

**THE CITY OF ALLIANCE
ADMINISTRATIVE POLICIES**

SEPTEMBER 2015

THIS DOCUMENT IS NOT A CONTRACT

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CHAPTER ONE
INTRODUCTION

INTRODUCTION**SECTION 1.1**

Policies are defined as the basic rules which guide administrative action to accomplish the organization's objectives. Well thought out policies which are consistently and fairly administered have contributed greatly to the success of many organizations.

This manual contains the policies and procedures set forth for the employees of the City of Alliance, Ohio. The policies have been written for the intended use of the City's administrative group, department heads, and other supervisory personnel. All personnel charged with the responsibility of administering policy must be thoroughly knowledgeable of the contents of this manual. It is important that policy be administered in a systematic, fair, and impartial manner. Undoubtedly, there will be situations which will require administrative decisions. Every effort must be made to ensure that such decisions are made fairly and impartially, with the general intent of the policy in mind. All circumstances cannot be foreseen.

It is important that, as changes occur in this manual (i.e., additions, deletions, revisions, etc.), these changes be communicated properly to all affected employees. All such changes shall be dated, and copies shall be made and issued to all manual holders.

This policy manual is a guide to be utilized by management personnel to ensure uniformity and non-discriminatory application of the conditions of employment. This manual is not, however, an expressed or implied employment contract, and no representative of the City has the authority to enter into an agreement with an employee that is contrary to the foregoing.

In addition to the policies and procedures herein, each department may have operational rules or policies in writing or in practice which are unique to that department and are not covered in this manual so long as those policies are approved by the Appointing Authority. Employees are responsible for complying with departmental rules or policies as well as those defined herein. If there is a perceived conflict between any departmental rule or policy and the policies and procedures described herein, the Mayor or other appointing authority shall make the final determination regarding the interpretation and application of any rules or policies perceived to be in conflict.

In accordance with the language and intent of Section 4117.10 (A) of the Ohio Revised Code, the provisions of any collective bargaining agreement supersede any policies or state and local laws or ordinances governing wages, hours, terms and conditions of employment. Where no agreement exists, or where an agreement makes no specification about a matter, the public employer and public employees remain subject to all applicable state and local laws or ordinances, inclusive of the policies set forth herein. However, it is not intended that this policy manual be construed to afford any additional fringe benefits to bargaining unit employees where such matter was negotiated between the parties. Probationary employees not covered by any collective bargaining agreement, until the successful completion of the probationary period, shall be covered by the applicable provisions of this policy manual during the term of the probationary period.

OBJECTIVES

SECTION 1.2

The City of Alliance, Ohio, recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective and efficient city government.

The policies and procedures set forth in this manual are designed to:

1. Promote high morale among City employees by fostering good working relationships and by providing uniform personnel policies, opportunities for advancement, and consideration of employee needs;
2. Maintain recruitment and promotional practices which will enhance the attractiveness of a career with the City of Alliance and encourage each employee to give his or her best effort to the City and the public;
3. Provide courteous and dependable service to the public;
4. Provide equal opportunity for qualified persons to enter and progress in the municipal service in a manner based on merit and fitness as ascertained through fair and practical personnel management methods;
5. Ensure that City operations are conducted in an ethical and legal manner and to promote the City's reputation as an efficient, progressive body in the community and state; and
6. Establish acceptable minimum standards of performance.

DEFINITIONS

SECTION 1.3

Unless otherwise indicated in these policies, the following definitions shall apply:

- A. Appointing Authority - City officials who are authorized by law, the Mayor, or any other person or body authorized by the City of Alliance to appoint persons to positions of employment within the City.
- B. Classification (Class) - A group of positions that involve similar duties and responsibilities, require similar qualifications, and that are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one (1) position in some circumstances.
- C. City - The City of Alliance, State of Ohio.
- D. Employer - The elected officials of the City of Alliance and other management staff responsible for the creation, implementation, and enforcement of policies and work procedures of the City offices.

- E. Position - A group of duties and responsibilities assigned or delegated by competent authority, to be performed by one (1) person.
- F. Supervisor - An individual who has been authorized by the Employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding, or disciplining employees under the direction of the Employer; to responsibly direct employees; to adjust their grievances; or to effectively recommend any of these actions.

CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

SECTION 1.4

- A. All employees of the City of Alliance are considered to be classified civil servants unless the position which they occupy has been exempted from the classified service by a lawful request of the Employer or by definition of law. Employees who occupy classified civil service positions shall be referred to as “classified” employees. Classified employees shall be governed by the rules of the Alliance Civil Service Commission and Chapter 124 of the Ohio Revised Code. Classified employees may not actively participate in partisan politics.
- B. Unclassified employees fill positions which have been designated as being exempt from classified service by the elected official, or board, commission, person, or body having the power of appointment or removal from positions in the City. Unclassified employees serve at the pleasure of the Employer. Such employees are not prohibited from partisan political activity. Unclassified employees shall include intermittent employees.
- C. Exemptions from the classified service are recognized by legislative action of the City Council or operation of applicable charter provision.

SCOPE OF COVERAGE

SECTION 1.5

- A. Except as otherwise specified within this manual or specifically exempted by law, the policies and procedures in this manual shall apply to all employees of the City of Alliance, Ohio. **However, where a collective bargaining agreement exists, any provision of the collective bargaining agreement that expressly conflicts with any policy herein shall supersede said policy.**
- B. These policies do not establish tenure or contractual rights for employees not required by law. Although the Employer subscribes to these policies, the Employer reserves the right to waive, amend, or delete any policy or procedure herein to the Employer’s benefit and reserves final determination regarding the interpretation and application of all policies and procedures herein.
- C. These policies shall not be construed to confer any additional rights upon unclassified employees, and such employees may be appointed, laid off, or terminated from

employment without regard to the vacancy, layoff, and disciplinary provisions set forth herein.

- D. With approval of the Mayor and Safety-Service Director individual departments with the City may adopt Standard Operating Procedures (SOPs)/Standard Operating Guidelines (SOGs) or other work rules and regulations. The provisions of this policy manual shall superseded SOPs/SOGs, work rules and regulations, specific to an individual department unless the Mayor and Safety-Service Director authorize otherwise.

MANAGEMENT AUTHORITY**SECTION 1.6**

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

1. To manage and direct employees, including the right to select, hire, promote, transfer, assign, evaluate, layoff, recall, reprimand, suspend, discharge, or otherwise discipline according to law or agreement, and to maintain order among employees.
2. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed.
3. To determine goals, objectives, programs, and services, and to utilize personnel in a manner designed to effectively meet these purposes.
4. To determine the size and composition of the workforce and the organizational structure, including the right to determine the adequacy of the work force, to relieve employees from duty due to lack of work or lack of funds, to transfer or subcontract work, to terminate or eliminate all or any part of its work or facilities.
5. To determine the hours of work, work schedules, and vacation schedules required to most efficiently operate.
6. To determine when a job vacancy exists, the duties to be included in all job classifications, and the standards of quality and performance to be maintained.
7. To determine the necessity to schedule overtime and the amount required thereof.
8. To maintain the security of records and other important data or information.
9. To maintain and improve the efficiency and effectiveness of the operations.
10. To determine and implement necessary actions in emergency situations.
11. To determine the City's budget and allocation of all City funds.

- 12. To exercise complete control and discretion over the City’s organizational structure and the use of technology to perform the work.

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 and any contractual agreement with employees under Ohio’s collective bargaining law.

DISSEMINATION

SECTION 1.7

All departments shall receive a copy of this manual within the first month of adoption or within thirty (30) days following its initial issue. Employees are responsible for familiarizing themselves with the contents of this manual within thirty (30) days following its distribution to their department. Each department shall keep a copy available for review by employees.

All supervisory personnel responsible for administering policy shall receive a copy of and be thoroughly familiar with this manual. Supervisory personnel shall administer all policies and procedures contained herein and ensure that subordinate personnel comply with these policies and procedures. Employees are encouraged to ask their supervisor questions regarding any issue that may be unclear.

All employees are required to sign and return an acknowledgment of receipt of the City’s personnel policy manual. Subsequent updates and/or revisions shall also be distributed and an acknowledgment of receipt of personnel policy revisions obtained. All acknowledgments obtained as part of this manual should be forwarded to the City Auditor for inclusion in the employee’s personnel file.

POLICY AMENDMENT

SECTION 1.8

- A. These rules may be amended, revised, or deleted at any time by the appointing authority.
- B. All ordinances adopted by City Council shall be reviewed by the Auditor to determine whether the ordinance amends, adds, or deletes a section or sections of this manual.

When an ordinance amends, adds, or deletes a section or sections of this manual, the effected manual section(s) shall be modified to comply with the ordinance.

SAVINGS CLAUSE**SECTION 1.9**

If any section or part of this policy manual is invalidated by operation of law or by a court of competent jurisdiction, or compliance with or enforcement of any article or section of this policy manual is restrained by such tribunal, the remainder of this manual and any amendments thereto shall not be affected and shall remain in full force and effect.

PERSONNEL ADMINISTRATION**SECTION 1.10**

- A. The personnel system shall be administered by the department heads as overseen by the Mayor and/or Safety Service Director. The appointing authority and/or department head are charged with the responsibility of ensuring that these personnel policies and procedures are applied in a consistent, objective manner.
- B. In addition to other duties as set forth in this manual, the Auditor, Safety/Service Director, various department heads, and departmental supervisors shall maintain employment records on employees subject to the provisions set forth herein and otherwise established by law. The Auditor is charged with the responsibility of maintaining the official employment records of all employees of the City.

DISSEMINATION/ACKNOWLEDGMENT FORM

SECTION 1.11

All employees shall be given access to the City of Alliance Administrative Policy Manual through the City’s website. A hard copy shall also be available for review in each department.

Please sign the attached and present the acknowledgment slip below to the Appointing Authority for inclusion in your personnel file.

Acknowledgment

Date _____

I have reviewed the City of Alliance Policy and Procedure Manual, which outlines my privileges and obligations as an employee of the City. I will familiarize myself with the information in these directives and understand that I am governed by them, to the extent the issues addressed in the policies are not addressed in an applicable collective bargaining agreement. I understand this manual is not, however, an expressed or implied employment contract, and no representative of the City has the authority to enter into an agreement with an employee that is contrary to the foregoing.

Since the information in these directives is subject to change by appointing actions, it is understood that I will be notified of changes through the usual channels of dissemination.

Signature of Employee

CHAPTER TWO
NON-DISCRIMINATION

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 2.1

- A. The City of Alliance is an Equal Opportunity Employer. All employees and applicants for employment shall be recruited, evaluated, hired, promoted, transferred, demoted, laid off, suspended, terminated, or otherwise dealt with based solely on merit, fitness for duty, and such other bona fide occupational qualifications as each individual might possess. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, military status, genetic information, national origin, age, or disability.
- B. The Employer will not discriminate against employees on the basis of union membership status.
- C. Employees shall not discriminate against any other employee or any person requiring the City’s services because of that individual’s race, color, religion, sex, military status, national origin, age, genetic information or disability.
- D. The Safety/Service Director is the Employer’s EEO Coordinator. The Safety/Service Director is responsible for providing information regarding anti-discrimination employment laws to employees and others and may receive complaints on behalf of the City. The Appointing Authority or its designee is responsible for reviewing and resolving complaints involving alleged discrimination.
- E. The EEO Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity.

The Administration, department heads, and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant.
- F. Complaints, comments, or questions regarding the Employer’s compliance with this policy should be filed in accordance with the forms attached to this policy enactment.

AMERICANS WITH DISABILITIES ACT

SECTION 2.2

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

- B. The EEO Coordinator is also responsible for receiving and causing the review and resolution of complaints involving alleged violations of the ADA. Complaints shall be filed in accordance with the procedure set forth in Section 2.4 of this policy.
- C. Any person who, after an appropriate investigation, is found to have violated the act or engaged in conduct which violates this policy shall be disciplined in accordance with Chapter 8 of this policy manual.

DISCRIMINATORY HARASSMENT

SECTION 2.3

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

- A. Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee’s race, color, religion, sex, military status, genetic information, national origin, age, or disability. Discriminatory harassment includes, but is not limited to, the following:
 - 1. unwanted and/or offensive sexual flirtations, advances, or propositions;
 - 2. verbal abuse of a sexual or discriminatory nature;
 - 3. graphic or degrading verbal or written comments about an individual, the individual’s appearance, or the individual’s race, color, religion, sex, military status, genetic information, national origin, age, or disability;
 - 4. the display of sexually suggestive or personally offensive objects, pictures, or the display of same through other media;
 - 5. the implication or threat that an employee or applicant’s employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant’s submission to sexual or discriminatory harassment in any form; and
 - 6. any offensive, abusive, or unwanted physical contact.
- B. Responsibility
 - 1. It is the responsibility of all employees to aid the Employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and

management, to immediately report any instances of discriminatory harassment to the proper authority (see Complaint Procedure, Section 4). An employee observing any conduct that may constitute discriminatory harassment of any other employee, but fails to report same, may be subject to disciplinary action.

2. It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.
 3. It is the responsibility of management to maintain an environment free from discriminatory harassment. Supervisors shall be trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the related disciplinary procedures.
 4. Employees shall be made aware of this policy and shall be provided training to assist in maintaining an environment free from discriminatory harassment. Newly-hired employees will receive information regarding this policy as a part of their employment orientation.
- C. Once a complaint of discriminatory harassment has been received, or an instance of such harassment has been reported (see Discrimination Complaint Procedure Section 4), the proper member of management will immediately investigate the matter in accordance with the investigation procedure. During the investigation process the accused employee shall be warned that any retaliatory action will result in discipline.
- D. If, after a thorough and prompt investigation, it is determined discriminatory harassment has occurred, the employee who has been found to have committed such harassment will be disciplined in accordance with the discrimination disciplinary procedure (Section 5). The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
- E. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not such harassment has occurred, the complaining employee and/or reporting employee will be informed of same.
- F. Any employee who fails to report an incident of discriminatory harassment and/or fails to cooperate with the Employer during the investigation of a charge of discriminatory harassment shall be subject to disciplinary action up to and including termination of employment. Any employee who knowingly files a false complaint of discriminatory harassment in bad faith may be subject to criminal prosecution.

EEO/DISCRIMINATION COMPLAINT PROCEDURE

SECTION 2.4

- A. Any employee who believes that he/she has been the subject of or witness to discrimination, including any form of discriminatory harassment, should immediately report the alleged act(s) to his department head and/or the Safety/Service Director. If all these individuals are implicated in the alleged discriminatory act, the employee should report the matter to the City’s legal counsel.

- B. The employee alleging discrimination or discriminatory harassment shall complete the Discrimination Complaint Form provided for that purpose. The employee should provide the following information:
 - 1. the employee’s name;
 - 2. the name of the subject or subjects of the complaint;
 - 3. the act(s) complained of;
 - 4. the date(s) of the act(s);
 - 5. any witnesses to the alleged acts; and
 - 6. the remedy the employee is seeking.

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

- C. 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 the following workday after the date the alleged act of discrimination or harassment was reported. The supervisor or department head shall notify the Safety/Service Director as soon as a discrimination complaint is received. If the Safety/Service Director is the subject of the complaint, notification should be made to Legal Counsel.

- D. After the Discrimination Complaint Form has been completed, the complaint will promptly be investigated by the City or its designee.

- E. If the investigation reveals that the complaint is valid, prompt action will be taken to end the discrimination and/or harassment immediately.

- F. The complainant shall be informed of the findings of the investigation as soon as is practicable after the conclusion of the investigation.

- G. When reviewing complaints alleging a violation of the ADA, the City or other designated investigator shall 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 or her complaint.
- H. Any employee who has been found by the Employer, after appropriate investigation, to have committed an act of discrimination or discriminatory harassment against another employee, job applicant, or other person, will be subject to appropriate disciplinary action in accordance with Section 2.5 of this manual.
- I. Non-employees found to have committed an act of discrimination against an employee will be dealt with appropriately as allowed by law.

DISCRIMINATION DISCIPLINARY PROCEDURE**SECTION 2.5**

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.

- A. All complaints alleging 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.
- B. The City or other designated individual shall investigate all complaints and respond to the complainant as soon as possible following completion of the investigation.
- C. The charged party may immediately be suspended with pay or temporarily transferred pending the final resolution of the complaint.
- D. 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.
- E. 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, up to and including possible termination of employment, will be implemented.

CHAPTER THREE
METHOD OF FILLING VACANCIES

**VACANCIES: IDENTIFICATION,
ANNOUNCEMENT, APPLICATION**

SECTION 3.1

A. When the Employer determines to fill a vacancy in the classified service, the rules of the City of Alliance Civil Service Commission (Civil Service Commission), if any, and the applicable provisions of Ohio Revised Code Chapter 124 will be followed. When a vacancy occurs which the appointing authority intends to fill, the appointing authority will submit written notice to the Civil Service Commission, and request if an eligibility list for the classification is available. If an eligibility list is not available, the following provisions shall apply for classified positions other than positions above the rank of police officer and firefighter in the Departments of Police and Fire, respectively.

B. The Employer will publicly announce, by appropriate means, all vacancies in the classified service to be filled other than by promotion, transfer, or reinstatement. Each announcement shall include, insofar as practicable, the job classification title, pay range, department, area of vacancy, required qualifications, description of essential functions, and the posting or application period. In addition, each announcement shall specify the procedures of application and shall contain a statement affirming the City’s commitment to a policy of Equal Employment Opportunity.

“Publicly announce,” as used herein, shall mean posting the position within the department where the vacancy exists as well as at City Hall. Public announcement may also include advertising in local and/or out of area newspapers, notification to other community agencies, colleges, or universities, or other means deemed appropriate by the appointing authority.

An appointing authority may elect to publicly announce a vacancy in the unclassified service.

