



# Employee Handbook

Effective September 1, 2020  
Updated October 1, 2020



## ACKNOWLEDGEMENT

I have been presented with the City of Bay Village Employee Handbook. I have read and reviewed and generally understand the policies and procedures contained in this Handbook, and further understand that the provisions contained in this Handbook are subject to change without notice. I also understand that this Handbook is not to be viewed as an employee/employer contract. The City reserves the right to exercise management rights in administering the rules, policies and procedures contained in this Handbook. As changes occur, the Human Resources Director will maintain the Handbook, and will distribute updates and clarifications as needed to ensure that the Handbook remains current and accurate, and consistent with various local, state and federal laws.

---

EMPLOYEE SIGNATURE

---

EMPLOYEE NAME (PLEASE PRINT)

---

DATE

*This handbook does not create a contract, either expressed or implied, between the City of Bay Village and any or all of its employees. Its purpose is for general information and guidance of its employees. Provisions of this handbook are subject to change and any changes will be communicated to employees.*



# TABLE OF CONTENTS

Welcome from Mayor Paul Koomar.....7  
Purpose and Disclaimer.....8  
Definitions.....9  
Responsibilities for Managing Information and Serving the Public.....10

## GENERAL EMPLOYMENT POLICIES

Equal Employment Opportunity.....11  
Sexual and Other Unlawful Harassment or Intimidation.....11-12  
Americans with Disabilities Act.....12-13  
Drug Free Workplace.....13  
Code of Ethics.....13  
Conflict of Interest.....14  
Participation in Political Activity.....14  
Nepotism Policy.....14-15  
Whistleblower Policy.....15  
Computer, E-mail and Internet Use.....15-16  
Social Media Policy.....16  
Business Cell Phone Policy.....16  
Vehicle Policy.....16-19  
Lactation Policy.....19  
Travel Expenses.....19

## EMPLOYMENT

Employment Classifications.....19-20  
Civil Service.....20  
Employment Medical Examinations.....20  
Probationary Period.....20  
Employment Applications.....20  
Immigration Requirements.....20-21  
Employment Verifications.....21  
Employee Identification Cards.....21  
Health and Safety.....21  
Smoking.....21  
Dress Code/Appearance/Uniforms.....21-22  
Workplace Violence.....22  
Workplace Security.....22-23  
Disciplinary Procedures.....23-24  
Hours of Work/Work Schedules.....24  
Attendance and Punctuality.....24  
Performance Evaluations.....24-25  
Longevity Pay.....25  
Worker’s Compensation.....25

**PERSONNEL AND PAYROLL RECORDS**

Personnel Files.....26  
Payroll.....26  
Personal Information.....26-27  
Pension Funds.....27  
Unemployment Compensation.....27  
Employment Separation.....27-28

**LEAVE POLICIES**

Holidays.....28  
Vacations.....28  
Jury Duty.....28  
Sick Leave.....29-30  
Bereavement Leave.....30  
Paid Time Off (PTO).....30-31  
Family Medical Leave Act (FMLA).....31-33  
Military Leave.....33-34  
Leave Donation Policy.....34

**INSURANCE BENEFITS**

Health Insurance.....34-35  
Benefits Continuation (COBRA).....35-36  
Additional Benefits.....36

**PUBLIC RECORDS DISCLOSURE POLICY.....36-39**

## WELCOME FROM MAYOR PAUL KOOMAR!

Whether you are a new or more experienced Bay Village team member, our employees are our most important assets. We all work together to provide critical services for our 16,000 residents. The mission of the City of Bay Village is to continue our heritage as a desirable lakefront community by preserving and enhancing our quality of life, natural surroundings and residential character, strengthening our business environment, and striving to provide superior services in a fiscally responsible manner.

### **Our Vision Statement is:**

To preserve and maintain Cahoon Park and Bay Village's unique history.

To protect and serve our residents through highly trained and professional safety forces.

To continue to upgrade our commercial districts and office buildings to better serve our residents while strengthening the tax base.

To encourage diverse housing options to meet the demands of a changing population.

To maintain and improve the city's pedestrian-friendly infrastructure and parks.

To support our high-quality schools, both public and private.

To enhance the quality of life for our residents through programs and facilities designed for residents of all ages.

To preserve and enhance recreational access to Lake Erie.

To look for partnering opportunities as a means to enhance and supplement our services and programs in a cost effective manner.

To serve our residents to the best of our ability with kindness, courtesy and professionalism and in a transparent, open manner.

Please join me in working together to fulfill our mission and vision statements on behalf of the residents of Bay Village.

Thank you for your commitment to public service and to the residents of Bay Village. I look forward to a productive and successful working relationship.

Sincerely,



Mayor Paul Koomar

## **PURPOSE AND DISCLAIMER**

This Employee Handbook is presented for your general information and guidance, and contains a summary of current guidelines for employees of the City of Bay Village. These guidelines apply to all City of Bay Village employees except where specific provisions are identified in an individual contract or covered in a collective bargaining agreement.

This Employee Handbook is supplemented by various local, state and federal laws, rules and regulations that may apply and you are strongly urged to seek out those other resources regarding specific provisions as may be needed for clarification.

This Handbook will supersede, replace or supplement any former letters, directives, or memoranda issued by/to City employees to the extent that those previous directives conflict with any statements contained herein.

This Handbook is not intended to be an expressed or implied contract of employment. The City is an “at-will” employer, and therefore, employment can be terminated with or without cause, and with or without notice, at any time, at the option of the City or the employee. No representative of the City, other than the Mayor, has the authority to enter into any agreement for any specified period of time or to make any promises regarding employment, and such agreements or promises must be in writing and properly signed by the Mayor and/or adopted by City Council, if required, to be valid.

This Handbook will be maintained by the City’s Human Resources Director, under the direction of the Mayor, and is subject to periodic review, modification, revision and amendment without notice. Employees will be provided with a copy of the Employee Handbook and will sign an acknowledgment form to indicate their review of the Handbook.

## DEFINITIONS

Certain words and phrases used in this handbook may be unfamiliar to a new employee who has not worked in a municipal government setting. Also, this list of definitions includes some standard employment terms that may be helpful to you in understanding your work and position with the City of Bay Village.

**Anniversary Date:** The date the employee first reports to work. Full-time anniversary date is used for purposes of calculating entitlement to vacation and longevity.

**Appointed Employee:** This is an employee who is appointed to their position by the Mayor and whose employment status is at the discretion of the Mayor.

**Bargaining Unit Employee:** An employee who has a position represented by a bargaining unit, employee association or a labor union.

**Charter:** The self-governing document first adopted in 1949, which is reviewed every ten (10) years by a Charter commission appointed by City Council, and which sets forth the form and structure of the City's government.

**City:** Means the City of Bay Village, Ohio.

**Classified Employee:** This is an employee who is appointed to their position by the Mayor and is covered by the Civil Service Rules and Regulations of the City of Bay Village.

**Continuous Service:** The uninterrupted service of an employee with the City.

**Day:** Means a calendar day unless specified otherwise.

**Employee, Exempt:** An employee who is exempt from the overtime provisions of the Federal Fair Labor Standards Act and is not eligible to receive overtime pay.

**Employee, Non-Exempt:** An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and is eligible to receive overtime pay.

## **RESPONSIBILITIES FOR MANAGING INFORMATION AND SERVING THE PUBLIC**

### *Contact with the public*

The City of Bay Village employees will treat the residents of the City and the general public with patience, courtesy, dignity and respect.

Beyond acts that are obviously illegal and/or unethical, any behavior that is not conducive to properly and effectively serving the citizens of Bay Village is prohibited and may be subject to corrective action.

