Memorandum

To: Mayor & Members of Council **From:** Monica Irelan, City Manager

Subject: General Information

Date: July 3, 2014



CALENDAR

TECHNOLOGY COMMITTEE AGENDA - Monday, July 7th @6:15 pm

- a. Approval of June 2, 2014 Minutes
- b. Discussion Regarding NCTV Contract (*Tabled*) a draft copy of the new contract is enclosed.

CITY COUNCIL AGENDA - Monday, July 7th @ 7:00 pm

C. APPROVAL OF MINUTES -

June 16, 2014 – Regular Council Meeting June 23, 2014 – Special Council Meeting

G. Introduction of New Ordinances And Resolutions

- 1. *Ordinance No. 042-14* an Ordinance Amending the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon.
- 2. *Ordinance No. 043-14* an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 2) for the Year 2014; and Declaring an Emergency. (Suspension Requested)
- 3. *Ordinance No. 044-14* an Ordinance Amending the Employment Policy Manual of the City of Napoleon
 - a. A copy of the amended Employment Policy Manual is enclosed.
- 4. **Resolution No. 045-14** a Resolution Authorizing Enrollment in the Ohio Rural Water Association 2015 Worker's Compensation Pool, and Authorizing the Expenditure of Funds and Directing the City Manager to Enter into a Professional Service Contract with Comp Management, Inc. (CMI) a Worker's Compensation Administrator; and Declaring an Emergency.
- 5. *Ordinance No. 046-14* an Ordinance Amending the City of Napoleon Traffic Schedules, Specifically Schedule I, Amending the Prohibited Parking on Highland Avenue from the East Side to the West Side
- 6. *Resolution No. 047-14* a Resolution Authorizing the City Manager to Enter into an Annexation Agreement with Napoleon Township for the Annexation of 5.448 Acres of Land Owned by MDC Holdings, LLC; and Declaring an Emergency.
 - a. A copy of the Annexation Agreement is attached to the Resolution.

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS - NONE

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

- 1. **Resolution No. 038-14** a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Project (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2014
- **2. RESOLUTION No. 039-14** a Resolution Authorizing the City Finance Director to Direct Payment of \$820,991.00 to American Municipal Power, INc. for the Net Stranded Liability for the AMPGS Project
- **J. GOOD OF THE CITY** (Discussion/Action)
 - 1. Napoleon Police Officers Association Donation to Safety City: \$300
 - 2. Award of Professional Design Services Contract for the Park Street Improvements (L.T.C.P. Project No. 17C and 11E ~ Partial) project
 - a. A Memorandum from Chad with his recommendation of award is included in the packet; a copy of the *Agreement for Professional Design Services* is on file with the Finance Director/Clerk's office.
 - ⇒ **Electric Rate Design** Request to be Referred to Electric Committee

INFORMATIONAL ITEMS

- 1. Henry County Commissioners' Minutes from the June 25, 2014 WTP Meeting
- 2. **CANCELLATION** Board of Zoning Appeals Meeting
- 3. **CANCELLATION** Planning Commission Meeting
- 4. AMP Update/June 27, 2014 & July 3, 2014
- 5. OML Legislative Bulletin/July 2, 2014
- 6. TMACOG July Newsletter



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Calendar

Calendar						
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City of Napoleon, Ohio

TECHNOLOGY & COMMUNICATION COMMITTEE

LOCATION: City Hall Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Meeting Agenda Monday, July 7, 2014 at 6:15 PM

- I. Approval of Minutes from June 2, 2014 (In the Absence of any Objections or Corrections, the Minutes Shall Stand Approved)
- II. Discussion Regarding NCTV Contract (Tabled)
- III. Any Other Matters Currently Assigned To Committee

Gregory J. Heath, Clerk/Finance Director

City of Napoleon, Ohio

Technology & Communication Committee

Meeting Minutes

Monday, June 2, 2014 at 6:15 pm

PRESENT

Members City Staff Jeffrey Marihugh - Chair, Travis Sheaffer (arrived at 6:23 pm), Christopher Ridley

Monica S. Irelan, City Manager Trevor M. Hayberger, Law Director

Gregory J. Heath, Finance Director/Clerk of Council

Dan Wachtman, MIS Administrator

Robert Weitzel, Police Chief

Recorder **Others**

Tammy Fein

News Media; Kelly Cooper and Ryan Wilde, Napoleon High School NCTV contacts

ABSENT

Call To Order Chairman Marihugh called the meeting to order at 6:15 pm.

Minutes Approved

Minutes from the February 3 meeting stand approved as presented with no objections or corrections.

NCTV Contract

Kelly Cooper and Ryan Wilde were present representing Napoleon High School NCTV; Hayberger stated the current NCTV contract expired May 31, 2014; Hayberger added that there is currently no franchise agreement.

Irelan stated that she had recently read through the contract, and the basic agreements include the NCTV Board handling the access facility, in return the City provides \$18,000 and a representative to the Advisory Board, although the Advisory Board has not met for quite some time. Irelan stated that historically the Advisory Board did met quarterly, then the meetings were reduced to an as needed basis, then the Advisory Board stopped meeting altogether. Irelan added that the equipment is housed at the High School, and the High School is to provide equipment and taping, a copy of the rules and procedures followed, and an annual review summarizing the previous year activities, the financial statement, and list of participants in the program. Marihugh stated he would like to see a listing of the equipment that was purchased with City money, adding that the operation of NCTV and maintenance of equipment were required by the High School in exchange for the \$18,000 donated by the City.

Marihugh stated that NCTV has been a concern of council, since the frequency of attendance has been far less than acceptable, and when the representative does attend a Council meeting, they turn on the camera then put in earphones to listen to music or play with their smartphone, Marihugh believes that more attention should be paid to meeting with respect to why the NCTV representative is attending the meeting. Brian Wilde, HS Principal, believes that the history of the NCTV program going to events is less frequent and the studio has become merely to fulfill the contract. Wilde stated that he understood that the number of student participants needed to be increased, and community relationships need to be changed; there has been new equipment purchased this year, and the High School will have a state of the art studio when the renovations are complete, including a control room, green screen, news desk, two updated camera systems on floor, and an editing station. Wilde stated that last year the program was down to three (3) students being interested, and next year the program will have thirty (30) participants; adding that there is a drive within the school to make NCTV a true

NCTV Contract Continued

community station, while teaching students the basics of editing along with broadcasting. Wilde believes that better things on horizon dealing with technology transitioning away from the antiquated equipment; adding that the construction process had hindered the program, and although this is frustrating, the renovations will bring back a higher quality to the program.

Heath asked if the NCTV advisor position is currently a fulltime position; Wilde stated that it is a supplemental position but there is also class period instruction time associated with it; Heath asked if there was any intention of having after school participation at the new facility; Wilde stated it would be a combination of in school and after school participation; Heath asked if there was any budgetary restraint to direct the position; Wilde replied that student participation will direct the position. Heath asked Cooper about her experience level regarding this issue; Cooper replied that her background is in technology not broadcasting, however she had sat with the equipment company that installed the new technology once or twice per week to learn the new equipment, adding that her knowledge has grown so she can now handle the NCTV program on her own this year. Wilde added that Cooper's degree is in marketing and he is very happy with Cooper's computer skills as she has handled some recent troubleshooting issues.