C. An application form must be properly and timely completed and submitted to the appointing authority and/or department head responsible for posting the position vacancy before an applicant will be considered for employment.

EVALUATION OF APPLICANTS

SECTION 3.2

A. The appointing authority and supervisor of the position to be filled shall evaluate all applicants. Applicants must submit to various job-related screening procedures as deemed appropriate by the departmental official, such as reference checks, interviews, background checks, performance tests, criminal history checks, and/or other job-related selection procedures. It shall be the standard procedure for the City to use a structured interview as the selection process for classified positions.

- B. The appointing authority may also require a selected applicant to pass an appropriate examination as a condition of employment to determine whether the applicant can physically and/or mentally perform the essential functions of the job, with reasonable accommodation where necessary. Pre-employment tests to determine current use of illegal drugs that may affect the applicant’s ability to perform the duties of the job in question may be conducted before a conditional offer of employment.

- C. If the appointing authority requires a physical or psychological examination of applicants for hire or promotion, the appointing authority will only require such examination after conditionally selecting the preferred applicant or applicants for appointment or promotion. The appointing authority, or designee, who sends the applicant for a physical or psychological examination should send a job description to the licensed, qualified practitioner conducting the examination, and request that the practitioner indicate in writing whether the applicant can perform the essential functions of the job identified on the job description; and if not, what accommodation, if any, the applicant would require in order to perform the essential functions of the job.

- D. If the appointing authority requires an applicant to take a medical examination, the City will pay for the cost of the examination.

DISQUALIFICATION	SECTION 3.3
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- A. Otherwise qualified applicants may be eliminated from consideration if the applicant:
 - 1. makes a false statement of material fact in the application/other hiring documents or examination;
 - 2. has committed or attempted to commit a fraudulent act at any stage of the selection process;
 - 3. is an alien not legally permitted to work;
 - 4. has previously been terminated for just cause, except in unusual circumstances to be determined by the Employer;
 - 5. has been convicted of a felony or a crime involving moral turpitude;
 - 6. is addicted to drugs or alcohol;
 - 7. has a pattern of poor work habits and performance with the current or previous employer; or
 - 8. has been guilty of infamous or notoriously disgraceful conduct.

- B. An applicant may be eliminated from consideration upon other reasonable and legal grounds relating to job requirements. If an applicant is hired, and it is subsequently discovered that any of the above disqualifying criteria apply, the employee may be terminated for dishonesty, incompetency, nonfeasance, malfeasance, or other applicable offense.
- C. The appointing authority and department head are responsible for maintaining a record keeping system reflecting the disposition of all job applicants. Such records shall be kept on file for at least seven (7) years and shall include a completed job application, medical examination data, test results, and/or other job-related information. However, if the applicant is hired, his medical and personnel records should be kept in separate files.

PROMOTION**SECTION 3.4**

- A. Promotional opportunities shall be offered to qualified employees whenever possible. The selection process shall be open to all employees interested in applying for the higher level position, although the appointing authority may limit the selection process to only qualified employees to the extent such is permitted by the Ohio Revised Code, Alliance Local Ordinance, Alliance Municipal Civil Service Rule, or applicable collective bargaining agreement.
- B. Factors to consider for promotion shall include, but are not limited to, the employee's knowledge, skills, and abilities to perform the essential functions of his or her present position, the employee's performance evaluation ratings, as well as successful completion of any required training courses for the position that the employee currently holds.
- C. Promotional opportunities within a bargaining unit may be governed by the terms of the applicable collective bargaining agreement.

TEMPORARY ASSIGNMENT**SECTION 3.5**

- A. An employee may be temporarily assigned job duties and responsibilities other than those which he normally performs as deemed necessary by the department head or his designee.
- B. Temporary assignments within a bargaining unit are governed by the terms of the applicable collective bargaining agreement.

**CHAPTER FOUR
EMPLOYMENT STATUS**

EMPLOYMENT STATUS

SECTION 4.1

- A. All employees of the City of Alliance, Ohio, shall be classified as follows:
1. Full-Time Employee - An employee who works the full standard work week as established by the City for that department. The standard work week is generally forty (40) hours, but may vary by department, e.g. Fire Department.
 2. Part-Time Employee - An employee hired with the expectation that he will not be scheduled to work more than thirty (30) hours a week on average. Part-time employees shall not be eligible for benefits such as longevity, vacation, sick leave, personal leave, etc., unless specifically set forth by City ordinance.
 3. External Temporary, Seasonal, or Intermittent Employee - An employee who works in a position which is of a non-permanent nature and which is unclassified and serves at the pleasure of the appointing authority. A temporary appointment shall not exceed six (6) months. An intermittent employee generally works on an as-needed basis, generally not to exceed one thousand forty (1,040) hours per year. (These employees shall be covered by Workers' Compensation, but shall not be entitled to any other benefits, unless otherwise required by law.). Temporary, Seasonal, and Intermittent employees shall not be eligible for benefits, except as allowed by Civil Service rules or City ordinances. .
 4. Interim Employee - An employee who is hired for an indefinite period of time to replace an employee who is absent due to illness, injury, or disability. Full-time interim employees shall be entitled to benefits during their period of interim employment, provided the interim appointment exceeds six (6) months.

Benefits shall be effective only after completion of six (6) months and shall not be retroactive.
 5. Contract Employee - An employee hired for a specific purpose and compensated for a certain number of hours stated within the contract.

MEDICAL EXAMINATIONS

SECTION 4.2

- A. A medical (physical or psychological) examination may be required by a department head when he or she reasonably suspects that a medical examination is necessary to ensure that current employees are physically and mentally able to perform the essential functions of their job. The City may select the licensed practitioner and shall pay the cost of the examination.

- B. Incumbents of specified positions may be legally required to submit to regularly scheduled medical exams during their period of employment with the City. The City shall pay the cost of such examinations.

IMMIGRATION REFORM AND CONTROL

SECTION 4.3

- A. In order to comply with the provisions of the Immigration Reform and Control Act of 1986, the City of Alliance has adopted the following procedures:
 - 1. Within three (3) business days after the appointment of the job applicant, the Employer or designee shall examine documentation presented by the new employee which demonstrates that the new employee is lawfully authorized to work in the United States as either a U.S. citizen or a properly “documented alien.” See Employment Eligibility Verification Form (I-9) in Section 12.
 - 2. The City 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.
- B. 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.
- C. Should an employee be rehired or reinstated by the City 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.
- D. The hiring of a new employee shall be conditional upon the employee demonstrating, in accordance with the requirements of the Act, that he or she is authorized to work in the United States as a citizen or properly “documented alien.”

CHAPTER FIVE
EMPLOYEE PERFORMANCE

ORIENTATION**SECTION 5.1**

- A. Upon appointment, all employees will be notified of the expectation that they will familiarize themselves with the contents of this manual within thirty (30) days. New employees shall also be provided all notices, forms, and documents required, and be required to sign all acknowledgments, forms, and documents required by law or the Employer. Bargaining unit employees shall also be notified of the existence of the collective bargaining agreement.
- B. All newly hired employees will participate in an employee orientation regarding the policies, procedures, and operations of the Employer and the responsibilities of the employee's position. This orientation will be conducted by the immediate supervisor.

PROBATION**SECTION 5.2**

- A. There shall be a probationary period of up to one hundred eighty (180) days for new appointees to any position with the City. The probationary employee may be terminated with or without just cause during the probationary period. In those departments where certification is required, permanent appointment is dependent upon obtaining the appropriate certification applicable to the given department. An employee who is terminated or disciplined for failure to maintain required licensure or certification shall have no right to appeal such action. All such employees shall be considered probationary employees for either one hundred eighty (180) calendar days, or the time it takes the employee to obtain certification, not to exceed one (1) calendar year.
- B. Every person promoted to a non-entry level position shall serve a probationary period of no less than one hundred eighty days (180) and not more than one (1) calendar year. The appointing authority retains the discretion to demote an employee who does not successfully complete the promotional probation.
- C. The probationary period for original appointment to the position of police officer or firefighter shall be for a period of one (1) calendar year.
- D. Where a collective bargaining agreement expressly addresses original or probationary periods the provision of the collective bargaining agreement shall prevail.

PERFORMANCE EVALUATION**SECTION 5.3**

- A. Performance evaluations are designed to help the supervisor and the employee measure how well the employee is doing on the job.
- B. The work performance of each permanent employee shall be evaluated in accordance with procedures established by the appointing authority. An employee shall generally

- be evaluated annually during the anniversary month of his or her employment or last promotion. Special evaluations may be made if authorized by the appointing authority. Probationary employees shall be evaluated at the mid-point of their probationary period, and again immediately prior to the completion thereof.
- C. Each employee shall be provided a copy of his or her performance evaluation. The supervisor or department head shall discuss the report with the employee and shall counsel the employee regarding his or her career and any improvement in performance which appears desirable or necessary. A copy of the performance evaluation shall be forwarded Safety Service Director and the original shall be placed in the department's personnel file.
- D. Employees dissatisfied with their performance evaluations may attach a written response to the evaluation. The written response shall be made a part of the employee's personnel file.

EMPLOYEE DISABILITY**SECTION 5.4**

- A. If an employee is disabled and requests an accommodation for such disability, the appointing authority, or designee, will determine whether the employee can perform the essential functions of the job with some reasonable accommodation. If so, the appointing authority, or designee, will make an appropriate accommodation. If the appointing authority cannot accommodate a disabled employee in his or her current position, the appointing authority may place the employee in a lower available vacancy for which the employee is qualified. Absent such a vacancy, the appointing authority may place the employee on disability leave under the procedures for such leave.
- B. If an employee claims a disability and requests an accommodation, the appointing authority, or designee, should: (1) review the job description and essential function statement with the employee; and (2) ask the employee whether the employee can still perform the essential functions of the job with some accommodation. If the employee answers in the affirmative, the appointing authority should ask the employee what accommodation he or she requires and whether any other accommodation would also allow the employee to perform the essential job functions. The appointing authority may also consider accommodations that are not suggested by the employee. The accommodation the appointing authority selects need only allow the employee to function; it need not be the best. Any accommodation made must remain confidential, and will be treated as such under the appointing authority's other policies and procedures on confidential information.
- C. If the employee says he or she cannot do the job with an accommodation, the appointing authority may concur with the employee, or may suggest an alternative course of action. The appointing authority may determine that some accommodation will allow the employee to do the job to the appointing authority's satisfaction, and

the appointing authority may evaluate the employee using current performance standards. As a last resort, the appointing authority should consider demotion into an existing vacancy where no other accommodation is possible and the employee is able to perform the job in a satisfactory manner without an accommodation. The appointing authority may consult a medical advisor or other appropriate licensed practitioner for verification.

- D. When deciding whether an accommodation is reasonable, the appointing authority may consider among other things:
1. Allowing use of leave entitlement for treatment;
 2. Allowing flexible hours;
 3. Providing transportation during working hours if the job duties require vehicle mobility;
 4. Providing reserved parking spaces;
 5. Providing assistance from other employees;
 6. Allowing the employee to use his or her own equipment or aids; and
 7. Reassignment of non-essential job functions.

The appointing authority need not allow additional break time nor promote an employee as an accommodation.

EMPLOYEE TESTING/FITNESS FOR DUTY**SECTION 5.5**

- A. Testing of Probationary Employees. The City, at its own expense, retains the management right to conduct physical and agility testing, psychological testing, and other non-discriminatory job-related testing for a probationary employee and require that such tests be taken prior to hiring or prior to the completion of that probationary period.
- B. Testing of Non-Probationary Employees. The City, at its own expense, also retains the management right to conduct physical, agility, psychological and other non-discriminatory job related testing where the City reasonably determines such testing to be necessary to insure the continuing capabilities of its non-probationary employees.
- C. Fitness for Duty. The Employer reserves the right to have an employee alleging illness or injury to submit to a physical examination or examinations at the Employer's sole discretion and the Employer's expense, for purposes of determining

fitness for duty. Additionally, if the Employer has a reasonable basis for believing that an employee is no longer mentally or physically capable of performing the essential functions of his position, or poses a danger to himself or others, the Employer may order an examination by an appropriately qualified medical professional, at the Employer's expense. Upon receipt of the medical professional's opinion on fitness for duty, the Employer, the Union, and the employee will meet to discuss possible alternatives and/or accommodations. If no alternative or accommodation is mutually agreeable, then the employee will be placed on sick leave (concurrent with family medical leave), other paid leave, and then a disability separation initiated.

**CHAPTER SIX
COMPENSATION**

COMPENSATION

SECTION 6.1

A. General

The compensation practices of the Employer shall comply with sound personnel management principles and practices and be in accordance with applicable ordinances, laws, and regulations. No compensation decisions shall be unlawfully based upon race, color, religion, sex, genetic information, military status, national origin, age, or disability.

B. Longevity Pay (Non-Bargaining Unit Employees)

Full-time employees hired prior to January 1, 2015, shall be placed in one of the following groups and classified according to their continuous service record and shall receive the following compensation.

<u>CLASSIFICATION</u>	<u>COMPENSATION</u>
Group A – 0 through 4 years	\$0.00 per month
Group B – over 4 years through 10 years	\$ 30.00 per month
Group C – over 10 years through 15 years	\$ 70.00 per month
Group D – over 15 years through 20 years	\$ 90.00 per month
Group E – over 20 years	\$110.00 per month

Longevity shall be paid in equal installments in the second pay in June and the first pay of December.

C. Continuous Service

Continuous service of an eligible employee shall be determined by using the date on which the employee was last hired by the City. Any eligible employee who leaves the employment of the City for any reason other than as indicated below shall be considered as having broken his/her continuous service record, and if such employee is later re-hired by the City, the employee shall begin a new continuous service record on the day he/she is rehired.

If an employee has been granted a medical leave of absence or is on sick leave or on a tour of duty in any branch of the Armed Forces of the United States, the employee shall have such time credited to his continuous service with the City for purposes of longevity payment calculation. A layoff shall not be considered a break in service, but the duration of the layoff shall not be counted towards length of service.

Employees hired on or after January 1, 2015, shall not be eligible for longevity payments.

The above longevity schedule may be modified at any time by City Council.

PAY PERIODS/PAYROLL

SECTION 6.2

- A. The Auditor will establish twenty-six (26) pay periods per year each consisting of two (2) weeks. The bi-weekly pay period for employees begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the second succeeding Saturday.
- B. The Auditor may establish procedures to administer payroll.

OVERTIME

SECTION 6.3

A. Work Period for Calculating Overtime

The Fair Labor Standards Act (FLSA) requires employers to designate a “work period” for purposes of calculating overtime. The work period usually corresponds with a work week, but need not do so. The work period for purposes of payroll and for the calculation of overtime shall be designated by the appointing authority or collective bargaining agreement. The normal work period for employees of the City will be seven (7) consecutive days, beginning Sunday, 12:00 a.m. through Saturday, 11:59 p.m. Some departments may use a different work period based on operational need.

B. Eligible Employees, Calculating Overtime

Each eligible employee in the classified or unclassified service shall be entitled to overtime compensation at one and one-half (1 1/2) times his or her regular rate of pay for time in actual hours worked during the work period, including holiday time, once the employee’s hours exceed forty (40) hours per work period, except those employees who have been placed in an exempt category as specified by the Ohio Revised Code (ORC) and the Fair Labor Standards Act (FLSA).

C. Bargaining Unit Employees

Overtime compensation due under the collective bargaining agreements shall be paid according to the terms of the applicable agreement. Overtime compensation due under the Federal Labor Standards Act (FLSA) and the Ohio Revised Code (ORC) shall be paid according to the provisions of applicable statutory and regulatory authority.

OVERTIME APPROVAL

SECTION 6.4

- A. All overtime must be approved, in writing, by the department head, unless otherwise provided by the terms of an applicable collective bargaining agreement.

- B. Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to any overtime compensation.

WORK SCHEDULING**SECTION 6.5**

- A. The appointing authority or designee shall establish the standard work day, work week, and starting and quitting times for employees in each department under the appointing authority's control in consideration of current and anticipated workload, public service needs, and other related factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the appointing authority's right to restructure the work day or work week.
1. Each department's or office's standard work day, work week, starting and quitting times, and other items required to be established by the FLSA shall be communicated to the affected employee.
 2. The Employer may utilize "time off" or flexible hours in order to avoid employees working in excess of the standard work week or forty (40) hours in a week. Flex-time scheduling must have prior approval of the department head.
- B. Subject to the discretion of the Employer, employees may be authorized to take break periods during the work day. Such breaks shall never interfere with the proper performance of the employee's work responsibilities.

TIME RECORDS**SECTION 6.6**

- A. All non-exempt (hourly) employees are required to record all hours worked for the Employer, including the times the employee started work and stopped work each work day. Time sheets are used by the Employer to document the hours worked by non-FLSA-exempt employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the Employer may result in disciplinary action.
- B. Full-time and part-time employees reporting hours worked on weekly time sheets shall indicate on the time sheet all actual hours worked in the weekly period. Employees shall only complete their own time sheets. Any employee who marks on another employee's time sheet will be subject to appropriate disciplinary action.
- C. Failure to properly sign in and out, as required, misrepresentation of time worked, the altering of any time record, or allowing a time record to be altered by others will result in disciplinary action.
- D. All full-time exempt city employees shall be expected to complete their work in a professional manner within a reasonable time frame. If the Employer believes that a full-time employee is not sufficiently completing his work in a timely manner or is

engaged in the misuse of his time, the Employer may require the employee to record his accurate starting and stopping times each work day.

