....</b>	<b>9</b>
1.01 Introduction .....	9
Agency Mission .....	10
Agency Vision .....	10
Agency Values/ Guiding Principles.....	10
1.02 Objectives.....	11
1.03 Management Authority .....	11
1.04 Implementation and Dissemination .....	12
1.05 Amendments.....	13
1.06 Personnel Administration .....	13
1.07 Severability.....	14
1.08 Table of Organization .....	14
<b>Section 2 .....</b>	<b>15</b>
<b>Equal Employment Opportunity/ Nondiscrimination.....</b>	<b>15</b>
2.01 Equal Employment Opportunity .....	15
2.02 Americans with Disabilities Act.....	16
2.03 Unlawful Discrimination.....	17
2.04 Discrimination Complaint Procedure .....	21
2.05 Discrimination Disciplinary Procedure.....	22
2.06 Affirmative Action Policy.....	23
2.07 Nursing Mothers .....	23
2.08 Volunteer Fire and Emergency Personnel .....	24
<b>Section 3 .....</b>	<b>25</b>
<b>Employment .....</b>	<b>25</b>
3.01 Requirements for Employment.....	25
3.02 Classified and Unclassified Employees.....	25
3.03 Employee Status.....	26
3.04 Classification Plan .....	27
3.04 Hiring of Employees .....	28
3.05 Immigration and Control Act .....	29
3.06 Probationary Periods .....	30
3.07 Demotion .....	32
3.08 Layoff/ Recall.....	32
3.09 Separation and Retirement.....	35
3.10 New Hire Reporting.....	37
3.11 Performance Reviews .....	37
3.12 Hepatitis B Immunization.....	38
<b>Section 4 .....</b>	<b>39</b>

<b>Pay Practices</b> .....	39
4.01 Compensation.....	39
4.02 Payroll .....	39
4.03 Work Scheduling.....	40
4.04 Time Recording.....	41
4.05 Starting/ Lunch/ Quitting Times .....	41
4.06 Overtime .....	41
4.07 Compensatory Time .....	43
4.08 Exempt Employees .....	43
4.09 Longevity .....	43
4.10 Fair Labor Standards Act (FLSA) Status.....	44
<b>Section 5</b> .....	46
<b>Employee Benefits</b> .....	46
5.01 Sick Leave.....	46
5.02 Sick Leave Conversion .....	<b>Error! Bookmark not defined.</b>
5.03 Vacation.....	50
5.04 Holidays .....	53
5.05 Personal Leave.....	54
5.06 Funeral Leave.....	54
5.07 Civil Leave .....	55
5.08 Military Leave .....	55
5.09 Family and Medical Leave .....	56
5.10 Leave of Absence without Pay.....	62
5.11 Disability Leave/ Separation .....	63
5.12 Group Health Insurance.....	67
5.13 Continued Group Health Insurance Coverage.....	68
5.14 Other Insurances .....	69
5.15 Workers Compensation.....	70
5.16 Transitional Work/ Modified Duty .....	72
5.17 Health Insurance Portability and Accountability Act (HIPAA) .....	73
5.18 Administrative Leave .....	74
5.19 Deferred Compensation .....	74
5.20 Ohio Public Employees Retirement System .....	75
<b>Section 6</b> .....	76
<b>Personnel Procedures</b> .....	76
6.01 Business Related Expense Payment/ Reimbursement.....	76
6.02 Use of Employer-owned Vehicle OR Personal Vehicle on Employer Business.....	81
6.03 Additional Employment and Compatible Positions.....	85
6.04 Tools, Supplies, and Equipment .....	86
6.05 Postings.....	86
6.06 Personal Information Records.....	86
6.07 Reporting Changes in Personal Information .....	88



6.08 Public Records- Inspection, Release, and Retention.....	88
6.09 Computer/ Internet/ Electronic Mail Policy.....	92
6.10 Safety and Health.....	94
6.11 Confidentiality.....	95
6.12 Continuing Education/ Training .....	97
<b>Section 7 .....</b>	<b>98</b>
<b>Employee Conduct .....</b>	<b>98</b>
7.01 Ethics.....	98
7.02 Tardiness .....	100
7.03 Absenteeism and Notification of Absence.....	101
7.04 Solicitation and Distribution .....	102
7.05 Personal Appearance .....	102
7.06 Alcohol and Drug Abuse.....	102
7.07 Employee Assistance Program.....	105
7.08 Garnishments .....	105
7.09 Political Activity.....	106
7.10 Workplace Violence .....	107
<b>Section 8 .....</b>	<b>111</b>
<b>Employee Discipline, Appeals, and Grievances.....</b>	<b>111</b>
8.01 Introduction .....	111
8.02 Disciplinary Principles .....	111
8.03 Progressive Discipline .....	112
8.04 Pre-Disciplinary Conference- Classified Employees.....	113
8.05 Grounds for Disciplinary Action and Penalties.....	116
8.06 Conviction of a Felony.....	123
8.07 Appeals of Personnel Actions .....	124
8.07 Grievance Procedure.....	125
8.08 Fraud .....	127
8.09 Conflicts of Interest.....	127
<b>Section 9 .....</b>	<b>129</b>
<b>Safety Procedures .....</b>	<b>129</b>
9.01 Risk Reduction Policy .....	129
9.02 Violence in the Workplace .....	130
9.03 Emergency Closing Policy and Procedure .....	134
9.04 Building Evacuation for Bomb Threat or Fire.....	134
9.04 Tornado Watch/ Warning Procedure .....	138

## SECTION 1 INTRODUCTION

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### 1.01 INTRODUCTION

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The Galion City Health Department Board of Health is the appointing authority for the Galion City Health Department. The Board appoints the Health Commissioner and all other employees, through delegation to the Health Commissioner, as are necessary to carry out the statutory duties of the Health Department. The Health Commissioner oversees the day-to-day operations of the Health Department and manages the programs, staff and services.

The Board of Health has adopted this Manual to assist employees in knowing their rights, responsibilities, and benefits as employees of the Health Department. It describes many of the Health Department's policies, procedures and practices. Employees should familiarize themselves with the content of this Manual as it will answer many common questions about employment with the Health Department.

This Manual does not constitute a contract of employment between the Board of Health and employees. The Board of Health retains the right to modify these policies, procedures and benefits and reserves the right to adopt new policies, procedures and benefits. This Manual may also be amended as a result of changes to state and/or federal laws, rules and regulations. Nothing in this Manual is intended to expand or diminish legal rights or responsibilities otherwise provided by law.

All employees shall be given a copy of this Manual. An electronic copy will be provided to all employees who have access to a health department computer. A paper copy shall be provided to employees who do not have access to a health department computer. This Manual may also be made available on the Health Department's website. Additionally, employees shall be notified of and/or provided copies of any revisions, updates or alterations to this Manual.

#### **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", "GCHD", and/or "Health Department").
4. These policies are intended to establish and guide employees' expectations for job performance and procedures for exercising their rights, responsibilities, and benefits of employment with the Galion City Health Department.
5. This policy manual is not a contract of employment or a guarantee of any continued

- employment rights or benefits.
6. The policies in this manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual. This Manual is also intended to be construed in such a manner as to comply with all applicable state and/or federal laws, rules and regulations. If any section is held to be invalid by operation of law, the remainder of these policies shall remain in effect
  7. Except where specifically noted otherwise, these policies apply, in their entirety, to ALL employees of the Galion City Health Department.

## AGENCY MISSION

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To Promote, Improve and Protect the Health and Well-Being of the Community We Serve

## AGENCY VISION

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Inspire and Engage the Community We Serve to be Optimally Healthy

## AGENCY VALUES/ GUIDING PRINCIPLES

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### WE CARE

**Work Together:** Collaborating with stakeholders to build strong collaborative relationships that increase innovation.

**Excellence:** Striving for excellence through practical, data-driven, evidence-based decision making.

**Customer Focused:** Treating our diverse external and internal customers with respect while addressing their individual needs and concerns. We strive to maintain effective customer relations.

**Accountability:** Understanding that we are accountable for the health and safety of the community. We are also responsible for providing quality programming and services, fiscal integrity, and upholding the public's trust.

**Respect:** Providing respect by showing value equity, diversity, and inclusion of all.

**Ensure:** Ensuring that the community knows that our first priority is their health and well-being.

## 1.02 OBJECTIVES

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### 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.

The primary obligation of the Employer is to provide the residents of the City of Galion with superior services.

## 1.03 MANAGEMENT AUTHORITY

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### 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. 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 other important data or information;
  - 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.

#### 1.04 IMPLEMENTATION AND DISSEMINATION

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##### A. POLICY

- 1. The Employer has the exclusive right and authority to create and issue policies and procedures.
- 2. All employees shall be given a copy of this manual.
- 3. All employees shall be required to read this manual, or have it read and explained to them.
- 4. 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.

##### B. PROCEDURE

- 1. This manual shall be adopted as the Employer's official policies and procedures. Upon adoption, the Employer shall provide sufficient copies of this manual to each employee.
- 2. Each employee shall be provided with electronic access to a copy of the manual to read. A paper copy shall be provided to employees who do not have access to a health department computer. After reading or having it read to them, the employee shall sign an Acknowledgment Form which shall be placed in the employee's personnel file. Employees shall not read this manual during work time unless authorized to do so by their supervisor.
- 3. Employees shall be notified of and/or provided copies of any revisions, updates or alterations to this Manual.
- 4. A copy of this Manual shall be provided to the City of Galion Auditors Office in order to ensure that proper compensation, benefits, and/or reimbursements are made to employees.

## 1.05 AMENDMENTS

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### A. POLICY

1. Changes within the organization will necessitate changes in this manual. Policies and procedures may only be amended, revised, updated or deleted by the Employer.
2. The Board of Health retains the right to modify these policies, procedures and benefits and reserves the right to adopt new policies, procedures and benefits.
3. This Manual may also be amended as a result of changes to state and/or federal laws, rules and regulations. Nothing in this Manual is intended to expand or diminish legal rights or responsibilities otherwise provided by law.
4. The Health Commissioner and/or Board of Health has the right to add, delete, or revise these policies as conditions of business requires.

### B. PROCEDURE

1. The Employer will endeavor to give employees advance notice of any Manual revisions, updates or alterations. However, the Employer may revise these policies with or without advanced notice.
2. Notice of revisions shall be provided to all employees.
  - a. An electronic copy of revisions will be provided to all employees who have access to a health department computer. A paper copy shall be provided to employees who do not have access to a health department computer.
  - b. This Manual may also be made available on the Health Department's website.
3. Employees are encouraged to make suggestions for improvements in personnel policies and procedures to the Health Commissioner.
4. If any article or section of this Manual is held to be invalid by operation of law, the remainder of this Manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code (ORC), Ohio Administrative Code (OAC), or applicable federal laws and this Manual, law shall prevail.
5. A copy of Manual revisions, updates or alterations shall be provided by the Employer in order to ensure that proper compensation, benefits, and/or reimbursements are made to employees.

## 1.06 PERSONNEL ADMINISTRATION

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### A. POLICY

1. The Employer is charged with the responsibility to administer the Employer's personnel system. The Employer, in the exercise of this function, shall:
  - a. recruit qualified personnel;
  - b. establish classification specifications;
  - c. verify credentials and/or licensure of designated staff;
  - d. conduct background investigations of prospective employees; and
  - e. perform other related personnel duties.