Heath asked what the plan is in terms of moving forward with the new facility, such as would it be operating during summer and holidays, and are there going to be plans to facilitate the NCTV program during those times; Wilde stated that this is a supplemental position which means it is utilized during summer as well as afterschool, adding that he has full confidence in Cooper as she is a certified teacher, adding that he believes the NCTV will become successful. Heath asked if either Four County or or NorthWest State had been contacted to possibly provide assistance; Wilde stated that Four County had not been contacted but the relationship with NorthWest State is ever expanding, including the jumpstart for dual enrollment, which started with three (3) classes, and now are up to nine (9), and they may be able to expand the communications classes with NorthWest State as well. Wild stated the High School conducts a very successful DECA marketing program, sending twenty two (22) students to state finals this year, and they are trying to figure how to allow students to participate in coursework as well as DECA to receive a certificate in sports broadcasting. Marihugh asked if NCTV still goes to surrounding communities to broadcast football games; Cooper stated that she has people who tape the games for her, and she receives the tapes to play on NCTV.

Heath stated that the money that is donated to the NCTV program comes from the Time Warner Cable franchise fees along with the citizens of Napoleon, and asked if other districts contribute any money, or if contributions from other communities have been requested; Wilde stated that other contributions have not been requested; adding that he will call the Treasurer of the High School to research how to go about doing this. Heath stated that this seems reasonable since the other communities are benefitting from use of the station; Cooper stated that Liberty Center has access to the station; Heath stated that both Liberty Center and Holgate should be approached for additional funding; Marihugh agreed. Marihugh asked if the stipend given to the High School was used exclusively for equipment, adding that no budget has been presented to City; and he would like to know where the \$18,000 was allocated; Sheaffer added that the Advisory Committee has not met. Ridley added that the NCTV services have been less than ideal, and the agreement was in place before Ridley was on Council; asking what the purpose of the agreement with NCTV is, and what should it

NCTV Contract Continued

accomplish, asking for a listing of the deficiencies from the High School's perspective; Heath gave a historical perspective of the NCTV Program, stating that the franchise fees memorialized into the legal form of collection of the stipend, adding that the City had control over the fees in the past, but the City no longer has control of the franchise fees, since there is no franchise agreement that is negotiable, and the donated money is a donation merely to placate both parties. Heath stated that the City does not have the appropriate staff, time or resources to run the NCTV station; adding that the initial term of operation was a better product than the current. Sheaffer stated that Time Warner Cable took over for Adelphia when this contract began; Heath reminded the Committee that the node (main feed) was donated, and this equipment was upgraded last year, but the program has been drifting. Heath stated that the Committee must decide if the NCTV program should be reeled back in or discontinued. Heath stated that only one (1) channel is being used for this program, but two (2) channels have been allocated for this program. Marihugh restated that Council has concerns regarding the NCTV program and would like to hear how the High School is going to make the program work, adding that the contract should be modified as it is 'bulky'; Marihugh stated he would like to get a shorter term outlined in the contract to give the High School a chance to prove that they can make this program successful. Marihugh believes that two (2) years would be a better time limit to accomplish this, and if not, the parties can part ways amicably. Ridley agreed with Marihugh, adding that there is generally a standard section in technology contracts that is a service level agreement, which should be added to this contract as it would be beneficial to both parties; adding there is too much room in the current contract and conditions were not being met. Marihugh stated there have been five (5) superintendents throughout the life of this contract which has caused a loss of strength of leadership. Sheaffer stated he is leaning toward nixing the contract; adding that the City has spent several thousands of dollars into this program, and it is time to let go. Sheaffer suggested giving the public access channel to the High School and not have it run by the City, along with \$2,000 or \$3,000 contribution, but definitely not an \$18,000 contribution. Heath stated that the Advisory Board must submit the rules and regulations of the access channel, asking if any had been developed; Marihugh believes the rules and regulations must be seen before any more money is given to this program. Cooper stated that she can give copy of her allocated budget for next year, as well as the budgets for the last few years. Wilde stated that both he and Cooper are unfamiliar with the contract and were not aware of these specifications, adding that this is a good starting point; Wilde stated that he wants Council to agree to an appropriate contract and Wilde will give the contract to the High School Treasurer to approve, and Wilde will research the deficiencies of the City's expectations regarding the NCTV program. Ridley stated that seeing the budgets would be helpful to research where the donated dollars are going; adding that he feels that the NCTV program is helping foster the youth in the community, while getting a service for it is beneficial to the City.

Irelan suggested tabling the issue to allow time for her to work with the High School regarding contract issues; Heath reminded the Committee that the Advisory Board still exists and should be examined to see if requirements are current; agreed that the structure of the Board should be researched. Irelan stated that the contract has specifications for members of the Advisory Board and the appropriateness can be discussed, adding that this discussion can go in one of two directions; either send the issue to the NCTV Advisory Board and have them look at it and direct Irelan, or this Committee can direct Irelan to edit the contract; Sheaffer stated that the original Advisory Board was created to handle any appropriateness issues that may occur

NCTV Contract Continued regarding First Amendment rights and grievances of such. Irelan stated that her discussions with the High School will reemphasize the requirements regarding budgets among the other issues discussed at this Committee.

Motion To Table NCTV Contract Discussion And Direct City Manager To Revise NCTV Contract Motion: Ridley Second: Marihugh
To table NCTV Contract discussion and direct City Manager to revise NCTV Contract
as discussed

Passed
Yea- 2
Nay- 1
Roll call on above motion:
Yea – Marihugh, Ridley
Nay – Sheaffer

Motion To Adjourn Motion: Ridley Second: Sheaffer

To adjourn the meeting at 6:55 pm

Passed Roll call vote on above motion: Yea- 3 Yea- Marihugh, Ridley, Sheaffer

Nay- 0 Nay-

Date Approved:

Jeffrey Marihugh, Chair

AGREEMENT FOR OPERATION OF THE PUBLIC ACCESS CHANNEL FOR NAPOLEON

WHEREAS, the General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service; and,

WHEREAS, Time Warner, currently operates in Napoleon, Ohio, under R.C. Section 1332.32, and is a video service provider that is providing service to subscribers in the City pursuant to a state-issued video service authorization; and,

WHEREAS, the Video Service Provider, pursuant to City Ordinance No. 098-07, in accordance with the requirements of R.C. 1332.32, and pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce, shall pay Video Service Provider Fees ("VSP Fees") in the amount of five percent (5%) of gross revenues received from providing video service in the City, which gross revenue base shall include advertising revenues; and,

WHEREAS, this Council is desirous to pay a portion of the fees collected to the Napoleon Area City School District Board of Education to help fund public access channel(s). **Now Therefore**,

This Agreement is now made this _____ day of _______, 20 14, between the **City of Napoleon, Ohio**, (herein after referred to as the "**City**"), and the **Napoleon Area City School District Board of Education**, (herein after referred to as the "**Board**"), regarding the operation of the public access channel(s) for the City of Napoleon, Ohio.