STARTING/QUITTING TIMES

SECTION 6.7

- A. Full-time and part-time FLSA non-exempt employees are not permitted to commence work and/or sign/clock-in more than seven (7) minutes before their scheduled starting time or continue working and/or sign/clock-out more than seven (7) minutes after their scheduled quitting time without the advanced approval of the Department Head and/or their immediate supervisor, except in emergency situations where advance approval cannot be obtained.
- B. Full-time and part-time FLSA non-exempt employees who are authorized a specified non-paid meal period each work day shall be completely relieved from work assignments during this period, and will not be compensated for such period, unless approved in advance by the Department Head and/or supervisor.
- C. Employees shall not work past their scheduled quitting time unless they have obtained advance approval from their Department Head and/or immediate supervisor and/or they are dealing with an emergency situation. Employees who are required to work past their scheduled quitting time due to a non-emergency situation must receive approval in writing from their department head.

PENSION/RETIREMENT

SECTION 6.8

- A. All employees (except uniformed personnel) are required by law to participate in the Public Employees Retirement System (PERS). All police officers and firefighters are required by law to participate in the Ohio Police and Fire Pension Fund (OPFPF).
 - 1. Upon initial employment with the City, an employee is required to file a personal history record identifying the employee’s name, social security number, date of birth, members of immediate family, etc.
 - 2. Both the employee and the Employer are required to contribute to the respective retirement system in amounts set by state law. The employee’s contribution is paid by payroll deduction.
 - 3. Questions regarding these plans should be directed to:

Ohio Public Employees
 Retirement System
 277 E. Town Street
 Columbus, Ohio 43215
 (614) 466-2085

Ohio Police & Fire
 Pension Fund
 140 East Town Street
 Columbus, Ohio 43215
 (614) 228-2975

The employee's social security number should be included with any correspondence to PERS or OPFPF.

B. Notice

To allow for proper administrative processing, all employees are encouraged to notify their appointing authority of their anticipated retirement in writing at least sixty (60) days prior to the effective date of their retirement.

WORKERS' COMPENSATION**SECTION 6.9**

State law provides that every employee of the City is eligible for Workers' Compensation for an injury or illness arising out of or in the course of his or her employment. Guidelines for administering Workers' Compensation are set forth as follows:

- A. Should an employee be injured during the course of employment with the City, the employee should notify his or her immediate supervisor who will complete a Report of Injury/Illness form. This report shall be completed, regardless of the apparent seriousness of the injury, and regardless of whether medical attention is required. The original incident form shall be forwarded to the Safety-Service Director as soon as completed and not later than twenty-four (24) hours after the incident. Failure to file a Report of Injury/Illness form within the time provided by this section shall constitute a disciplinable offense.
- B. Should an employee's injury require medical attention, the employee shall inform the attending physician that the injury occurred at work and may be covered by Workers' Compensation. The attending physician will complete the proper form (First Report of an Injury, Occupational Disease, or Death-BWC-1101); the form must be forwarded to the Auditor and the City's managed care organization administrator. Workers' Compensation claim forms shall be completed by the administration and submitted to the Bureau of Workers' Compensation for payment. The employee shall also complete a BWC Authorization for Release of Medical Information form. Any documents received by the injured employee from his or her physician, hospital, or the state, regarding Workers' Compensation claims, must be forwarded immediately to the Auditor
- C. For administrative purposes, in the event of a serious injury, the injured employee's supervisor shall notify the Safety-Service Director immediately so that, if necessary, an investigation may be initiated.
- D. The department head and Auditor must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing their department head with their expected date of return.

- E. Employees who are injured in the line of work and must leave work before completing their work period shall have the balance of time left in their scheduled work day deducted from sick leave.
- F. When confronted with an employee claiming a disability under the Workers' Compensation system, the City shall attempt to make a reasonable accommodation that would allow the employee to continue performing the essential functions of his or her job.

When submitting information to the Bureau of Workers' Compensation or the Industrial Commission, the City should include:

1. Copies of the employee's job description showing the essential functions;
2. Related medical records; and
3. Any offer of reasonable accommodation.

The City should provide the same information to any examining physician or other appropriate, licensed practitioner involved in the case.

EXPENSES	SECTION 6.10
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- A. Mileage and car allowances for applicable employees are as follows:

Court Bailiff	\$150.00 per month
Litter control	\$100.00 per month
Recreation Director	\$100.00 per month
Mayor	\$100.00 per month
Safety/Service Director	\$100.00 per month
Auditor	\$50.00 per month
Law Director	\$50.00 per month
Income Tax Administrator	\$50.00 per month
Police Prosecutor I	\$50.00 per month
Police Prosecutor II	\$50.00 per month
Real Estate & Rehabilitation Officer	\$50.00 per month
Senior Citizen Outreach Worker	\$50.00 per month
Athletic Field Commissioner	\$50.00 per month

- B. Use of Private Vehicles. An employee, authorized to use a private vehicle for any job-related court appearance, pre-trial appearance, training, seminars, meetings, conferences, continuing education programs, or any other job-related activities shall

be reimbursed for mileage at the same rate per mile as used by the Federal IRS for mileage costs or allowances, after completing the appropriate request form and receiving approval for such use.

UNIFORM ALLOWANCE

SECTION 6.11

The Safety-Service Director may designate certain positions to be required to wear uniforms. Employees required to wear a uniform shall receive a uniform allowance as established by the City.

GROUP HEALTH INSURANCE

SECTION 6.12

A. Eligibility

All full-time employees in active pay status may be eligible to participate in the Employer’s health insurance program under the cost sharing arrangement determined by the Employer. The Employer’s insurance carrier shall determine the eligibility of any employee and the Employer shall not be liable for the rejection of any employee for coverage. The Employer further reserves the exclusive right to select or change the insurance carrier, set benefit levels, or otherwise determine the costs and methods associated with the provision of coverage. The Employer may modify the medical insurance offerings and the terms and conditions for participation at its discretion at any time.

With written approval by the Safety Service Director, medical insurance may be provided to part-time employees at the discretion of the City, and in compliance with applicable law.

- B. Each participating employee shall sign a payroll authorization form for the applicable deduction in order to participate in or continue coverage.
- C. Employees desiring insurance coverage shall complete an application. Employees declining coverage shall sign a waiver of coverage.
- D. When a spouse works for the City, the Employer will pay for only one (1) family plan. Each employee shall be provided a booklet detailing the City’s medical benefit plan.
- E. Employees should refer to the insurance benefit plan booklet for information regarding deductible amounts.

F. Leaves of Absence

1. 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.

2. Unpaid Leave of Absence – Workers’ Compensation

Employees who go on an unpaid leave of absence, excluding family and medical leave, or other unpaid status may remain eligible for coverage but must pay the entire premium amount until return to active pay status.

Except as provided under the Family and Medical Leave section of this manual, anytime an employee is absent from work without approved paid leave, the City’s obligation to pay any portion of insurance premium costs shall cease immediately.

G. The appointing authority shall immediately notify the Auditor in writing when an employee is:

- 1. separated from service;
- 2. off work on workers’ compensation; or
- 3. on any other unpaid leave of absence.

CONTINUED GROUP HEALTH INSURANCE **SECTION 6.13**

A. In general, an employee who is covered under the City’s group health benefit plan and who loses coverage due to a reduction in hours or a termination of employment (for other than gross misconduct), is entitled to purchase continuing coverage at his or her own expense. The employee’s spouse and dependents also have the right to continued coverage.

This continued coverage is typically called COBRA coverage. Questions related to the continuation of group health coverage should be directed to the Auditor.

OTHER INSURANCE **SECTION 6.14**

A. Dental Insurance. The City of Alliance may maintain dental insurance coverage for employees. The City retains the discretion to modify the dental insurance coverage

offered. If provided, employees will pay a portion of the cost as established by the City.

- B. Other Insurance. The City may offer other insurance, such as vision insurance, to full-time employees. The City retains the discretion to modify said insurance coverage offered. If provided, employees will pay a portion of the cost as established by the City.

EDUCATION REIMBURSEMENT	SECTION 6.15
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- A. Where there has been prior written approval by the Department Head and the Safety Service Director, the City may reimburse employees, within (30) calendar days of grade submission for all tuition, fees, and course mandated materials, including books, for job related continuing education programs.
- B. If an employee takes a course in which no letter grade is given, the City will reimburse 100% of all tuition and mandated expenses within thirty (30) days of proof of completion of the course by the employee. Where a grade is given, reimbursement shall be made according to the following schedule:

<u>Employee Earns a Letter Grade or Equivalent of</u>	<u>City Pays this Percentage of Tuition and Mandated Expenses</u>
A	100%
B	85%
C	75%
Below C	0%

CHAPTER SEVEN
LEAVES AND ABSENCES

HOLIDAYS

SECTION 7.1

- A. Employees shall receive compensation in pay or accumulative holiday time for the following legal holidays:
 - 1. New Year’s Day
 - 2. Martin Luther King Day
 - 3. President’s Day
 - 4. Good Friday
 - 5. Memorial Day
 - 6. Independence Day
 - 7. Labor Day
 - 8. Veteran’s Day
 - 9. Thanksgiving Day
 - 10. Christmas Day
 - 11. Day after Thanksgiving
 - 12. One (1) Personal Holiday consisting of eight (8) hours or seven (7) hours, as applicable.

- B. Employees shall receive eight (8) or seven (7) hours, as applicable, of compensation in pay at their base hourly rate of pay or eight (8) hours or seven (7) hours, as applicable, of accumulative holiday time for said each legal holiday.

- C. Each department head shall determine staffing on holidays.

- D. If an employee chooses to accumulate holiday time in lieu of compensation in pay, said employee shall receive eight (8) hours or seven (7) hours at their base hourly rate of pay, as applicable, of accumulative time at regular rate of pay.

- E. Park Department and Cemetery employees working a 40-hour work week shall be entitled to New Year’s Day, Christmas and Thanksgiving. All other holiday time will be taken as vacation in addition to their normal vacation accumulation.

- F. If an employee is absent their normally scheduled day preceding or following each holiday, holiday pay is forfeited. An employee must be credited with working a full scheduled shift preceding and following each holiday to qualify for holiday pay. Credited time for this holiday pay is defined as being at work or using any earned legitimate compensation time or a combination of both. Sick leave is not considered legitimate compensation, excepting when used for funeral leave or with a physician’s certification.

- G. In those departments where work is regularly scheduled on all the holidays identified in subsection (A) the employee shall be paid or receive compensatory time of one and one-half (1.5) times his regular base rate for all hours worked on the holiday. When an employee is not scheduled to work on a holiday, he is entitled to compensation only as set forth in subsection (B).

- H. Any employee who reports off sick on a scheduled holiday is denied holiday compensation and is paid eight (8) hours, or as applicable, at his base hourly rate of pay and the pay is charged against accumulated sick leave.

- I. Part time employees are exempt from the benefits of this section, excepting Section 7.1(G)

VACATION	SECTION 7.2
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- A. Vacation Eligibility

- 1. Full-time employees are entitled to take vacation leave after having completed one (1) year of service with the City of Alliance. An employee with less than one (1) applicable amount of vacation leave on his first anniversary of employment

- B. Earned Vacation

- 1. Full-time non-bargaining unit employees earn paid vacation leave based upon continuous service according to the following schedule:

Employees hired full-time on or before January 1, 2015

<u>Length of Full-time Service</u>	<u>Vacation</u>
After completion of 1 year	80 hours or 70 hours as applicable
After completion of 6 years	120 hours or 105 hours as applicable
After completion of 12 years	160 hours or 140 hours as applicable
After completion of 17 years	200 hours or 175 hours as applicable
After completion of 21 years	240 hours or 210 hours as applicable

Employees hired after January 1, 2015

<u>Length of Full-time Service</u>	<u>Vacation</u>
After completion of 1 year	80 hours or 70 hours as applicable
After completion of 6 years	120 hours or 105 hours as applicable
After completion of 13 years	160 hours or 140 hours as applicable
After completion of 20 years	200 hours or 210 hours as applicable

- 2. Bargaining unit employees should refer to their respective bargaining agreements for the applicable vacation accrual schedule.
- 3. Full-time anniversary date, for the purpose of vacation, shall be used only to establish eligibility for the next highest vacation bracket. In order to receive the additional vacation, an employee must have, on his full-time anniversary date, completed the year specified in the vacation schedule. Vacation leave accrues while on vacation, paid military leave, and sick leave. No vacation is earned while an employee is in no-pay status. Prorated vacation credit is given for any part of a pay period.

C. Vacation Usage and Scheduling

During the vacation provided for, full-time employees shall be entitled to pay at the employee's regular rate of compensation, for the number of hours the employee is regularly scheduled to work, e.g., eight (8) hours or seven (7) hours per day. An employee who leaves the employ of the City for any reason will receive pay at his base hourly rate for vacation that he may have been eligible for if not already taken at the time of termination.

Scheduling of vacation leave shall be determined by rules or policies as established by Administration.

D. Accumulation and Carry-Over. Vacation leave shall be taken by an employee in the year in which it was accrued and by the next anniversary date of employment. Vacation time under the provisions of this subsection may accumulate from one year to another up to a maximum of thirty (30) days provided the employee has used a minimum of two weeks vacation in that year. Vacation time accrued over the maximum amount of thirty (30) days, shall be forfeited.**E. Conversion of Vacation into Pay.** While the City encourages employees to take all available vacation time off, an employee earning fifteen (15) or more days of vacation may elect to be paid at his regular base rate for all but two (2) weeks (ten [10] days) of unused vacation each calendar year. Each employee must take at least one (1) week vacation per year after the first year of employment. The leave that is converted shall be that which is earned in the given year and payment shall be made by January 31 of the year following the leave being earned. The amount of leave considered earnable salary shall be reduced by any leave utilized during the year for which it is being earned and no employee shall be permitted to receive payment for more vacation leave that he otherwise earns in a given year.**F.** Except with approval from the appointing authority, employees are only entitled to have their prior service with the City of Alliance counted towards their full-time vacation service credit with the City. Any employee having service credit with the City of Alliance shall have this credit applied to his/her anniversary date for the purpose of vacation. An employee shall not receive the credit if he received payment for his unused vacation leave after his previous separation from the City. Upon approval, and at the discretion of the appointing authority, an employee may have his/her vacation service credit adjusted to include all or a portion of his/her prior service with the state or a political subdivision.

SICK LEAVE

SECTION 7.3

A. Accrual

1. All full-time non-bargaining unit employees shall earn sick leave at the rate of 4.6 hours for each eighty (80) hours of service, one hundred twenty (120) hours maximum annually. Service for sick leave credit includes all hours in paid status, which shall include non-overtime hours for which an employee receives pay from the City except sick leave (exclusive of personal sick days, bonus sick days, and funeral leave) unpaid leave, unpaid suspension, or layoff. An employee who has been laid off, suspended, or is on leave of absence will not accumulate or receive sick leave credit. Part time employees may receive sick time as provided herein with written approval by the Safety Service Director.
2. General Administration. The use of sick leave shall be determined by rules or policies as established by the City. The City may establish rules, regulations and policies regarding the use and administration of sick leave.
3. Credit for Prior Public Service. Sick leave shall not be transferrable to the City from another public entity.

B. Usage of Sick Leave

1. Sick leave shall be identified as an absence with pay necessitated by:
 - a. Illness or injury to the employee;
 - b. Exposure by the employee to a contagious disease communicable to other employees;
 - c. Illness, injury or death in the employee’s immediate family;
 - c. Examination of the employee, including medical, psychological, dental or optical examination, by an appropriate practitioner, when such examination cannot be scheduled during non-work hours.
2. For purposes of this section, as applied to non-bargaining unit employees, “immediate family” shall be defined to include only the employee’s spouse, children, step-children (in home), parents, mother-in-law, and father-in-law. Bargaining unit employees should refer to the applicable provisions of their contracts for the definitions of immediate family.
3. Sick leave may be used in segments of not less than one (1) hour.

4. An employee who is to be absent on sick leave shall notify the Employer, in a manner designated by the department head, of such absence and the reason therefore at least one (1) hour before the start of his work shift for each day of absence, unless the employee has made other reporting arrangements with his immediate supervisor. Failure to notify the Employer as required prior to the start of his shift shall result in denial of sick leave pay for that day.

C. Application for Use of Leave

1. An employee requesting sick leave for a scheduled medical appointment shall complete the appropriate leave usage form and submit the form to the department head as soon as possible prior to the date of the scheduled medical appointment.
2. Upon return to work from non-scheduled sick leave, an employee must complete the appropriate leave usage form and submit the form to the department head no later than the second day after the return to work.
3. The department head shall review the completed form and the circumstances surrounding the absence. The department head shall approve or deny the sick leave.

D. Proof of Illness or Injury

1. Before an absence may be charged against accumulated sick leave, the Employer will require such proof of illness, injury or consultations in the form of a written signed statement. If medical attention is required an acceptable certificate from a licensed medical practitioner may be required to justify the use of sick leave. The Employer may require the employee to be examined by a physician designated by the Employer. Such examination shall be paid by the Employer.
2. In any event, an employee absent more than three (3) consecutive work days shall supply proof of illness as required by the Employer. If the employee fails to submit adequate proof as required by this section upon the date he/she returns to work, such leave may be considered an unauthorized leave and discipline may be issued. If the Employer finds that the written statement was falsified, such shall be grounds for dismissal.
3. If an employee fails to submit adequate proof of illness or injury upon request, or in the event that upon such proof as is submitted, or upon the report of medical examination, the Employer, at its sole discretion, finds there is not satisfactory evidence of illness or injury sufficient to justify the employee's absence, such leave may, at the Employer's sole discretion, be considered an unauthorized leave and shall be without pay.

E. Sick Leave Abuse

1. Any abuse or patterned use of sick leave shall be just and sufficient cause for disciplinary action. Employees are expected to be in their homes or hospitalized while on sick leave due to illness unless on a medical-related errand or at an appointment.
2. 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.

F. An unpaid leave of absence for illness or injury is provided only under the terms of the City’s policy pursuant to the Family and Medical Leave Act (FMLA). It is the responsibility of the employee to request Family and Medical Leave (FML).

G. Sick Leave Transfer. An employee who transfers from one department to another department of the Employer shall be allowed to transfer his/her accumulated sick leave to the new department. Sick leave shall not be transferable to the City of Alliance from another public entity.