## 1.07 SEVERABILITY

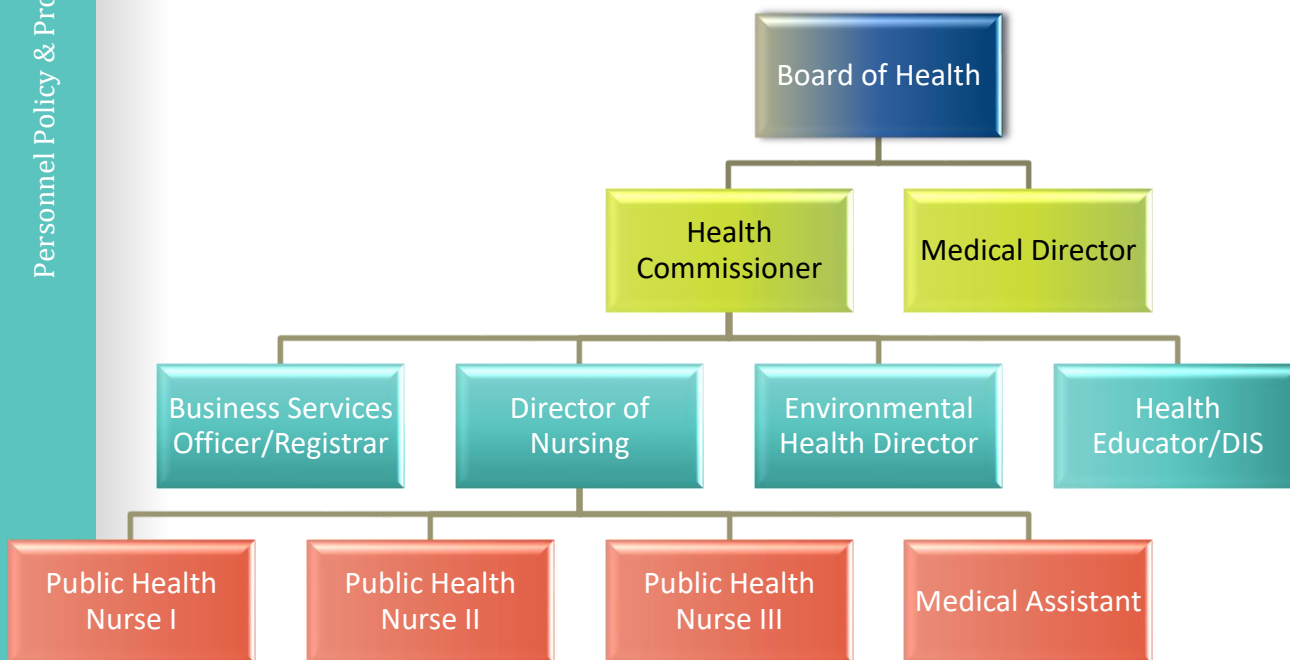
### A. POLICY

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.

## 1.08 TABLE OF ORGANIZATION



## SECTION 2

### EQUAL EMPLOYMENT OPPORTUNITY/ NONDISCRIMINATION

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#### 2.01 EQUAL EMPLOYMENT OPPORTUNITY

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29 CFR Part 1614; ORC 4112, 124.25; OAC 123:1-11-08, 5123-7-01

##### A. POLICY

1. The Health Department is an Equal Opportunity Employer and shall comply with federal and state equal employment opportunity principles and other related laws. All employees shall be treated in a fair and equitable manner based solely upon merit, fitness and such other occupational qualifications as each individual might possess.
2. The Health Department will not discriminate against applicants or employees on the basis of race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, genetic information, or other unlawful reason except when such a factor constitutes a bona fide occupational qualification.
3. The employment decisions below will be based solely on the individual's qualifications and the requirements of the position:
  - a. recruitment/hiring;
  - b. compensation/rates of pay;
  - c. fringe benefits;
  - d. terms and conditions of employment;
  - e. job training;
  - f. performance evaluations;
  - g. job assignment;
  - h. classification;
  - i. promotions/demotions;
  - j. disciplinary actions/discharge;
  - k. references;
  - l. layoffs/returns from layoffs; and
  - m. reasonable accommodations due to disability.
4. Employees shall not discriminate against co-workers or members of the public based on race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, genetic testing or other unlawful reason.
5. The Health Department will not retaliate against any person because that person has opposed any unlawful discriminatory practice or because that person has made a complaint of unlawful discrimination, testified, assisted, or participated in any investigation, proceeding or hearing.
6. The Health Commissioner and/or the City of Galion HR 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.

7. 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.
8. 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.

## 2.02 AMERICANS WITH DISABILITIES ACT

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### A. POLICY

1. Disabilities in the Workplace- The GCHD prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability that substantially impairs one or more major life activities. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position held or desired and must be able to perform the essential functions of the position, with or without a reasonable accommodation.
  - a. The GCHD will provide reasonable accommodation to a qualified applicant or employee with a disability. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis.
  - b. An employee who wishes to request an accommodation shall direct such request to the Health Commissioner to investigate and take appropriate action. Employee requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered.
  - c. The Employer and employee will meet in an "interactive process" to discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given. The Employer can ask the employee relevant questions that will enable it to make an informed decision about the request. The Employer may also require documentation about the employee's disability and its functional limitations from an appropriate health care or rehabilitation professional. The Employer shall make a reasonable accommodation unless the accommodation would pose an undue hardship to the Employer or is otherwise not required by law.
  - d. Any employee who feels that their rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy.

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 hardship to the GCHD.
7. EEO Coordinator - The Equal Employment Coordinator 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 - The GCHD provides an organized process for handling citizen complaints of discrimination on the basis of disability in public services, programs, or employment provided by GCHD. 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 the Unlawful Discrimination and Harassment Policy.

### **2.03 UNLAWFUL DISCRIMINATION**

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ORC Chapter 4112, 42 USC §2000(e)

1. The GCHD shall provide employees with workplaces free from unlawful discrimination because of the employee's membership in a protected class such as: race, color, religion, sex, age, national origin, ancestry, disability, veteran status, military status, genetic information, or other unlawful reason.
2. This policy applies to all employees, Board Members and all suppliers, subcontractors, residents, visitors, clients, volunteers, and other individuals who conduct business on health department property or who receive services from health department personnel. Since an individual's employment may extend beyond the confines of the workplace, conduct that occurs off duty and off

premises may also be subject to this policy.

### Types of Unlawful Discrimination

Unlawful discrimination occurs when:

1. **Employment Action:** An individual subject to this policy is treated less favorably in their employment - e.g. terms and conditions of employment, such as hiring, promotions, raises, discipline, benefits, and other job opportunities - because of their membership in a protected class.
2. **Hostile Work Environment:** An individual is the subject of unwelcome conduct based upon membership in a protected classification such that:
  - a. Enduring the offensive conduct becomes a condition of continued employment; or
  - b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
3. **Sexual Harassment** is a type of sex discrimination and is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, used as the basis for employment decisions affecting such individual, or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive work environment."
  - a. Two types of sexual harassment:
    - i. **Quid Pro Quo Harassment** occurs when there is submission to or rejection of unwelcome sexual conduct either explicitly or implicitly which is used as the basis for employment decisions affecting such individual.
    - ii. **Hostile Work Environment** is created by unwelcome sexual advances, or other sexually offensive conduct that does not involve a specific reward or punishment, but which unreasonably interferes with an individual's job performance, or creates an intimidating, hostile, abusive, or offensive working environment.
  - b. **Sexual Harassment** can include, but is not limited to:
    - i. **Verbal:**
      - a. Sexual innuendo
      - b. Suggestive comments
      - c. Threats
      - d. Insults
      - e. Obscene joke telling
      - f. Unwelcome humor and jokes about sex or gender-specific traits.
      - g. Sexual proposals
      - h. Unwanted and repeated requests for association
    - ii. **Non-Verbal:**
      - a. Making sexual or suggestive or insulting noises

- b. Obscene gestures
    - c. Whistling
    - d. Leering
    - e. Written or electronically transmitted messages and/or letters
    - f. Pictures, photographs
  - iii. Physical:
    - a. Touching
    - b. Pinching
    - c. Squeezing
    - d. Patting
    - e. Coerced sexual activity
    - f. Assault
    - g. Repeated brushing against body
  - c. Sexual Harassment does not include simple teasing, offhand comments, or isolated incidents. Incidents must be so frequent or so severe as to create a hostile or offensive work environment or results in adverse employment decision.
- 4. Retaliation: An adverse employment action taken against an employee who reports, files a complaint, participates in an investigation, or testifies concerning unlawful discrimination in the workplace.

#### Employee Responsibilities

- a. Discriminatory Acts
  - i. Employees shall not initiate, engage in alone, or with others, or encourage another to discriminate against another employee or against a supplier, subcontractor, resident, visitor, client, volunteer or other individual doing business with or receiving services from the GCHD due to their membership in a protected class. Employees shall not initiate, engage in alone, or with others, or encourage another to engage in quid pro quo sexual harassment or create a hostile work environment for persons to whom this policy is applicable based on membership in a protected class.
  - ii. Employees shall report acts of discrimination and sexual harassment as set forth in the Complaint Procedure.
  - iii. Employees shall not make false complaints of discrimination or sexual harassment. Failure to prove unlawful discrimination or harassment does not by itself constitute a "false complaint."
- b. Complaint Procedure
  - i. Employees subject to unlawful discrimination or sexual harassment by a fellow employee, Supervisor, or other individual otherwise affiliated with the Health Department or who have knowledge of discrimination or harassment in their workplace shall immediately report the conduct to their Supervisor or to the next level Supervisor if the offender is the Supervisor.
  - ii. Employees may initially notify their Supervisor, Division Director

or Health Commissioner verbally or in writing.

- iii. If requested, the employee shall submit a written report of the alleged discriminatory incidents or acts to the person notified within three days following initial disclosure of discrimination or sexual harassment.
  - iv. Supervisors and/or Division Directors shall notify the Health Commissioner of alleged discrimination and sexual harassment and assist with and/or conduct investigations. If the allegation is against the Health Commissioner, the Supervisor/Division Director may notify another Division Director, the Board of Health or the City of Galion Law Director to coordinate the investigation.
    - a. Determination of discrimination and sexual harassment shall be made on a case-by-case basis.
    - b. The investigation may include interviews of the employee allegedly harassed, the employee committing the alleged harassment, and any and all witnesses.
  - iii. Employees shall cooperate in an investigation.
  - iv. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. Public records may be subject to disclosure under Ohio Public Records Law.
- c. Retaliation
- i. The Health Department and its Supervisors and employees shall not retaliate against an individual who:
    - a. Files a complaint, reports harassment, or participates or testifies in an investigation, proceeding, or lawsuit alleging discrimination or harassment;
    - b. Opposes employment practices that he/she reasonably believes discriminate against members of a protected class or subject employees or other persons covered by this policy to harassment; or
    - c. Reports retaliatory conduct to their Supervisor or Health Commissioner.
  - ii. Disciplinary action for filing a false complaint, or not filing a complaint, is not a retaliatory act.

#### Penalties/Disciplinary Action

Disciplinary action for violation of this policy may be taken against:

1. An employee who engages in unlawful discrimination, sexual harassment, or retaliation, up to and including termination; and
2. An employee who has knowledge of but does not report unlawful discrimination, sexual harassment, or retaliation.

If appropriate, the Employer shall notify law enforcement agencies or other licensing bodies.

## 2.04 DISCRIMINATION COMPLAINT PROCEDURE

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### 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 or President Pro-Tem if all lower positions in the chain of command are implicated in the complaint. Should the Board President or President Pro-Tem 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 President Pro-Tem 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.

## 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 and/or President Pro-Tem, 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 and/or President Pro-Tem.
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 or President Pro-Tem, 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.



## 2.06 AFFIRMATIVE ACTION POLICY

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ORC 4112.02

The Health Department will not consider race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, or genetic testing in employment, as well as services provided to the public or contracting decisions. The Health Department may conduct periodic reviews of all employment practices to ensure the Health Department's commitment to equal employment opportunity.

## 2.07 NURSING MOTHERS

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FLSA, 29 U.S.C. §207(r)(1)

### A. POLICY

1. It is the policy of GCHD to provide space and to encourage reasonable break time for nursing employees to express milk during work hours. Breastfeeding results in numerous benefits to the mother, infant and the employer. Benefits such as lower absenteeism rates and savings in health care costs are good for the mother, infant and the agency.

### B. PROCEDURE

1. Supervisor Notification:
  - a. Supervisors shall regard all information related to this request as sensitive information.
  - b. The desire to express milk during work hours.
  - c. The date of birth of the child.
  - d. The times of desired breaks.
  - e. How the employee will account for the time to express (i.e., use paid break time if available, lunch hours or other unpaid time).
  - f. Any changes in the need or times needed to express milk.
2. Reasonable Break Time
  - a. What is *reasonable* is based on each mother's physical needs and will likely vary. Therefore, it is the supervisor's responsibility to ensure adequate coverage to meet GCHD's business needs while accommodating a nursing mother's request. It is the employee's responsibility to continue to work with her supervisor to determine an appropriate break schedule keeping in mind the operational needs of the GCHD.
3. Suggested Time
  - a. Nursing mothers are encouraged to use paid break times or their lunch hours to express milk. However, if an employee has a need in addition to the above breaks, and the operational needs of the area are met, the employee may take unpaid time to express milk.