I. TERM

- (1) This Agreement shall take effect on June 1, 2014 and shall continue in full force and effect until May 31, 2016, unless otherwise mutually agreed to, in writing, by the parties to terminate earlier, or unless otherwise terminated in accordance with the terms of this Agreement.
- (2) In the event of a material breach of this Agreement, then this Agreement may be terminated by the non-breaching party, at its' option, if the breaching party fails to correct such material breach within forty-five (45) days of notification of the breach. This Agreement will automatically terminate upon elimination of the public access channel(s). This Agreement may be terminated upon at least sixty (60) days advance written notice by the *City* in the event that the Video Service Provider fails to pay the *City* the fees as required by law. Finally, this Agreement may be terminated for convenience by either party with one hundred eighty (180) days written notice.

(3) Upon termination, each party shall immediately return to the other party, all equipment and tangible property which was purchased with funds of that other party as a result of this Agreement or prior agreements related to the same subject matter as found in this Agreement. Also, upon early termination, the annual funds received by the *Board* from the *City*, not spent by the *Board*, shall be prorated and returned to the *City* within sixty (60) days of termination. This provision shall survive termination of this Agreement.

II. INCLUSIVENESS

- (1) The **Board** agrees to fulfill those certain obligations, responsibilities and duties herein enumerated or imposed upon the **City** by law or regulation as it relates to public access channels, including but not limited to transmission and local access which by law or regulation have been imposed upon or may in the future be imposed upon the **City** or the Video Service Provider. If, after the effective date of this Agreement those responsibilities or duties are changed and the **City** has knowledge thereof, the **City** shall notify the **Board**, and the **Board** will in turn, abide by any and all such modifications. In no event shall any contract, agreement or other undertaking of any sort whatsoever made by one party of this Agreement with any person, firm, corporation or entity, other than the other party to this Agreement, be binding upon or purport to be binding upon the other party to this Agreement.
- (2) The *Board* will take over, absorb, and assume complete responsibility for construction, operation, maintenance, promotion and development of the access facility(s) and public access channel(s) used by the *Board*, and for the signal up to the point at which it leaves the modulator in the access studio, for the period in which this Agreement is in effect. Specific provisions to be fulfilled by each party under this Agreement are as follows:

(a) The *City* "shall":

(i) Provide **eighteen thousand dollars** (\$18,000.00), no later than August 1st of each named calendar year thereafter, as follows: Year(s) 2014 and 2015 from money which is generated from video service fees collected from the Video Service Provider, to be used exclusively for funding public access channel(s) (which includes the providing of a community bulletin board) via purchase of equipment and providing the services associated therewith. Additional amounts, if any, shall be at the sole discretion of the City Council.

(b) The **Board** "shall":

- (i) Provide at least one (1) fixed studio location at Napoleon High School for the purposes of signal generation, video taping, editing, replaying, and equipment storage.
- (ii) Provide at least one (1) full time or part time student advisor for the purposes of generating interest and securing volunteers within the student body and also the community at large and to supervise the operations of "NCTV".

- (iii) Provide a student volunteer to organize and input all messages appropriate for the community bulletin board.
- (iv) Offer periodically access workshops to train new volunteers.
- (v) Ensure that not less than 8 hours a day of public access programming is cablecast.
- (vi) Be responsible for paying the reasonable costs required to insure, maintain, repair, fix and adjust all equipment provided pursuant to this Agreement.
- (vii) Provide students and/or staff for, and conduct the taping of regular scheduled council meetings as well as special City meetings or hearings. If there are two or more events to be taped, regularly scheduled council meeting shall take priority.

Unless otherwise agreed or provided for herein, the *Board* shall have full responsibility and liability for the supervision of all costs relating to program production including sets, props, and graphics and including responsibility and liability for the supervision and costs of all production personnel. In no event shall such persons be considered employees of the *City*.

Any delay or failure by the *City* or the *Board* to require any other party's performance of, or authorization to deviate from any term or condition set forth in this Agreement, shall not be construed as a waiver or impairment of such party's right to require the strict performance of the same or any other term and/or condition in the future. Any extension of time or other indulgence granted by one party to any other hereunder shall not otherwise alter or affect any power, remedy, or right of such granting party.

III. REPORTS, FINDINGS, FINANCIAL RECORDS

- (1) The *Board* shall submit to the *City* for its approval, all rules and regulations for the operation of the access channel(s) including rules governing equal access on a non-discriminatory first come, first served basis. The *Board* shall maintain at its local origination facilities, a copy of said rules and regulations and such other policy documents adopted to govern its operation of the public access channel(s) in the *City*; specifically including, but not limited to its schedule of rates and charges and an annual report to the *City*.
- (2) The **Board** shall provide to the **City** a duplicate copy of all correspondence and other filings made on matters directly affecting production activities in the **City**.
- (3) In addition to the foregoing, the **Board** shall make annual presentation at the beginning of its fiscal year to the **City** which shall address, but not be limited to the following issues:
- (a) A summary of the previous years activities with respect to the development of original programming including program logs or material produced and aired, and projected activities for the coming year.

- (b) A financial statement including a balance sheet, a statement of expenditures and a budget for the coming year.
- (c) A summary of any complaints directed towards the **Board** and/or the **City** and the **Board**'s plan to remedy these.
- (d) A list of local employees, volunteers, appointees, officers and Advisory Board members, their names and addresses.

IV. ACCESS CHANNEL(S)

- (1) The Video Service Provider, and not the *City*, will to the extent required by law or regulation, or the terms of the uniform regulatory framework, provide channel(s) for the exclusive cablecast of access programming. The channel(s) will be included in the basic service supplied to all customers.
- (2) The *Board* may, at their discretion, cablecast programs in whatever formats they may select, unless otherwise prohibited by the Video Service Provider.
- (3) The **Board** shall have full control of and responsibility for access to and use and scheduling of the production facilities and for cable-cast on the access channel(s).
- Federal Communications Commission ("FCC") and to comply with any and all applicable federal, state and local laws relating to the access channel(s) including, but not limited to, the FCC rules prohibiting the presentation of obscene or indecent material, lottery information, the requirement of providing equal time for candidates for public office, and the requirement of ensuring that reasonable time for the discussion of conflicting views on issues of public importance be available. In the event the *City* is subject to any forfeiture by the FCC or any other entity for violation by the *Board* of any current or future rules promulgated regarding the access channel(s), the *Board* agrees to promptly reimburse the *City* for the amount of any such forfeiture caused by it.
- (5) The *Board* shall be responsible for ensuring that they and any other parties using the access channel(s) obtain at their cost, all rights, licenses and permission, including, without limitation, those pertaining to copyright, rights of privacy, literary or dramatic rights, synchronization rights, rights to the use of any trademark, trade name, service mark or patent, use and distribution rights, if necessary, and/or any and all proprietary rights of any nature for the presentation of any programming on the access channel(s).
- (6) The **Board** agrees to be solely responsible for all claims of damage arising out of any violation of a term or terms of this Paragraph or any other paragraph in this Agreement; moreover, the **Board** agrees to be solely responsible for claims that result or arise from the **Board's** acts or omissions.
- (7) Prior to the commencement of this Agreement, the **Board** shall furnish to the **City** proof that satisfactory liability policies are in force in the minimum amounts set

forth below and shall name the *City*, its officials, officers, employees and volunteers as additional insured on said policy.