### *Contact with City Council*

Employees are expected to respond to requests from City Council members through the Mayor's office in a timely manner.

Neither Council members nor Boards and Commission members can act directly to address and/or resolve employee concerns or issues. Thus, employees who have concerns and/or issues are encouraged to use the steps under the "Problem Solving" Section of this Handbook.

### *Contact with the Media*

Representatives of the media who are seeking information or opinions concerning pending legislation, litigation or other matters of apparent interest to the general public, may contact City employees from time to time. However, any requests for non-routine information from media representatives must be immediately referred to the employee's Director and reported to the Mayor's office. It is important that the media be provided accurate and timely information. Accordingly, in the context of the City government business, employees should not initiate contact with the media unless it is a job requirement as determined and assigned by the Mayor.

### *Release of information and public records*

It is the philosophy of the City of Bay Village that openness leads to a better informed citizenry, which in turn leads to better government and better public policy. The City of Bay Village's policies and practices regarding release of information and public records adhere to the State of Ohio Public Records Act and employees receiving requests for public records should refer to the City's Public Records Disclosure Policy outlined in this Handbook.

## **GENERAL EMPLOYMENT POLICIES**

*It is the policy of the City to comply with all Federal and State laws concerning employment.*

### **EQUAL EMPLOYMENT OPPORTUNITY**

The City of Bay Village values a diverse and inclusive workforce and is proud to be an equal opportunity employer. The City's Equal Employment Opportunity policy was established to ensure that all actions taken regarding employees, including but not limited to recruitment, placement, promotion, compensation, benefits, training, transfers, layoffs, and recalls are non-discriminatory and are based upon individual merit, ability, and performance. All personnel actions and conditions of employment are administered without regard to race, color, religion, national origin, age, sex, disability, veteran status, citizenship status, or sexual orientation.

The Mayor has responsibility for administration of this policy. Any employee who has a concern regarding the City's equal opportunity practices should immediately contact his/her supervisor or the Mayor's office, even if the employee has directly confronted the parties involved. If a bargaining unit represents the employee, the employee should also contact his/her union representative. The employee should provide as much information as possible regarding the complaint, including dates, times, persons involved and the specific nature of the incident. The employee is strongly urged to present the complaint in writing.

The City will investigate all complaints of alleged discrimination and the results of the investigation will be reported to the complaining party. Investigation of a discrimination complaint may include interviewing relevant parties to the complaint, including other employees, customers, citizens and contractors. The City will make every effort to be sensitive to privacy issues; however, it may be necessary in the course of the investigation to discuss relevant information with appropriate parties on a need-to-know basis.

The City strictly prohibits retaliation against an employee who makes a good-faith allegation of discrimination. The City is committed to investigating and correcting any form of discrimination taking place in the workplace, and will make every effort to maintain a working environment that is free of discrimination.

### **SEXUAL AND OTHER UNLAWFUL HARASSMENT OR INTIMIDATION**

The City is committed to providing a productive work environment that is free of unlawful harassment, and will not permit verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or job opportunities, or that creates an intimidating, offensive or hostile environment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, disability, religion, or any other legally protected characteristic is prohibited and will not be tolerated. Sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Supervisors have a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. Supervisors are strictly prohibited from threatening or insinuating, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors,

nonsupervisory employees, or nonemployees, is also prohibited. This conduct includes:

- (1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- (2) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- (3) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's personal appearance;
- (4) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
- (5) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to the Human Resources Director.

Employees can raise concerns and make reports without fear of reprisal. The City prohibits any form of retaliation against employees for bringing good-faith complaints or providing information about harassment. However, any individual who knowingly provides false information in a discrimination or harassment investigation will be subject to disciplinary action, up to and including termination.

Any supervisor who becomes aware of possible sexual or other unlawful harassment should promptly advise his or her supervisor or the Human Resources Director who shall handle the matter in a timely, impartial and confidential manner. Employees are required to cooperate in any investigation. A timely resolution of each complaint will be reached and communicated to the parties involved.

#### AMERICANS WITH DISABILITIES ACT

As a part of the City's policy to comply with all federal and state laws concerning the employment of persons with disabilities, the City has developed the following policy to reasonably accommodate qualified individuals with disabilities. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A "disabled individual is defined under the Americans with Disabilities Act of 1990 as an individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment. A qualified individual with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for. It is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment with the City.

The City will make reasonable accommodations to accommodate qualified individuals with a temporary or long-term disability so they can perform the essential functions of a job. Essential functions are defined as those activities of a job that are the core to performing that job, and which the job exists to perform, and which cannot be modified. These functions are identified in the City's job descriptions. A request for reasonable accommodation should be presented to the Human Resources Director. A reasonable accommodation may include, but not be limited to, making existing facilities readily accessible to disabled individuals, reassignment to a vacant position or modification of work schedule or other work-related accommodation. A reasonable accommodation will be evaluated by the Human Resources Director and will be made in compliance with any relevant collective bargaining agreement that applies to the employee or the work involved. An individual who can be reasonably accommodated for a job, without undue hardship to the City, will be given the same consideration for that position as any other applicant.

All City employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace will not be considered qualified for any position in the City, and such employees will not be hired. Direct threat to safety is defined as a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on leave until the City determines an appropriate resolution to the situation.

#### DRUG-FREE WORKPLACE

The City of Bay Village is committed to preserving a safe work environment for all employees of the City by maintaining a workplace free from the presence or influence of drugs and alcohol. All employees will be required to comply with the City's "Drug Free Safety Program Policy and Procedures".

#### CODE OF ETHICS

As an employee of the City of Bay Village, it is important to remember that the compensation of employees is paid through public taxes, and each City employee assumes the responsibility to serve the public in an honest, effective and pleasant manner. As a City employee, you are a public official as defined by Ohio Revised Code Section 2921.01 and as such, you are subject to a number of the provisions of Ohio's Code of Ethics laws. The provisions of Chapter 525.11 of the City of Bay Village's Codified Ordinances shall also apply to City employees. This includes a specific policy which prohibits a public official or employee from soliciting, accepting, or using a public position to secure things of value that could have a substantial and improper influence on the employee. Things of value can include many things, like money, gifts, real estate, employment, and compensation. The Ethics Law recognizes that when someone is giving a public official something of significant value, both the source and the value must be considered to determine whether it could have a substantial and improper influence on a public official's job duties. In cases where there is question, the employee must use his/her best judgment, and if in doubt, refuse the item. Failure to properly follow this policy can result in disciplinary action, up to and including termination of employment. For more information refer to the State of Ohio Ethics Commission website [www.ethics.ohio.gov](http://www.ethics.ohio.gov).

Your documented receipt of this handbook indicates that you have received and understand this policy. The City expects that you will read and understand your obligations and rights as a public official and a City employee.

## CONFLICT OF INTEREST

*The Charter of the City of Bay Village Article XIII, Section 13.3 reads as follows:*

Any City officer or employee who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of any contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City, shall render the contract or sale voidable by the Council.

## PARTICIPATION IN POLITICAL ACTIVITY

Involvement in political activities will not be permitted during an employee's work time. Political activities include but are not limited to the following:

1. Solicitation or receipt of any assessment, subscription or contribution for any political party or cause.
2. Campaigning for any candidate or issue, including posting, wearing or distributing political material of any kind, etc.

## NEPOTISM POLICY

City of Bay Village employees are prohibited from authorizing employment, or using the authority of their position to secure employment, or employment benefits, for any family member. Accordingly, an employee cannot directly supervise a family member or have any influence, formally or informally, over any decision to hire, promote, discipline, or otherwise impact the employment of a family member.