#### 4. GCHD Responsibility

- a. The Employer will provide a private room with no windows which may be used as a “lactation area” for nursing employees as needed. The lactation area may be used for other purposes, such as meetings; however, it must be made available as needed by a nursing mother. Finally, the lactation area must not be in a restroom. The lactation area will provide the following:
  - i. A locking door.
  - ii. A “do not disturb” sign.
  - iii. An electrical outlet.
  - iv. A table or flat surface which will support a breast pump.
  - v. A comfortable seat.
5. The lactation area will be within a reasonable walking distance from the employee’s work area. Similarly, if the lactation area itself does not have a sink, one will be located within reasonable walking distance from the room.
6. GCHD does not guarantee the provision of lactation supplies. If GCHD’s budget allows, the facility may provide a small refrigerator solely for the use of storing breast milk. All other supplies must be provided by the employee.

### 2.08 VOLUNTEER FIRE AND EMERGENCY PERSONNEL

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ORC 4113.41

#### A. POLICY

1. Employees serving on a volunteer fire and/or emergency medical unit must provide written verification of their status to the Health Commissioner within 30 days of employment with the GCHD or upon certification as a volunteer firefighter and/or emergency medical provider.
2. Employees shall immediately notify their direct Supervisor if they will be late or absent from work due to participating in an emergency and must submit within one (1) day written verification from the chief of the volunteer fire department or EMS director of the date, beginning and ending time, and nature of the emergency call.
3. During work hours, the Employer shall make every effort to allow employees to respond to an emergency, unless circumstances at the worksite prevent them from leaving.
4. An employee’s time spent responding to an emergency shall not be paid, unless the employee elects to use accumulated, unused vacation or compensatory time for such absences from work. Employees shall not be disciplined if documentation of the emergency is provided.
5. Employees shall notify their Supervisor when their status changes or terminates.

## SECTION 3 EMPLOYMENT

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### 3.01 REQUIREMENTS FOR EMPLOYMENT

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#### 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. The Employer will 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 and residing in the employee's or official's household.
3. Certain GCHD positions require that applicants and/or incumbents have and maintain a motor vehicle operator's and/or professional license; i.e. Registered Nurse (RN), Registered Sanitarian (RS), etc. Applicants without the required license will be ineligible for appointment. Incumbents who lose the license required for their position will be deemed to be incompetent to perform the duties of their position and may be terminated.

#### B. PROCEDURE

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

### 3.02 CLASSIFIED AND UNCLASSIFIED EMPLOYEES

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ORC 124.01, 124.11, 124.30, 124.34

Health Department employees are by law either "classified" or "unclassified".

Employees in the classified service have many protections under Ohio's Civil Service laws. Classified employees may continue employment in their positions during good behavior and efficient service. Classified employees cannot be suspended, reduced in pay or position, or terminated except for the causes set forth in ORC 124.34.

Unclassified employees are those persons exempted from classified service by statute; and/or persons employed by and directly responsible to elected county officials who hold a fiduciary or administrative relationship to such elected county officials. Unclassified employees serve at the pleasure of their Appointing Authority, i.e., are employees at will.

Employees with temporary or intermittent appointments are unclassified. Temporary appointments cannot exceed 120 days unless necessary to fill a vacancy created by the sickness, disability, or other approved leave of absence of a regular employee. Intermittent appointments cannot exceed 1,000 hours annually. Probationary employees are also unclassified.

Classified employees who are convicted of a felony forfeit their classified status and are moved to the unclassified service.

### 3.03 EMPLOYEE STATUS

#### 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:
  - a. HOURS ASSIGNED:
    - i. 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.
    - ii. 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.
    - iii. 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.
  - b. DURATION OF APPOINTMENT:
    - iv. 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 be made. Temporary employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.
    - v. 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.
    - vi. 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.

- vii. 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, 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.
- 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.

## 3.04 CLASSIFICATION PLAN

### **A. POLICY**

- 1. The Employer and/or the City of Galion 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.

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### 3.04 HIRING OF EMPLOYEES

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**A. POLICY**

1. When a job vacancy exists, a notice of that job will be posted for a minimum of five (5) days. The vacancy posting may include hours of work, pay rate, requirements for the job, and location of the job.
2. Any employee may submit an application for that job during the posting period.
3. The Employer 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 Indeed, public health association websites, or other appropriate locations.
4. Applications will be reviewed based on qualifications, experience, work record, job performance, disciplinary record and seniority.
  - a. The Employer agrees to give first consideration to an employee within the department who has the necessary qualifications to fill the position.
  - b. The Employer 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.
  - c. The Employer reserves the right to select the most qualified person for the job that is open.
5. 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.
  - a. All employees, including transferred and promoted employees, shall serve a probationary period.

### 3.05 IMMIGRATION AND 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 in so far 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;
  - b. Certificate of Citizenship (INS Form N-560);
  - c. Certificate of Naturalization (INS Form N-550);
  - 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);
  - e. An alien registration card (INS Form I-15) or resident alien card (INS Form I-551) bearing a photograph of the applicant; or
  - f. A temporary resident card (INS Form I-668) or employment authorization card (INS Form I-668A) containing a photograph of the applicant.
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 Verifying Employment Eligibility:

- a. Social Security card
- b. An unexpired reentry
- c. An unexpired Refugee Travel document (INS Form I-471)
- d. A birth certificate issued by the Dept. of State (Form FS-545)

#### Acceptable Documents for Verifying Employment Identity:

- a. State driver's license
- b. State identification permit (INS Form I-327) card\*

- 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.
- 4. If an alien 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 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.

### 3.06 PROBATIONARY PERIODS

#### 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 6 months. For part-time employees, the probationary period begins on the first working day and ends at the end of the 90<sup>th</sup> day worked.
  - a. 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 retain those employees who meet acceptable work standards during the probationary period and to remove those employees who fail to meet such work requirements.

3. Promoted Employees - Promoted employees shall serve a probationary period of 3 months. 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 GCHD employees is generally 6 months for full-time employees and 90 days worked for part-time employees. Only time during which an employee is in active pay status and performing the duties of the position into which the employee was originally appointed shall be counted as part of the probationary period.

## B. PROCEDURE

Dismissal or reduction of an 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:
  - a. The Employer shall notify the employee in writing of the respects in which their performance was unsatisfactory. A predisciplinary conference 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.
3. Removal of a newly hired or return of a promoted unclassified employee during the employee's probationary period is accomplished as follows:
  - a. The Employer shall notify the employee in writing of the respects in which their performance was unsatisfactory. A predisciplinary conference 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 employee's personnel file.
  - b. The Employer does not intend to waive any right to remove an unclassified employee, at the Employer's pleasure, by adopting this policy.
4. 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.
5. Time on unpaid leaves of absence shall not be counted toward the completion of the probationary period.



### 3.07 DEMOTION

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#### 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 always be assigned to the appropriate pay range assigned to their new classification. The exact pay rate shall be determined by the Employer, but such rate shall never exceed the amount the employee was receiving in the classification from which they were demoted.

#### 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.

### 3.08 LAYOFF/ RECALL

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ORC 124.321-124.328, 124.37

#### A. POLICY

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 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).

### 3.09 SEPARATION AND RETIREMENT

ORC 124.06, 124.32, 145.381, 2113.04

#### A. POLICY

1. Employees may voluntarily resign by submitting a written letter of resignation to their immediate supervisor. Directors and licensed professional staff 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; unless the Board of Health agrees to a reduced time period.
2. Employees are required to notify the Employer of their anticipated retirement in writing at least ninety (90) days prior to the effective date of their retirement.
3. Failure to give proper, timely notification shall render the employee ineligible for future re-employment with the Health Department.
4. Upon the Health Commissioner and/or Board of Health's written acceptance of an employee's resignation, the employee is not able to rescind his/her resignation.
5. Employees must return all Health Department issued property. Failure to return Health Department property may result in prosecution for unauthorized use and/or theft of Health Department property.

#### B. PROCEDURE

1. Letters of resignation or retirement shall be submitted to the immediate supervisor

- and contain the following information:
  - a. a statement indicating the employee's intention to resign/ retire;
  - b. the date of the letter;
  - c. the effective date of resignation/ retirement;
  - d. the reason for resignation (optional);
  - e. the employee's signature.
2. The supervisor shall immediately upon receipt, notify the Health Commissioner. The Health Commissioner shall notify the Board Health and the City of Galion Auditor's Office.
3. The supervisor shall provide the resigning/ retiring employee with an Exit Interview Form as soon as possible and request that the employee complete the form and discuss its contents with the supervisor and/or the Health Commissioner 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/ retiring employee's availability for future employment (if applicable); and
  - d. obtaining the resigning/ retiring employee's correct mailing address.
4. The Employer shall sign, date and place the Exit Interview Form in the employee's personnel file.
5. Employees retiring from GCHD service are encouraged to discuss their retirement plans with their supervisor and/or Health Commissioner at least six (6) months prior to their retirement. Employees are required to notify the Employer of their anticipated retirement in writing at least ninety (90) days prior to the effective date of their retirement.
  - a. OPERS recommends that employees file an application for retirement no more than six (6) months, but no less than thirty (30) days, prior to the effective date of retirement. For more information on retirement planning, contact OPERS.
  - b. Questions regarding OPERS should be directed to:

Public Employees' Retirement System  
277 E. Town Street  
Columbus, OH 43215  
(614) 466-2085
6. Employees who separate from the Health Department are eligible to receive a refund of their OPERS contributions three months after termination. The OPERS member handbook clarifies the advantages and disadvantages of withdrawal of contributions. To obtain a refund, secure an application for refund from the OPERS website at [www.opers.org](http://www.opers.org).
7. Employees retiring under a public service retirement who seek reemployment in the same position shall provide their Appointing Authority written notification of their intent 90 days prior to their retirement. If a retired employee's Appointing

Authority is a board, commission, or legislative authority, that entity must give public notice and hold a public hearing for the rehiring of the retiree into the same position. For more information, contact OPERS.

8. Upon the death of an employee, all wages and personal earnings due to the deceased employee shall be paid to the employee's heirs or estate in accordance with ORC 2113.04. Wages and personal earnings include unpaid wages, unused vacation, unused compensatory time for non-exempt employees and a portion of the deceased employee's unused sick leave if the employee was eligible for retirement. See Sick Leave Conversion.

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### 3.10 NEW HIRE REPORTING

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#### 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](http://www.oh-newhire.com).)

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### 3.11 PERFORMANCE REVIEWS

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#### A. POLICY

1. The Galion City Health Department believes that employee performance reviews allow the employee to receive feedback and that feedback is important for maximum job performance. Therefore, it is our policy that formal reviews be conducted between the employee and their immediate supervisor on the following schedule:
  - a. Mid Probation – as requested
  - b. End of Probation - at 6 months or 90 working days for part-time employees
    - i. This may be combined with the Yearly Evaluation with Employer approval.
  - c. Yearly after probation period, at the anniversary of their employment as a regular employee OR at a designated time of year as set by the Employer.
2. Elements of the employee performance review may include:
  - a. Employee self-evaluation - a form will be provided for use by the employee.
  - b. Employee performance review – each supervisor will complete a form to

evaluate each of their direct reporting staff.

- c. Supervisor evaluation - each staff member will complete a form to evaluate their direct supervisor.
- d. Health Commissioner evaluation – each staff member that does not directly report to the Health Commissioner will complete a form to evaluate the Health Commissioner.
- e. Sharing of information and discussion of goals for the coming year.

#### **B. PROCEDURE**

1. The Health Commissioner or Supervisor must verify and document the following on the performance reviews of their staff:
  - a. Any credentials required for the position of their staff
  - b. If the employee is required to travel, driving credentials (driver's license and proof of insurance)
  - c. Any reprimands received during the review period
  - d. The job description was reviewed
2. Employee performance reviews must be signed by the employee and the supervisor. Employees have the right to attach comments or a response to the review if they wish to do so.
3. The Health Commissioner or Supervisor will review and sign the review before it is placed in the employee's personnel folder.

### **3.12 HEPATITIS B IMMUNIZATION**

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#### **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 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 Hep 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.