Comprehensive General Liability

Bodily injury, including death \$1,000,000 each occurrence Property damage \$1,000,000 each occurrence Personal injury \$1,000,000 each occurrence

Media - Special Perils Policy (or Equivalent)

Libel, slander, plagiarism invasion of privacy, copyright infringement, trade libel, product disparagement, infringement

of right of publicity, etc. \$1,000,000 each occurrence

All such policies shall provide that the issuer will not cancel the policies without ten (10) business days prior written notification to each of the other parties. All such policies shall be taken out and maintained during the term of this Agreement with generally recognized insurance companies qualified to do business in the State of Ohio and carrying a rating of A in the most recent publication of Best's Insurance Guide.

(8) The *Board* shall be responsible for the appearance and all results therefore, of any and all persons, including persons under the age of 18 years on any of the programs transmitted by it pursuant to this Agreement.

V. OWNERSHIP AND DISPOSITION OF PROPERTY AND EQUIPMENT

The *City* shall have title to all equipment purchased by the *Board* with funds directly supplied by the *City* as a result of this Agreement, after the effective date of this Agreement. Ownership and control of the *City's* facilities and other property bought with funds from this Agreement shall, at all times, remain with the *City*. The *Board* shall not assign or otherwise transfer any of the rights herein granted without the prior written consent of the *City*. However, the *Board* shall have possession, control, full and unlimited use, and responsibility for maintenance of all equipment and property so purchased during the term of this Agreement and during any extensions. If this Agreement expires, is canceled, or is not renewed, the *Board* shall have the option to purchase from the *City* within thirty (30) days from the date the Agreement ceases to be in effect, title to any or all pieces of equipment so purchased at the original price less twenty percent (20%) for each year or portion thereof elapsed since the date of purchase, provided that the *Board* thereafter makes a good faith effort to continue access services for the people of Napoleon, Ohio.

VI. PRECEDENCE OF THE STATE LAW

Nothing in this Agreement shall be construed so as to limit the monitoring and regulatory powers assigned to the *City* or to limit the rights and obligations to construct, operate, and maintain a cable television system granted to the Video Service Provider pursuant to Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24,

2007, that provides a statewide "uniform regulatory framework" for the provision of cable television and/or other video service, except as expressly noted in this Agreement.

VII. UNCONTESTED VALIDITY

This Agreement and the attachments hereto constitute the entire agreement between the parties hereto and supersede all prior negotiations, representations and/or agreements, whether written or oral. No representation or agreement waiving, changing, or adding to any of the terms or conditions of this Agreement shall be of any effect unless the same is in writing and signed by the parties hereto.

VIII. SEVERABILITY

If any provisions of this Agreement are declared to be illegal, void, or inoperative for any reasons, the remainder of the Agreement shall not be affected thereby and shall be construed as if not containing the particular void; illegal or inoperative provision and the rights and obligations of the parties hereto shall be construed and enforced accordingly.

IX. TIME IS OF THE ESSENCE

Whenever this Agreement shall set forth any time for an action to be performed by or on behalf of any party, time shall be of the essence of the performance of that action.

X. AMENDMENT

This Agreement may be amended by mutual assent of the parties, documented in writing, and signed by their authorized representatives to any ratification required by either of them.

XI. INTERPRETATION

This Agreement shall serve as an interpretation of all public access requirements under the terms that are contained in the 2003 Franchise Agreement between the Franchising Cable Company and the *City*. All parties accept this Agreement as fulfillment of any and all public access obligations as specifically addressed in said franchise while this Agreement is in full force and effect.

In the event of the termination of this Agreement, all public access franchise obligations shall revert to the *City*.

XII. NOTIFICATION ADDRESS

All notifications, correspondence, or communications, or payments to the *City* and the *Board* shall be delivered in person or sent via certified mail, return receipt requested to: City Manager, City of Napoleon

255 West Riverview Avenue Napoleon, Ohio 43545

Superintendent Napoleon Area City School District 701 Briarheath Ave. Napoleon, Ohio 43545

or to such address as shall be communicated, in writing, by one party to the other.

CITY OF NAPOLEON:
ica Irelan, City Manager
POLEON AREA CITY SCHOOL F BOARD OF EDUCATION:
re Fogo, Superintendent
Fischer, Attorney for School Board

* * * * * CERTIFICATION OF FUNDS

The undersigned, being the Finance Director of the City of Napoleon, Ohio, hereby certifies that in the case of this continuing contract to be performed in whole or in part in

an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the agreement is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.

Gregory J. Heath, Finance Director

* * * * *

CERTIFICATION OF FUNDS

The undersigned, being the Treasurer of the Napoleon Area City School District, hereby certifies that in the case of this continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the agreement is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.

Mike Bostelman, Treasurer

City of Napoleon, Ohio

CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, July 7, 2014 at 7:00 pm

- **A. Attendance** (*Noted by the Clerk*)
- B. Prayer & Pledge of Allegiance
- **C. Approval of Minutes:** (*In the absence of any objections or corrections, the minutes shall stand approved.*) June 16 Regular Meeting and June 23 Special Meeting
- **D.** Citizen Communication
- E. Reports from Council Committees
 - **1. Technology & Communication Committee** (*Majority and Minority Report*) met on Monday, July 7 and discussed:
 - a. NCTV Contract
 - 2. Finance & Budget Committee (Majority Report) met on Monday, June 23 and recommended:
 - a. Approval of Second Quarter Budget Adjustments
 - 3. Safety & Human Resources Committee (Majority Report) met on Monday, June 23 and discussed:
 - a. Water Plant Presentation from the City Manager
 - **b.** Changes to the Personnel Code
 - c. Changes to the Employee Manual
- F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Civil Service Commission did not meet on Tuesday, June 24 due to lack of agenda items.
 - 2. Parks & Recreation Board did not meet on Wednesday, June 25 due to lack of agenda items.
- G. Introduction of New Ordinances and Resolutions
 - **1. Ordinance No. 042-14,** an Ordinance amending the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon
 - **2. Ordinance No. 043-14,** an Ordinance supplementing the Annual Appropriation Measure (Supplement No. 2) for the year 2014; and declaring an Emergency (*Suspension Requested*)
 - 3. Ordinance No. 044-14, an Ordinance amending the Employee Manual
 - **4. Resolution No. 045-14,** a Resolution authorizing entering into the Rural Water Association Workers Compensation Pool; and declaring an Emergency
 - **5. Ordinance No. 046-14,** an Ordinance amending Schedule 1 of the City of Napoleon Traffic Schedules to change the prohibited parking from East to West for Highland Avenue from Woodlawn Avenue to Lagrange Street
 - **6. Resolution No. 047-14,** a Resolution authorizing the City Manager to enter into an Annexation Agreement with MDC Holdings, LLC
- H. Second Readings of Ordinances and Resolutions

There are no Second Readings of Ordinances and Resolutions.