H. Sick Leave on Scheduled Holidays. Any employee who reports off sick on a scheduled holiday is denied any holiday compensation and shall have said time off charged against accumulated sick leave.

SICK LEAVE CONVERSION	SECTION 7.4
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A. Employees who retire according to the rules and regulations established by the applicable retirement board, shall be compensated in a lump sum for that portion of unused sick leave as follows:

1. For employees hired before January 1, 2015 all sick leave hours on credit up to a maximum of 960 hours. Additionally, twenty-five percent (25%) of all sick leave hours over 960 hours, up to a maximum of 600 hours (maximum of 150 additional hours paid). Under no circumstances will more than 1110 hours be paid.
2. For employees hired on or after January 1, 2015 the maximum sick leave conversion shall be twenty-five percent (25%) of their accumulation, not to exceed two hundred and forty (240) hours paid.

B. A lump sum payment shall be calculated on the basis of the employee’s base hourly rate multiplied by the number of sick leave hours for which he/she is to be paid.

Employees who have retired and received lump sum payments for sick leave credit as outlined above, shall not, upon re-employment by the City, be eligible for sick leave reaccruiting.

- C. The death of a retirement eligible employee with ten (10) years public service shall be treated as a retirement for the purpose of payment of sick leave lump sum amounts either to the deceased employee's estate or in accordance with R.C. 2113.04.
- D. The Auditor is authorized to make such cash payment upon the retirement of full-time City employee after such employee has made his/her election.

SICK LEAVE BONUS

SECTION 7.5

- A. Employees shall be granted eight (8) hours or seven (7) hours, as applicable, of accumulative time off; or, eight (8) hours or seven (7) hours, as applicable, of compensation at the employee's base rate of pay for every six (6) consecutive months of perfect attendance. Injury on duty, death in immediate family, previously scheduled vacation, or personal leave shall not be considered as a break in the six (6) consecutive month period.
- B. The sick leave bonus day shall be taken within the six (6) months immediately following the date it is credited to the employee or it shall be forfeited.

FUNERAL LEAVE

SECTION 7.6

- A. An employee may be off work with pay up to a maximum of three (3) days for the death of a member of the employee's immediate family and charged against sick leave.
- B. In order to receive payment for a day's funeral leave, the employee must have been scheduled for work on the date or dates for which he requests payment, and if more than one (1) day is claimed (up to a maximum of three [3]), the leave must be continuous and occur within and/or include the date of the death and the date of the funeral. Any exception to this rule must be approved by the Safety Service Director.
- C. Immediate family for the purposes of this benefit shall include: mother, father, spouse, mother-in-law, father-in-law, grandparents, children, grandchildren, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, spousal grandparents, foster children, and step children living in the home.
- D. The Safety-Service Director may authorize additional time off to be charged against the employee's sick leave, for an out of state funeral or special circumstances, such as the need to take care of the business affairs of the deceased.

ABSENCE WITHOUT APPROVED LEAVE

SECTION 7.7

- A. Any employee who fails to report to work as scheduled without having such absence approved in advance by the Employer (i.e., vacation, court leave, military leave, etc.) shall be considered absent without approved leave.
- B. Employees with an illness or injury qualifying for sick leave, who have sufficient accrued sick leave to cover the period of absence, may notify their supervisor or designee in accordance with Section 7.3 herein and request approval of said absence after its occurrence by submitting the Request for Use of Sick Leave form. However, employees without sufficient sick leave to cover their absence, regardless of the reason for their absence, shall be considered absent without approved leave unless the employee has some other form of leave (i.e., vacation, compensatory time, family and medical leave) approved in advance of such absence.
- C. Any employee absent without approved leave shall be subject to disciplinary action including possible removal from employment with the City.
- D. Any employee who has exhausted all paid leave, and who believes he or she has a justifiable reason, may apply for a personal leave of absence not to exceed one (1) year, which must be approved by the Safety-Service Director. The discretion to grant an unpaid leave of absence granted for good cause rests with the Safety Service Director, and generally will be granted if the request will not adversely affect efficient operation of the City's operations. Generally, no benefits shall accrue to the employee while on an unpaid leave of absence leave. When, however, such leave is due to medical disability, the employee's medical insurance will be maintained by the City to the extent that such is required by the FMLA and the employee will continue to accrue seniority up to one (1) year for purpose of vacation and longevity which shall be applicable when the employee returns to the City. No seniority shall accrue if an individual is on a non-medical unpaid leave of absence.

PERSONAL LEAVE

SECTION 7.8

An employee may use two (2) days, sixteen (16) or fourteen (14) hours, as applicable, deducted from the employee's accumulated, unused of sick leave balance, annually as personal leave. Except for emergencies, twenty-four (24) hours notice shall be given for a personal leave request. A personal leave request form must be submitted to Management within said time limit.

MILITARY LEAVE

SECTION 7.9

A. Reserve Training

ORC 5923.05 requires that any permanent public employees who are members of the Ohio organized militia, or members of other reserve components of the armed forces of the United States be authorized up to one (1) month (meaning twenty-two [22] working days or one hundred seventy-six [176] hours for forty [40] hours per week employees) leave with pay per calendar year for the performance of service in the uniformed services. For the purposes of this policy, “permanent employee” means an employee who holds a position with the City that requires him to work a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, and such is not limited to a specific season or duration. This definition does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

- B. Any employee called to military duty for a period in excess of the twenty-two (22) working days because of an executive order issued by the President of the United States or an act of Congress may receive, during this period, the difference between the employee’s gross monthly wage or salary from the City and his gross uniformed service pay and allowances received in a particular month.

Along with requests for such leave, employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty.

C. Active Duty

A permanent public employee is entitled, upon giving notice to the appointing authority, to a leave of absence to serve in the uniformed service. Such leave is without pay and is considered as a leave of absence from service with reinstatement rights. No leave, or combination of uniformed service leaves of absence, may exceed five (5) years or a single, longer period required to complete an initial period of obligated service.

- D. An employee returning from uniformed service leave without pay must apply for reinstatement. The application must be made to the appointing authority within the period set forth below.

1. Leave of less than thirty (30) days: immediately upon release from uniformed service, but appointing authority must allow for travel time and eight (8) hours of rest;
2. Leave of thirty-one (31) to one hundred and eighty (180) days: within fourteen (14) days of completing uniformed service requirement; or

3. Leave of more than one hundred eight (180) days: within ninety (90) days of completing uniformed service requirement.
- E. If the leave of absence is for more than ninety (90) days, the appointing authority may require, with the application, evidence showing that the application is timely, the duration of all such leaves of absence does not exceed five (5) years, or the time to complete the initial period of obligated service, and the employee's entitlement to re-employment has not terminated pursuant to the Federal Uniformed Services Employment and Re-employment Rights Act.
- F. Upon return from a period of duty in the uniformed service lasting ninety (90) calendar days or less, the employee is to be returned to the same or similar position within his former classification. If the period of duty lasts more than ninety (90) days, the employee may be placed in any position of equivalent status, seniority, and pay. Regardless of the duration of duty, if the appointing authority demonstrates to the Civil Service Commission that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case.
- G. If the employee is unable to perform the duties of his former position due to a permanent injury or illness incurred or aggravated during uniformed service, the appointing authority will make reasonable efforts to accommodate the employee's disability.
- H. If an employee who is entitled to reinstatement is unable to report for or perform the duties of his position at the date of his application for reinstatement because of a temporary injury or illness incurred or aggravated during uniformed service, he shall have up to two (2) years to recover from such illness or injury before being required to report or reapply.
- I. A reinstated employee is entitled to receive all rights and benefits generally available to employees in a comparable leave of absence without pay, including the following:
 1. All sick leave and vacation leave which had been accumulated at the time of entering service;
 2. All seniority which would have accrued had the employee been on the job;
 3. Automatic salary adjustments associated with the position and due the employee had the employee been on the job;
 4. Any change in classification or pay range which would be due the employee had the employee been on the job;

5. Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions.

FAMILY AND MEDICAL LEAVE

SECTION 7.10

The City of Alliance adopts this policy in order to define the City’s policy and procedure with regard to the Family and Medical Leave Act of 1993.

- A. Under 29 C.F.R. §825.110, an employee who has been employed by the City of Alliance for at least twelve (12) months and who has actually worked at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave is eligible for family and medical leave as provided in this policy. As an amendment to the Fair Labor Standards Act (FLSA), hours of service only include time actually worked. For employees not eligible for, or otherwise not entitled to family and medical leave, the City will review the individual circumstances involved.
- B. Under 29 C.F.R. §825.112, an eligible employee will be permitted a total of twelve (12) work weeks of family and medical leave during the twelve (12) month period measured forward from the date the employee first uses family and medical leave. Family and medical leave may be taken for the following reasons:
 1. To care for the employee’s child after the birth of the child (see subsection N for the definitions of child and parent);
 2. To care for a child after placement with the employee by way of adoption or foster care;
 3. To care for the employee’s spouse, child, or parent who has a serious health condition;
 4. Because of a serious health condition that makes the employee unable to perform the essential functions of the employee’s position, including a Worker’s Compensation qualifying injury;
 5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status (see §§825.122 and 825.126); and
 6. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember. See §§825.122 and 825.127.

- C. An eligible employee shall be required to use all available accrued vacation, holiday, personal, and sick leave (if applicable, see #1 below), prior to being granted an unpaid family and medical leave. (The paid time will run concurrent with the Family and Medical Leave.) See 29 C.F.R. §825.207.
1. Use of paid sick leave may be allowed only when the circumstances for family and medical leave also meet the requirements for use of sick leave under the City's sick leave policy or applicable collective bargaining agreement
- D. An eligible employee will be required to provide the City with thirty (30) days advance notice of the employee's intent to take family and medical leave. However, where the need for leave is not foreseeable thirty (30) days in advance, the employee shall provide as much advance notice as practicable. Request for Leave form (Form 1) shall be submitted to the employee's immediate supervisor and the finance director. Where an employee has no valid excuse for a delay in notice, the City may delay the unpaid leave until thirty (30) days after the notice has been received. See 29 C.F.R. §825.302/03/04.
- E. Under 29 C.F.R. §825.305, the City will require the employee to provide a Certification of Health Care Provider (Form 2) from the employee's health care provider in order to support a leave request to care for a spouse, child, or parent who has a serious health condition, or for a leave due to a serious health condition that makes the employee unable to perform the functions of the employee's position.
- Under 29 C.F.R. §825.307, the City, at the City's expense, may require a second opinion on the validity of the certification. Should a conflict arise between the opinions of the two (2) health care providers, a third opinion will be sought. The third opinion will be provided by the health care provider mutually agreeable to the employee and the City. The expense of a third opinion will be paid by the City. The finding of the third health care provider is final and binding on both parties.
- F. Under 29 C.F.R. §825.201, in the event a husband and wife are both employed by the City, and either or both request leave due to the birth or placement with the employees of a child (bonding leave), the aggregate number of work weeks of family and medical leave to which both employees are entitled shall be limited to a cumulative twelve (12) work weeks during the applicable twelve (12) month period. In other words, a cumulative total of twelve (12) weeks of bonding leave is available to the parents of a child. The leave may be used by one parent or split between both parents.
- G. Intermittent/Reduced Leave
1. Under 29 C.F.R. §825.2024, leave due to the serious health condition of the employee or the employee's spouse, child, or parent may be taken intermittently or on a reduced leave schedule when medically necessary. The

City may require an employee who takes 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.

2. The taking of leave intermittently or on a reduced leave schedule will not result in a reduction in the total amount of leave to which the employee is entitled in accordance with this policy.
 3. Leave due to the birth or placement with the employee of a child may not be taken on an intermittent or reduced leave schedule.
- H. It will not be considered a break in service when an employee takes unpaid leave in accordance with this policy, provided the employee returns to work at the expiration of the leave period. However, an employee is not entitled to the accrual of any other employment benefits that would have accrued if not for taking of unpaid leave. See 29 C.F.R. §825.209 (h).
- I. Under 29 C.F.R. §825.214, an eligible employee who takes leave in accordance with this policy shall, upon return from such leave, be restored to the position held by the employee when the leave commenced, or to a similar position of equivalent pay, benefits, and other terms and conditions of employment. The City will require the employee's physician to certify that the employee is able to resume work as a condition of return to employment, if the leave was because of a serious health condition of the employee.
- J. Under 29 C.F.R. §825.209 to 825.212, during any period that an eligible employee takes family and medical leave, the City will maintain the employee's group health insurance as if the employee was not on leave. The employee will be responsible for paying the employee's share of the health insurance costs during the leave. The City's obligation to maintain the employee's insurance shall cease if the employee is more than thirty (30) days late in tendering his or her share of the premium, unless COBRA has been elected by the employee. In such a case, the employer shall provide the employee written notice by mail fifteen (15) days prior to ceasing the premium payment.
- K. Failure to Return
1. Under 29 C.F.R. §825.213, if the employee fails to return from the leave, the employee shall reimburse the City for the total medical insurance premium paid by the City unless the failure to return is due to:
 - a. Continuation, recurrence, or onset of a serious health condition; or
 - b. Other circumstances beyond the employee's control.

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

2. If an employee does not report to work or request and receive further approved leave after the applicable family and medical leave expires, the employee will be absent without leave and may be subject to disciplinary action.
- L. Family and medical leave determination will be required for employees exceeding three (3) consecutive work days of leave due to a qualifying event. See 29 C.F.R. §825.115.
- M. Upon requesting family and medical leave, or when it has been determined by the City that an employee is eligible for family and medical leave, such employee will receive a written notice, from the City, outlining the employee’s rights and obligations and a written response from the City indicating its action with respect to the employee’s FML request (Forms 3 & 4).
- N. Family and Medical Leave Definitions
1. Parent: the biological parent or person standing in place of a parent (in loco parentis) to the employee when the employee was a child. “In-laws” are not included.
 2. Child: a biological, adopted, foster, or stepchild; a legal ward; or a child of a person who is standing in 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.
 3. Serious Health Condition: an illness, injury, impairment, or physical or mental condition which involves inpatient care or continuing treatment §825.114 or continuing treatment by a health care provider as defined in §825.115.
 4. Continuing Treatment: continuing treatment by a health care provider which includes at least one (1) of the following:
 - a. 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;
 - b. Incapacity due to pregnancy;

- c. A period of incapacity or treatment due to a chronic serious health condition, which may be episodic but includes periodic visits to a health care provider and continues over an extended period of time;
 - d. Any period of incapacity which is permanent or long-term, due to a condition for which treatment may not be effective; or
 - e. 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.
6. Intermittent Leave: leave taken in separate blocks of time due to a single qualifying reason.
7. Reduced Leave Schedule: leave that reduces an employee's usual number of working hours per work week or work day.
8. Active Duty: The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(A)(13)(B) of title 10, United States Code.
9. Contingency Operation: The term "contingency operation" has the same meaning given such term in section 101(a)(13) of title 10, United States Code.
10. Covered Servicemember: The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.
11. Outpatient Status: The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:
- a. a military medical treatment facility as an outpatient; or
 - b. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
12. Next of Kin: The term "next of kin," used with respect to an individual, means the nearest blood relative of that individual.
13. Serious Injury or Illness: The term "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of

duty on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated in the course of duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

14. Qualifying Exigency: The term "qualifying exigency," in the case of a covered member of the Armed Forces, means a number of broad categories for which employees can use Family and Medical Leave. Such categories include short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in the other categories, but agreed to by the Employer and the employee.
- O. Service Member Family Leave. An eligible employee may be permitted a total of twenty-six (26) work weeks of unpaid leave during a single twelve (12) month period 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, during the single twelve (12) month period, when Family and Medical Leave is used for this reason and for one or more of the reasons listed in "B" above, the eligible employee will be entitled to a maximum combined total of twenty-six (26) work weeks of leave.

CHAPTER EIGHT

CONDUCT

ETHICS

SECTION 8.1

- A. All employees are expected to maintain the highest possible ethical and moral standards, and to perform within the laws of the state of Ohio and other rules and regulations set forth by the Employer. It is important to remember that the compensation of all employees is paid through public funds. Therefore, each employee assumes the responsibility to serve the public in an honest, effective and friendly manner.
- B. In recognition of same, no employee shall:
1. use his/her position for personal gain or engage in any transaction which is in conflict with the proper discharge of the employee's official duties;
 2. use or disclose confidential or proprietary information concerning the property, government, or affairs of the City without proper legal authorization;
 3. solicit or accept anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation due to the employee's status as a public employee, regardless of whether or not the person, firm, or corporation is interested directly or indirectly in any manner whatsoever in business dealings with the City;
 4. accept from any person, firm, or corporation doing business with the City, any material or service for the private use or benefit of the employee;
 5. engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair independent judgment or action in the performance of official duties;
 6. while an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee;
 7. receive or agree to receive outside compensation for services rendered in a matter before any office or department of the city unless excepted as provided in ORC Section 102.04;
 8. have a personal interest in a contract with the City or use his/her position or authority to secure approval of a public contract in which the employee, a member of the employee's family (e.g. spouse residing in household or dependent child), or business associate has an interest;
- C. Employees shall be provided with a copy of Ohio's ethics laws, ORC Chapter 102 and R.C. 2921.42. See <http://codes.ohio.gov/orc/102> and <http://codes.ohio.gov/orc/2921.42>

- D. For purposes of public accountability, all employees, including salaried overtime exempt employees, are expected to work a regularly scheduled week, in accordance with their schedule of compensation.

PROFESSIONAL CONDUCT**SECTION 8.2**

Employees are expected to conduct themselves in a professional manner at all times. This includes loyalty to the goals of the City and their respective department, courtesy and tact when dealing with the public and fellow employees, and presenting a neat and professional appearance. All employees must consistently refrain from discussions of a confidential nature in the open areas of the City.