## SECTION 4

### PAY PRACTICES

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#### 4.01 COMPENSATION

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##### 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 through an approved Salary Schedule. 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. Increases based upon longevity and/or merit may be granted based upon the classification and salary schedule established for those classifications.
  - a. The Health Commissioner, with BOH approval, may grant individual salary increases based on performance reviews/ evaluations
5. Administrative positions, including the Health Commissioner, Environmental Health Director, and the Director of Nursing, are granted raises at the pleasure of the Board.
6. Intermittent employees may start at any rate on the pay scale at the pleasure of the Board based on education and experience. Thereafter, the Board will review for increase intermittent employees on a yearly basis.

##### B. PROCEDURE

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

#### 4.02 PAYROLL

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ORC 9.37, 3709.16

##### A. POLICY

1. For payroll purposes, pay periods begin at 12:00 Sunday and end at 11:59pm the Saturday of the following week.
2. Timesheets must be submitted bi-weekly, on the Monday following the completion of the pay period.
  - a. In the event that the Monday following the completion of the pay period is a Holiday; Timesheets must be submitted the next regular business day.
3. Payment for hours worked during a pay period is made bi-weekly on the Wednesday following the completion of the pay period.
  - a. In the event that the Monday, Tuesday, and/or Wednesday following the completion of the pay period is a Holiday; payment may be delayed.



- i. Advanced notice of any anticipated delay will be made as early as possible.
- 4. There are normally twenty-six (26) pay periods per year, each consisting of two (2) weeks.
- 5. In order to accurately figure pays, all leave slips must be in by 9:00 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.
- 6. 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. (see 3a above)
- 7. The Health Department shall not permit any type of pay advances.
- 8. Payment is made through direct deposit (electronic transfer). Any checking or savings account information supplied for payroll purposes will remain confidential.
- 9. Federal, state, and municipal laws require automatic deductions of appropriate taxes and other deductions from employee's wages including OPERS. Employees hired after 1986, must also pay Medicare tax based on their gross salary. Employees may elect voluntary payroll deductions such as insurance, deferred compensation, etc.
- 10. Paystubs are distributed by the Galion City Auditor's Office to the Health Department for distribution to employees. Only an employee may obtain the employee's paystub, without prior authorization complete.
- 11. Once per year identification may be required by the Galion City Auditor's Office prior to receiving the pay check. Announcement when this will occur will be made by the City.
- 12. Employees must review the information on their paystubs to ensure accurate payment, deductions, and balances and immediately report any inaccuracies to the City of Galion Auditor's Office.

#### 4.03 WORK SCHEDULING

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ORC 3709.16

##### **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. Consistent and reliable attendance is an essential function of every position within the department. Employees shall report to work on time and begin work promptly.

#### 4.04 TIME RECORDING

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##### **A. POLICY**

1. All non-exempt employees are required to record all hours worked for the Employer. Time sheets are used by the department to document the hours worked by non-exempt employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the Board of Health 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 for documenting all hours worked. Employees must also document their lunch break.
2. Misrepresentation of time worked, the altering of any time record or allowing a time record to be altered by others shall result in discipline.

#### 4.05 STARTING/ LUNCH/ QUITTING TIMES

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##### **A. POLICY**

1. Non-exempt employees are not permitted to commence work prior to seven (7) minutes before their scheduled starting time or continue working 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.

#### 4.06 OVERTIME

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FLSA

ORC 4111.03

##### **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. Non-FLSA 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 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 do not earn overtime pay.
2. The standard workweek for employees will be seven (7) consecutive days, beginning 12:00am Sunday and end at 11:59 the Saturday of the following week. 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 FLSA non-exempt 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 an employee incurs an overnight stay on Health Department business, time spent traveling and time spent overnight on official Health Department business may 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 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.
10. Employees are encouraged to flex their schedule, when possible, in order to minimize overtime accrual.

## 4.07 COMPENSATORY TIME

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FLSA  
ORC 4111.03

### A. POLICY

1. Non-exempt, employees may elect to take compensatory time in lieu of receiving 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 (1) time. All compensatory hours in excess of the two hundred and forty (240) hour limit shall be paid to the employee.
  - a. The Board of Health may grant a waiver to exceed the limits of either carry over or payment.
2. The Employer may schedule an employee to compensatory time off at the Employer's discretion.
3. Compensatory time off shall be taken in minimum increments of 15 minutes.

### 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 approved by the Employer.
2. Employees shall request compensatory time off in writing on an Application for Leave Form.
3. A request for cash-in of Compensatory Time may be done once per year, between November 1st and December 15th.

## 4.08 EXEMPT EMPLOYEES

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### A. POLICY

1. 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 record all hours worked for the Employer. Time sheets are used by the department to document the hours worked by employees, lunch breaks included, so that wages can be determined.

## 4.09 LONGEVITY

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### A. POLICY

1. To encourage long term employment of valued employees, the following longevity bonuses will be paid to full-time employees in December of each year:
 

Years of Continuous Service	Rate
5 years	\$50
6-10 years	\$60 per year
11 years or over	\$80 per year
2. Longevity is computed from the first day of service and shall include the probationary period. Approved leaves of absences shall not constitute a break in service for the purpose of longevity pay.
3. "Continuous service" - Means the uninterrupted service of an employee with the Employer where no break in service occurs.
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.

#### 4.10 FAIR LABOR STANDARDS ACT (FLSA) STATUS

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##### FLSA

##### **A. POLICY**

1. The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid (1) at least the federal minimum wage for all hours worked, and (2) overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.
2. Exemptions- The FLSA provides an exemption from both minimum wage and overtime pay for certain classifications of employees (i.e., Executive, Administrative, and Professional, etc.). In order for an exemption to apply, an employee's specific job duties, salary and education must meet all the requirements set forth by the Department of Labor Wage and Hour Division.

The Board of Health shall determine whether an employee qualifies for exempt status and the type of exemption (i.e., Executive, Professional, Administrative, etc.).

3. Documenting Work Hours- All employees, FLSA exempt and non-exempt, must document their hours worked for purposes of public accountability. Employees shall keep accurate time records and may not make entries on time records for fellow employees. Recording of hours for FLSA exempt employees shall not destroy their exempt status.
4. Complaint Procedure- Employees that believe they have been improperly classified under the FLSA and/or that the department has made improper deductions from their salary must submit a written complaint to the Health Commissioner. The Health Commissioner shall investigate the complaint and provide the employee with a written response. The employee shall be reimbursed for any improper deduction.

5. Overtime and Compensatory Time policy/ procedures are noted above.

## SECTION 5 EMPLOYEE BENEFITS

### 5.01 SICK LEAVE

ORC 124.39, 124.38, 124.382, 124.34

#### 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 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 Employer, 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 another 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 fifteen (15) minutes.
6. Written Statement for Approval - The employee may be 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 Donation

Any employee with a balance of at least two hundred forty (240) hours of sick leave may donate up to 160 hours of sick leave annually, in eight (8) hour increments, to any employee that works for the Galion City Health Department or the City of Galion who has exhausted his or her own sick leave bank due to serious illness or injury of the employee or a member of the employee's immediate family as defined in Section A (4) of this policy. The sick leave donated will not be assigned any monetary value and once donated will not be returned to the donor employee. Donation of leave



under this section shall not count as sick leave utilized by the donor employee for purposes of any sick leave bonus for which the employee is otherwise eligible.

8. 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 direct supervisor or 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. Employees must follow this notification requirement each and every day the employee will be absent, unless otherwise instructed by the Employer. 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 a Request for Leave Application 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 a Request for Leave Application 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 Request for Leave Application and the circumstances surrounding the absence. The Employer shall recommend or not recommend approval of the sick leave and sign the Request for Leave Application. The form shall then be forwarded to the City of Galion Auditors Office.
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.

## 5.02 SICK LEAVE CONVERSION

ORC 2113.04

### A. POLICY

#### 9. 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.
- 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.

10. 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 1 to December 1 shall receive the incentive payment indicated below:

<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

### 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.

## 5.03 VACATION

ORC 124.34, 9.44, 124.134

### A. POLICY

1. **Accrual:** Full-time employees accrue paid vacation leave according to the following schedule (Note: time increments presented may be estimates based on rounding):
  - a. Upon employment-5 years of service completed: 3.077 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week. Estimated accumulation per year = 80 hours (2 weeks).
  - b. Six (6) or more years of service completed: 4.6154 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week. Estimated accumulation per year = 120 hours (3 weeks).
  - c. Twelve (12) or more years of service completed: 6.1539 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week. Estimated accumulation per year = 160 hours (4 weeks).  
Seventeen (17) or more years of service completed: 6.1539 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 (.3077) hours per pay period for each additional year thereafter- (one [1] additional day per year.)
  - d. Accumulation increments end at 25 year of service completed. Twenty-five (25) or more years of service completed: 8.9231 hours of paid vacation leave earned for each pay period in active pay status for employees normally scheduled to work 40 hours per week.

Vacation Accumulation	
Time in Service (Years)	Paid Leave Earned per Active Pay Period (based on 80 hr pay period)
0	3.077
6	4.6154
12	6.1539
16	6.1539
17	6.4616
18	6.7693
19	7.077
20	7.3847
21	7.6924
22	8.
23	8.3077
24	8.6154
25 +	8.9231

Upon employment, a full-time employee shall begin accruing vacation at 3.077 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 estimated) 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.

- a. Part-time Employment - Part-time employees shall not be eligible for vacation.
- b. Intermittent employees shall not be eligible for vacation.
- c. 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.).

1. Eligibility:

- a. Full-time employees shall be entitled to vacation leave 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.
- c. 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.
- d. An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the GCHD 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 GCHD is only qualified to accrue vacation as if the individual was a new employee receiving no prior service credit.

1. 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 fifteen (15) minute minimum increments as determined by the Employer and must be requested on the appropriate Request for Leave Application. 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:

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

2. Carryover and Payment for Unused Vacation Leave:

- a. Annually, an employee may carry over accumulated vacation, up to the maximum number of hours. An employee may receive payment (cash-in) of accumulated vacation time, up to the maximum number of hours. See vacation carryover and cash-in maximums
  - a. The Board of Health may grant a waiver to exceed the limits of either carry over or payment.
  - b. The annual cash-in payment of accumulated vacation time is allowable, only if the funds are available, payment cannot be guaranteed.

Vacation Carryover and Cash-in Maximums		
Time in Service	Carry over	Cash-in
Upon Employment – 5 years completed	120 hours	40 hours
6-11 years completed	160 hours	80 hours
12-16 years completed	160 hours	80 hours
17 + years completed	160 hours	80 hours

- b. Employees who are on scheduled approved leave when a holiday occurs will receive the holiday and not be charged vacation or sick time.
- c. An employee with one (1) or more years of service, who resigns, retires or is otherwise separated from service with the GCHD 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.
- d. The Employer shall determine the number of employees that may be on vacation leave at the same time.
- e. 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 a Request for Leave Application, following the guidelines outlined above.
- 2. The Request for Leave Application 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.
- 4. A request for Cash-in of Vacation Time may be done once per year, between November 1<sup>st</sup> and December 15<sup>th</sup>.
  - a. The Board of Health may approve additional Cash-in opportunities, should the need arise.

## 5.04 HOLIDAYS

### A. POLICY

1. Eligibility - Full-time employees are entitled to the holidays listed herein. Part-time employees are entitled to holiday pay for the number of hours they are regularly scheduled; if the day in which the holiday is observed is their regularly scheduled day. Part-time employees are ineligible for the floating holiday.
2. Eligible employees must be in active pay status for the full shift immediately before and after a holiday in order to be paid for the holiday as provided herein.
3. Employees in a status other than Full-time or Part-time are not eligible for holiday pay.
4. Holidays - All eligible 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 Year's (December 31)
  - l. One Floating Holiday
    - a. The floating holiday is an eight (8) hour equivalent day. 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. The floating holiday shall be charged in minimum increments of fifteen (15) minutes; unless the federal or state government mandates an additional holiday.
    - b. Part-time employees are ineligible for the floating holiday; this is a day that is not regularly scheduled, therefore they would not be eligible.
    - c. The Floating Holiday shall be tracked, requested, and utilized in the same fashion as Personal Leave until the federal or state government mandate an additional holiday other than those listed above.

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.