- I. Third Readings of Ordinances and Resolutions
 - 1. Resolution No. 038-14, a Resolution authorizing the City Manager to execute all documents necessary to apply and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Project (LTIP) funds for projects deemed necessary by the City Engineer in the year 2014
 - **2. Resolution No. 039-14**, a Resolution authorizing the City Finance Director to direct payment of \$820,991.00 to American Municipal Power, Inc. for the net stranded liability for the AMPGS Project
- **J.** Good of the City Any other business as may properly come before Council, including but not limited to:
 - 1. Discussion/Action: Napoleon Police Officers Association Donation to Safety City: \$300.00
 - **2. Discussion/Action:** Award of Professional Design Services Contract for the Park Street Improvements (LTCP Project No. 17C and 11E Partial) Project
- K. Executive Sessions: Pending Litigation and Personnel
- **L.** Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)
- M. Adjournment

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, August 4 @ 6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, July 14 @ 6:30 pm)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Review of Electric Rates with Courtney & Associates

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, July14 @ 7:00 pm)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, July 14 @ 7:30 pm)

- a. City Manager Update on Economic Development Plan
- b. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, July 21@ 6:15 pm)

a. Pocket Park Proposal

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, July 28 @ 6:30 pm)

7. Safety & Human Resources Committee (4th Monday)

(Next Meeting: Monday, July 28 @ 7:30 pm)

2014 Regular Meetings with Townships scheduled for February and November

8. Personnel Committee (As needed)

B. Items Referred or Pending In Other City Committees, Commissions & Boards

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, July 14 @ 6:30 pm)

- a. Review of Electric Billing Determinants
- **b.** Electric Department Report
- c. Review of Electric Rates with Courtney & Associates

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, July 8 @ 4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, July 8 @ 5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, July 21 @ 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, July 22 @ 4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, July 30 @ 6:30 pm)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, November 11 @ 10:30 am)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 9 @ 4:00 pm)

- **9.** Housing Council (1st Monday of the month after the TIRC meeting)
- 10. Health Care Cost Committee (As needed)
- 11. Preservation Commission (As needed)
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)
- 13. Tax Incentive Review Council (As needed)
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)
- 15. Lodge Tax Advisory & Control Board (As needed)
- **16.** Board of Building Appeals (As needed)
- **17. ADA Compliance Board** (As needed)
- 18. NCTV Advisory Board (As needed)

CITY COUNCIL

Meeting Minutes

Monday, June 16, 2014 at 7:00 pm

PRESENT

John Helberg (President), Jason Maassel (President Pro-Tem), Jeff Comadoll, Jeffrey Council

Marihugh, Christopher Ridley, Travis Sheaffer, Heather Wilson

Mayor

City Manager

Finance Director/Clerk

City Staff

Recorder

Robert Bennett, Fire Chief

Ronald A. Behm Monica S. Irelan

Gregory J. Heath Tammy M. Fein

Marty Crossland, Staff Engineer

Bobby Stites, Assistant MIS Administrator

Robert Weitzel, Police Chief

News Media; NCTV; Gary Bostelman; Don Camp, VFW Representative; Robert **Others**

McColley

ABSENT

Council **Others**

Trevor M. Hayberger, Law Director

Call To Order President Helberg called the meeting to order at 7:00 pm with the Lord's Prayer

followed by the Pledge of Allegiance.

Minutes of the June 2 Council Regular and Special meetings stand approved with no **Minutes Approved**

objections or corrections.

Citizen

Communication

Gary Bostelman asked Council for any follow up regarding the assessment discussion from the June 2 Council meeting; Irelan stated that Hayberger is still researching the legal aspect of assessing this project, and the City Engineer will meet with the property owners regarding the City requirements and any potential cost savings; Bostelman stated that if it would be less expensive to pay for the project up front instead of having the project assessed, then he would be willing to pay up front to take advantage of the cost savings. Irelan stated that she and the City Engineer will discuss the issue with the property owners when the information is gathered.

Napoleon Fire & **Rescue Donation From** VFW: \$1,000

Don Camp, VFW Representative, donated \$1,000 to Napoleon Fire and Rescue on behalf of VFW Post 8218.

Motion To Approve Napoleon Fire & **Rescue Donation** From VFW: \$1,000 Motion: Ridley Second: Sheaffer

To approve Napoleon Fire and Rescue donation from VFW for \$1,000

Passed Roll call vote on above motion:

Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Yea-7

Nay- 0

Reports From The Parks & Recreation Committee did not meet on Monday, June 16 due to lack of **Committees** agenda items.

Chairman Sheaffer reported that the Electric Committee met on Monday, June 9 and recommended:

1. Approval of electric billing determinants

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on Monday, June 9 due to lack of agenda items.

Chairman Helberg reported that he Municipal Properties, Buildings, Land Use and Economic Development Committee met on Monday, June 9 and discussed:

1. City Manager update on Economic Development Plan

Introduction Of Resolution No. 041-14

President Helberg read by title Resolution No. 041-14, a Resolution by the City Council of Napoleon, Ohio opposing the passage of House Bill 5 and Senate Bill 282 effecting the City Income Taxes; and declaring an Emergency

Motion To Approve First Read

Motion: Maassel Second: Comadoll To approve first read of Resolution No. 041-14

Discussion

Heath reported that at the request of Council, this Resolution is being brought back and House Bill 282 is being added to the Resolution that previously stated House Bill 5 only, and is regarding City Income Tax and the negative impact on revenue. Heath stated that this issue is currently being discussed and the Legislature is on recess, but there is concern about the lame duck administration pushing Legislation through in the Fall; Helberg requested Suspension to ensure the Resolution would reach the appropriate representatives before this could happen.

Motion To Suspend The Rules

Motion: Sheaffer Second: Marihugh To suspend the rules requiring three readings

Passed Yea- 6 Nav- 1 Roll call vote on above motion: Yea- Marihugh, Comadoll, Wilson, Maassel, Helberg, Sheaffer Nay- Ridley

Passed Yea- 7 Nay- 0 Roll call vote to pass Resolution No. 041-14 under suspension of the rules Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Nay-

Introduction Of Ordinance No. 042-14

President Helberg read by title Ordinance No. 042-14, an Ordinance amending the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon

Motion To Approve First Read

Motion: Maassel Second: Ridley To approve first read of Ordinance No. 042-14

Discussion

Wilson stated that she contacted Hayberger about clarifying this change as she is concerned that this Ordinance is vague; specifically Section A in the 'Purpose and Interpretation' section of the Preamble. Wilson stated she wanted more information as to whom this section applied to and the purpose behind it, adding that she is concerned about different benefits being negotiated for individuals. Irelan stated that the intent is to define the rights of the Appointing Authority within the Personnel Code, adding that any requested benefits for the Appointing Authority or other employees would come through Council for authorization as a Resolution so that Council must approve any benefit that is different than what is listed in the Personnel Code; Irelan added that any unionized contract would supercede this agreement.

Irelan stated that new employees' negotiated benefits would be written in a Resolution and brought before Council for approval. Wilson stated her concern that current employees will disapprove of negotiated benefits for newly hired employees that the current employees did not receive, adding that tracking different benefits for individuals will be an issue. Helberg stated that this authority can be used as a tool to attract good employees with earned qualifications instead of putting up a roadblock.

Behm stated that this would also prevent someone from trying to slip something by Council as well. Sheaffer agrees with the Ordinance as sometimes specialized positions must be hired, and this Ordinance would give the Appointing Authority the right to negotiate benefits, adding that the final approval would remain with Council.

Irelan stated that the other change was on page thirty eight (38) regarding the Safety Committee; Irelan stated that the City Charter makes the Safety Committee a public meeting with required publishing and minutes to be taken, but that was not intent behind this group, the group was intended to be an internal working group not a decision making body. Irelan stated this language change is to show that the Safety Committee is not a decision making body but a group that brings information to the City Manager, and the City Manager would then research the information and make any decisions necessary.