SAFETY AND HEALTH**SECTION 8.3**

Work safety and health are a primary concern of the City of Alliance. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is their responsibility to ensure that all safety equipment is used and all safety procedures/practices are observed.

A. Equipment Operation

1. Any employee found to be negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be disciplined according to the City's disciplinary policies.
 2. Any employee found to have intentionally damaged City equipment or to have used city equipment to intentionally cause damage to property or persons may be subject to immediate termination.
- B. The employee is responsible for following all safety rules and safe working methods of the Employer. If safe practices are not obeyed, an employee will be subject to disciplinary action.
- C. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace. Failure to report known safety hazards, as defined in applicable state and federal occupational safety and health regulations, may constitute neglect of duty and/or incompetency and will subject the employee/supervisor to disciplinary action.
- D. Supervisors found to be negligent in requiring the use of prescribed safety equipment or in ensuring adherence to safety practices and procedures will be subject to disciplinary action. Employees failing to utilize or failing to properly utilize prescribed safety equipment will be subject to disciplinary action.

- E. Any accident occurring during working hours shall be reported to the immediate supervisor at once. The supervisor shall, in turn, notify the department head. Upon notification, the supervisor or the department head shall complete an accident form no later than twenty-four (24) hours after the accident, in order that the employee may be covered under Workers' Compensation.

TOOLS, SUPPLIES, AND EQUIPMENT**SECTION 8.4**

- A. The Employer provides certain tools, supplies, vehicles, and equipment to employees for the performance of job duties. 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. All employees are responsible for using and maintaining such assets in a safe and proper manner. Supervisors are responsible for overseeing the proper use and maintenance of tools, supplies, and equipment.
- B. Misuse, neglect, theft and/or abuse of tools, supplies or equipment, including computers, is strictly prohibited and may result in discipline and/or demand for payment to the Employer for the cost to replace or repair such asset(s). Accidents involving misuse or abuse of tools will also be cause for disciplinary action.
- C. Use of Employer assets for other than work purposes is prohibited. Presence in, or use of, Employer facilities (i.e., garage, office, etc.,) during non-working hours by employees is prohibited, unless authorized by the department head.
- D. Use of all tools, supplies and equipment by an employee in the performance of the employee's duties shall be subject to control by the department head.
- E. Use of the Employer's supplies and equipment, (i.e., telephones, fax machine, copier, etc.) by an employee in relation to an employee's lawsuit against the City is prohibited. Excessive personal use of the Employer's supplies and equipment is prohibited.
- F. City employees given the privilege of using City-owned property (i.e., desk, filing cabinets, lockers, etc.) do so without expectation of privacy in regards to such property. Such equipment and/or furniture is subject to search by the Employer without the employee's consent, and must be made accessible to the Employer upon request. For equipment that is capable of being locked (i.e., desks, filing cabinets, etc.), the Employer shall retain a key to such equipment.
- G. Telephones are provided for City business. They should be answered promptly and in a courteous manner. Use of City telephones for personal reasons is generally discouraged. However, the City also recognizes the need of its employees to respond to emergencies, illnesses, or other family matters as they arise.

When utilizing City phones for purposes other than City business, employees should always keep in mind the reasonableness of such usage. Excessive or frivolous personal phone usage may result in disciplinary action and/or a loss of personal phone privileges.

**USE OF CITY VEHICLES OR PERSONAL VEHICLES
ON EMPLOYER BUSINESS****SECTION 8.5****A. City Vehicles - Generally**

1. All vehicles owned or leased by the Employer shall be plainly marked as the property of the City, or shall carry City vehicle license plates.
2. Vehicles may be provided for those officials, department heads, and employees who require transportation in the course of their duties. Employer-owned vehicles are not to be used for employee travel to and from work unless authorized by the Mayor and/or Safety Service Director.

The department head may also assign a City vehicle to employees attending training, seminars, conferences, or similar programs approved in advance by the Employer.

3. Employer-owned vehicles shall be used by employees whenever possible on approved City business.
4. As required, at any time a City vehicle is used, a vehicle mileage log must be completed.

B. Assignment of City Vehicles

1. Permanent vehicle assignments or assignment of a vehicle to attend a conference, meeting, etc. will be made based on written request which provides documented justification. Approval will be based on transportation needs, emergency requirements, call-out availability, after hour's meetings, cost effectiveness, or as otherwise determined by the Employer.
2. Permanent vehicle assignments shall be reviewed annually by the Employer during the budget appropriations process. All permanent vehicle assignments shall be reported to the City Auditor for income tax purposes. Employees assigned vehicles shall assist the City Auditor in meeting the IRS rules. All employees who have permanently assigned vehicles shall keep a daily record of any personal use of the vehicle. This shall include, but not be limited to, commuting to and from work. All costs associated with personal use must be added as income to the employee's W-2 statement. The records shall also include maintenance, insurance, fuel, etc. Failure to maintain and provide such information may result in loss of use of the vehicle. In the alternative, the

employee may authorize the City Auditor to determine the employees taxable liability based on total amount of normal workdays in the year in question.

3. Daily vehicle assignment will be at the discretion of the department head based on the operational needs of the respective department.

C. Qualifications For Using City Vehicles or Personal Vehicles on City Business

1. All operators of City owned or leased vehicles or employees using their own vehicles for City business shall be at least eighteen (18) years of age. Only City employees may drive City-owned or leased vehicles.
2. All drivers must have a current, valid Ohio driver's license that covers the type of vehicle to be operated. A copy of the license must be placed in the driver's file.

In those classifications which require a certain motor vehicle license, newly hired employees must generally possess such license as a condition of employment, and all current employees must maintain said license for the duration of their employment in said classification. **Employees must notify the employer in the event they have lost their driving privileges.** Loss of license and driving privileges by such employees may result in termination of employment for incompetency, not being fit for duty, not meeting qualifications for the position, etc.

3. 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 may review annually the BMV driving record of each City employee who operates a vehicle on behalf of the Employer.
4. The following is a non-exhaustive listing of motor vehicle related occurrences (violations, convictions, and accidents), the appearance of which on the driving record of a City employee during the previous thirty-six (36) month period will normally result in the suspension of the employee's driving privileges for the City.

A conviction for:

- driving while under the influence of alcohol or drugs;
- vehicular homicide or manslaughter;
- leaving the scene of an accident;
- attempting to elude or flee a police officer after a traffic violation;
- drag racing;

- other intentional and dangerous or reckless use of a motor vehicle.
- 5. In a case where the Employer or the State of Ohio has suspended the employee's driving privileges, or the employee becomes uninsurable under the Employer's policy, and driving is an essential function of the employee's position, the Employer may take appropriate disciplinary action up to and including termination of employment by the City.

The Employer may also require employees to participate in remedial or defensive driving courses when employees evidence poor driving records at the employee's expense.

- 6. 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.
- 7. Drivers shall report to their department head 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 department head. Off-duty accidents or moving violations shall be reported as soon as possible, not to exceed within five (5) calendar days of the occurrence.
- 8. Employees who use their personal vehicle for official Employer business will be reimbursed on a mileage basis at the authorized rate. A Personal Expense Statement Form shall be completed.

D. Insurance

- 1. Employees who use City-owned vehicles must be insurable under the Employer's insurance policy. An employee who must operate City-owned vehicles as part of the essential functions of the employee's position who becomes uninsurable under the Employer's policy shall be subject to disciplinary action up to and including termination of employment.
- 2. Insurance coverage for personal vehicles used on Employer business shall be the responsibility of the owner of the vehicle. All employees who use their own vehicle on City business shall carry liability insurance in the amounts of at least \$100,000 per person, \$250,000 per accident, Bodily Injury, and \$50,000 Property Damage.

E. Use of Vehicles

1. Vehicles plainly marked as property of the City shall not be used for any purpose other than official City business.
2. Employees must continuously recognize that use of an Employer-owned vehicle is a privilege and that they are constantly visible as an official representative of the City. Employees should show every courtesy while operating a City vehicle or their personal vehicle on City business in order to enhance the good reputation of the City.
3. 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.
4. Except as otherwise provided herein, passengers not on official City business and hitchhikers are not permitted in City-owned vehicles. A family member or friend may be permitted as a passenger in City-owned automobiles only if approved in advance by the Employer. Only City employees may drive a City vehicle.
5. Employees who must operate a City vehicle as part of their job or their personal vehicle on City business, either on a regular or occasional basis, are required to report any suspension or revocation of their driver's license to the department head immediately. The department head shall immediately notify the Mayor in writing.
6. Use of alcoholic beverages or controlled substances prior to or during operation of a City vehicle is prohibited. Alcoholic beverages or controlled substances shall not be transported in a City vehicle except as required in the performance of the employee's duties (e.g., law enforcement). Any employee convicted of operating a City vehicle while under the influence of alcohol or drugs will be subject to immediate dismissal.
7. Turn signals and warning signals shall be utilized by all vehicle operators. Vehicle headlights shall be used at all times vehicle is in use during periods of limited visibility or any time the vehicle windshield wipers are in use.
8. Employees are responsible for ensuring any City vehicle which they are permitted to take home is properly maintained, kept locked, and parked in a safe and secure location.
9. Employees shall ensure any City vehicle which they use is cleaned, fully fueled, and readied for service upon completion of its use.

10. The operator of a vehicle shall be responsible for seeing that any service, safety, or maintenance items are corrected on the vehicle or reported to the proper authority.

F. Accidents/Traffic Citations Involving City Vehicles or Personal Vehicles While on Employer Business

1. Accident reports shall be completed and submitted to the Employer within twenty-four (24) hours of an accident.
2. Parking, moving violations, and other fines received while operating a City vehicle or a personally owned vehicle while on City business are the responsibility of the operator.
3. Operators involved in accidents while operating a City vehicle in a non-approved manner will be subject to appropriate disciplinary action and may be liable for the cost to repair the vehicle.

COMMERCIAL DRIVER'S LICENSE/ OHIO DRIVER'S LICENSE

SECTION 8.6

- A. Any employee holding a classification for which the possession of an Ohio Commercial Driver's License (CDL) or an Ohio Driver's License (Driver License) is or becomes a requirement shall be required to maintain a valid and appropriate CDL or driver's license, or shall be unqualified to retain his position.
- B. It shall be the responsibility of each employee required to maintain a CDL or a driver's license to immediately notify the Department Head of any traffic violation, traffic related violation, chargeable accident, or any conduct which may affect the person's ability to hold a CDL or an Ohio Driver's License (drug abuse, drug paraphernalia, fleeing, alluding, etc.) occurring during working hours or not. Failure to notify the Department Head promptly may result in disciplinary action, including termination from employment.

GAMBLING

SECTION 8.7

The Employer shall not permit unlawful gambling in any form by City employees during work days. For the purpose of this section, work day includes regular working hours, lunch periods, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

SECONDARY EMPLOYMENT

SECTION 8.8

- A. Full-time employment with the City shall be considered the employee's primary occupation and take precedence over all other occupations.

- B. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives, and operations of the City of Alliance. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the City.
- C. An “employment conflict,” as set forth in this policy, is when a second job impairs the employee’s ability to perform the duties of his or her position with the City.
 - 1. A time conflict exists when the working hours required of a secondary job directly conflict with the scheduled working hours or mandatory overtime obligations, or when the demands of a secondary job prohibit adequate rest, or otherwise adversely affect an employee’s job performance.
 - 2. An interest conflict exists when an employee engages in secondary employment which tends to or may appear to compromise the employee’s judgment, actions, and/or job performance, or which conflicts with the policies, objectives, or operations of the City, or negatively impacts the City’s reputation or interest relative to liability issues.
- D. No employee shall wear the Employer’s uniforms nor use City-owned equipment in performing job duties of any secondary employment, with the exception of law enforcement officers engaged in authorized outside employment.
- E. If, in the opinion of the Employer, secondary employment is adversely affecting an employee’s job performance, the employee may be asked to refrain from such activities as a condition of continued employment. Refusal to conform to such a request shall be cause for disciplinary action.

PERSONAL APPEARANCE**SECTION 8.9**

- A. The Employer reserves the right to prescribe appropriate attire and grooming and to set standards which are deemed to be in the best interest of the City and ensure an appropriate image for the City.
- B. 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.
- C. Clothing shall be conducive to the safe and effective performance of required job duties.
- D. Certain employees may be required to wear regulation uniforms while on duty. The applicable departments may establish policies and procedures governing uniforms.

Employees are required to keep uniforms neat, clean and in good repair. City uniforms may only be worn by employees while conducting official City business.

SOLICITATION AND DISTRIBUTION**SECTION 8.10**

- A. In order to maintain a productive, appropriate and safe working environment, the City of Alliance reserves the right to govern solicitation and distribution by employees and non-employees.
1. Employee No-Solicitation Rule - Any solicitation by an employee of another employee on the premises of the City of Alliance, while either employee is on his/her working time, is prohibited. "Working time" means all the time when an employee's duties require that the employee be engaged in work tasks. However, such solicitation is permitted during non-working time in work areas and during non-working time in non-working areas.
 2. Employee No-Distribution Rule - Distribution of any type of literature, brochures, goods, etc., during working or non-working time in work areas, is prohibited. Employees may distribute goods and written materials during non-working time in non-working areas, e.g., restrooms, hallways.
 3. Employee No-Access Rule - Employees are not permitted access to the interior of the City of Alliance's facilities during their off-duty hours unless authorized by the Mayor, Safety Service Director, or his/her designee.
 4. Non-Employee Solicitation and Distribution - Non-employees are not permitted access to premises of the City of Alliance, including the interior of the facilities and other working areas, for the purpose of solicitation and/or distribution. This section does not apply to vendors as defined below.
- B. Definitions
1. Distribution - means an act of distributing goods, materials, and/or written materials.
 2. Non-Work Area - means any area on or off the City's premises not designated as a work area.
 3. Non-Work Time - means any time during an employee's work day where the employee is totally relieved of work duties, such as break time and lunch time. Whether an employee is in paid or unpaid status during these times is immaterial to the designation of non-work time.
 4. Off-Duty Hours - any time before or after a work shift.

5. Solicitation - means an act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution.
 6. Vendor - means any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the City and its employers, which goods, materials, or services are utilized in the conduct of public business.
 7. Work Area - means any office, building or physical location where official City business is transacted and/or operations are being conducted. This includes any public or private area where employees are engaged in work activities.
 8. Work Time - means all the time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, scheduled breaks, and time before or after a work shift.
- C. Any violation of this policy should be reported to management immediately. Any employee violating this policy shall be subject to disciplinary action.

POLITICAL ACTIVITY**SECTION 8.11****A. General**

Classified employees are prohibited by ORC Section 124.57 from engaging in political activity. "Classified employee," for purposes of this section, means all employees serving in the competitive classified service, whether in certified or provisional status. All employees are encouraged to exercise their right to vote and nothing in this policy shall be construed to restrict such rights.

B. Permitted Activities

Classified employees may engage in the following activities:

1. Registration and voting;
2. Expression of opinions, either oral or written;
3. Voluntary financial contributions to political candidates or organizations;
4. Circulation of non-partisan petitions or petitions stating views on legislation;
5. Attendance at political rallies;
6. Signing nominating petitions in support of individuals;

7. Display of political materials in the employee's home or on the employee's property;
8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
9. Serving as a precinct election official under section 3501.22 of the Revised Code.

C. Prohibited Activities

Classified employees may not engage in the following activities:

1. Candidacy for public office in a partisan election;
2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
4. Circulation of official nominating petitions for any candidate participating in a partisan election;
5. Service in an elected or appointed office in any partisan political organization;
6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
8. Solicitation, either directly or indirectly, of any assessment, contribution, or subscription, either monetary or in kind, for any political party or political candidate;
9. Solicitation of the sale, or actual sale, of political party tickets;
10. Partisan activities at the election polls, such as solicitation of votes for other than non-partisan candidates and non-partisan issues;
11. Service as witness or challenger for any party or partisan committee;
12. Participation in political caucuses of a partisan nature; and

13. Participation in a political action committee which supports partisan activity.
- D. 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.
- E. Any employee desiring to seek or accept any public position or office should inform the Employer, who may request an opinion from the City Law Director in advance of the employee filing a petition for candidacy, or circulation of petitions.
- F. Unclassified employees must also notify their Employer of any intent to declare and campaign for any political office. If, in the opinion of the Employer, the employee's candidacy is in conflict with the employee's current position, or is not in the best interest of the City, the employee must take a leave of absence or resign. The decision of the Employer shall be final.

USE OF COMPUTERS, INTERNET, AND ELECTRONIC MAIL POLICY	SECTION 8.12
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- A. The use of computer technology and assignment of an e-mail/Internet account through a City of Alliance appointing authority is a benefit to the employee and should be treated as such. The following constitute proper use of these privileges. Computer, Internet, and electronic mail usage may be monitored by system or other personnel at any time. The use of any electronic technology resources of the City of Alliance implies acceptance of all current operational policies.
- B. General Standards of Conduct for Computers and Internet Use
 1. Any use of City computers or on-line computer services to facilitate illegal activity is prohibited, including any violation of software licensing.
 2. Use of the City's electronic services to access, display, or transmit sexually explicit or pornographic materials is prohibited.
 3. Use of the City's electronic services for personal, political, commercial, or for-profit purposes is prohibited. This includes buying, selling, and bartering, including but not limited to, the use of credit cards.
 4. Disruption of electronic services, supporting equipment, or information available on it is prohibited. Disruption includes, but is not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-City-owned software of any kind.

5. The use of electronic services to harass other users or to transmit materials likely to be offensive or objectionable is prohibited.
6. The use of electronic services to display or transmit materials that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based upon race, national origin, sex, age, disability, or religion.
7. 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.
8. 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.
9. All computer pass codes or passwords used on the City's equipment must be provided to supervisors. No pass code or password may be used that is unknown to the appointing authority.
10. Any employee who violates this policy or uses electronic services for improper purposes shall be subject to discipline, up to and including discharge.
11. Software shall not be installed on City computers other than as authorized by the department head. City-owned software shall not be copied or reproduced for personal use.