For purposes of Ohio Ethics Law, a "family member" includes the following (regardless of where they live):

- Spouse;
- Children/Step-Children (whether dependent or not);
- Siblings;
- Parents/Step-Parents;
- Grandparents; and
- Grandchildren

"Family member" also includes any other person related by blood or by marriage (e.g. cousins, aunts, uncles, in-laws, nieces, nephews) if that person resides in the same household as the public official or public employee.

The basic criteria for appointment and promotion of all municipal employees will be appropriate qualifications and performance. Relationship by family or marriage will constitute neither an advantage nor a deterrent to appointment provided the individual meets and fulfills the appropriate appointment standards. Applicants may not be hired for or promoted into positions in which they would supervise or be subject to the immediate supervision of a member of their immediate family. The selection of personnel will be on the basis of job-related qualifications.

Employees must disclose any familial relationships to the Human Resources Director as soon as they become aware of employment or potential employment of a family member.

In addition, the City of Bay Village will generally not hire the minor child of a current employee unless the conditions set forth by the Ohio Ethics Commission are met. Determination as to whether these conditions have been met is solely in the discretion of the Human Resources Director in consultation with the Law Director.

Any employee who violates this policy, whether by knowingly permitting or knowingly accepting employment in violation of this policy, is subject to disciplinary action up to and including dismissal from employment.

#### WHISTLEBLOWER POLICY

If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or Mayor has the authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or Mayor, the employee may file a written report with the office of internal auditing created under Section 126.45 of the Ohio Revised Code.

#### COMPUTER, E-MAIL AND INTERNET USE

The City of Bay Village has established the following policy with regard to access to City computers, hardware, software, E-mail, and Internet systems. This policy also pertains to the disclosure of E-mail messages created, sent, or received by City employees using the City's E-mail system and/or the employee's own personal E-mail service provider in any interaction with the City's E-mail system. The City reserves the right to change this policy at any time as may be required under the circumstances.

The City of Bay Village maintains computer, E-mail, and Internet access for conducting City business and not for personal use.

All messages composed, sent or received on the system are the property of the City, and confidentiality should not be assumed. The City may review, audit, intercept, access, and disclose all messages or information created, sent, or received.

*The following activities are prohibited in using the City's computer, E-mail and Internet systems:*

1. For personal matters, personal commercial gain, to further private causes, or non-job related solicitations.
2. Dispersing City data to entities outside the City's network without appropriate authorization or as provided under the Ohio Public Records Act.
3. Sending or receiving copyrighted materials, trade secrets, proprietary financial information or similar materials without appropriate authorization other than as provided under the Ohio Public Records Act.
4. Downloading and installing programs from the Internet without prior approval of the employee's supervisor. Only City-owned software shall be installed on City equipment.

5. Disrupting electronic services or the system including, but not limited to tampering with hardware, software, or data, introducing or using computer viruses or attempting to gain access to restricted information or networks.
6. Accessing inappropriate (offensive, obscene, or pornographic) websites; or using computer or online services to facilitate and/or to access materials or messages inconsistent with the City's workplace policies.
7. For illegal activities, financial gain, gambling, sports information, entertainment, job information or discriminatory messages based on sex, race, age, sexual orientation, religion, national origin, or disability.
8. For creating any offensive or disruptive messages, including those that may contain sexual implications, racial slurs, gender-specific comments, or any other comment that negatively references someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

Violations of this policy shall be reported to the Human Resources Director.

Misuse of electronic services and/or any violation of the City's computer, E-mail, or Internet policies may result in disciplinary action up to and including termination of employment.

#### SOCIAL MEDIA POLICY

Please refer to the City of Bay Village Social Media Policy for information on professional and personal use of social media and social networking sites.

#### BUSINESS CELL PHONE POLICY

The City recognizes that certain positions may require the use of a cell phone to perform their jobs efficiently. Please refer to the City's Business Cell Phone Policy for further information.

#### VEHICLE POLICY

City of Bay Village employees who operate any City of Bay Village motor vehicle in the course and scope of employment must maintain a valid Ohio driver's license and meet the insurability guidelines of the City's insurance carrier. Employees who are required to operate commercial motor vehicles as part of their job duties must maintain a valid Ohio commercial driver's license ("CDL") at the appropriate level at all times. No one under the age of 18 will be permitted to operate any City vehicle at any time.

Employees who operate any motor vehicle in the course and scope of their employment shall operate the vehicle in a safe and courteous manner. This includes obeying all federal, state, and local laws pertaining to the operation of motor vehicles. Employees who are cited for violation of traffic/parking laws while in the course and scope of employment are responsible for paying any fines associated with the citation in addition to being subject to disciplinary action.

Due to the essential nature of the duties of certain employees, it is in the best interest of the City that such employees have access to and the use of City vehicles on a 24-hour-a-day basis, along with daily commuting privileges so that they may respond to the needs of the community. Such employees will be designated at the discretion of the Mayor.

### *Use of City Vehicles*

Personal use of City vehicles is permitted where such personal use is *de minimis* and incidental to the employee's use of the City vehicle and does not result in:

- A significant deviation from the course of travel on City business
- Exposure of the City vehicle to substantial additional risk or loss or damage
- Exposure of the City to substantial additional risk of liability

All personal use must be logged.

Non-employees are strictly prohibited from operating City vehicles, with the exception of certain professional situations, such as valet parking and vehicle maintenance personnel. However, non-employees are permitted to ride in a City vehicle for business and civic-related reasons or during incidental, *de minimus* personal use.

In the interest of efficient emergency response and maintaining the vehicle fleet, an employee using a City vehicle for commuting purposes may not drive the City vehicle farther than a radius of twenty-five (25) miles away from the City of Bay Village.

An employee who is authorized to use a City vehicle for commuting purposes, other than employees that use a qualified non-personal use vehicle, must substantiate in writing the usage (mileage), time and place of travel and business purpose of the travel. Written records must be submitted annually to the Finance Department. Any commuting, personal use or use not substantiated will be included in the employee's income.

Publication 15-B of the Internal Revenue Service entitled "Employer's Tax Guide to Fringe Benefits" will be the authority the City uses to determine the taxable amount to employees with a City provided vehicle. The City uses the annual leased value method in determining the taxable value to be included on the employee's annual W-2 form.

### *Alcohol and Drug Use Prohibited*

No employee while driving, operating, or traveling in a City vehicle shall use, misuse, be under the influence of (or report for duty under the influence of) any of the following:

- Alcohol or any beverage, mixture, or preparation including medication containing alcohol
- Controlled substances as defined by section 3719.01 of the Ohio Revised Code
- Any such legal substance the packaging of which contains a warning to the effect that such substance should not be taken while driving or operating heavy machinery or equipment.

"Under the influence" shall be defined as use of drugs and/or alcohol registering at any level. No employee shall use, misuse, possess, sell, or transfer alcohol, drugs, controlled substance, drug paraphernalia or any combination thereof while driving, operating, or traveling in a City vehicle.

### *Safety*

Driver Safety Regulations:

1. Safety belts are required to be worn by the driver and all occupants when the vehicle is in operation or while riding in a vehicle. The driver is responsible for ensuring passengers wear their safety belts.
2. Drivers must abide by the federal, state and local motor vehicle regulations, laws and ordinances. Exceeding posted speed limit is prohibited.
3. Drivers are responsible for ensuring the vehicle is maintained in a safe driving condition by reporting any issues to their supervisor.
4. Drivers are to refrain from using cellular phones, placing outgoing calls or responding to calls while the vehicle is in motion. There is to be no texting or other hand controlled action while operating a vehicle. Exception shall be made for transmittal/communication devices that are required in the performance of duties.
5. There is to be no smoking or use of smokeless tobacco and/or electronic cigarettes in any City owned vehicle.
6. Eating or liquid consumption while driving a City owned vehicle is prohibited.