Irelan stated the next change was on page forty four (44), to mirror the callout language to the ASCME contract as requested by the Safety and HR Committee at the last meeting, and by mirroring this language, the Personnel Code will change the paid callout time to two (2) hours instead of one (1) hour. Marihugh stated he did not mean this increase when he suggested no pyramiding of time.

Motion To Table Ordinance No. 042-14 Motion: Maassel Second: Marihugh

To table Ordinance No. 042-14

Passed Yea- 7 Nay-0 Roll call vote on above motion:

Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Nay-

Helberg referred Ordinance No. 042-14 to Safety & HR Committee Helberg referred Ordinance No. 042-14 to the Safety and HR Committee with a joint Special Meeting of Council

Second Read Of Resolution No. 038-14 President Helberg read by title Resolution No. 038-14, a Resolution authorizing the City Manager to execute all documents necessary to apply and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2014.

Motion To Approve Second Read Motion: Maassel Second: Ridley To approve second read of Resolution No. 038-14

Discussion

Irelan distributed a memo regarding the project that will be submitted under these grants; see attached.

Irelan reported there is only one (1) project that will be submitted under this

Resolution; the Oberhaus I/I Reduction Project.

Marihugh stated that the Glenwood section was in dire straits for quite some time and asked why this project was not submitted for these grants; Helberg replied that this section could still be included in the project, however the listed section would be the only portion of the project listed under the LTIP funding program; Irelan added that the section chosen was due to the project meeting all the specifications of the grant funding requirements. Irelan stated the deadline for application for this grant funding is September; adding that this is being brought before Council early to meet the three (3) reads, thirty (30) days requirements.

Passed Yea- 7 Nav-0 Roll call vote to approve second read of Resolution No. 038-14 Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Nay-

Second Read Of Resolution 039-14 President Helberg read by title Resolution No. 039-14, a Resolution authorizing the City Finance Director to direct payment of \$820,991.00 to American Municipal Power, Inc. for the net stranded liability for the AMPGS Project

Motion To Approve Second Read Motion: Sheaffer Second: Wilson To approve second read of Resolution No. 039-14

Discussion

Heath reported there are no changes since the First Read; reminding Council that the land is being held for future use and the final determination after the sale of the land will determine if more money is owed.

Marihugh stated he was confused on settlement agreement; Helberg stated that agreement was in favor of the City, and is being appealed and there may be money refunded if the appeal is successful.

Passed Yea- 7 Nav- 0 Roll call vote to approve second read of Resolution No. 039-14 Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Nay-

No Third Readings Of Ordinances And Resolutions There were no Third Readings of Ordinances and Resolutions.

GOOD OF THE CITY
<u>Discussion/Action</u>
Motion To Approve
Billing Determinants

Motion: Sheaffer Second: Maassel

To accept the recommendation for approval of June electric billing determinants

as follows:

Generation Charge: Residential @ \$0.07094; Commercial @ \$0.08576; Large Power @ \$0.03914; Industrial @ \$0.03914; Demand Charge Large Power @ \$14.14; Industrial @ \$15.82; JV Purchased Cost: JV2 @ \$0.03497; JV5 @ \$0.03497

Passed Roll call vote on above motion:

Yea- 7 Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer

Nay- 0 Nay-

Safety City Donation From United Way:\$500 Heath stated that the check has already been presented; Weitzel reported that Safety City is currently underway.

Motion To Approve Safety City Donation From United Way \$500 Motion: Wilson Second: Marihugh
To approve the Safety City donation from United Way for \$500

Passed Yea- 7 Nav- 0 Roll call vote on above motion:

Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Nav-

Misc. Street Improvements Crossland reported that the Engineer estimate is \$265,000 and the budgeted amount for this project is \$300,000. Helberg stated there have been many complaints regarding the condition of the Scott Street underpass and Haley Street, asking if the Scott Street underpass project was a temporary fix until the area is reconstructed; Crossland stated that Scott Street and American Road will be done outside normal working hours to ease the traffic concerns. Marihugh asked what would be done on American Road as it was a State Route that was handed to the City, and has been dug out and an extensive project was done, asking if it needed to be repaved again; Crossland believes this project is a resurfacing of American Road. Marihugh stated that he is concerned that American Road is becoming a money pit, just as he believes Haley Avenue to be. Irelan stated that the repairs to the streets can be tracked.

Marihugh asked which asphalt pavement was being replaced at the Operations Building; Crossland replied that the project is repaving at the site of the old fuel storage tanks.

Irelan asked if Marihugh saw any project on the list that he didn't think needed attention; Marihugh stated he did not say that; Irelan clarified that each project listed is required, and the repairs projects can be tracked.

Marihugh asked if the Electric Department was assisting in the payment for the project at the Operations Building; Irelan stated that this project was listed and approved in the Engineering budget. Irelan stated that a majority of these fixes are for three (3) to five (5) years, and are not meant to be permanent.

Helberg stated that the contractor that did that work on American Road had time restrictions and traffic issues and now this section can be 'trued up'. Irelan restated that Haley Avenue and American Road will be tracked as to the frequency of repairs.

Motion To Approve The Plans, Specifications, Documentation And Contracts For The Miscellaneous Streets Improvements Project Motion: Ridley Second: Sheaffer
To approve the plans, specifications, documentation and contracts for the
Miscellaneous Streets Improvements Project

Passed Yea- 7 Nav- 0 Roll call vote on above motion:

Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer Nav-

Downtown Pocket Park (Refer to Committee)

Helberg Referred Downtown Pocket Park Discussion To Parks and Rec Committee Helberg referred the Downtown Pocket Park discussion to the Parks & Recreation Committee.

Good Of The City

(Cont.) Heath

Heath requested the Second Quarter Budget Adjustments be referred to the Finance and Budget Committee.

Helberg Referred Second Quarter Budget Adjustments To The Finance & Budget Committee Helberg referred the Second Quarter Budget Adjustments to the Finance and Budget Committee.

Heath reminded Council that the assessment process states that a project must be set; and if the properties are sporadic, then the properties can be added in. Health spoke with Lulfs about this issue and Lulfs has come up with a cost estimate. Heath stated that a Resolution stating necessity must be drafted to add the properties in and follow the process that is outlined in the Ohio Revised Code; adding that there may be a special section in the Code to add only a few properties giving the City a lien on the properties instead of assessing.

Heath stated the lighting project is complete, and the rebate process with EfficiencySmart has been started for approximately \$3,500.

Wilson

Wilson thanked the VFW for the donation to the Fire Department.

Wilson thanked United Way for the donation to Safety City, and thanked the Police Department and the Fire Department for putting on this program. Weitzel added that Safety City is also a Parks Department program.

Ridley

Ridley echoed Wilson thanking the Police Department for Safety City.

Maassel

Maassel stated he is pleased to see the events going on in the City, and asked if there was a large concert going on; Weitzel stated that he spoke with the President of Fair Board and the concert went long after the tractor pulls.

Helberg

None

Behm

Behm reminded Council that Ribfest is coming up on June 27.