C. E-mail

1. Any message sent or received via the City's e-mail system may be monitored by the appointing authority at any time, with or without prior notification. If an appointing authority 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 appointing authority's policy and all state and federal laws including those barring discrimination because of age, race, sex, religion, disability, etc.
2. E-mail relevant to a specific client should be printed and filed, if appropriate.
3. E-mail accounts are to be used only by the authorized owner of the account or another person with the owner's specific authorization.
4. Subscription to unrelated services or news groups is not allowed as it creates unnecessary traffic on the e-mail system.

5. 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.
6. 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.
7. 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.
8. The downloading of files/programs for personal use from the Internet without advance permission is prohibited. Permission is obtained from the department head, appointing authority, or designee.

D. Standards of Conduct for E-mail on the City 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 appointing authority.
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 any employee of the City on the Internet, the user should inform the appropriate department head to follow-up on that discovery.

E. Use of the World Wide Web

The Internet is a powerful and useful tool for research and other functions. Employees are encouraged to develop computer and Internet skills to improve their job knowledge and to promote the interests of the City. 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.

USE OF COMMUNICATION EQUIPMENT**SECTION 8.13****A. Employer Provided Cellular Telephones**

When provided to an employee, cellular telephones are for business use only and shall normally not be utilized to make personal phone calls, unless specific arrangements are made to reimburse the Employer for such personal use. Employees who wish to make a telephone call on an Employer cellular telephone, for purposes other than Employer business, must receive prior approval from the employee's supervisor. Authorized personal calls shall be kept to a minimum and shall not adversely affect the employee's work performance. Personal long distance calls must be logged with the department head and reimbursement paid to the City. Likewise, employees are requested to ask friends, relatives, and others not to call on the cellular telephone for personal reasons, other than in emergency situations.

B. Personal Use of Employer Cellular Telephone

Employees wishing to use City-provided cellular telephones for personal reasons, on a more frequent basis than is provided for in Section "A," must make arrangements to reimburse the City for such use.

The City, at its discretion, shall determine the manner in which reimbursement is calculated, the schedule for reimbursement payments, and the method by which payment shall be made. Employees shall be required to execute a written agreement outlining the terms and conditions of reimbursement, which shall be maintained with the Auditor.

Personal cell phone usage is strictly a fringe benefit, and the Employer reserves the right to discontinue the program or alter the terms and conditions of reimbursement at any time.

C. City Telephones

The use of City telephones to make long distance personal calls is prohibited. Telephone calls may not be charged to the City and paid for by the employee, after the invoice has been received by the City, except in unusual circumstances.

D. Two Way Radios

Two-way radios are provided to certain employees for the purpose of quick and effective communication between employees during work hours. Such radios shall only be utilized for Employer business. Foul and/or obscene language, horseplay, and any other unprofessional communication by City employees while using the radios is prohibited.

E. Improper Use

Improper use of telephones, cellular telephones, and radios for other than business purposes without prior authorization may result in disciplinary action.

F. Personal Cellphone Use

Personal cellular phones are only to be used for personal business during non-work time (i.e., breaks and lunch period). Generally, employees should refrain from texting, messaging, emailing or making personal phone calls during work time, except in cases of emergency. Under extremely limited circumstances, brief phone calls, texting, messaging, and emailing with family members are permissible, provided such contacts are not disruptive to City business or job performance and are kept to a minimum. As an example, the City recognizes that employees may need to receive calls regarding illness of minor children or situations of a similar nature. At all times the Employer reserves the right to determine whether the employee's use of a personal cellular phone is for emergency reasons or constitutes a brief contact. Brief contacts during work time are always prohibited if they are disruptive to the work environment or job performance.

Employees are cautioned against using personal cellular telephones in front of residents or in public areas because of the impression it gives to the resident or the potential for the resident to overhear personal conversations.

Employees are prohibited from using cellular telephones to access the internet, social media sites, play games, or engage in other disruptive and time-wasting activities while on duty.

G. Cellphone Use While Driving

Talking on a cell phone while driving a City vehicle (or while driving a personal vehicle on City business) is to be avoided, if at all possible. Cell phone usage while driving should only be done in emergency situations, in all other cases employees must pull over to the side of the road/off the road to use their cell phone for any reason. Employees are banned from texting, messaging, or surfing the internet while driving a City vehicle. As outlined above, any use of a cell phone by an employee while out in the field, on the road, etc. may only be done in emergency situations or permissible brief contacts.

WORKPLACE VIOLENCE**SECTION 8.14**

- A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the City of Alliance. 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.
- B. The purpose of this policy is to provide guidance to employees of the City of Alliance should they encounter a situation that they believe is or could result in an act of violence.
- C. The word "violence" in this policy shall mean an act or behavior that:
1. is physically assaultive;
 2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
 3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
 4. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
 5. a reasonable person would perceive as intimidating or menacing;
 6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
 7. consists of a communicated or reasonably perceived threat to destroy property.
- D. The following actions are prohibited:
1. Any act or threat of violence by an employee against another person's life, health, well-being, or property;
 2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
 3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public;
 4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols;

5. Use or possession of a weapon on the Employer's premises, on a City controlled site, or an area that is associated with City employment except as required in the line of duty (i.e., law enforcement).
- E. The most common situations where workplace violence is likely to occur are as follows:
1. 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 a client or citizen.
 2. 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.
 3. 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.
- F. 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.
- G. All employees shall report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City controlled site, or is associated with City employment (Form 12.25).
1. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know.

2. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the Department Head. 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.

H. Supervisor Responsibilities

Supervisors and department heads 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 involve an employee of the Employer.

1. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report Form (Form 12.26).
 2. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the department head 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 offering 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.
- I. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head 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.

TARDINESS

SECTION 8.15

- A. Habitual tardiness is inexcusable and will not be tolerated. Tardiness is defined as any situation where an employee reports to work after the employee’s scheduled starting time or following any work break or lunch period.
- B. Whenever an employee is tardy, the employee may be subject to a reduction in pay corresponding to the amount of time the employee was late unless the employee offers a written reason for being late deemed acceptable by the supervisor. The employee shall also be subject to appropriate disciplinary action unless the supervisor deems the reason for being tardy acceptable.

- 1. An employee’s pay will be reduced when tardy in accordance with this policy schedule:

0 - 7 minutes late	no reduction in pay, but subject to disciplinary action
8 - 22 minutes late	15 minutes deducted
23 - 37 minutes late	1/2 hour deducted
38 - 52 minutes late	3/4 hour deducted
53 min. - 1 hour 7 min. late	1 hour deducted

One-tenth (1/10) of an hour deducted for each additional seven (7) minutes the employee is late (tardy).

- 2. In addition to the appropriate pay reduction, a tardy employee may receive progressive disciplinary action as follows:

<u>Event</u>	<u>Discipline</u>
1 time tardy	verbal counseling
2 times tardy	written instruction and cautioning
3 times tardy	written reprimand
4 times tardy	one (1) day suspension without pay
5 times tardy	three (3) day suspension without pay
6 times tardy	ten (10) day suspension
7 times tardy	up to and including termination

- 3. In applying progressive discipline, the Employer shall only consider the employee’s tardiness record over the previous twenty-four (24) months from the

date of the most recent occurrence. This may be altered by the applicable collective bargaining agreement.

4. Instruction and cautioning may be issued by the supervisor or department head. A Record of Instruction and Cautioning shall be given to the employee with a copy placed in the employee's personnel file. Written reprimands may also be issued by the supervisor or department head. A Written Reprimand shall be given to the employee and a copy placed in the employee's personnel file, with a copy forwarded to the department head and appointing authority.
5. Suspensions, reductions in pay or classification or terminations of employment may only be administered by the appointing authority. The Chief of Police and Chief of the Fire Department shall have the exclusive authority to suspend employees within their respective departments.

**ABSENTEEISM AND NOTIFICATION
OF ABSENCE****SECTION 8.16**

- A. Absenteeism may increase the workload on other employees and may adversely affect the quality of service that can be delivered to the public. Therefore, unexcused absences will not be tolerated. Employees will be considered absent for purposes of this section if they fail to report to work for an entire work day or leave work prior to their scheduled quitting time, and such absence has not been excused, or the payment of sick leave as defined in this manual has been denied.
- B. In addition to not being paid for the time absent, employees shall be subject to progressive discipline for unexcused absences in accordance with the disciplinary procedure.
- C. Voluntary Resignation – Job Abandonment

Employees who fail to report to work at their regularly scheduled time and remain absent for three (3) or more consecutive workdays without reporting such absence, shall be deemed to have abandoned their job and voluntarily resigned.

1. If an employee fails to report to work at their regularly scheduled time and remains absent for three (3) or more consecutive work days 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 considered a voluntary resignation from their position.
2. If the Employer cannot locate the employee, or if the employee, after notification, fails to return to work, the Employer will consider such action a voluntary resignation and will remove the employee from the payroll of the City and notify the Civil Service Commission.

D. AWOL

Anytime an employee is absent from work the employee must complete the appropriate leave request form. An employee will be considered absent without leave (AWOL) unless the department head approves paid leave (i.e., vacation, sick leave, etc.) or an unpaid leave of absence. An employee will not be paid if found to be absent without leave.

E. Application of Discipline

1. Each full day of unexcused absence shall count as a separate absence (i.e., an employee absent for two [2] consecutive days is charged with two [2] absences).
2. The Employer will consider only absences which have occurred over the previous twenty-four (24) months from the date of the most recent occurrence in applying this policy.
3. Written reprimands may be issued by the supervisor. A Written Reprimand shall be given to the employee and a copy placed in the employee's personnel file. A copy of the written reprimand shall also be provided to the department head and appointing authority.
4. The appointing authority may reduce an employee's pay or classification, suspend, or terminate an employee. Suspensions of more than three (3) days pay, reductions in pay or classification, and terminations of classified employees will be filed with the Civil Service Commission, as required.

PUBLIC RECORDS**SECTION 8.17**A. Confidentiality

It is anticipated that employees will have access to and be privy to information that is confidential, even if regarded as a public record under R.C. 149.43. Employees are expected to not disclose any such information to any person or entity unless specifically authorized to do so by their department head. Any questions regarding whether or not information is considered confidential should be directed to the employee's department head.

B. Self-Help to Public Records Prohibited

No employee may copy or remove any record or writing, even those regarded as "public" under R.C. 149.43, without first having received advanced written permission from his department head.

C. Use of City Records in Personal Actions Prohibited

1. No employee may copy (whether by hand or by use of equipment, i.e. copy machine, scanner, camera, etc.) or use any City writing, document, or record in any grievance, administrative appeal, or legal action without having first obtained the written permission of the Mayor. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure or the rules of the Civil Service Commission.
2. Except for official departmental business, no employee may have any City writing or document in his/her possession, unless obtained through this policy.

D. Tape Recording Prohibited

No employee may tape record any meeting, conversation, or telephone call unless he or she has received advanced written permission from the department head.

E. Penalty For Breach of This Policy

Any employee who is discovered to have violated any of the above-enumerated provisions will be disciplined, up to and possibly including termination. Any former employee who is discovered to have violated this policy by producing unauthorized documents or tape recordings at any grievance, administrative appeal, or civil action against the Employer, will be barred from seeking a remedy of reinstatement and may be subject to civil or criminal penalties.

CONCEALED WEAPONS**SECTION 8.18**

The City of Alliance, through the promulgation of this policy, hereby notifies its employees that carrying a concealed weapon is not part of any employee’s job responsibility and that such activity does not arise “in the scope of employment.” Any employee who carries, uses, brandishes, or displays a firearm while on duty will not be defended or indemnified.

Accordingly, the City of Alliance specifically prohibits the following activities:

1. Carrying a weapon or firearm while on duty, whether or not licensed to do so.
2. Possessing a weapon or firearm on any parking area owned, leased, or controlled by the City whether or not contained in a vehicle.
3. Displaying a weapon or firearm while on duty. Should an employee display a weapon or firearm, whether in the facility or on the parking lot, such action will be considered a threat and prosecuted to the fullest extent of the law. Additionally, the employee will be subject to discipline or violation of this policy.

4. Carrying or displaying a weapon or firearm, on or off-duty, while on strike or picketing.
5. Displaying a holster while on duty.

Any violation of this policy, either specifically or generally, is a Group III offense and grounds for immediate discharge in accordance with the City's disciplinary procedures. This policy does not apply to employees serving as sworn police officers and/or jailers on behalf of the City of Alliance. Other employees may be exempt from this policy in special and unique circumstances, subject to the approval of the Law Director and the Mayor.

DUTY TO REPORT**SECTION 8.19**

- A. It is the responsibility of each employee to notify his/her Department Head of any observed or known acts of misconduct committed by employees of the City of Alliance including, but not limited to:
 1. creating or contributing to unsanitary or unsafe conditions;
 2. malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language;
 3. failure to use reasonable care of City property including use and/or storage of medicines and equipment;
 4. unauthorized use of City property including medicines and equipment;
 5. neglect or carelessness in observance of department safety rules or disregard of common safety practices;
 6. discourteous treatment of the public;
 7. wanton or willful neglect in performance of assigned duties;
 8. performing private work on City time or using City equipment for private gain;
 9. gambling during working hours;
 10. stealing or similar misconduct, including destroying, damaging, or concealing of any property belonging to co-workers or members of the public;
 11. the manufacture, distribution, possession, or use of alcohol or controlled substances (without proper prescription) in the workplace or client's residence;
 12. fighting or attempting to injure other employees, supervisors, or persons;

13. the possession of firearms, explosives, or weapons at the workplace;
 14. misuse or removal of City records or information without prior authorization;
 15. dishonesty or dishonest action including, but not limited to: theft, pilfering, opening desks assigned to other employees without prior authorization, making false or inaccurate reports;
 16. unauthorized political activity;
 17. sexual harassment or any other form of unlawful harassment/discrimination (to be reported per harassment/discrimination policy);
 18. any other misconduct listed in Section 9.3 of this Policy Manual.
- B. Where the allegation of misconduct relates to the employee's department head, the employee shall report the matter to the department head's supervisor (e.g., Mayor, Safety Director, etc.), Law Director, or to the City Human Resources department.
- C. Employees also have a duty to report any missing or damaged City equipment or property to their supervisor and/or department head.
- D. No employee, supervisor or official of the City shall retaliate against an employee who makes/files a legitimate report under this policy. Violation of this provision of the policy manual will subject an employee or supervisor to discipline.
- E. Failure to report any deserved or known acts of misconduct may cause the employee to be subject to disciplinary action. Failure by a department head to conduct an investigation into allegations made pursuant to this section will result in the department head being subject to discipline.

FRAUD POLICY**SECTION 8.20**

A. Purpose

Financial accountability is a top priority for the City of Alliance. The City's fraud policy formalizes the expectations of personal honesty and integrity required of City officials and employees.

The City of Alliance is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees, to gain by deceit financial or other benefits.

This policy prohibits fraud or misuse of the City of Alliance's assets and sets forth specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

B. Organizations Affected

All departments and divisions of the City of Alliance.

C. Definitions

As used in this policy, the terms listed below shall have the following definitions:

1. Embezzlement is any loss resulting from the misappropriation of the City of Alliance assets.
2. Misappropriate is to take or make use of any item without authority or right.
3. Loss is defined as the City of Alliance losing possession or control of any type of asset through fraudulent activities.
4. Fraud is the intentional misrepresentation or omission of facts for personal gain.
5. Employee(s) refer to all City of Alliance employees, independent contractors, consultants, and temporary, part-time and/or seasonal workers.
6. Assets refer to the entire property of the City, association, corporation, or estate applicable or subject to the payments of debts. Assets include, but are not limited to, all City vehicles and building properties, computers and software, cash receivables, wages and benefits.
7. Equipment is defined as a fixed asset that is not consumable or expandable; it is movable, even though sometimes attached to other objects or buildings; and its removal does not create a readily observable physical impairment or deterioration.

Examples include, but are not limited to: office equipment including computers, desk cabinets, printers and scanners, any electronic data processing equipment, training/educational equipment, medical supplies, and furnishings, audio-visual, cameras and recording devices. Equipment also includes, but is not limited to, all construction and maintenance equipment, air conditioners, fire-fighting equipment, and tools, rescue equipment and tools.

D. Policy

The City of Alliance has adopted a zero tolerance policy regarding fraud. No employee of the City shall remove any City of Alliance assets from the property, misuse any City assets for personal gain, or willfully misappropriate any City of Alliance asset. Any

evidence supporting fraud, theft or embezzlement of City of Alliance assets and equipment may be subject to the following actions including but not limited to: suspension, termination, restitution, and criminal charges. Any City of Alliance employee who is aware of fraud being committed against the City by anyone shall report such activity to the Police Department or other official as detailed in Section F of this policy.

E. Prohibited Acts

Fraud and misuse of the City of Alliance assets are prohibited. Examples of fraud and misuse of City assets include but are not limited to:

1. embezzlement;
2. misappropriation, misapplication, destruction, removal, or concealment of City of Alliance property;
3. alteration or falsification of documents;
4. theft of any asset (money, tangible property, etc.);
5. authorizing or receiving compensation for goods not received or services not performed;
6. authorizing or receiving compensation for hours not worked;
7. Misrepresentation of fact.

F. Complaint Procedure

1. Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective department head. If an employee has reason to believe that his department head may be involved, the employee shall notify the Police Department directly.
2. If the employee is a member of the Police Department and has concern that an irregularity exists within the department, he/she should notify the Law Director. If a department head believes there is an issue of potential fraud within the Police Department, he/she shall notify the Mayor of the details of his/her concerns.
3. Supervisors shall (1) communicate the provisions of this policy to all staff, (2) take no action without consulting the department head, (3) recommend appropriate disciplinary action when there is evidence of wrong-doing, and (4) if suspension or termination is recommended, consult with the Law Director.