1. Holiday Pay - Holiday pay shall be an eligible employee's regular hourly rate of pay times the employee's normal daily work hours.
2. Work on Holiday - Any eligible employee required to work on a day of holiday observance shall be paid for all hours actually worked at two (2) times the employee's applicable rate.
3. 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.

4. Employees on Unpaid Leave - If a holiday occurs while an employee is on an unpaid leave, the holiday will not be paid.

## 5.05 PERSONAL LEAVE

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### A. POLICY

1. Eligibility - Full-time employees are entitled to twenty-four (24) hours of personal paid leave per year, to be taken in no less than fifteen (15) minute increments and scheduled at least twenty-four (24) hours in advance, except for emergencies. Part-time employees are entitled to sixteen (16) hours of personal leave per year, to be taken in no less than fifteen (15) minute increments and scheduled at least twenty-four (24) hours in advance, except for emergencies. Employees in a status other than Full-time or Part-time are not eligible for personal leave. 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.
2. Personal leave will be prorated based upon when the employee was hired during the year.

### 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.

## 5.06 FUNERAL LEAVE

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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, 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) workdays 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 up to two (2) hours paid leave to attend or participate in the funeral of a deceased City employee, a Board member, a fellow GCHD 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. 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 a Request for Leave Application and submit the request to the employee's Employer.

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### 5.07 CIVIL LEAVE

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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.
  - a. Employees must notify their Supervisor of jury duty or of a witness subpoena upon receipt.
2. Payment - Employees on eligible civil leave shall pay all sums paid to them by the court to the City of Galion Auditors Office 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 a Request for Leave Application 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.

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### 5.08 MILITARY LEAVE

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#### **A. POLICY**

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 Employer a copy of their military orders and a completed Request for Leave Form outlining the anticipated duration of the military leave.

## 5.09 FAMILY AND MEDICAL LEAVE

### 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 service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. 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.
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*.
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 service member with a serious injury or illness.
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.
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 service member 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.

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

13. Failure to Return:

- a. 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:
  - i. continuation, recurrence or onset of a serious health condition; or
  - ii. 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.

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

- i. Employee wage records;
- ii. Dates of FML taken (including paid leave taken);
- iii. Hours of FML; if intermittent or reduced leave is taken;
- iv. Copies of all notices given to employees;
- v. Copies of all documents describing benefits, policies and practices affecting FML;
- vi. Copies of employee requests for FML;
- vii. Records of the Employer's and employee's health insurance payments;
- viii. 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.

15. 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.
  - 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:
    - i. 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;
    - ii. incapacity due to pregnancy;
    - iii. 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;
    - iv. any period of incapacity which is permanent or long term, due to a condition for which treatment may not be effective;
    - v. 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 Service Member: 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 service member 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 service member 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.
2. 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. 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.

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.

6. Initial Certification:

- a. In cases involving unpaid FML leave, Employees 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.

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.

7. Subsequent Certification:

- a. For pregnancy, chronic or permanent/long-term conditions under continuing supervision of a health care provider, 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:
    - i. the employee requests an extension of leave; or
    - ii. circumstances described by the previous certification have changed significantly (i.e., duration or nature of the illness, complications, etc.); or
    - iii. 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.
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.
  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.

## 5.10 LEAVE OF ABSENCE WITHOUT PAY

### 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.

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### 5.11 DISABILITY LEAVE/ SEPARATION

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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.

1. 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.
2. Disability Leave - A physically incapacitated employee, who has exhausted all 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.

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

- a. 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, the Employer may involuntarily disability separate the employee.
- b. 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.) 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, nonfeasance and failure of good behavior for failure to report for work without approved leave.

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

When required:

- a. 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:

- b. 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:

- c. 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.
5. Right to Pre-Separation Conference Rights of Appeal:
- a. 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.
  - b. 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.
  - c. An employee so separated shall have the right to appeal in writing to the Civil Service Commission within ten (10) days following the Employer's service upon the employee of the order of involuntarily disability separation.
  - d. The Employer shall notify the employee, at the time of the involuntary disability separation, of the required procedures to apply for reinstatement.
6. Right to Reinstatement Rights of Appeal:
- a. 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.
  - b. 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.

- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
- j. An employee who fails to apply for reinstatement within three (3) two (2) 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.

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## 5.12 GROUP HEALTH INSURANCE

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### A. POLICY

1. Eligibility - All full-time employees in active pay status may be eligible to participate in the Employer's health insurance program. The insurance will be provided by the Employer or other coverage may be purchased by the Board of Health for its employees.
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 upon thirty (30) 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 Employer provides full time employees with term life insurance that is enjoyed by City employees. There is no cost to full time employees.
7. Dental Insurance - The Employer provides dental insurance to full time employees at no cost to the employee.
8. Vision Insurance - The Employer provides vision insurance for full time staff employees at no cost.
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. Contracted employees requiring liability coverage shall have coverage addressed within said contract. 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 City of Galion 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.

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### 5.13 CONTINUED GROUP HEALTH INSURANCE COVERAGE

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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.
  - 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:
    - i. Dies;
    - ii. Would otherwise lose coverage due to termination and/or reduction as described in the above paragraphs; or
    - iii. 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:
    - i. The spouse and dependent children would lose eligibility for continued coverage due to a divorce or legal separation; or
    - ii. 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 can be obtained from the City of Galion Auditor's Office.
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.



**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.

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## 5.15 WORKERS COMPENSATION

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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 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 twenty-four (24) 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 a First Report of an Injury, Occupational Disease, or Death. 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 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 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 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 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 the Alcohol and Drug Abuse policy.

## 5.16 TRANSITIONAL WORK/ MODIFIED DUTY

### 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.
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. 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 Employer. 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 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 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.
3. 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.
4. The result must be the performance of meaningful work that includes productive output during the time of strengthening and healing.
5. 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.
6. If after the additional thirty (30) day policy has expired, the employee is unable to return to his/her original position and is still unable to perform the essential functions of the position, then the employee may be subject to an involuntary disability separation.
7. The Transitional Work Evaluation Form is for use by physicians and medical providers and establishes the employee's eligibility for a transitional work assignment.

#### 5.17 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

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##### **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:
  - a. Is created or received by an employer
  - b. Relates to an individual's health, provision of care or payment for care; and
  - c. 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.

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## 5.18 ADMINISTRATIVE LEAVE

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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 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.

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## 5.19 DEFERRED COMPENSATION

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### A. POLICY

1. It is the policy of GCHD to provide the option of contributing to a deferred compensation program.
  - a. Under a Deferred Compensation Plan, income is deferred, and the resultant earnings are not subject to state or federal income tax at the time of withholding. Taxes are paid only when the money is withdrawn from the plan upon retirement or upon death, disability, or termination of employment, or if the employee experiences an unforeseeable emergency which qualifies for withdrawal of funds under the IRS regulations.
  - b. The total amount of compensation that can be set aside in any calendar year is limited by an amount indexed to the rate of inflation. Employees who are over 50 or who have failed to make maximum contributions in prior years may be able to make additional, "catch-up" contributions. Amounts deferred are not included on W-2 forms for state and federal income tax purposes; however,

OPERS contributions are computed on the actual gross salary. Accordingly, participation in deferred compensation programs has no effect on OPERS benefits.

- c. GCHD offers one deferred compensation program: The Public Employees Deferred Compensation Program. Participation is voluntary, and all contributions are made through payroll deductions.
- d. The programs require employees who separate from GCHD employment to contact the appropriate representative to select a payment schedule of contributions.
- e. Information regarding the program can be obtained by contacting:  
Ohio Public Employees Deferred Compensation Program  
257 East Town Street, Suite 457  
Columbus, Ohio 43215

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## 5.20 OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

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ORC 145

### A. POLICY

1. All employees are required to become members of the Ohio Public Employees Retirement System (OPERS).
2. Contributions to OPERS may affect possible Social Security benefits, resulting in the Social Security Windfall Elimination Provision or the Government Pension Offset reducing federal benefits.
  - a. Information regarding the Windfall and Offset provisions are available from the Social Security Administration, [www.socialsecurity.gov](http://www.socialsecurity.gov) or toll-free at 1-800-722-1213.
3. OPERS is funded by employee contributions. The employee contribution is made through payroll deduction based on gross earnings. Contact the City of Galion Auditor's Office for current deduction rates.
4. Annual statements and publications are mailed by OPERS directly to members.

See the Employment Section for more information on Separation and Disability.

Additional retirement information can be obtained by writing to the Ohio Public Employees Retirement System, 227 East Town Street, Columbus, Ohio 43215; or by visiting their web site at [www.opers.org](http://www.opers.org); or calling toll free 1-800-222-PERS, or 614-466-2085.

## SECTION 6

### PERSONNEL PROCEDURES

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#### 6.01 BUSINESS RELATED EXPENSE PAYMENT/ REIMBURSEMENT

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##### A. PURPOSE

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.
2. Authority and Definitions:
  - a. Incurring business related expenses on behalf of the Employer requires the prior, written approval of the Employer.
    - a. Approval is granted through utilization of a Travel Request Form
      - i. Travel Request Forms are approved by the Health Commissioner for all in state travel requests.
        1. Health Commissioner Travel is approved by the Board of Health
      - ii. Travel Request Forms are approved by the Health Commissioner AND Board of Health for ALL out of state travel.
  - 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-owned vehicle and does not involve any expense requires the prior approval of the Employer.
  - 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, paid directly to a vendor by the City of Galion 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.
    - i. 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-owned vehicle; if available. If no Employer vehicle is provided by the Employer, if Employer vehicle is unavailable, is the use of a personal vehicle permitted.

- ii. Employees approved to use Employer-owned vehicles for Employer business related travel shall operate such vehicle in full compliance with PPM Section, Use of Employer-owned Vehicles on Employer Business.
- iii. 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:

- i. If transportation in a personal vehicle for Employer business is authorized, the employee must carry liability insurance in the minimum amounts and provide proof of same.
- ii. Expenses for the use of a personal vehicle shall be reimbursed at the current OBM 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:

- i. 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.
- ii. Rental of a vehicle may only be approved if no other transportation is available at a lesser cost.
- iii. 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.
- iv. 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, paid directly to a vendor by the City of Galion Auditor's Office, or paid as a reimbursement to the employee, as provided herein.

b. Lodging Expenses:

- i. Authorized expenses as provided herein may not be paid for events within a 50-mile radius of Galion, regardless of the event's starting time, unless prior Employer authorization is granted. 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.

- ii. 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.
- iii. 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.
- iv. If two (2) or more 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.
- v. 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, Health Department 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. Only when overnight travel is required, reasonable reimbursements for meals not included in program or registration costs, shall be established and paid as follows:
  - a. The following table contains payment amounts based upon the times of departure and return. (Note: amount of meal reimbursements may be adjusted based on OBM reimbursement rates.)

	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

- c. Itemized 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.
  - d. 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.
  - e. 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 itemized 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 City of Galion



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 the City of Galion Auditor's Office: 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 City of Galion Auditor's Office at least five (5) working days before the date the payment is desired.
  - b. Business Expense Cash Advance: The City of Galion 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 City of Galion Auditor's Office with receipts. All requests (vouchers) for advances must be submitted to the City of Galion 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 travel related expenses on official Employer business shall make advance written application by use of a Travel Request Form with program information and submit 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 itemized receipts and other documentation to the Employer for forwarding to the City of Galion Auditor's Office. The report shall be reviewed by the City of Galion 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 City of Galion Auditor's Office, the City of Galion Auditor's Office will process the report for payment.

## 6.02 USE OF EMPLOYER-OWNED VEHICLE OR PERSONAL VEHICLE ON EMPLOYER BUSINESS

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### 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 themselves 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.
- c. Vehicles may be provided for those 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. Storage for the car will typically be behind the Health Department.
- d. The Employer may also assign an Employer-owned vehicle to employees attending training, seminars, conferences or similar programs approved in advance by the Employer. Employer-owned vehicles can be driven to workshops or seminars that are outside the City of Galion 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, without prior approval of the Employer.
- e. Employer-owned vehicles shall be used by employees whenever possible on approved Employer business. Mileage will not be paid to the employees while using the Employer-owned vehicle.

#### 2. An Employer-owned vehicle is a reflection of the Employer and the public has a right to expect that the employees and vehicles they support are engaged in conducting Employer business. Assignment of Employer-owned Vehicles:

- a. There are no permanent assignments of Employer-owned vehicles.
- b. 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-owned 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 employee's personnel file.