Sheaffer

None

Marihugh

Marihugh believes there is a potential liability at the intersection of Park Street and Riverview Avenue due to the elevation change in the grade, adding that he has received many complaints stating that water floods that intersection with no catch basins on the Southwest side of the street, and there is one small catch basin trying to catch all the water. Marihugh stated that the water ponds on Riverview Avenue on the North side; Crossland stated this will be rectified when the state resurfaces the area. Irelan added this will be resurfaced in the next couple of weeks; the culverts must be completed first. Marihugh suggested high water signs in that area; Irelan will research this.

Comadoll Stated the he participated in Relay For Life, and this is the fourth (4th) year in a row that Henry County was rated first (1st) per capita in the United States and raised approximately \$234,000.

Irelan Irelan stated she will be presenting a presentation on the Water Plant on June 25 for the Consortium, and requested a Special Joint Council Meeting with the Water, Sewer, Refuse, Recycling and Litter Committee to discuss decisions that must be made before the Consortium meeting.

Helberg Referred The City Manager Water Plant Presentation To Special Council Meeting Helberg referred the City Manager Water Plant presentation to a Special Meeting of Council.

Motion To Go IntoMotion:MaasselSecond:RidleyExecutive SessionTo go into Executive Session to discuss economic development

Passed
Yea- 7
Nay- 0

Roll call vote on above motion:
Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer
Nay-

Into Executive Session Council went into Executive Session at 8:05 pm.

Motion To Come Out
Of Executive Session

Motion: Maassel Second: Sheaffer
To come out of Executive Session.

PassedRoll call vote on above motion:Yea- 7Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer

Nay- 0 Nay-

Out Of Executive
Session
Council came out of Executive Session at 8:42 pm. President Helberg reported that the discussion was regarding economic development and no action was taken.

Approval Of Bills Bills and financial reports stand approved as presented with no objections.

Motion To Adjourn Motion: Marihugh Second: Sheaffer

To adjourn the meeting.

Passed
Yea- 7
Nav- 0

Roll call vote on above motion:
Yea- Marihugh, Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer
Nay-

Adjournment Meeting adjourned at 8:43 pm.

Approved: John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio Special Meeting

City Council

in Joint Session with

Safety & Human Resources Committee

Meeting Minutes Monday, June 23, 2014, at 6:30 PM

	Monday, June 23, 2014, at 6:30 PM
PRESENT	
City Council	John Helberg (President), Jason Maassel (President Pro Tem), Chris Ridley, Travis
- · J	Sheaffer (arrived at 6:37 pm)
Committee	Monica S. Irelan, City Manager
City Staff	Gregory J. Heath, Finance Director/Clerk of Council
·	Jon Bisher, Special Projects Clerk
	Roxanne Dietrich, Administrative Assistant
	Morgan Druhot, Human Resources Director
	Scott Hoover, Water Treatment Plant Superintendent
	Lieutenant Ed Legg, Police Department
	Chad Lulfs, City Engineer
	Dan Wachtman, MIS Director
Recorder	Tammy M. Fein
Others	News Media; Rick Baden, Malinta; Max Fetterman, Liberty Center Mayor; Frank
	Godwin, Liberty Center; Robert Hastedt, Henry County Commissioner; Rex Huffman,
	Attorney representing Henry County Water/Sewer District; Glenn Miller, Henry County
	Commissioner; Jeff Nulton, Village of Florida; Nick Rettig, Henry County Water Sewer
	District; Tom VonDeylen, Henry County Commissioner
ABSENT	
Members	Ronald A. Behm, Mayor
Others	Trevor M. Hayberger, Law Director
Call To Order	President Helberg called the City Council meeting to order at 6:30 PM.
Water Treatment	Irelan presented a Water Treatment Plant Presentation to Council, adding that all figures
Plant Presentation	represented in the presentation are taken directly from the 2013 Preliminary Engineering
By City Manager	Study; see attached.
	Irelan reported that the decision regarding the direction of the Water Plant is on an urgent
	basis, adding that the assessment process would take approximately six (6) months to
	complete.
	Train Product the Comme (A) constitute and are an in the first the constitute of the
	Irelan listed the four (4) available options and related estimated costs regarding the
	Water Plant:
	Option 1 – rehab the current Plant, adding the new processes with an estimated cost of

Option 4 – buying water from other entities such as Defiance and Archbold with an estimated cost ranging from \$10,655,250 to \$21,310,500.

Option 2 – build a new conventional Plant on the same site with an estimated cost of

Option 3 – proceed with the new membrane Plant with an estimated cost of \$22,948,800;

Marihugh asked what flow rate the Plant would operate with the new processes; Irelan

\$11,804,700;

replied it should be comparable to what the Plant is running currently; Hoover stated the Plant is a 4.5 million gallon (MG) plant, however the current restrictions do not allow the Plant to run that hard, adding that realistically the Plant runs between 3.5 and 4 million gallons, and rehabbing the Plant would bring the Plant back up to the 4.5 million gallon flow rate. Helberg stated that it was originally explained to Council that if the plant was rehabbed, it would not be long before the Environmental Protection Agency (EPA) changes would be required; Irelan stated that would be true if the Plant were to be rehabbed in the current state, however adding the new processes would meet the EPA requirements. Hoover stated that the current Plant still does not meet the Long Term 2 (LT2) rule that was mandated October 2013; Hoover is attempting toget an extension on this rule that would go through October 2016, but this extension has not been granted as of yet due to the failure of the Pilot Study; the EPA does not know which direction the City will follow regarding the Plant, so an extension cannot be approved until this is decided. Irelan stated that she spoke with the Engineers regarding the quality of water from a membrane plant versus a lime soda plant, and the Engineers stated the quality of water would be the same with either process, adding that all the same EPA requirements will be met from either process. Helberg asked if there were any upcoming regulations to consider; Hoover does not believe there is other than the current LT2 regulation that is already in place. Hoover stated that there are algae regulations that may appear in the future but there is no guarantee that any of the options will meet this regulation. Hoover added that any processed used, whether a membrane plant, a lime soda ash plant or a Granular Activated Carbon (GAC) plant, all include chlorine in the process, and once the chlorine is added, Total Trihalomethanes (TTHMs) will form.

Marihugh asked if Option 2, building a new conventional Plant on the same site, including pumping; Hoover believes it does include the electrical costs; Irelan does not believe that this includes the cost of raw water.

Irelan stated that a study completed by the American Water Works Association (AWWA) Research Foundation, Integration Of Membrane Filtration Into Water Treatment Systems, regarding Option 3, proceeding with the new membrane Plant, requires the use of many contractors since the equipment utilized for the process is so specialized, and many membrane plants were required to hire more employees due to the manpower required to operate the plant. Helberg asked if these costs were incorporated in the figure listed as a cost for Option 3; Irelan replied that it is not included in that figure.