### *Accidents*

In the event of an accident involving a City vehicle, the employee shall immediately report said accident and any property damage or personal injury immediately to their Department Director and the Police Department.

Any employee operating a vehicle in an unsafe manner shall face disciplinary action up to and including termination.

### *License Information*

Operators of City vehicles are required to provide the Human Resources Director with proof of appropriate license according to Ohio law and class of vehicle.

Employees are required to immediately notify their supervisor of any motor vehicle violations they receive whether in a personal vehicle or a City vehicle. Any employee who drives any vehicle on behalf of the City must report to the Human Resources Director if their driver's license has expired or been revoked, suspended, forfeited, or restricted in any manner. This includes the immediate reporting to the Human Resources Director of any arrest for operating a vehicle under the influence of alcohol/drugs. Changes in license status shall be reported within 72 hours after the change in license status occurs even if said change occurs while on vacation or authorized leave. Also, an employee driving or operating any vehicle on behalf of the City must report to the Human Resources Director when accumulating traffic violation convictions that total 6 points on his or her driving record.

Loss of or suspension of a driver's license may be grounds for termination of employment of an employee required to operate a motor vehicle as part of his or her job. The City of Bay Village may also suspend or limit the on-the-job driving privileges for any employee for any reason involving possible danger to individuals or property.

### *Maintenance*

All vehicles owned or leased by the City of Bay Village are to be operated and maintained in a safe and efficient manner. The operator of any such vehicle or equipment shall be responsible for reporting any

defect, damage, or unsuitable condition of any city vehicle to his or her Department supervisor or Director. City-owned gas and other vehicle fluids or parts shall be used in City vehicles only. No employee is permitted to place City-owned gas or other fuel in his or her personal or other private vehicle or equipment under any circumstances. An employee who operates their personal vehicle for City business shall be paid a mileage allowance in accordance with IRS code. If refueling a City vehicle during approved travel, when City-owned fuel cannot be used, employees must use self-service gas pumps and submit a receipt for reimbursement.

#### *Violations of Policy*

Any violations of this policy may result in disciplinary action up to and including termination.

### LACTATION POLICY

The City of Bay Village will provide suitable private locations and reasonable break time for employees to express breast milk. The City of Bay Village prohibits discrimination and harassment of nursing employees who exercise their rights under this policy.

An employee who plans to express milk during the workday should discuss her plans with her supervisor or the Human Resources Director in advance to allow adequate time to plan and identify a suitable private location. Reasonable break time will be provided for expressing milk. Employees may use their regular rest and meal break time for this purpose. Employees should discuss scheduling with their supervisors and supervisors are encouraged to be flexible. Human Resources will identify a private room or other suitable location, other than a restroom, in close proximity to the employee's work area for the employee to express milk.

### TRAVEL EXPENSES

Refer to the City's Travel Policy for further information on travel expenses.

## **EMPLOYMENT**

### EMPLOYMENT CLASSIFICATIONS

The Fair Labor Standards Act requires all employees to be classified according to overtime provisions of the law. For the purposes of paying any compensation, all employees are classified as either "Exempt" or "Non-exempt" from overtime compensation.

The Human Resources Director is responsible for classifying all employees into one of the following categories for eligibility to receive certain benefits offered by the City of Bay Village.

These categories are defined as:

- Full-time: employees scheduled to work 37.5 to 40 hours per week
- Statutory Full-time: employees scheduled to work more than 29 hours but less than 40 hours per week.
- Regular Part-time: employees scheduled to work a set number of hours per week not to exceed 29 hours per week.
- Intermittent Part-time: employees scheduled to work sporadic hours during a week not to exceed 29

hours per week.

- Seasonal: employees scheduled to work any number of hours per week for a specified period not to exceed six (6) consecutive months per year.

### CIVIL SERVICE

Civil Service positions with the City of Bay Village are governed under the Civil Service Commission Rules and Regulations.

### EMPLOYMENT MEDICAL EXAMINATIONS

Candidates for employment, who have been offered employment with the City, may be required to take and pass a medical/physical examination by a physician designated and paid for by the City before beginning their employment. ***This offer of employment shall be contingent upon the results of this physical examination.*** Any employee who refuses to undergo such medical examination may be subject to withdrawal of their job offer by the City. Should the physical uncover a disability, such disability cannot be the cause for refusal to hire the individual unless the reason for rejection is job-related and justified by business necessity. If a reasonable accommodation of the employee's disability can be made, it will be. Medical information obtained as a result of the medical examination will be kept separate from other personnel information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

### PROBATIONARY PERIOD

All newly-hired employees will be required to serve a probationary period which varies by department. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. During this period, the employer will have the right to discipline or discharge employees and any action will not be appealable, subject to individual collective bargaining agreements entered into by and between the City and respective bargaining units.

### EMPLOYMENT APPLICATIONS

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and during employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in your exclusion from further consideration for employment or, if already hired, termination of employment.

The City does not accept applications and/or resumes except for positions that the City currently has open. All applications and/or resumes must designate the open position being applied for and must be submitted to the Human Resources Director for consideration.

No individual can be made a formal offer of employment with the City of Bay Village without completing a City of Bay Village Employment Application or, if applicable, Civil Service application.

### IMMIGRATION REQUIREMENTS

Federal law requires that all individuals who become employees of any organization be authorized to work in the United States. Upon hiring, every individual will be required to submit documentation to prove his or

her authorization to work in accordance with the relevant federal regulation and the City will verify same as a condition of employment.

### EMPLOYMENT VERIFICATIONS

Requests for employment verifications are to be referred to and handled by the Human Resources Director. All verification requests should be in writing and accompanied by the current or former employee's signed authorization to release such information.

Only verifications of dates of employment, position and earnings history will be given in response to a request for an employment verification.

### EMPLOYEE IDENTIFICATION CARDS

Employee Identification Cards will be issued for all full-time and part-time employees. Photographs are taken and cards are issued by the Human Resources Department. These cards are used for identification purposes only.

### HEALTH AND SAFETY

It is the City's policy to provide a safe and healthful work environment for all employees. Employees are expected to comply with all safety and health requirements whether established by federal, state or local law.

All supervisors shall be constantly alert to protect the safety and health of City employees. The responsibilities of supervisors will include:

- Inspecting their work areas
- Familiarity with all safety and health procedures
- Training employees in matters of safety and health
- Identifying unsafe conditions
- Reporting all accidents

All observed safety and health violations and any accidents resulting in injuries to employees, or other individuals on City property or work sites, shall be immediately reported to the Human Resources Director in writing.

### SMOKING

According to the laws of Ohio and in keeping with the City's intent to provide a safe and healthful work environment, smoking is expressly prohibited. Employees desiring to smoke on their designated breaks must do so outside city buildings, so as not to allow smoke to enter any building, and/or city owned vehicles. This policy applies equally to all employees and visitors.

Effective August 15, 2012, the City of Bay Village will no longer hire individuals who use nicotine products into full-time positions.

### DRESS CODE/APPEARANCE/UNIFORMS

Employees are required to maintain a neat and clean personal appearance, including clothing, personal hygiene and grooming appropriate for their positions and to follow any specific departmental dress code

and/or appearance guidelines.

The City may provide and/or pay for uniforms and clothing items for employees in certain positions. In such cases, the City shall determine the type(s) of clothing to be worn and employees are required to wear them only while at work.