In roles 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 employee who operates a vehicle on behalf of the Employer.

- d. The following is a listing of motor vehicle related occurrences (violations, convictions and accidents), the appearance of which on the driving record of an employee during the previous thirty-six (36) month period will normally result in the suspension of the employee's driving privileges for the Employer.
  - i. 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 an employee during a thirty-six (36) month period may result in the suspension of the employee's driving privileges for the Employer.
  - i. Two or more "at fault" accidents, the nature and severity of the violations may be taken into consideration by the Employer.
  - ii. Two or more moving violations, the nature and severity of the violations may be taken into consideration by the Employer.
  - iii. 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 Employer.

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 Employer 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 Employer 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 Employer. Employees should show every courtesy while operating an Employer-owned vehicle or their personal vehicle on Employer business in order to enhance the good reputation of the 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 vehicles on authorized trips to meetings, conferences and conventions only if approved in advance by the Employer.
- e. Employees who must operate an Employer-owned vehicle as part of their job or their personal vehicle on 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 an Employer-owned vehicle is prohibited. Alcoholic beverages or controlled substances shall not be transported in an Employer-owned vehicle except as required in the performance of the employee's duties (e.g., law enforcement).  
Any employee convicted of operating an Employer owned vehicle while under the influence of alcohol or drugs will be subject to immediate dismissal.
- g. Tobacco use of any kind is strictly prohibited in Employer-owned vehicles. Use

of tobacco products may result in disciplinary action. Any employee found to have utilized tobacco products within an Employer-owned vehicle shall be held financially responsible for the necessary cleaning of the vehicle.

- h. 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.
  - i. Employees are responsible for ensuring any Employer-owned vehicle which they are permitted to take home is properly maintained, kept locked and parked in a safe and secure location.
  - j. Employees shall ensure any 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.
  - k. The operator of an Employer-owned 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 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.
  - b. Parking, moving violations and other fines received while operating an Employer-owned vehicle or a personally owned vehicle while on Employer business are the responsibility of the operator.
  - c. Operators involved in accidents while operating 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 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 brought to the attention of the Employer and arranged to be corrected at the earliest possible time.

Mechanical problems that result in towing or repair charges when outside the City of Galion will be reimbursed to the employee, provided receipts are submitted for payment.

### 6.03 ADDITIONAL EMPLOYMENT AND COMPATIBLE POSITIONS

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#### A. PURPOSE

1. To prevent secondary employment or board/commission service from creating a conflict of interest or incompatible position, employees seeking or engaged in such service shall notify the Health Commissioner in writing using the Additional Employment Notice Form.
2. Additional Employment
  - a. The Health Commissioner shall determine if:
    - i. it is physically possible to perform the duties of both positions;
    - ii. the additional employment interferes with the duties of the employee's health department position and assigned hours of work; and
    - iii. the additional employment creates an impermissible conflict of interest, e.g., sanitarian cannot obtain secondary employment at a food service operation he/she inspects.
  - b. Employees shall not engage in or conduct outside private business during scheduled working hours.
3. Compatible Positions
  - a. An "incompatible position" is one which:
    - i. creates divided loyalties which are not remote or speculative and cannot be resolved by adjustments in either workplace; or
    - ii. is subordinate to a position concurrently occupied by a classified or unclassified employee; or
    - iii. is in any way a check on a position concurrently occupied by a classified or unclassified employee; or
    - iv. it is physically impossible for one person to discharge the duties of both positions; or
    - v. violates a specific constitutional or statutory provision prohibiting a person from serving in both positions.
  - b. Employees who accept a position which is incompatible with their existing public employment or service is deemed by Ohio law to have forfeited the first position held.
  - c. The Health Commissioner may request that the City of Galion Law Director determine whether the positions are compatible.



## 6.04 TOOLS, SUPPLIES, AND EQUIPMENT

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### 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.

## 6.05 POSTINGS

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### A. POLICY

1. Postings are a means for the Employer and the employees to provide information to each other. The following information may be posted:
  - a. employee recreational and social affairs;
  - b. notices of employee meetings;
  - c. non-political publications.
2. No information may be posted which contains:
  - 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.

## 6.06 PERSONAL INFORMATION RECORDS

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ORC 1347.04, 1347.01, 149.43

### 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;
  - j. driver's license verification (if person will be driving as part of job);
  - k. automobile insurance verification for driving employees;
  - l. liability insurance documentation;
  - m. signed sheet for verification of Hepatitis B vaccine;
  - n. copy of signed health insurance application if coverage is deferred.
2. The Employer shall only use the personal information 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 attach 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 notarized, 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.

## 6.07 REPORTING CHANGES IN PERSONAL INFORMATION

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### 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 supervisor.
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 Employer within three (3) days of such change.
2. Supervisory staff will make certain that notification of any change is immediately forwarded to the City of Galion Auditors Office.

## 6.08 PUBLIC RECORDS- INSPECTION, RELEASE, AND RETENTION

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ORC 149.011, 149.43

### A. POLICY

1. The Employer shall organize and maintain public records, as defined on ORC 149.011 and 149.43, in a manner that they can be made available for inspection and copying in accordance with public records law. The Employer 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 Employer; 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 Employer.
  - 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 Employer and may be subject to civil or criminal penalties.

## 6.09 COMPUTER/ INTERNET/ ELECTRONIC MAIL POLICY

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The use of computer technology and assignment of an e-mail/Internet account through the Employer 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 designated personnel at any time. The use of any electronic technology resources of the Employer 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 an 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-Employer-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 via an Employer-owned e-mail system 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 discriminations 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 or stored electronically.
3. E-mail relevant to a specific client should be printed or stored electronically 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 the Employer 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 sender's 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 Employer on the Internet, the user should inform the Health Commissioner to follow-up on that discovery.

#### **D. Use of the Internet**

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 Employer. 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.

### **6.10 SAFETY AND HEALTH**

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#### **A. POLICY**

1. Safety and Accident Prevention-The Employer 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 and/or division meetings. Safety education will be promoted by the Health Commissioner or their 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 required 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
  - 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 Employer participates in the Workman's 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 City of Galion 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 joint responsibility of the department and the employee.
8. Universal precautions: All employees who may encounter blood or body fluid contamination in their work will receive Universal Precaution/ Bloodborne Pathogen training. Annual refresher sessions will be required of all designated employees.
9. First Aid: A first aid supplies are 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 Employer maintains Worker's Compensation Insurance to cover accidents and illnesses incurred by employees while on duty. Liability insurance to cover accidents to citizens and visitors is carried by the Employer 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 may be offered Hep 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.
5. Unsafe Working Conditions: Any employee who detects an unsafe condition shall report that situation to their immediate supervisor immediately.
6. Safety Committee: The City of Galion has in place a safety committee. The Health Department will have a representative on that committee. Notices from the committee will be posted on the employee bulletin board in the second clinic room.

## 6.11 CONFIDENTIALITY

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### **A. POLICY**

1. The Galion City Health Department is committed to protecting and preserving public trust and has established this policy to prevent the unlawful release of confidential information by Health Department employees and officials.

Health Department employees collect a wide array of information when providing services to the public. Some information must be kept confidential and cannot be released to third parties, e.g., social security numbers, employee medical records, protected health information, etc. Other records created or obtained by the Health

Department are subject to full or partial public disclosure under the Ohio Public Records Act, e.g., contracts, personnel actions, inspection reports, etc. See the Galion City Health Department Public Records Policy for a list of confidential records. Employees should follow the criteria below and only release information and/or records to third parties when legally required and/or permitted under the law.

2. Those signing a confidentiality agreement are agreeing to the following:
  - a. I will not, without proper authorization, disclose confidential information or records that are protected by law from public disclosure that concern the property, affairs or services of the Galion City Health Department, to which I have access through my employment with the Galion City Health Department; I will not use such information to advance the financial or other private interests of myself or others.
  - b. I will limit my discussion of confidential matters with coworkers to those who have a legitimate need-to-know for work purposes and only in compliance with Health Department policy and procedures. I will not have such discussions in public areas, hallways, gathering spaces, etc.
  - c. I will protect my passwords to access electronic confidential information and I will not share my passwords with third parties, except as permitted under Health Department policy and procedures. I will secure and protect hard copy files containing confidential information.
  - d. If I am uncertain whether a record is confidential or public, I will ask my supervisor before releasing the record or information.
  - e. I will comply with the Galion City Health Department Public Records Policy when I receive a public records request.
  - f. I have read the Galion City Health Department Health Information Portability and Accountability Act (HIPAA) policy.  
 \*Any failure to honor HIPAA confidentiality can be reason for immediate termination of employment.
3. 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.
  1. Identifying client photos may not be taken without the client giving written consent for the photo.
  2. Employees of the department must sign a confidentiality agreement at the time of employment.
  3. Interns, volunteers, contract employees, and all other individuals who may be in contact with confidential information must sign a confidentiality agreement at the time of employment, volunteering, and/or interning.
  4. See HIPAA Section of this PPM for more information.

## 6.12 CONTINUING EDUCATION/ TRAINING

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### **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 an 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 preapproved expenses will be made after the course is attended and proof of attendance, receipts, cancelled checks, etc. are submitted 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; within the departments operating budget.

### **B. PROCEDURE**

1. Proof of attendance and/or course completion is to be submitted to the Employer upon completion. This can be a certificate (paper or electronic), sign-in sheet or attendee list provided by the organizer, or any other proof approved by the Employer.

## SECTION 7 EMPLOYEE CONDUCT

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### 7.01 ETHICS

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ORC 102.04, 102, & Ohio Ethics Laws

#### 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.
3. As public health professionals, employees are expected to demonstrate strong, ethical behavior in pursuing the performance of public services by the employees of the GCHD (ORC 3709). The Employer seeks to provide further guidance on what

constitutes the ethical practice of Public Health service based upon the work of the Public Health Leadership Society (*Public Health Leadership Society (2002). Principals for the Ethical Practice of Public Health v2.2. Retrieved from <http://nnphi.org/> on October 4, 2016.*)

4. In recognition of same, GCHD has adopted the following principles for the Ethical Practice of Public Health:
  - a. Public health should address principally the fundamental causes of disease and requirements for health, aiming to prevent adverse health outcomes;
  - b. Public health should achieve community health in a way that respects the rights of individuals in the community;
  - c. Public health policies, programs, and priorities should be developed and evaluated through processes that ensure an opportunity for input from community members;
  - d. Public health should advocate for, or work for the empowerment of, disenfranchised community members, ensuring that the basic resources and conditions necessary for health are accessible to all people in the community;
  - e. Public health should seek the information needed to implement effective policies and programs that protect and promote health;
  - f. Public health institutions should provide communities with the information they have that is needed for decisions on policies or programs and should obtain the community's consent for their implementation;
  - g. Public health institutions should act in a timely manner on the information they have within the resources and the mandate given to them by the public;
  - h. Public health programs and policies should incorporate a variety of approaches that anticipate and respect diverse values, beliefs, and cultures in the community;
  - i. Public health programs and policies should be implemented in a manner that most enhances the physical and social environment;
  - j. Public health institutions should protect the confidentiality of information that can bring harm to an individual or community if made public. Exceptions must be justified on the basis of the high likelihood of significant harm to the individual or others;
  - k. Public health institutions should ensure the professional competence of their employees;
  - l. Public health institutions and their employees should engage in collaborations and affiliations in ways that build the public's trust and the institution's effectiveness.

## **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 of Galion Law Director and/or Ohio Ethics Commission.
2. Employees shall be provided access to the Ohio's Ethics Laws and ORC Section 102 at commencement of employment.
3. Employees shall immediately notify their supervisor or, if appropriate, the Health Commissioner in writing of a violation of this policy.

4. Violations of this policy may be grounds for disciplinary action and/or termination.

## 7.02 TARDINESS

### 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.).
2. In addition, a tardy employee, including those tardy by less than seven (7) minutes, shall be subject to progressive disciplinary action as follows:

<u>Event</u>	<u>Discipline</u>
1 time tardy .....	oral instruction and cautioning
2 times tardy .....	oral warning (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 will generally be given by the supervisor and a Record of Oral Warning 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 Employer has the authority to reduce in classification or pay, suspend or terminate an employee.
4. Suspensions of more than three (3) days, reductions in pay or classification and terminations, due to tardiness, of employees require the approval and signature of the Board of Health and must be filed with the Civil Service Commission (if applicable) in accordance with the Commission's Rules and Regulations.