4. Department heads shall communicate any suspected or known fraudulent act to the Police Department. The Police Department shall notify the Mayor of each reported incident and keep the Mayor abreast of the investigation.
5. All participants in a fraud investigation shall keep the details and results of the investigation confidential.
6. Any employee reporting an act of fraud; or assisting, testifying, or participating in a fraud investigation, acting in accordance with the requirements of this policy, shall not be subject to any adverse employment action unless it is determined the employee is culpable for such action and/or made an allegation knowing it was false. Examples of adverse employment action include, but are not limited to, discipline, suspension, threatening to discipline or suspend, coercion, acts of intimidation, and firing.

G. Prevention

Each department will maintain an internal control environment to protect the department and the City from loss or other damages as a result of a fraudulent act.

H. False Allegations

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

I. Corrective Actions and Discipline

Appropriate and timely action will be taken against those proven to have committed fraudulent act. These remedial actions may include, but are not limited to:

1. Disciplinary action (up to and including immediate termination of employment).
2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
3. Forwarding information to the appropriate authorities for criminal prosecution.
4. Institution of civil action to recover losses.
5. Where the City of Alliance elects to take corrective or disciplinary action, it will proceed under the procedures in place under policy or under any collective bargaining agreement for the respective employment classification.
6. The City of Alliance may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from fraudulent conduct.

J. Confidentiality

All investigations shall be conducted in confidence insofar as reasonably possible. The names or names of those communicating information about a fraudulent act or the name or names of those suspected of a fraudulent act will only be revealed when required by law in conjunction with the investigation or legal action.

K. Council Notification

At the conclusion of any investigation, the Law Director shall inform Council of the nature of any suspected, alleged or purported fraud that was presented to an appropriate City official in accordance with the provisions of this policy. The Law Director shall discuss and/or report to the Council on the results of the investigation and any civil or criminal proceedings that may arise from such investigation.

In the event an instance of fraud is reported in accordance with the terms of this policy and the nature of such information may impact the legislative operations of the City, the Law Director shall inform the Council of the existence of an allegation or report without disclosing details or information that would impact the investigation of any such claim. The Law Director may wish to request an Executive Session of Council to discuss such matters if public discussion of such information may jeopardize the investigative process or is not in the best interests of the financial or legal position of the City.

- L. In addition to the process outlined above, complaints or any matter regarding fraud, including any matter that alleges mismanagement of employer resources or misuse of public money, can be made to the Auditor of the State of Ohio through the Ohio fraud-reporting system.

Complaints made to the Auditor of the State of Ohio through the Ohio fraud-reporting system are anonymous. Complaints may be made in three ways:

1. File a written complaint at:
Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
2. Call the Fraud Hotline:
1-866-FRAUD OH (1-866-372-8364)
3. Online:
<http://www.auditor.gov>

SOCIAL NETWORKING

SECTION 8.21

- A. Purpose: The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the Employer when using social networking sites on and off duty. Moreover, this policy is intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will also allow the Employer to ensure that Employer rules are followed and all employees are treated fairly and consistently.
- B. Scope: All employees will be subject to and held accountable for any conduct outlined in this policy. This policy works in conjunction with other related personnel policies and procedures.
- C. Consent: An employee's use of such technology constitutes consent to being monitored by the Employer.
- D. Social networking refers to the use of websites such as, but not limited to, Facebook, Myspace, Twitter, LinkedIn, etc. For purposes of this policy, blogs and other internet forums of communication will also be considered incorporated. Nothing in this policy is meant to prohibit access to any website or blog which may be work-related.
- E. Policy:
1. On Duty Conduct – While at work, an employee may only access social networking websites, blogs and/or other internet forums of communication during non-working time (i.e., breaks). Access during working time is strictly prohibited, without permission of the Employer (e.g., Department Head or Safety-Service Director). This includes access from a personal mobile device (e.g., Blackberry device, Smartphone, iPhone, etc.) during an employee's hours of work. Employees found to have violated this policy may be subject to discipline up to and including termination.
 2. On/Off Duty Conduct – An employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to a social networking website, blog, or other similar internet forum of communication. Although information may be posted to a "private" webpage, the employee should be aware this information can still be accessed by the public and other sources in a number of ways. Because of this, an employee needs to use "common-sense" when posting comments, photos, opinions, or any other information related to his or her employment. By no means is this policy meant to infringe upon an individual's First Amendment rights; however, the employee should be aware that anything that reflects negatively on the Employer or its

mission may be used as grounds for discipline up to and including termination. Examples of prohibited conduct include, but are not limited to, the following:

- a. Posting one's photograph while wearing the Employer's uniform (or other similar attire, which could be misidentified as the official uniform).
 - b. Posting pictures, videos, or comments that are insubordinate with respect to the employee's employment.
 - c. Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior.
 - d. Knowingly or recklessly posting false information about the Employer, supervisors, coworkers, public officials, or those who have a relationship with the Employer. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above.
 - e. Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor.
 - f. Posting pictures, videos, or comments that are sexual, violent, offensive, harassing, or pornographic in nature along with any reference to the Employer or individual's employment.
3. Employees shall not imply they are speaking on behalf of the Employer and shall include a disclaimer when speaking on certain matters affecting the Employer or the employee's employment. Employees must have permission from their Department Head and the Safety-Service Director prior to posting or transmitting any pictures, videos, text etc. while on duty referring or related to their work as an employee of the City of Alliance.
 4. Confidential Information – An employee shall not disclose any work-related confidential or proprietary information on any social networking website, blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
 5. Employees should address work-related gripes with the Employer and proper designee and should not use cyberspace as a forum for such communication.
 6. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
 7. This policy shall not infringe upon an employee's rights under R.C. 4117.
 8. Any deviation from the above policy shall be approved by the Employer.

9. Any questions regarding the policy should be directed to the employee's immediate supervisor.

Acknowledgement

I, _____, have received and read the Social Networking Policy. I understand that I am required to abide by the policy and may be subject to discipline up to and including termination for violations. I realize any question concerning my conduct or use of such website should be addressed to my immediate supervisor.

Signature

Date

TOBACCO USE**SECTION 8.22**

The City recognizes that tobacco and nicotine use is dangerous to an individual's health. It also recognizes that involuntary exposure to tobacco by-products can also cause disease in healthy individuals. Therefore, smoking is prohibited in all public buildings without exception. This smoking prohibition applies to all areas of public buildings including common work areas, elevators, hallways, restrooms, break rooms, conference and meeting rooms as well as in any vehicle owned, leased, or operated by the City. Such restriction also applies to e-cigarettes

Compliance with the smoke-free policy and all other provisions of this policy is mandatory for all employees and persons visiting public buildings. The City will not discharge, refuse to hire, or in any manner retaliate against an employee applicant for employment or visitor because that employee or visitor's lawful use of tobacco and nicotine based products where such action does not violate this policy.

The City encourages all public employees using tobacco products or e-cigarettes to quit. For further information, employees should contact the Ohio Tobacco Quit line at 800-934-4840. Any questions regarding this policy or C.O. Chapter 745 should be directed to Administration.

CHAPTER NINE

DISCIPLINE

DISCIPLINARY PRINCIPLES**SECTION 9.1**

- A. Although most non-bargaining unit employees of the City serve at the pleasure of the City, the City has established the following principles for administering disciplinary actions for all employees:
1. Employees should be advised of expected job behavior, the types of conduct that the Employer has determined to be unacceptable, and the normal penalties for such unacceptable behavior.
 2. Immediate attention shall be given to any infractions.
 3. Deviations from this procedure should be justified and documented.
 4. Discipline for minor offenses as determined by the Employer will normally be progressive.
 5. The department head shall be responsible for administering minor discipline (e.g., written reprimands) and for making recommendations to the City Administration regarding more severe discipline. The Administration shall make the final determination regarding demotions, suspensions, or terminations of employment.
- B. Nothing herein shall be interpreted as a limitation on the City's authority to discipline or terminate at-will employees.

PROGRESSIVE DISCIPLINE**SECTION 9.2**

- A. The Employer has issued the discipline policies herein as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the City's right to discipline or terminate at-will employees.
- B. While Section 9.3 of the manual provides general guidelines for specific offenses, the examples of specific offenses given in any grouping are not all-inclusive and serve merely as a non-binding guide.
- C. The general guidelines provided in Section 9.3 do not preclude the application of a more or less severe penalty for any infraction and are not intended to be binding on the Employer in the application of discipline.
- D. All records of discipline shall be maintained in the employee's personnel file for a period of time as determined by the City's Records Commission, and disposed of in accordance with O.R.C. 149.42.
- E. The department head may issue verbal and written warnings. All disciplinary action, no matter what level, must be documented in writing. Appropriate forms for administering

discipline shall be completed and signed by the department head, delivered to the employee, and placed in the employee's personnel file. A copy of the disciplinary action shall also be forwarded to the Safety/Service Director.

- F. Only the Appointing Authority has the authority to demote, suspend, or terminate an employee. Appropriate forms shall be completed and signed by the Appointing Authority, delivered to the employee, and placed in the employee's personnel file.
- G. In lieu of suspension without pay, the Employer may offer to reduce the employee's accrued leave benefits, excluding sick leave, by an amount equal to the length of the suspension. If the employee agrees to the reduction of accrued leave, this shall be considered a waiver by the employee of any appeals regarding such disciplinary action.

GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES SECTION 9.3

The examples of Group I, II, and III Offenses, set forth below, are characteristic of those offenses which have historically been judged to be of such a nature as to warrant those penalties established for the group. The offenses listed below are not an exhaustive list and the City has the right to discipline employees for offenses not listed below.

In general, Group I offenses may be defined as those infractions which are of a relatively minor nature and which cause only minimal disruption to the organization in terms of a slight, yet significant, decrease in organization productivity, efficiency, and/or morale. Group I offenses, if left undisciplined by proper authority, will usually cause only a temporary minor adverse impact against the organization unless such acts are compounded over time.

Group II offenses may be defined as those infractions which are of a more serious nature than a Group I offense, 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 serious and longer lasting adverse impact against the organization than the Group I offenses.

Group III offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III offenses, if left undisciplined by proper authority, may cause long lasting and critically serious adverse impact against the organization.

GROUP I OFFENSES

FIRST OFFENSE	Verbal/Written Reprimand
SECOND OFFENSE	Three (3) day suspension without pay; five (5) days for

administrative, supervisory, or professional employees
exempt from overtime*

THIRD OFFENSE

Fifteen (15) day suspension without pay

FOURTH OFFENSE

Termination

Following are examples of Group I Offenses:

1. Failure to properly and completely sign/clock in or sign/clock out.
2. Failure to properly "report off" work for any absence or failure to timely notify the proper party of absence (unauthorized absence).
3. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
4. Unintentional failure to observe official safety rules.
5. Inattention to the needs of the public.
6. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, or otherwise causing disruptions on the job.
7. Malicious mischief, horseplay, wrestling, or other potentially harmful conduct.
8. Interfering with the work performance of subordinates or other employees.
9. Failure to cooperate with other employees.
10. Neglect of, or careless failure to observe, Employer rules, regulations, policies, and procedures.
11. Excessive garnishments.
12. Use or possession of another employee's working equipment or property without approval.
13. Unauthorized use of the Employer's telephone for other than business purposes.
14. Obligating the Employer for any minor expense, service, or performance without prior authorization.
15. Neglect of, or careless failure to care for, Employer property or equipment.

*Under the Fair Labor Standards Act, salaried employees exempt from overtime cannot be given unpaid disciplinary time off in less than full day increments.

- 16. Disregarding job duties by neglect of work (e.g., reading for pleasure, playing cards, viewing television, etc.) during work hours.
- 17. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.).
- 18. Neglect of, or careless failure to, prepare required reports or documents.
- 19. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the Employer.
- 20. Unauthorized posting or removal of notices or signs from official bulletin boards.
- 21. Distributing or posting written or printed matter of any description on City premises or equipment unless authorized.
- 22. Violation of any other work rule, policy or directive.

GROUP II OFFENSES

FIRST OFFENSE	Instruction and one (1) to three (3) day suspension without pay; five (5) days for administrative, supervisory, or professional employees*
SECOND OFFENSE	Not less than four (4) to ten (10) day suspension without pay
THIRD OFFENSE	Up to and including termination

Following are examples of Group II Offenses:

- 1. Sleeping during work hours.
- 2. Reporting to work or working while unfit for duty.
- 3. Failure to report for overtime work, without proper excuse, after being scheduled to work in accordance with overtime policy.
- 4. Willful refusal to sign/clock in or sign/clock out when required.
- 5. Performing private work on Employer time.

* Under the Fair Labor Standards Act, salaried employees exempt from overtime cannot be given disciplinary time off in less than full day increments.

6. Neglect or careless failure to observe official safety rules or common safety practices.
7. Failure to report an accident.
8. Discourteous treatment of the public.
9. Threatening, intimidating, or coercing subordinates or other employees.
10. Use of abusive or offensive language toward subordinates or other employees, City officials, or the general public.
11. The making or publishing of false, vicious, or malicious statements concerning other employees, the Employer, City operations, or the public.
12. Solicitation or distribution on Employer property in violation of the solicitation and distribution policy.
13. Willful disregard of the Employer's rules, regulations, policies, and procedures.
14. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions.
15. Intentional neglect or misuse of Employer property or equipment.
16. Obliging the Employer for a major expense, service, or performance without prior authorization.
17. Unauthorized use of Employer property or equipment, including the unauthorized reproduction of this manual or making copies of materials for personal use.
18. Failure to report equipment damage.
19. A traffic violation or accident while driving an Employer vehicle that evidences recklessness by the employee.
20. Refusing to provide testimony in court, during a public hearing or any other official hearing, investigation, or proceeding involving the Employer.
21. Refusing to provide testimony or information concerning any investigation being conducted by the Employer.
22. Possession or storage of alcoholic beverages on the Employer's premises.
23. Unauthorized presence on the Employer's property.
24. Habitual neglect of timely completion of required reports or documents.

25. Willful failure to timely complete required reports and documents.
26. Violation of the Social Media policy.
27. Violation of any other work rule, policy or directive.

GROUP III OFFENSES

FIRST OFFENSE. Up to and including termination

Following are examples of Group III Offenses:

1. 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.
2. Refusal, without legitimate reason, to work during emergency situations or conditions.
3. Signing or altering other employees' time records; altering one's own time records, or having one's time records signed or altered by another, without authorization.
4. Knowingly concealing a communicable disease (e.g., tuberculosis, etc.) that may endanger others.
5. Carrying or possessing firearms, explosives, or weapons on Employer property at any time, except safety forces in the course of their duties.
6. Willfully withholding information that threatens the safety and security of the Employer, its operations, or employees.
7. Willfully demeaning, verbally abusing, and/or humiliating another person.
8. Committing an act of discrimination, sexual harassment, retaliation, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability.
9. Fighting with, or attempting to injure, other employees.
10. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor.
11. Providing false testimony, statements, or information in any official Employer, court or administrative investigation, hearing, or proceeding.

12. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process.
13. Violating the Employer's gambling policy as contained in this manual.
14. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the Employer or of other employees.
15. 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.
16. Wanton or willful neglect in the performance of assigned duties.
17. The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol or a controlled substance which takes place in whole or in part in the workplace and/or a violation of the reporting requirements of the Employer's Drug Free Workplace Policy.
18. Driving a motor vehicle while on duty or on Employer business without a valid, applicable operator's license.
19. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position.
20. 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.
21. Intentional misuse of City or other public funds.
22. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the Employer or another employee.
23. 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. (See Section 7.16 of this manual concerning gifts, gratuities, and donations.)
24. Engaging in off-duty employment activities that the Employer has determined to be an interest or time conflict.
25. Making false claims or misrepresentations in an attempt to obtain any benefit (i.e., falsification or altering a physician's statement when requesting sick leave).

26. Misuse or removal of documents or information of a confidential nature or revealing such information without prior and appropriate authorization.
 27. Misuse, removal, or destruction of Employer records without prior authorization.
 28. Violation of any federal or state law.
 29. Failure to maintain license, insurability, or certification.
 30. Violation of any other work rule, policy, or directive.
- A. Procedure. Multiple minor infractions will normally be dealt with by following the progressive discipline procedure set forth below:
1. Multiple offenses that are unrelated should be progressively disciplined in the groups in which the offenses are classified.
 2. Multiple offenses that are related should be progressively disciplined regardless of the groups in which the offenses are classified and regardless of the order in which the offenses occurred.
 3. Multiple offenses that are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the normal severity for separate offenses.
- B. Duration of Discipline Records: Records of prior discipline are eligible for consideration in all future disciplinary matters. However, the Employer, at its sole and exclusive discretion, may elect to take into consideration a lapse in time between prior issued discipline (24 months for verbal/written reprimands or 48 months for suspensions or greater) provided that there have been no intervening disciplinary events, in determining the appropriate level of discipline to be issued.

PREDISCIPLINARY CONFERENCE**SECTION 9.4**

- A. Whenever the Employer determines that an employee may have committed an offense that could result in a suspension, reduction, or termination of employment, a predisciplinary conference shall be scheduled to give the employee an opportunity to offer an explanation regarding the alleged misconduct to determine if disciplinary action may be warranted.
- B. The predisciplinary conference will be conducted by the Safety/Service Director or an individual selected by the Employer who shall conduct the conference in accordance with the procedures established herein or in accordance with any applicable laws or collective bargaining agreement(s).