### WORKPLACE VIOLENCE

The City of Bay Village strives to provide a safe work environment for its employees and the citizens of Bay Village, and to that end, does not tolerate violence or threats of violence within its workplaces. The City prohibits any type of workplace violence committed by or against employees. The following list of behaviors, while not exclusive, provides examples of conduct that is prohibited:

1. Causing physical injury to another person;
2. Making threatening remarks;
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person, or subjects another individual to emotional distress;
4. Intentionally damaging City property or facilities, or the property of other City employees;
5. Possession of a weapon while in City vehicles or buildings, except for authorized law enforcement officers. Any possession of a weapon in a personal vehicle while on City property must be in compliance with Ohio Revised Code and the Ordinances of the City of Bay Village.
6. Committing acts motivated by, or related to, sexual harassment or domestic violence.

Furthermore, City employees are encouraged to exercise good judgment and notify the City's Human Resources Director or Police Department when they observe a potentially dangerous situation involving behaviors demonstrated by employees or non-employees such as:

1. Discussing weapons or bringing them into City buildings;
2. Displaying overt signs of extreme stress, resentment, hostility or anger;
3. Making threatening remarks;
4. Sudden or significant deterioration of performance;
5. Displaying irrational or inappropriate behavior.

Any potentially dangerous situations must be reported immediately to a supervisor or to the Human Resources Director. Threats of imminent danger must be reported to law enforcement immediately. Reports can be made anonymously and all reported incidents will be investigated by the Human Resources Director and/or Police Department. Reports or incidents warranting confidentiality will be handled appropriately, as confidentially as possible under the law and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be interviewed and the results of the investigation will be discussed with them. The City will actively intervene at any indication of a possibly hostile or violent situation and will respond appropriately.

Aggressive or violent acts of any type will not be tolerated, and an employee determined to have committed such an act will be subject to disciplinary action, up to and including termination, as well as possible criminal charges. Non-employees engaged in aggressive or violent acts on the City's premises will be reported to the proper law enforcement authorities and will be escorted from the premises.

### WORKPLACE SECURITY

The City strives to provide a secure work environment where employees are comfortable and safe in the

performance of their duties. In order to provide as much protection as possible for the security of the City's employees and to allow the public to have as much access as is reasonably possible to the public servants who work in our facilities, the Safety Committee, consisting of the Mayor, the Director of Public Service and Properties, and the Chief of Police, is responsible for developing and implementing security procedures to ensure a secure work environment.

Employees will be authorized to access areas that are necessary for their work responsibilities only. The City restricts access to certain areas and certain items such as keys to buildings and offices, and those items will be issued only to those employees whose responsibilities require them. Loss of keys or other City property should be reported immediately to the Department Director and the Human Resources Director. Upon leaving employment with the City, any such keys or City property will be returned to the Department Director.

The City will periodically review and modify its security practices and will communicate changes in procedures as needed to affected employees.

### DISCIPLINARY PROCEDURES

The City of Bay Village utilizes disciplinary processes that promote both consistency and understanding of the City's work regulations and performance expectations. To that end, the City has implemented disciplinary guidelines that apply to non-bargaining unit employees, and bargaining unit employees should refer to their collective bargaining agreements for provisions regarding discipline as well. These guidelines neither delegate nor limit the powers and duties conferred upon the City, its Departments or Appointing Authority by the Ohio Revised Code or City Charter.

In cases of misconduct or violations of City performance standards, the City generally adheres to a procedure of progressive discipline, which may include actions ranging from verbal warnings to termination. Supervisors are provided general guidelines to follow in disciplinary procedures, but are encouraged to apply their management experience and discretion to discipline situations. In all cases, supervisors are encouraged to apply consistent disciplinary procedures that are intended to ensure fair treatment and focus on future expectations of performance.

In order to clarify acceptable standards of work conduct, the City provides the following specific examples of offenses but the examples provided are illustrative, not exclusive. The City retains the right to evaluate specific incidents of employee behavior in context and reserves the right to identify additional actions that represent unacceptable work conduct. The specific examples are as follows:

1. Misuse, unauthorized removal, or appropriation of property belonging to the City or another employee.
2. Falsifying own or another employee's time sheet or any other City record, including falsification of an employment job application regardless of when such falsification or misrepresentation is discovered.
3. Violation of any established City policy including but not limited to the Sexual Harassment Policy, Workplace Violence Policy, Code of Ethics, Conflict of Interest Policy and the Drug Free Workplace Policy.
4. Unauthorized stopping of work, refusal to perform work assigned, and/or insubordination.
5. Sleeping on duty, except members of Fire Department.

6. Violation of City Safety and Health Rules and Regulations.
7. Violation of departmental rules and regulations.

The above examples are not intended to be all inclusive. Other misconduct or violations of City performance standards may subject employees to other progressive disciplinary actions.

#### *Disciplinary action appeals process*

City employees have various appeal options available to them, depending on the status of their position with the City. Employees who are covered by Civil Service regulations are entitled to pursue an appeal to the Civil Service Commission for certain disciplinary actions by timely filing such appeal with the Commission. Employees whose positions are represented by a bargaining unit may appeal a disciplinary action through the grievance procedures outlined in their collective bargaining agreements. Non-bargaining unit personnel can appeal a disciplinary action through the following procedure:

1. Appeals must be presented in writing to the Mayor within ten days of the disciplinary action.
2. Within thirty days of the date of receipt of the employee's written timely appeal, the Mayor or his/her designee will schedule a hearing with the employee, supervisor and any other parties the City deems relevant to the appeal.
3. Within a reasonable period of time, the Mayor or his/her designee will prepare a summary report that will set forth findings of fact based upon the evidence presented at the hearing, and will issue a final disposition of the matter.

These procedures are designed to provide a direct, fair and prompt method of resolving a complaint regarding an adverse disciplinary action for non-bargaining unit employees. Other employees wishing to appeal a disciplinary action should refer to their collective bargaining agreement.

#### HOURS OF WORK/WORK SCHEDULES

City Hall hours are 8:30 a.m. – 4:30 p.m., Monday through Friday. Certain City Departments' work schedules will vary due to the nature of their work and will be set by the Department Director.

Meal breaks are unpaid and should occur approximately half way through the workday. However, certain departments may require alternate meal periods. The length of the meal period may vary from 30 minutes to one hour according to the needs of the department and as approved by the Department Director.

#### ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Employees are to be at their work stations at their required starting times and through the duration of their scheduled shift. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

#### PERFORMANCE EVALUATIONS

The City of Bay Village recognizes that timely, candid performance feedback and discussion with

employees is essential to good work performance and employee development. To that end, supervisors shall conduct annual performance evaluations with subordinates as directed and coordinated by the Human Resources Department. The results of an employee's Performance Evaluation may have an impact on compensation considerations.

### LONGEVITY PAY

Full-time employees are entitled to longevity pay per labor contracts and codified ordinance. Longevity pay for full-time employees is paid on the first regular pay date in December. For specific details, please refer to individual contracts or Codified Ordinance 151.

### WORKER'S COMPENSATION

The City of Bay Village is dedicated to providing a safe work environment for all employees. If an employee does experience a workplace injury and/or illness, prompt reporting and treatment are essential.

#### *Reporting*

All work-related injuries or illnesses should be reported in the following manner:

- The employee should immediately notify his or her supervisor of the injury/illness.
- The employee should obtain an Injury Reporting Packet from their supervisor and fully complete the Injury Report form. The completed Injury Report form should be returned to the supervisor.
- The supervisor shall conduct a preliminary investigation of the circumstances surrounding the injury/illness. The investigation should include gathering facts from the employee and any witnesses deemed appropriate regarding the claimed incident that caused the injury/illness.
- After completing the preliminary investigation, the supervisor should have witnesses (if any) complete written statements that are in the Injury Reporting Packet. All completed forms shall be returned to the Human Resources Director.
- The supervisor must immediately notify the Human Resources Director of the work related injury or illness.