## 7.03 ABSENTEEISM AND NOTIFICATION OF ABSENCE

### 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  $\frac{1}{4}$  hour), employees shall be subject to progressive discipline for accrued absences as follows:

<u>Absences</u>	<u>Discipline</u>
one (1) time absent .....	Oral Warning
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

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 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 Employer has the authority to reduce in pay or classification, suspend or terminate an employee.
  - e. Suspensions of more than three (3) days, reductions in pay or classification and

terminations, due to absenteeism, of employees require the approval and signature of the Board of Health and must be filed with the Civil Service Commission (if applicable) 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.

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#### 7.04 SOLICITATION AND DISTRIBUTION

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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.

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#### 7.05 PERSONAL APPEARANCE

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##### A. POLICY

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

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#### 7.06 ALCOHOL AND DRUG ABUSE

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##### 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:

- i. 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.
- ii. 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 may receive an information package containing:

- i. Information concerning the dangers of drug abuse in the workplace.
- ii. A current copy of the Employer's posted/published Drug-Free Workplace statement.
- iii. A current copy of the Employer's Drug-Free Workplace policy.
- iv. Information concerning any available drug counseling, rehabilitation and employee assistance programs.
- v. Information concerning the penalties that will be imposed for a breach of the Employer's Drug-Free Workplace policy.
- vi. 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.

f. 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 Employer's Alcohol and Drug Abuse Policy:

- i. take appropriate disciplinary action against such employee, up to and including termination; or
- ii. 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:

- i. sent to the employee assistance program for referral and treatment;
- ii. disciplined, up to and including termination;
- iii. forever barred from future employment with the Employer; and
- iv. held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

2. 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.

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## 7.07 EMPLOYEE ASSISTANCE PROGRAM

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### 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.

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## 7.08 GARNISHMENTS

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### 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 City of Galion Auditors Office 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.

## 7.09 POLITICAL ACTIVITY

5 USC 7321, et seq. (Hatch Act); Hatch Modernization Act of 2012, 5CFR Parts 733-734

### A. POLICY

1. The Hatch Act is a federal law that limits certain political activities of federal employees and some state and local government workers whose salary is funded from federal loans or grants. Covered employees are responsible for complying with the restrictions on partisan political activity contained in the Hatch Act.
2. No covered employee shall run for nomination to or as a candidate for a partisan political office, except as expressly provided under the law. Covered employees may not conduct partisan political activities in the government workplace or while on duty, in a government vehicle, or while wearing an official uniform. In addition, covered employees may not solicit, accept, or receive partisan political campaign contributions or host a partisan political fundraiser. Employees are urged to seek the advice of the Health Commissioner or the City of Galion Law Director to determine if a particular partisan political activity is permissible under the Hatch Act.
3. 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.
4. 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).
5. 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.
6. 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.
  7. 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 Health Commissioner, who may request an opinion in advance from the City of Galion Law Director.
2. Employees are urged to seek the advice of the Health Commissioner or the City of Galion Law Director to determine if a particular partisan political activity is permissible under the Hatch Act.

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## 7.10 WORKPLACE VIOLENCE

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### **A. POLICY**

1. The safety and security of employees, clients, contractors and the 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:
    - i. A loaded or unloaded firearm; or
    - ii. 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 an Employer controlled site or is associated with Employer 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. Employer Responsibilities: 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. 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:
    - i. Assigning a different employee to the area or job.
    - ii. 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.

## SECTION 8

### EMPLOYEE DISCIPLINE, APPEALS, AND GRIEVANCES

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ORC 124.11

#### 8.01 INTRODUCTION

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##### 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.

#### 8.02 DISCIPLINARY PRINCIPLES

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##### 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 Employer shall be responsible

for administering discipline.

### 8.03 PROGRESSIVE DISCIPLINE

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#### 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 interim, 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 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 the 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 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 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.

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#### 8.04 PRE-DISCIPLINARY CONFERENCE- CLASSIFIED EMPLOYEES

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##### 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 elect to do one of the following:
  - 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.
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.

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.

## 8.05 GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES

ORC 124.34, FLSA

### 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 an 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 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 .....	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. Obliging 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. Obliging 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.

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### 8.06 CONVICTION OF A FELONY

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ORC 2901.01, 2925.01, 2921.05, 2921.32, 2921.42

## 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.

## 8.07 APPEALS OF PERSONNEL ACTIONS

ORC 124.34

### A. POLICY

1. Classified Employees: Classified employees may appeal suspensions or fines of more than 24 hours, reductions in pay or classification, layoffs, job abolishment or terminations either through the internal grievance procedure contained in this manual or to the Civil Service Commission.  
Suspensions of 24 hours or less and fines of 24 hours pay or less may be appealed to the Employer through the internal grievance procedure only.

Temporary, 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.

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## 8.07 GRIEVANCE PROCEDURE

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### A. POLICY

1. Classified employees may appeal suspensions, fines, reductions in pay or classification, layoffs, job abolishment's 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 grievances without prejudice. No employee shall be disciplined, harassed or dealt with unfairly as a result of filing a grievance or testifying in a grievance hearing.
3. If a 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 grievance procedure shall be discontinued.
4. 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 grievance procedure.

### B. PROCEDURE

1. Step One: Immediate Supervisor
  - a. Informal Step- Any employee with a 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 grievance. The supervisor shall make every reasonable effort to resolve the grievance but may not issue any decision which conflicts with the policies herein. The supervisor shall record the date the grievance was presented and the date the supervisor responded. The supervisor shall also notify the Health Commissioner of the 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 may 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. 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.
  - 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 grievance to writing using the 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 grievance if Step One was not applicable. The Health Commissioner shall investigate and may meet with the employee within five (5) working days following receipt of the grievance and attempt to resolve the matter. The Health Commissioner shall issue a 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 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. The decision issued by the Board of Health shall be final and binding on all parties except as otherwise provided by law. 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. Grievances citing issues of law may be forwarded by the Employer to the City of Galion 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 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.

## 8.08 FRAUD

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ORC 117.103 Eff 5/4/12

### A. POLICY

1. Any employee, that deems it necessary, may report an instance of fraud to the Ohio Auditor of State's office.

### B. PROCEDURE

1. The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or through the United States mail.
  - a. 1-866-FRAUD OH (1-866-372-8364) or [www.ohioauditor.gov](http://www.ohioauditor.gov)
  - b. Ohio Auditor of State's office, Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

## 8.09 CONFLICTS OF INTEREST

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ORC 102.03, 102.09(D), §2921.42

### A. PURPOSE

1. Employment decisions and the purchase of goods and services for the GCHD shall comply with Ohio's Ethic Laws and avoid the appearance of partiality, preferential treatment, improper influence, or self-dealing. A copy of the Ohio Ethics Law and Related Statutes is an Appendix of this handbook.

### B. DEFINITIONS

4. "Anything of value" includes money, goods, chattels, future employment, interest in realty, and "every other thing of value".
5. "Immediate Family Member" includes the following regardless of where they reside: spouse, children (whether dependent or not), siblings, parents, grandparents, and grandchildren. It also includes any other person related by blood or by marriage and living in the same household.
6. "Significant Relationship" means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair their objectivity or independence of judgment.
7. "Business Associates" are parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.

**C. POLICY**

1. Employment Decisions
  - a. Employment decisions shall be based solely on job-related qualifications.
  - b. Public officials and employees may not authorize or use the authority or influence of his or her position in any of the following employment related decisions involving an Immediate Family Member, Significant Relationship or Business Associate which includes:
    - i. Employment;
    - ii. Promotion;
    - iii. Discipline;
    - iv. Changes in compensation or benefits;
    - v. Assignment of duties;
    - vi. Evaluations;
    - vii. Lay-off or job elimination; and/or
    - viii. Termination
  - b. Immediate Family Members, Significant Relations, and Business Associates working in an office of newly Elected/ Appointed Officials may continue their position but shall not be under the direct supervision of the Elected/ Appointed Official.
2. Public Contracts
  - a. A public official or employee shall not award a contract to an Immediate Family member, Significant Relationship or Business Associate or have an interest in a public contract unless the requirements of ORC §2921.42 are met.
  - b. No public official or employee shall use the authority or influence of his or her office to secure nor shall they solicit, accept, give or promise anything of value that is of such character as to have a substantial or improper influence upon the official or employee with respect to his or her duties.
3. Enforcement
  - a. Employees shall immediately notify their supervisor or, if appropriate, the Health Commissioner in writing of a violation of this policy.
  - b. Violations of this policy may result in disciplinary action and/or termination; and may be reported to the Ohio Ethics Commission.



## SECTION 9 SAFETY PROCEDURES

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### 9.01 RISK REDUCTION POLICY

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ORC 4167.01 et seq

OAC 4167-4-01

1. The Employer will provide a safe and healthy working environment free from recognized hazards for employees and visitors at the Health Department. Each employee must comply with all safety and health standards, rules, and regulations in their workplace to maintain a safe workplace.
2. Employees shall immediately (or prior to the end of the employee's work shift) report all injuries, hazardous work environments, and/or unsafe or unhealthful conditions to their immediate Supervisor for proper documentation.
3. Any employee acting in good faith may refuse work under conditions reasonably believed to present an "imminent danger of death or serious physical harm," provided that the condition is not such as normally exists or reasonably might be expected to occur in the normal and regular duties of the public employee.

Prior to the refusal to work, the employee must follow these steps:

- a. Notify his or her immediate Supervisor that the condition poses imminent danger.
- b. Submit a written statement of the imminent danger to the Public Employee Risk Reduction Program (PERRP) as soon as practicable.

Any employee or employee representative may file a complaint with PERRP, regarding unresolved hazardous or unhealthful condition or practice by letter or by fax.

Public Employment Risk Reduction Program (PERRP)

13430 Yarmouth Drive, Pickerington, Ohio 43147

Phone: 800.671.6858; Fax: 614.644.3133; Refusal to Work Phone: 614.731.4380

4. Employees cannot be discharged or otherwise discriminated against in any manner for filing a complaint or by instituting or causing to be instituted any provision of the Act.
5. Safety audits may be performed periodically at the Health Department.

## 9.02 VIOLENCE IN THE WORKPLACE

ORC Chapter 2903, ORC2923.11

### A. POLICY

1. The Employer will provide and maintain a safe workplace for all employees and citizens on Health Department property and prohibits any act of violence, either implied or direct.
  - a. No person shall knowingly possess, or have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into Health Department buildings or while performing services for the Health Department, unless such possession, or use of a weapon, is a necessary and approved job requirement.
  - b. Any employee or person who threatens or engages in violent behavior also violates this policy.

### B. DEFINITIONS

1. Act of Violence: Any physical action, verbal abuse or threat, whether intentional or reckless, that harms or threatens the safety of another individual in the workplace including but not limited to:
  - a. Any physical assault including but not limited to hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
  - b. Verbal or written threats toward persons or property, the use of vulgar or profane language towards others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, exaggerated criticism, and name calling.
  - c. Derogatory or offensive gestures, posters, cartoons, publications, or drawings.
2. Dangerous Weapon or Ordinance: Any weapon, device, ordnance, or item as defined by O.R.C. 2923.11 "Weapons Control Definitions."
3. Violent Behavior
  - a. Direct threats of physical intimidation;
  - b. Implications or suggestions of violence;
  - c. Stalking;
  - d. Possession of weapons of any kind on Health Department premises, including parking lots, other exterior premises or while engaged in activities for the Health Department in other locations, or at sponsored events, unless such possession or use is a requirement of the job;
  - e. Assault of any form;
  - f. Physical restraint, confinement;
  - g. Dangerous or threatening horseplay;
  - h. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment;
  - i. Blatant or intentional disregard for the safety or well-being of others;
  - j. Commission of a violent felony or misdemeanor on Health Department property;

- k. Any other act that a reasonable person would perceive as constituting an act of violence.
- 4. **Workplace:** All areas where employees perform job related duties including all CGHD work areas, whether owned or leased by the GCHD, including parking lots, or other places where GCHD employees are engaged in Health Department business. This also includes remote worksites, as well as City-owned vehicles and personal vehicles on City property.
- 5. **Lock Down:** A method used to secure the building and personnel from threats of violence as deemed necessary.