- C. Employees will be notified in writing at least twenty-four (24) hours in advance of the predisciplinary conference.
- D. At the conference, the employee shall respond to any questions regarding the allegation(s) and may present an oral or written statement, witnesses, or documents, within reason, to explain the employee's actions. The conference may be videotaped or recorded. The Employer or designee may limit the number of witnesses, the method of questioning, or the issues to be addressed. The Employer or designee shall determine when the conference is concluded and will adjourn the meeting. The Employer or designee shall prepare a report indicating the employee's response and the evidence presented at the conference, and forward that report to the Appointing Authority
- E. While a predisciplinary conference is not legally required for at-will employees, the Employer will normally meet with the employee to provide the employee with an opportunity to respond regarding the alleged infraction, prior to reducing, suspending, or removing the employee from public service.
- F. The City may place an employee on administrative leave with pay in circumstances where the health or safety of the employee, other employees, or of any person or property entrusted to the employee's care could otherwise be adversely affected. 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 normally would extend until the City investigates the alleged infraction, completes the predisciplinary process, and administers disciplinary action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay. The City may also elect to use unpaid administrative leave pursuant to R.C. 124.388.

APPEALS OF PERSONNEL ACTIONS**SECTION 9.5**

- A. Disciplinary actions, such as removals, suspensions, or reprimands, may be appealed by non-probationary and non-bargaining unit employees in accordance with the procedures contained in herein.
- B. For classified employees, removals and suspensions may also be appealable through other procedures established by law.
- C. Bargaining unit employees must utilize the grievance procedure contained in their collective bargaining agreement to appeal any disciplinary actions.

Step 1, Immediate Supervisor

An employee having a complaint shall file it in writing with his or her immediate supervisor, as outlined in the procedure for his or her work unit. In order for a complaint to be recognized, it must be filed within three (3) working days from the date of the incident giving rise to the

complaint. The immediate supervisor shall investigate the incident and shall provide a solution or explanation in writing within three (3) working days following the date on which the complaint was submitted. In those departments where the Safety/Service Director is the employee's supervisor, the complaint shall be submitted at Step 3 of the complaint procedure.

Step 2, Department Head

If the employee is not satisfied with the response received at Step 1, the individual may pursue the matter by presenting the original copy of the complaint to the appropriate authority or department head within three (3) working days of receipt of the Step 1 answer. The department head shall schedule a meeting within three (3) working days of receipt of the submission. The department head, after review and investigation of all matters of fact relative to the complaint, shall issue his or her decision in writing, within three (3) working days following the meeting.

Step 3, Appointing Authority/Designee

Where the employee is not satisfied with the Step 2 response, he may submit the original complaint to the Appointing Authority/Designee within five (5) working days of the receipt of the Step 2 answer. The Appointing Authority/Designee will review the complaint and all responses within ten (10) working days following the date the complaint was received. If the Appointing Authority/Designee determine(s) that responses were adequate and proper, it will so inform the affected employee by letter. The Appointing Authority/Designee decision shall be final and binding on the parties.

If the Appointing Authority/Designee determines the above-mentioned responses to be inadequate or improper, or that sufficient evidence does not appear on its face to warrant a response, the following options may be exercised:

1. Conduct a hearing with all parties involved in attendance and available for questioning within twelve (12) calendar days of receipt of the complaint; or
2. Appoint, within ten (10) calendar days of receipt of the complaint, a fact finder or fact panel to hear, investigate, and produce findings of fact relative to the complaint. The hearing shall be held within fourteen (14) calendar days of appointment of the fact finder or panel. The fact finder or panel shall issue a written report of findings of fact within fourteen (14) calendar days from the date of hearing to the City.

Following the conducting of Options 1 or 2, the Appointing Authority/Designee shall, within seven (7) calendar days of the hearing (Option 1) or receipt of the fact finder's report (Option 2), issue the final decision, which shall be in writing.

A court reporter or transcription of the proceedings under Options 1 or 2 above is permitted. The expenses of a court reporter or transcription of the proceedings shall be borne by the party requesting such.

CHAPTER TEN
INTERNAL COMPLAINT PROCEDURE

**EMPLOYEE COMPLAINTS – MANAGEMENT
RESPONSIBILITIES AND GUIDELINE PROCEDURE****SECTION 10.1**Answers

Answers to complaints are to be in writing and should have any additional data attached.

Conferences

Conferences at Steps 1 and 2 should be as informal as possible. The responsibility of the person reviewing the complaint is to collect evidence. Such person should take notes of items and issues that require follow up. He or she should attempt to make the complainant feel comfortable and non-defensive. He or she should not be belligerent or overly defensive if a professional representative is present. The person in charge of the hearing should ask questions, find out what led to the problem, and what resolution to the problem is expected.

Response

There are three (3) possible responses to any complaint:

1. Find in the employee's favor. The decision is to grant the remedy requested.
2. Find against the employee. The decision is that the findings of fact do not support the allegation(s), and therefore, the complaint and remedy requested are denied.
3. Compromise. The employee has a legitimate complaint, but the remedy requested is improper. Prior to a compromise decision, the person responsible for reviewing the complaint should call the complainant in and ask if he or she will accept the proposed offer. If not, Option #2 may be exercised, but the employee should be informed beforehand of alternative options.

Response should always be based on the law, sound City policy, sound management principles, and logical thought. When possible, references should be made to City policies and/or the law on which the decision is based.

**EMPLOYEE NON-COMPLAINT
APPOINTING AUTHORITY CONTACTS****SECTION 10.2**

- A. Any employee who believes there is an existence of improper activities by any other employee of the City shall have the authority to contact and discuss the matter with the Safety/Service Director.
- B. Any employee who utilizes "A" above shall not be subject to any disciplinary action or any other type of detrimental actions; however, the filing of malicious, false, and /or improper accusations shall not be tolerated.

EMPLOYEE SUGGESTION PROGRAM**SECTION 10.3**

- A. All employees are urged to submit to the Administration, in writing, any suggestions to improve the quality and quantity of services provided to the citizens of the City.
- B. The Administration will review and consider all suggestions submitted (signed or unsigned). Those suggestions signed by an employee shall receive an answer in writing of acceptance or rejection and the reasons for the acceptance or rejection. Unsigned suggestions will be reviewed and considered, but no written response will be made.

**CITY EMPLOYEE COMPLAINT –
MISCONDUCT REVIEW PROCEDURE****SECTION 10.4**

- A. It is the policy of the City to fairly and impartially investigate all complaints of alleged employee misconduct, and when necessary, impose fair disciplinary measures.
 - 1. Complaints from any citizen or from any employee must be taken.
 - 2. Anonymous complaints will be documented with all available information on a memo to be forwarded to the supervisor of the employee receiving the complaint.
 - 3. The supervisor will brief the department head or the Appointing Authority/Designee, when applicable, in person or in writing, that the complaint was received, that it is being investigated, and of an estimated time period to complete the investigation.
 - 4. If the complainant is an identified citizen or employee, the complaint will be assigned to a supervisor. The supervisor will document the name, address, and phone number of the complainant, the date and time the complaint was received, and the exact specifics of the allegation(s). If the complaining person is an employee, he/she will write the information required by this section and provided a written and signed report to his/her immediate supervisor.
 - 5. If an employee has received a complaint, he/she will provide the written signed information required in Section 2 to his/her supervisor.
- B. The supervisor will thoroughly investigate each complaint, including but not limited to, the following:
 - 1. Interview any witnesses or other persons involved and write a supplement concerning statements or observations.
 - 2. Gather all documents and evidence pertaining to the investigation.

3. Interview the accused employee.

The accused employee is required to answer all questions truthfully, including submitting a signed statement if ordered to do so by the supervisor.

4. Anyone involved in an alleged employee misconduct investigation must remember that there is an equal responsibility to both clear innocent employees as well as to discipline those found to have done wrong.

5. After completion of the investigation, the supervisor will:

- a. Write a report to the department head clearing the employee of any misconduct, including copies of all documents and evidence gathered or noting lack of substance; or
- b. Read applicable Ohio Revised Codes and applicable City Rules and Regulations and suggest what charge(s) should be filed against the employee. Include copies of all documents and evidence gathered to date.

- C. The department head will:

1. Notify any employee that he/she is cleared of the complaint and advise him/her that nothing will be placed in his/her personnel file; or
2. File a written charge(s) against the employee specifying the violation(s) and specifics of each violation;
3. The department head will then follow the City disciplinary policies and procedures.

FORMS

**DISCRIMINATION HARASSMENT
COMPLAINT FORM**

**FORM A
Page 1 of 2**

Individuals who feel they have been discriminated against on the basis of race, color, religion, sex, national origin, military status, genetic information, age, disability, or have been the subject of harassment (sexual, racial, etc.) by an employee of the City or while working for the Employer may file a complaint by completing this form and submitting it to the EEO officer as otherwise specified in this manual.

A. The name of the subject of the complaint: _____

B. Is the above-named person a City employee? _____

C. Describe the acts complained of (use reverse side or attach additional pages if necessary):

D. List the date(s) of the alleged act(s): _____

E. List any known or suspected witnesses to the alleged act(s): _____

F. What remedy or resolution do you request? _____

If claiming discrimination based on disability, what accommodation do you request? _____

If claiming discrimination
other than disability,
what resolution do you
request? _____

G. Name of Complainant: _____

I. Contact Information: _____

Date

Signature of Complainant

Employee Name _____

Employee Classification _____

Date Warning Was Issued _____

VIOLATION

Date Violation Occurred _____

Location Where Violation Occurred _____

Description of Violation _____

(Attach Additional Sheet If Necessary)

This verbal warning is issued as a corrective measure in an effort to help you improve your conduct. This warning may be removed from your personnel files after twenty-four (24) months. Any further violations could result in more severe disciplinary actions.

Signature of Person Issuing Warning

Title

I hereby acknowledge that a copy of the above Record of Verbal Warning has been given to me this day.

Signature of Employee

Date

cc: Employee; Employee Personnel File

Employee Name _____

Employee Classification _____

Date Warning Was Issued _____

VIOLATION

Date Violation Occurred _____

Location Where Violation Occurred _____

Description of Violation _____

(Attach Additional Sheet If Necessary)

This written reprimand is issued as a corrective measure in an effort to help you improve your conduct. This reprimand may be removed from your personnel files after twenty-four (24) months. Any further violations could result in more severe disciplinary actions.

Signature of Person Issuing Reprimand

Title

I hereby acknowledge that a copy of the above Record of Written Reprimand has been given to me this day.

Signature of Employee

Date

cc: Employee; Employee Personnel File

**RECORD OF SUSPENSION OF THREE (3)
DAYS OR LESS**

FORM D

Employee Name _____

Employee Classification _____

Violation

Date Violation Occurred _____

Location Where Violation Occurred _____

Dates of Prior Verbal Warnings _____

Dates of Prior Written Reprimands _____

Type Of Violation:

Group _____

Number _____

Incompetency

Neglect of Duty

Inefficiency

Miffeasance

Dishonesty

Malfeasance

Drunkenness

Nonfeasance

Immoral Conduct

Other (explain below)

Insubordination

Discourteous Treatment Of The Public

Description Of Violation _____

(Attach Additional Sheet [s] If Necessary)

Date of Discussion of the Particulars _____

Did Employee Have a Representative Present? Yes No

If So, Whom? _____

Date(s) That Suspension from Duty Without Pay Will Occur: _____

This suspension is issued as a corrective measure in an effort to help you improve your conduct. This suspension will be removed from your personnel files after forty-eight (48) months. Any further violations could result in more severe disciplinary actions.

Appointing Authority

/Date

I hereby acknowledge that a copy of the above Record of Suspension has been given to me this day.

Signature of Employee

/Date

NOTICE OF PREDISCIPLINARY CONFERENCE

FORM F

This notice is provided to you to advise that a predisciplinary conference will be held at _____ (time) at _____ (location) on _____ (date) to provide you with an opportunity to respond to the following allegations of misconduct: _____

You have the right to: (1) appear at the conference to present an oral or written statement in your defense; (2) appear at the conference and have your chosen representative present an oral or written statement in your defense; or (3) elect in writing to waive your opportunity to have a predisciplinary conference. Failure to respond to respond truthfully may result in further disciplinary action.

At the conference you may present any testimony, witnesses or documents which explain whether or not he alleged conduct occurred. You shall provide a list of witnesses to the Employer not later than one (1) hour prior to the predisciplinary conference. It is your responsibility to notify witnesses that their attendance is desired. No conference will be delayed more than twenty-four (24) hours.

A written report will be prepared as to the determination of whether or not the alleged conduct occurred. A copy of this report will be provided to you within five (5) days following its preparation.

The predisciplinary conference will be conducted by _____ (name). If you have any questions in regard to this procedure, please contact this individual immediately.

Complaints Must Be Filed With The Employee's Immediate Supervisor Within Five (5) Days From The Date Of The Occurrence Of The Incident Giving Rise To The Complaint.

Date Received _____ Received By _____

Immediate Supervisor's Answer _____

(Attach Additional Sheets If Necessary)

Immediate Supervisor's Signature _____ Date _____

STEP 2 – DEPARTMENT HEAD

Delivered By Employee To Department Head Within Five (5) Working Days Of Receipt Of The Step 1 Answer.

Date Received _____ Received By _____

Date Of Hearing _____

Department Head's Answer _____

(Attach Additional Sheets If Necessary)

Department Head's Signature _____ Date _____

STEP 3 – APPOINTING AUTHORITY/DESIGNEE

Delivered By Employee To The Mayor’s Office Within Five (5) Working Days Of Receipt Of Step 2 Answer.

Date Received _____ Received By _____

Date Of Hearing _____

Appointing Authority/Designee's Answer _____

(Attach Additional Sheets If Necessary)

Appointing Authority/Designee Signature:

Date:

Employee Name _____

Date _____

Leave Requested (Check One)

- Due to birth of child of employee;
- Due to placement of child with the employee for adoption/foster care;
- In order to care for (*name of person*) _____
(must be spouse, child, parent, or person "in loco parentis" to employee) who has the following serious health condition (state exact nature of health condition):

- Because of the following serious health condition that renders employee unable to perform the essential functions of the employee's position (state exact nature of health condition): _____

Beginning Date/Time of Leave _____
 Ending Date/Time of Leave _____
 Total Hours of Leave Requested _____

If leave is due to serious health condition of employee or member of immediate family, Form 2, "Certification of Health Care Provider" must be completed and attached hereto.

I certify all statements herein to be complete and true. Falsification is cause for discipline up to and including termination of employment.

Signature of Employee

ADMINISTRATIVE ACTION

_____ Order second opinion to certification **OR** _____ Approved _____ Not Approved

Because _____

Signature _____

SEE WAGE & HOUR FORM WH-380 (4 PAGES)

SEE WAGE & HOUR FORM WH-381 (2 PAGES)

**NOTIFICATION OF EMPLOYEE RIGHTS AND
OBLIGATIONS UNDER FAMILY AND MEDICAL LEAVE**

FORM K

This notice is provided to you in response to your request for Family and Medical Leave and is intended to describe your rights and obligations.

1. Any leave that you use will be deducted from the twelve (12) work weeks of leave to which you are entitled during a twelve (12) month period in accordance with the Employer's Family and Medical Leave policy.
2. You are required to provide the Employer with a properly completed Certification of Physician or Practitioner Form (U.S. Department of Labor, Form WH-380) if you intend to use leave to care for your spouse, child, or parent who has a serious health condition; or because of your own serious health condition that prevents you from performing the functions of your position. Failure to provide the requested certification in a timely manner will result in denial of the leave until the certification is provided.
3. Before being permitted to take unpaid Family and Medical Leave, you must exhaust all earned but unused vacation leave, sick leave (if appropriate), and personal leave. (The paid time will run concurrent with the Family and Medical Leave.)
4. For the duration of your leave your current group health insurance coverage will be maintained as long as you pay your portion of the premium. \$ _____ is due at the City of Alliance Auditor's Office, 504 East Main Street, Alliance, Ohio 44601 in accordance with the following schedule: _____. Failure to pay your portion of the monthly premium within thirty (30) days of the due date will result in termination of the Employer's obligation to pay its share of the premium for your coverage.
5. If your leave is due to a serious health condition which has rendered you unable to perform the essential functions of your position, you will be required to present a certification from y <http://www.dol.gov/whd/regs/compliance/whdfs23.pdf>four physician stating you are fit to return to duty before you will be permitted to resume work.
6. Upon return to work, you will be restored to your original position or a position with equivalent pay, benefits, and other terms and conditions of employment.
7. If you fail to return to work, the Employer may recover the premiums it paid for maintaining your health care coverage during any period of unpaid Family and Medical Leave.

Appointing Authority or Designee/Date

EMPLOYEE INJURY REPORT**FORM L**

Name _____

Position _____

Date and Time of Injury _____
Month Day Year a.m./p.m.

Building or Place Where Injury Occurred _____

Describe in Detail the Events That Resulted in the Injury: _____

Describe the Exact Nature of the Injury and Specific Part or Part(s) of Body Affected:

Was First Aid Administered? Yes No By Whom _____

Describe _____

Names, Addresses, and Phone Numbers of Witnesses _____

Physician _____

Hospital _____

File 2 Copies with the Safety Service Directors Office Within 3 Days

Location and Nature of Rules or Workplace Safety Violation: _____

My Suggested Remedy: _____

Employee's Signature

Date

DEPARTMENT HEAD'S REPLY TO EMPLOYEE

Department Head's Signature

Date

VEHICLE/EQUIPMENT ACCIDENT REPORT

FORM N

Driver's Name _____

Position _____

Date and Time of Accident _____
Month Day Year a.m./p.m.

Location Where Accident Occurred _____

Describe in Detail the Events That Resulted in the Accident: _____

Describe the Exact Nature of Damage and Specific Part (or Parts) of Vehicle/ Equipment Damaged: _____

Was Supervisor Notified? Yes No Supervisor's Name _____

Was Police Dept. Notified? Yes No Investigating Officer _____

Names, Addresses, and Phone Numbers of Witnesses _____

Were There Any Injuries? Yes No Names, Addresses, and Phone Numbers of Injured Persons _____

File 2 Copies With the Safety Service Director's Office Within 3 Days