#### *Initial Treatment*

An employee may seek treatment with the City of Bay Village's occupational injury preferred providers or with a BWC certified physician of their own choice.

Neither the City nor the state insurance fund will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty fitness, recreational, social, or athletic activity sponsored by the City. Employees will be requested to sign a waiver as a condition precedent to participating in the event and forward to Human Resources Department.

#### *Transitional Duty*

The City may assign an injured employee to transitional work assignment(s) when such work is available and the employee is released by the medical provider for such alternative work. Transitional work assignments will be at the discretion of the Department Director and the Human Resources Director.

## **PERSONNEL AND PAYROLL RECORDS**

### **PERSONNEL FILES**

The City maintains a personnel file and a medical file for each employee that is retained in the Human Resources Department and maintained by the Human Resources Director. Personnel files and information shall be confidential to the extent as permitted by law.

Employees or their legal or union representatives are permitted to review their own personnel and medical file. Please contact the Human Resources Director to set up an appointment.

### **PAYROLL**

Employees are paid bi-weekly by the Finance Department. The workweek begins on Sunday and ends on Saturday.

Employees are required to have their paychecks direct deposited into account(s) designated by the employee. Paystubs will be made available prior to the pay date and should be reviewed for accuracy. Any discrepancies shall be reported to the Finance Department. Employees are required to provide a bank form verifying the current direct deposit routing number and account number.

#### *Payroll Deductions*

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's paystub.

- Mandatory deductions shall be made from all employees' income in accordance with Federal, State and Local tax regulations.
- Mandatory deductions shall be made from all employees' income who are required to be members of the Public Employee's Retirement System or Police & Firemen's Disability & Pension Fund of Ohio. Elected officials may request deductions for the Federal Insurance Contributions Act (FICA) in lieu of pension fund deductions.
- Voluntary deductions for City authorized insurances, union membership dues, City authorized investment accounts, and any similar deduction shall be made from the employee's income upon written request from the employee.
- Mandatory deductions will also be made for any court ordered garnishment.

Each paystub will show current and year-to-date figures for gross pay, deductions and net pay. The stub will also reflect any accrued time used in the current pay period and the balance thereof.

Any changes in bank account information shall be communicated to the Finance Department.

### **PERSONAL INFORMATION**

It is the responsibility of each employee to promptly notify the Human Resources Director and Finance Department in writing of a change in any of the following personal information:

1. Home address and telephone number
2. Name
3. Marital status

4. Number and names of dependents and eligibility criteria
5. Citizenship
6. Emergency contact information
7. Military status
8. Direct deposit information
9. Personal email address

#### PENSION FUNDS

*Police and Fire Disability Pension System:* Full-time employees of the Fire and Police Division must be members of the Police & Fire Disability Pension System, 140 East Town Street, Columbus, Ohio 43215. Telephone (614) 228-2975. Employees are required to contribute each pay, and the City makes a quarterly contribution based on the employees' earnings. For further information, including contribution rates, an employee should contact the pension board.

*Ohio Public Employees Retirement System (OPERS):* All municipal employees other than full-time Police and Fire employees must be members of the Public Employees Retirement system of Ohio, 277 East Town Street, Columbus, Ohio 43215. Telephone (614) 466-2085. Employees are required to contribute 10% of their gross pay each pay period to the pension system, and the City makes a quarterly contribution based on the employee's earnings. Please contact OPERS for further information and/or additional requirements.

#### UNEMPLOYMENT COMPENSATION

The City will pay unemployment compensation to employees who have been separated from City employment and meet the eligibility requirements set by the Ohio Department of Job and Family Services' Office of Unemployment Insurance Operations.

#### EMPLOYMENT SEPARATION

Should an employee decide to resign or retire from employment with the City, a written resignation should be submitted to the Supervisor at least two weeks prior to the intended date of departure. If an employee does not provide advance notice as requested, the employee may not be considered eligible for rehire.

#### *Exit Interview*

When an employee voluntarily terminates their employment, an exit interview will be scheduled with the Human Resources Director. This process is intended to elicit voluntary information concerning their experience as an employee with the City of Bay Village and the reason for leaving.

#### *Return of Property*

Employees are responsible for items issued to them by the City or in their possession or control, such as the following:

- Credit cards
- Equipment
- Keys
- Manuals
- Protective Equipment
- Vehicles
- Written Material

Employees must return all City property to their supervisor immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or

final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

## **LEAVE POLICIES**

### HOLIDAYS

All full-time employees of the City, excluding officers and employees covered under separate labor contracts, are entitled to the following holidays:

New Year's Day	Labor Day
Martin Luther King Day	<del>Columbus Day</del> (updated October 1, 2020)
President's Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving (updated October 1, 2020)
Independence Day	Christmas Day

If a holiday falls on Saturday, the Friday before shall be observed. If a holiday falls on Sunday, the following Monday shall be observed. If any employee fails to work the scheduled workday before a holiday and the scheduled workday after holiday, holiday benefits will not be paid, unless excused by the Mayor or Department or Division Head.

### VACATIONS

Full-time employees of the City shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract.

<u>Full-time Length of Service</u>	<u>Annual Vacation in Days</u>
0 Months to 4 Years	10
4 to 10 Years	15
10 to 17 Years	20
17 to 25 Years	25
25 or More Years	30

*Please refer to individual contracts or Codified Ordinance 151 for further information pertaining to vacation time.*

### JURY DUTY

Full-time employees shall receive their regular wages for time lost from work with the City while serving as a member of a municipal, common pleas, or federal court jury panel. In order to qualify for pay, the employee must notify his supervisor of such service in advance and upon completion of jury duty, present proof satisfactory to the Finance Director from the court as to the time spent in such service. The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service. Of course, employees are expected to report for work whenever the court schedule permits. (Please refer to individual contracts or Codified Ordinance 151.)

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties. The City will continue to provide health insurance benefits for the full term of the jury duty absence.

## SICK LEAVE

Sick leave is a benefit provided to full-time City employees. Full-time employees shall accrue sick leave hours on the basis of 4.6 hours for each eighty (80) hours of compensated service up to a maximum of 120 sick leave hours per calendar year. Compensated service shall be defined as actual hours worked, vacation, sick and holiday hours. Eligible employees shall receive sick leave pay at their current rate of pay, if during scheduled work hours they are absent due to personal illness or non-work related injury; pregnancy; scheduled doctor appointments; documented exposure to contagious disease; to care for an ill or injured member of the employee's immediate family or any other relative residing with the employee. Full-time shall be defined as that term is described and contained in the Compensation Ordinance.

Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job-related injury and that employee has entered into a wage continuation agreement with the City.

Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of their accumulated sick leave.

Any employee who, without resigning or retiring, transfers from another public entity to the City shall be able to transfer the unused balance of accumulated sick leave to the City. Unused balance must be documented by the prior public entity before being credited to employee's account.

The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal. No sick leave shall be granted to an employee upon or after his retirement or termination of employment.

### *Payment at Resignation, Retirement or Death.*

Each employee with ten or more years of service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:

- Twenty-five percent (25%) after ten years of service
- Forty percent (40%) after fifteen years of service
- Fifty percent (50%) after twenty years of service

up to a maximum payment of fifty percent (50%) of the employee's annual base compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.

Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

The following circumstances will control the use of sick leave time for all employees of the City of Bay Village:

- Illness of employee: All regularly scheduled working hours.
- Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee's household.
  - Days of admittance to and discharge from hospital.
  - Day of surgery, including childbirth.
  - Time certified as "critical" by attending physician.
- Sudden illness or injury: To anyone living in the employee's household. Sufficient time to make temporary arrangements, but no more than four hours.

For the purpose of administering the provisions of this section the following procedures shall be followed:

- (1) The Director of Finance shall establish for each employee and each department a sick leave time account.
- (2) Charges against the sum of such accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.

#### BEREAVEMENT LEAVE

All Full-time, Statutory Full-time and Regular Part-time employees of the City of Bay Village, shall be granted a three day leave of absence, with pay, for the death of an immediate family member. Full-time, Statutory Full-time and Regular Part-time shall be defined as the terms that are described and contained in the Compensation Ordinance.

For purposes of this section "immediate family" includes: employee's spouse, children, step-children, parents, step-parents, parents-in-law, siblings, siblings-in-law, grandparents, grandchildren and/or other relative living in the employee's household.

Employees will be permitted with proper authorization to take additional days off for bereavement leave at the Employer's discretion, which shall be charged against any accumulated leave.

#### PAID TIME OFF (PTO)

Statutory Full-time and Regular Part-time employees compensated on an hourly basis shall earn paid time off at a rate of .0575 hours earned per hour worked, per pay period. When paid time off is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour absence from scheduled work. Statutory Full-time and Regular Part-time shall be defined as the terms that are described and contained in the Compensation Ordinance.

Paid time off may be used when an employee requests scheduled time off upon a twenty-four (24) hour advance notice by the employee and the approval of the employee's supervisor. Paid time off may be taken with less than a twenty-four (24) hour advance notice at the employee's supervisor's discretion.

The maximum amount of paid time off an employee can use in one (1) calendar year is one hundred twenty (120) hours, unless on an approved Family Medical Leave Act (FMLA) absence.

If PTO is used for sick leave purposes the same requirements as outlined in "Sick Leave" above shall apply.

In the event of resignation, retirement or death of a Statutory Full-time or Regular Part-time employee, the provisions outlined in "Sick Leave" above shall apply.

#### FAMILY MEDICAL LEAVE ACT (FMLA)

Under the Family and Medical Leave Act of 1993 ("FMLA") employees are entitled, during a twelve month period, to 12 weeks of job related leave for certain family and medical reasons. The 12-month period is calculated for each employee on a 12-month basis measured backward from the date an employee uses any FMLA leave. When an employee is absent from work, consistent with Department of Labor guidelines, the employer, at its discretion, may designate the leave as FMLA.

FMLA leave provides time off from work for any of the following: birth, adoption or foster placement of a child, the serious health condition of employee, or to care for a spouse, child, or parent with a serious health condition. A serious health condition is defined as any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. For further information on what will qualify as a "serious health condition" or be considered "continuing treatment," contact the Human Resources Department.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

#### *Intermittent Leave*

The employee may take the FMLA leave intermittently, taking a day at a time, as needed, or using the leave to reduce the workweek or work day. In the event of an intermittent leave due to birth, adoption, or foster placement of a child, the employee and the employee's supervisor must agree on the scheduling of the 12 weeks. In the event of leave relating to a serious health condition, the employee will be granted an intermittent leave or reduced work schedule if it is medically necessary.

An employee that is on an approved intermittent Family Medical Leave shall be required to complete the leave tracking form and submit to the Payroll Department on a bi-weekly basis. If an employee fails to submit the leave tracking form to the Payroll Department then all absences in that pay period will be treated as FMLA leave.

You may be transferred to an alternative position (with equal pay and benefits) that would better accommodate the intermittent leave schedule.

#### *Employee Eligibility*

Employees are eligible to apply if you have been employed at least 12 months and have worked at least 1,250 hours in the 12 months prior to the start date of the requested leave.

#### *Notice and Certification*

Employees will be required to provide thirty (30) days' notice when the leave of absence is foreseeable. If the employee's need for leave is not foreseeable, the employee should give the City as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own

illness and is for planned medical treatment, the employee must try to schedule treatment so as not to disrupt the City's operations unduly.

For any leave based upon a serious health condition, employees will be required to provide medical confirmation. The City reserves the right to require a second or third opinion (at the City's expense) verifying the medical condition, periodic recertification's of the serious health condition, and, when the leave is due to employee's own medical condition, a medical release stating that the employee is able to return to work.

The City may delay FMLA leave to employees who do not provide proper advance notice of the foreseeable need for leave. Approval of FMLA leave may be denied or delayed for lack of proper medical certification.

#### *Benefits during FMLA Leave*

Paid time off runs concurrently with Family Medical Leave. Employees will be required to use any accrued paid leave and vacation days as part of the 12-week total. Employees will also be required to use any accrued sick leave as part of the 12-week total when the FMLA leave is based on the serious health condition of the employee or the employee's spouse, child or parent. Employees may not use paid leave if he/she is receiving any disability compensation or workers' compensation.

Subject to the terms, conditions and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the FMLA leave. Employees will be required to pay their portion of the medical insurance premium. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage. In some instances, the City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during any unpaid portion of FMLA leave or during periods employee is receiving workers' compensation or disability benefits, and will resume upon return to active employment.

#### *Job Restoration*

Upon return to work, the employee will be restored to his or her original position or a position with equivalent pay, benefits and other employment terms and conditions without a loss in continuous employment status. However, an employee on an FMLA leave does not generally have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

If an employee fails to report to work promptly at the end of the approved leave period, the City will assume that the employee has resigned and proceed accordingly.

#### *Other Provisions*

The FMLA does not affect any federal or state law prohibiting discrimination or greater family or medical leave rights.

Salaried executive, administrative, and professional employees of the City who meet the Fair Labor Standards Act ("FLSA") criteria for exemption from minimum wage and overtime, do not lose their FLSA-

exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

For more information, employees may contact the Human Resources Department.

#### *Work During Approved Leave of Absence*

Employees during an approved leave of absence, are not permitted to work for another employer, with the exception of public service or military leave.

#### *Additional Leave*

Regular part-time, non-bargaining employees who have been employed by the City of Bay Village for at least 12 months and do not meet the minimum hours requirement set forth in the Family and Medical Leave Act (FMLA), but do meet the other requirements of FMLA, may be granted an unpaid leave of absence for up to 12 weeks during a 12-month period at the discretion of the Human Resources Director and the Mayor. Such leave shall be granted only for reasons that would qualify an eligible employee for leave under the FMLA. Employees shall only be eligible for continuous leave, not intermittent leave, under this policy. The 12-month period is calculated for each employee on a 12-month basis measured backward from the first date of the employee's leave taken under this policy. Seasonal employees and intermittent part-time employees do not qualify for this additional leave.

#### MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Re-employment Rights Act ("USERRA"). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

In the event that a full-time employee is on a leave of absence from employment to attend military service, field training, or other active duty assignment, the City will pay the difference between what the employee earns while in training or active duty and what would have been received while working for the City during that period. This period is not to exceed 31 days in any one calendar year. (Provisions shall not apply if service, training or active duty is less than seventy-two consecutive hours or longer than 31 consecutive days.) The employee may credit all or any portion of such military leave of absence against regular annual vacation and shall receive regular annual pay without deduction for the pay received for the service, training, or active duty.