### **C. Sources of Violence**

- 1. **Disgruntled Customers/Clients.** A current or former customer, client or patient of the Health Department. The violence can be committed in the workplace, or as with service providers, outside the workplace but while the worker is performing a job- related function.
- 2. **Past and Present Employees.** An individual with an employment relationship with the workplace, including a current or former employee, supervisor or manager, or a prospective employee.
- 3. **Personal Relationships.** An individual who has a personal relationship with an employee such as a current or former spouse or partner, a relative or a friend who has a personal dispute with the worker and enters the workplace to harass, threaten, injure or kill.
- 4. **Unknown Citizens.** An individual with no legitimate relationship to the worker or the workplace who enters the workplace, or off-site duty area, usually on the pretense of being a customer to commit a robbery or other violent act.

### **D. Types of Violence**

- 1. **Physical Harm to Person.** The intentional infliction of physical harm including impairment of physical condition or substantial pain to another person, with or without a weapon or dangerous ordnance.
- 2. **Damage to Property.** Intentional or reckless damage to county or employee personal property without permission.
- 3. **Verbal or Written Threats.** The intentional use of abusive, derogatory, threatening, annoying, discriminatory or obscene language to an employee either in person, by written communication or by telecommunication.
- 4. **Threatening Gestures and Behavior.** The intentional use of conduct with the purpose of causing another to believe that the offender will cause physical harm to the other person or property or cause mental distress.

### **E. Security Measures**

- 1. **Violence-Proofing the Workplace**
  - a. No weapon or dangerous ordnance shall be permitted on the Health Department premises unless the possession or use of a weapon is a necessary and approved

- job requirement.
- b. GCHD employees and vendors shall display identification cards during working hours. Visitors shall display identification cards if requested.
- c. The Health Department may designate a safe room(s) or location for staff and clients to go during certain emergency situations. However, the preferred course of action shall be to immediately evacuate the building via the nearest and safest route. The evacuation route shall not be pre-determined, as employees will need to avoid the area where the “violent” event is occurring.
- d. The Health Department supervisory staff and safety officer, if designated, shall review work areas, grounds and common areas to identify and implement security improvements.
- e. Employees can use doors stops and/or move heavy furniture in front of a door to prevent access by an intruder if the employees cannot safely escape the building.
- f. Only employees and authorized individuals with identification badges should be permitted in “employee only” areas.
- 2. Notification of Suspicious Behavior
  - a. Employees shall immediately report all suspicious behavior and acts of violence to their Supervisor or the appropriate law enforcement agency.

#### **F. Emergency Threat Assessment**

- 1. If the emergency is obvious and imminent, the employee shall immediately report the emergency by dialing 911.
- 2. In all other instances, the employee shall immediately report the incident to a supervisor who shall evaluate the reported behavior or incident to determine whether a potential emergency or actual emergency exists and what, if any, further action should be taken.

#### **G. Emergency Response Procedure**

- 1. Based on an obvious or imminent threat, designated personnel shall determine which emergency response procedure is appropriate (i.e., lock down or evacuation).
  - a. Lock Down Procedure
    - i. If an emergency warrants a complete lock down, employees will call 911 if able, and then employees and visitors shall proceed to the designated safe room or area and secure all doors within the area.
    - ii. Personnel shall make an announcement through interagency messenger. (If possible, this announcement should include the location and type of emergency. Once lock down notification has occurred, immediately report the emergency by dialing 911.
    - iii. Employees shall attempt to barricade the entryway to the safe room or area, gather items that could be used in defense, take a headcount of employees present, and remain in their designated safe room or area until the law enforcement response team declares that an emergency no

longer exists.

**b. Evacuation Procedure**

- i. When the designated personnel determine that a safe evacuation can occur, employees and visitors shall immediately evacuate the building.
  - ii. Designated personnel shall utilize available and appropriate communication methods to notify employees and visitors to evacuate.
  - iii. Following evacuation to a safe area, designated personnel shall immediately report the emergency by dialing 911.
  - iv. An evacuation plan, along with any updates to the plan, shall then be determined. The following shall be included in the evacuation plan.
    - Method of notification (i.e., all page, code word, etc.)
    - A predetermined exterior safe area for employees and visitors to move toward.
    - Procedures to account for all evacuated personnel once reaching the predetermined safe area.
    - Procedures for employees and visitors to distinguish themselves as victims to the responding emergency personnel.
    - Egress routes within the building leading to the exterior safe area.
2. Immediately following an emergency response procedure, the designated personnel implementing the lock down or evacuation shall document all emergency and non-emergency incidents by completing an Incident Report and any necessary documentation. Copies shall be forwarded to the law enforcement for assessment.

**H. Assistance**

1. The Health Commissioner may refer employees who are victims of or who have threatened violence in the workplace for assessment by the Employee Assistance Program. Participation in the Employee Assistance Program is not in lieu of prosecution and/or disciplinary action if warranted.

**I. Training**

1. Employees shall receive a copy of the Violence in the Workplace Policy.
2. All employees shall complete one hour of training on recognizing, reporting and responding to potential workplace violence.
3. Supervisory staff shall provide additional training and guidance as appropriate.

**J. Discipline and Prosecution**

1. Employees shall be subject to discipline for the following:
  - a. Committing or participating in acts of violence while performing the duties of their position or while on Health Department property.
  - b. Failing to report suspicious behavior or threats against the Health Department or its employees.
  - c. Engaging in intimidating or threatening behavior.
  - d. Intentionally and falsely alleging a violation of this policy.

- e. The employee may also be prosecuted under applicable federal or state law.

### 9.03 EMERGENCY CLOSING POLICY AND PROCEDURE

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#### A. POLICY

1. Building Closings- The Board of Health and/or the Health Commissioner may from time-to-time close the Health Department office building for various reasons, including severe weather conditions.
  - a. Closing Notification- The Mayor's Office shall advise the Health Commissioner of any closing of City offices. The Health Commissioner will then determine whether the Health Department office should close. If the Health Department office closes, the Health Commissioner shall notify the Division Directors and activate the phone tree/call list. The Health Commissioner shall determine the exact time of the closing for purposes of calculating vacation/compensatory time/overtime for those employees who left early or stayed late.
    - i. The closing may also be reported to the area media.
  - b. Snow Emergency Closing- In the event that a Level 3 snow emergency is in place for Crawford County at 6:00 a.m., the Health Commissioner shall close the Health Department office for non-essential personnel. If the snow emergency is lifted later in the day, the Health Commissioner may re-open the office and employees shall be required to report.
  - c. Absence of Employee due to Inclement Weather- Except when the Health Commissioner officially closes the office due to severe weather conditions, employees unable to get to work will not be compensated for hours not worked but may use available vacation and/or compensatory time. An employee unable to report to work must advise the employee's Supervisor as early as possible on the day of absence.

### 9.04 BUILDING EVACUATION FOR BOMB THREAT OR FIRE

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#### A. POLICY

1. The Health Department will provide a copy of the Bomb Threat Procedure and the Fire Procedure to all employees and will provide training on the same. The Health Department shall post an evacuation route designating the fire/bomb safe area.

#### B. Procedure- Bomb

1. Procedure if Bomb is Found or Suspect Item Identified  
Suspect Item:
  - a. Obtain all information regarding suspect item. Do not touch or move item.
  - b. Pull fire alarm.

- c. Evacuate to designated bomb/fire safe area.
  - d. Person making the discovery must report to the designated staging area to report the situation.
2. Procedure if Bomb Threat is Received
- Telephone Threat:
- a. Obtain all information possible from the individual who is making the phone threat by completing the "Bomb Threat Aid" form below. Form should be located directly under bottom of every phone. Employee receiving threat or suspect item shall immediately call 911, advise Supervisor/Division Director or Law Enforcement Officer on the premises of the situation, and report to the designated staging area with the Bomb Threat Aid card for assessment.
  - b. If the threat is determined to be credible, the most senior staff member or Law Enforcement Officer shall evacuate all personnel to the designated fire/bomb safe area and direct operations until relieved by outside law enforcement.

### **C. Procedure- Fire**

- 1. Fire Identification Procedure
  - a. If a fire is suspected, the employee shall activate a fire alarm, if able.
  - b. Evacuate to designated fire/bomb safe area.
  - c. Call 911 to report situation. Do not dial 7 first to obtain an outside line.

### **D. Procedure- Evacuation**

- 1. Evacuation Procedures in the event of fire, bomb threat, or discovery of a bomb in the work area

#### Employee Responsibility

- a. Prior to leaving the building, visually check your immediate work area for anything that may appear to be "unusual".
- b. DO NOT touch any item that is out of the ordinary.
- c. DO NOT use cellular phones or two-way radios which could activate the device.
- d. Report all suspicious items/activity to your Supervisor immediately.
- e. Secure all funds, work station and office.
- f. Take personal items with you such as purses, briefcases, and backpacks.
- g. All personnel/visitors shall evacuate to bomb/fire safe area.
- h. Remain at the bomb/fire safe area as an office/department unit for further instructions from a Health Department official or emergency response personnel.

#### Office Responsibilities

- a. Each department shall have a primary and secondary Office Monitor who will be responsible for the following:



- b. Maintain a working flashlight.
- c. Obtain an accurate count of all personnel/visitors in the office.
- d. Assign one person to each physically challenged person in the office.
- e. Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
- f. Report to the bomb/fire safe area.
- g. Conduct a second count of all personnel/visitors in the office upon reaching the bomb/fire safe area.
- h. Report to the designated staging area and advise the building monitor that the office has been evacuated.

Each building shall have a primary and secondary Building Monitor who will be responsible for the following:

- a. Maintain a working flashlight.
- b. Evacuate to the fire/bomb safe area.
- c. Verify with the office monitors that all persons have been evacuated.
- d. Report employee/visitor counts to the Health Department representative at the staging area.

**E. Bomb Search** (By specially designated personnel only)

- 1. By the direction of law enforcement officials, specially trained volunteers shall assist the emergency responders in the search of said facility.
- 2. All search operations will be coordinated via an Incident Command Post.
- 3. A representative of the affected facility shall report to the incident command post in order to provide access to building.

**F. Re-Entry**

- 1. After an "All Clear" is issued by law enforcement officials, employees/visitors may return to their office or work.

## REMARKS/COMMENTS

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Name of person taking call:

### A. POLICY

1. The Employer will provide a copy of the Tornado Watch/Warning Procedures to all employees and training on the same. The Employer shall post an evacuation route designating the tornado safe area.
2. Tornado Watch Procedure
  - a. A. Upon notification of a Tornado Watch issued by the National Weather Service, supervisors shall provide notification which states that the area has been put under a Tornado Watch and provide the beginning and ending times of the watch.
  - b. If the Tornado Watch is extended or canceled, notification will be provided.
3. Tornado Warning Procedure
  - a. Upon notification of a Tornado Warning issued by the National Weather Service or other authorized source, supervisors will provide notification over the stating that a Tornado Warning has been issued for the area and to please report to your tornado safe area until further notice.
4. Evacuation Procedures (Tornado Warning)
  - a. Employee Responsibility
    1. All personnel/visitors shall evacuate to their designated tornado safe area.
    2. Remain at the tornado safe area as an office/department unit for further instruction from a Health Department official or emergency response personnel.
  - b. Office Responsibilities
    1. Each office/department shall have a primary and secondary Office Monitor who will be responsible for the following:
      - i. Maintain a working flashlight.
      - ii. Obtain an accurate count of all personnel/visitors in the office.
      - iii. Assign one person to each physically challenged person in the office.
      - iv. Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
      - v. Report to the tornado safe area.
      - vi. Conduct a second count of all personnel/visitors in the office upon reaching the tornado safe area.
      - vii. Report to the designated staging area and advise the building monitor that the office has been evacuated.
    2. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:
      - i. Maintain a working flashlight.
      - ii. Maintain a working weather monitor radio at the designated tornado safe area.
      - iii. Evacuate to the tornado safe areas designated staging area.
      - iv. Verify with the office monitors that all persons have been evacuated.

- v. Report employee/visitor counts to the representative at the staging area.
- 5. Re-Entry
  - a. A. After an "All Clear" has been issued or the tornado warning has expired, employees/visitors may return to their office or workplace.