The military leave of an employee entering regular duty will be unpaid and may not exceed five (5) years and service performed in excess of four years must be at the request and for the convenience of the Federal Government. The employee may use accumulated sick, vacation or personal time.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the City until the end of the first full month after military leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from military leave, benefits will again be provided by the City according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during any extended leave in excess of 31 days and will resume upon the employee's return to active employment.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

The employee will be restored to the same or comparable position upon satisfactorily completing military duty and advising the City of intent to return to work within 90 days of release from regular duty, provided the City's circumstances have not changed to the extent that it would be unreasonable to provide reinstatement. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. The employee will be treated as they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

Contact the Human Resources Department for more information or questions about military leave.

### **LEAVE DONATION POLICY**

The City of Bay Village recognizes that employees may experience a serious illness, family emergency and/or personal crises resulting in the need for additional time off in excess of their available accrued paid leave. To address this need, the City has developed a Leave Donation Policy. Please contact the Human Resources Department for more information.

### **INSURANCE BENEFITS**

#### **HEALTH INSURANCE**

Full-time employees are eligible for health insurance benefits on the first day of the month following their date of hire. Completion of the enrollment forms is required within 30 days of the date of eligibility. Legal spouses and dependent children are eligible for health benefits. Dependent children may be eligible for health benefits up to the end of the month in which they turn 26 years of age. When adding dependents the employee must provide verification (e.g., marriage certificate, birth certificate) of the relationship.

#### *Enrollment*

Eligible employees can enroll in benefits at any of the following times:

- During the first 30 days of employment;
- During the annual open enrollment period (generally in the month of November); and/or
- Within 30 days of a qualified status change (as defined below).

All enrollment selections must be made by completing the enrollment form and submitting to the Human Resources Director.

#### *Status Change*

Generally, benefit changes can only be done during the annual open enrollment period. However, you may

be able to change some of your benefit elections upon the occurrence of certain change in status events, provided you properly notify and provide documentation to the Human Resources Director. These change-in-status events may include:

- Your marriage;
- Your divorce or legal separation;
- Birth or adoption of an eligible child;
- Death of your spouse or covered child;
- Change in your spouse's work status that affects his or her benefits;
- Change in your work status that affects your benefits;
- Change in your child's eligibility for benefits; or
- Receiving a Qualified Medical Child Support Order ("QMCSO")

If you have a change in status event, you must complete the necessary forms and submit to the Human Resources Director within 30 days of the qualifying event. Verification documents are required to be submitted when adding dependents or commensurate with other change in status events (i.e. divorce).

Employees who submit false information during any enrollment process or fail to notify the Human Resources Director that a former spouse or other dependent is no longer eligible for continued coverage will be subject to disciplinary action, up to and including termination.

#### *Opt-out provision*

Eligible employees that opt-out of employer sponsored health insurance coverage may be eligible to receive an opt-out incentive as long as proof of coverage from another source is provided and such coverage was not purchased through a public health insurance exchange/marketplace.

#### *Employee Premium Contributions*

Employees will be notified prior to enrollment of the required employee premium contribution for each health benefit plan choice. This premium contribution is deducted from the employee's first and second paycheck each month on a pre-tax basis. Effective January 1, 2020 employees and/or family members on the City's insurance plan that are regular tobacco users shall pay a monthly surcharge. Working spouses of City employees who are eligible for group health insurance coverage through their employer's plan shall pay a monthly surcharge in order to participate in the City's health insurance plan.

#### BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee.

The City's COBRA program is administered through a third party. Upon notification of the qualifying

event, the third party will initiate the appropriate correspondence and mail to the employee and/or the qualified dependent providing pertinent information on application procedures and time limitations for continuation of coverage.

### ADDITIONAL BENEFITS

More information on the specific benefits that are available to full-time employees employed by the City of Bay Village are available by contacting the Human Resources Department.

## **PUBLIC RECORDS DISCLOSURE POLICY**

### *Introduction:*

This Public Records Policy is adopted by the City of Bay Village as required by Ohio House Bill 9, effective September 29, 2007.

### *Section 1. Public Records Custodian.*

All requests for public records must be directed to an authorized Public Records Custodian of the City. Requests made in person must be done during regular business hours, defined herein as 8:30 a.m. to 4:30 p.m. weekdays, excluding Saturdays, Sundays, and holidays. All public record requests made in person shall adhere to this requirement even if the public office, e.g. the division of police, is operated on a twenty-four (24) hour basis.

The Public Records Custodians shall be those persons designated by the Mayor who are authorized to respond to or to fulfill any public records request. Any public records request made to any other employee, officer or representative of the City shall not be considered as a properly made request, and the request will be directed to the proper Public Records Custodian. The Mayor may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodians.

### *Section 2. Public Records*

For the purposes of this Policy, the terms “records” and “public records” shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time.

#### *Section 2.1*

The records of the City will be organized and maintained so that they are readily available for inspection and copying. The City’s record retention schedule may be amended from time to time at the discretion of the Records Commission.

### *Section 3. Public Record Requests*

Each request for public records should be evaluated for a response using the following guidelines:

#### *Section 3.1*

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Custodian cannot reasonably identify what

public records are being requested. However, in such cases, the Public Records Custodian will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

### *Section 3.2*

A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory unless otherwise required by law.

### *Section 3.3*

Public records will be made available for inspection only during regular business hours as defined in Section 1, above. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

#### *Section 3.3a Request to Review Public Records.*

The requester may make a request to view public records to the Public Records Custodian, who shall prepare the public records for inspection "promptly," as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as location of the records, the volume of records being requested or need for legal review).

#### *Section 3.3b Copies of Public Records.*

The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the City, or upon any other medium if the City can reasonably duplicate it as an integral part of its normal operations.

Copies made on paper are 10¢ per page. There shall be no charge if the number of copies is 10 pages or less. All copy charges must be paid in advance before copies are made. If the Public Records Custodian uses an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be "at cost," without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at

the Public Records Custodian’s discretion. Under no circumstances will the requester be permitted to make the copies. The manner of making the copies is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Custodian.

Copies will be made available by the Public Records Custodian “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

*Section 3.3c Transmitting Copies of Public Records*

A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). For example, public records that are only available in paper form may either be scanned and sent by e-mail, or sent by fax. The cost of transmitting must be paid by the requester before the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Custodian “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the records and the volume of records requested.

*Section 3.3d Cost of Copies or Means of Transmitting Copies*

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) can be paid for in cash, or by check/money order/certified check, made payable to the City of Bay Village. If payment is made by check, copies will not be made until the check has cleared and been paid by the requester’s bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

*Section 4. Denial of Public Record Request*

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code, unless the redaction is otherwise required by federal or state law, [R.C. 149.43(B)(1)], each redaction must be accompanied by a supporting explanation, including legal authority.

*Section 5. Records and Information Exempt from Disclosure*

Some records or information maintained by the City are not “public records” but are protected, confidential records under Ohio and/or Federal law. Examples of protected, confidential records, include, without limitation: infrastructure records, security records, medical records, records pertaining to adoption, probation, and parole proceedings, records pertaining to actions and appeals under R.C. 2151.85 (juveniles seeking abortions), records listed in 3107.42 (A) (relating to adoption release records), trial preparation records, records and communications protected by R.C. 2317.02(A) (records and communications by and between the City and its attorneys), confidential law enforcement investigatory records, records containing

information that is confidential under R.C. 4112.05 (Civil Rights Commission), DNA records per R.C. 109.573, and records the release of which is prohibited by state or federal law.

In no event will records and communications by and between and the City and its attorneys be released, unless the City consents to their release.

*Section 6. Compliance with Ohio Revised Code requirements*

With any public record request, the City and the Public Records Custodian reserve the right to consult with legal counsel prior to the release of such public records. This is to allow the City the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records.

*Section 7. This policy shall be placed in any City employee manual or handbook.*