Ridley asked Irelan to elaborate on the unacceptable Pilot Study; Irelan stated that the Pilot Study was rejected the first time that it was submitted and the City was under the impression that this was because more data was needed, however as of June 3 the EPA rejected the Pilot Study again recommending a second Pilot Study be submitted, meaning as of now, the current plan that was submitted is rejected by the EPA. Helberg asked what the EPA recommendations were for the second Pilot Study; Irelan stated the EPA is requiring far more concentration on pretesting of the raw water source, as well as concentrating on the pretreatment of iron and manganese. Hoover stated that the City has found significant amounts of iron and manganese through internal testing that was originally attributed to equipment failure and the use of ferric chloride in the Pilot Study; Hoover restated that the EPA rejected the Pilot Study, so if building a membrane plant is the option that is chosen, a new Pilot Study must be submitted. Helberg asked the timeframe for a new Pilot Study; Irelan stated a proper Pilot Study based on the AWWA report, the Study should be a year round report to test water temperature changes, run off seasons, and especially testing cold water which the original Pilot Study did not do. Hoover stated the original Pilot Study was for 2000 continuous hours, which included stale water during the times that water was not being brought in through the intake; Hoover suggested meeting with the EPA before another Pilot Study is completed to discover the specific parameters to be met.

Irelan stated that the estimated cost regarding Option 4, buying water from other entities such as Defiance and Archbold, is based solely on the feet of pipe that would be necessary to get from the City Water Treatment Plant to the other entities, with an estimated cost of \$125 per foot of pipe. Irelan added that any water purchased must still be treated when it arrives at the City Water Treatment Plant; Hoover added that a form of GAC would be used, and Defiance is currently under a TTHM advisory within their city limits; Irelan added that the TTHM count would be even higher when it arrived here. Irelan also added that the right of way on Route 24 is not owned by Defiance or the City, and it may be quite a lengthy process to negotiate access to the right of way from the State; Lulfs added that the State is opposed to allowing this access. Irelan stated that she questions whether an agreement can be reached to run the pipe through Wauseon to get to Archbold, which results in the range of cost presented with this option; adding that according to the Fulton County Water Report, Archbold would need a raw water source, recommending the City, before any water could be sold to the City since the current raw water sources are drying up. Irelan added that Archbold also had TTHM issues that would increase when the water arrived here.

Helberg asked Irelan what the estimated rate increases to the water customers would be for each Option; Irelan stated that the Courtney study completed in 2011 estimated a 40% rate increase on the water bill with a \$15 million principal over thirty (30) years at 5.5% interest; Helberg added that this figure did not consider the City joining a Consortium; adding that the rates will increase even higher for City customers due to the loss of the surcharge revenue. Irelan stated that the assumed cost of rehabbing the current Plant is \$11 million, not the \$15 million as figured in the study. Irelan did not request that Courtney do any further studies until direction by Council was given. Ridley asked if the City must do a new pilot study if rehabbing the current plant or building a new conventional plant is the option that is chosen; Hoover does not believe so, there may be some research involved if a new process is involved for treatment. Irelan stated that the current plant has already been used in the treatment of water, and the EPA is aware that the raw water will work in this process, and this must only be proven in a new process. Ridley asked how much the first Pilot Study cost; Irelan replied \$352,000. Ridley asked if a new Study would be for an extended length of time; Irelan stated that she would request the new study to include an extended timeframe as well as testing of cold water, even if this was not required by the EPA; adding that she is worried about the cold water in the new membrane system; as there are certain plants that shut down the membrane portion of the plant in the winter because the water is too cold, and the City's Plant would not be able to shut down. Helberg added if the Plant runs off the reservoir during the winter, there is not enough storage space to warm the water in the winter; Hoover added the City is under an obligation to pump one (1) million gallons per day to Wauseon.

Marihugh asked if a plant is built with the consortium, what would the City's estimated stranded costs equal on the MIEX System; Irelan believes that at the end of December 2014, the balance would be approximately \$2,725,000; Marihugh asked Heath how this cost would be handled; Heath replied that this issue has not yet been addressed with the consortium.

Wilson asked why the membrane plant option was originally chosen over the other options since the membrane plant seems to be so risky; Bisher replied that he does not believe the membrane plant option to be risky as there are other communities that run membrane plants, including Delta, Upper Sandusky, Bowling Green, and Paulding, even though lyme soda is the proven technology. Bisher stated that Brian O'Connell, Bowling Green Utility Director, stated that even though his employees do not like to run the membrane plant, however O'Connell does not believe that Bowling Green could meet the TTHM requirements without the membrane; Bisher added that the membrane plant is shut down in the winter at Bowling Green but not at Upper Sandusky or Paulding.

Bisher stated the technology seemed like the best option versus conventional; Bisher does not believe that rehabbing the current plant is going to work due to the condition of the plant. Bisher stated that he agrees with the data that Irelan presented, even if there were different assumptions two years ago when this project was started; the critical decisions at the time involved working with the consortium, and not debting out the cost of the project. Bisher stated that having control over the cost of water is a major concern as well, adding that the cost of the water is important to the Economic Development of the area, having reasonably priced water could attract new business, even if it seems high to residents. Bisher stated that the issue of what to do with the MIEX equipment if that process is abandoned was never resolved; Hoover spoke with Burr Oak State Park, the first MIEX plant, and their MIEX equipment after being for sale for a number of years was eventually sold at the scrap metal price; Hoover added that the push on MIEX technology is fading; Bisher stated that the MIEX process also works much differently in the cold than in the summer; Hoover added that there will be some changes to the process that will result in significant decrease in cost over the next year; Bisher stated that realistically the MIEX equipment will not bring revenue, and there are operational cost savings to moving to a different process. Hoover has researched this with other plants, and membrane processes are not inexpensive and GAC must be recharged and regenerated; adding that all processes involve a cost. Hoover stated that Bowling Green budgets \$150,000 per year for membranes and believes that figure should be higher, and Delta has recently reported that they are having trouble with their membranes as well.

Irelan reminded Council that, even though there are issues with each option, her priority is to get the best quality water for the least expensive cost for the customers.

Ridley asked if a new conventional plant was built or if the current plant was rehabbed, would the MIEX process continue to be used; Hoover does not believe that MIEX will have a longterm life and recommends phasing it out and reusing the contactors and tanks for pretreatment purposes and sell off the other equipment. Helberg asked if the processes added in the rehab of the current plant will do away with the need for the MIEX process; Hoover stated the processes added would do away with the need for MIEX. Helberg asked if anyone researched the Paulding membrane plant since they operate over the winter; Hoover replied that Paulding is experiencing damage due to a wrong chemical being used, adding that he has spoken with Delta, Upper Sandusky, and Bowling Green; Upper Sandusky recently had to change out all of their membranes due to cracking in December, and Bowling Green only uses 15% membrane processed water, with the rest being lime soda ash processed water; Hoover added that Bowling Green recommended choosing a GAC process.

Wilson believes that the membrane plant seems too risky including the cold water issues; Sheaffer agrees. Bisher stated that he asked O'Connell what process he would choose, and O'Connell replied that if he 'had to build the plant over, he would build a membrane plant'. Marihugh asked if O'Connell had ever made water; Bisher replied that O'Connell is the Utilities Director, not an Operator. Hoover asked what will happen when the membranes don't work on a cold day or if the water cannot run through the plant because the membranes are plugged; adding that the other membrane plants have a backup system which is an advantage that the City will not have. Hoover stated that the water source changes dramatically every day, adding that he has doubts if the plant would work when the water is too cold. Bisher stated that the EPA requires a certain water quality through our system and does not want the City to pay millions of dollars for a plant that does not work; the EPA is concerned with the process as it is drawn up now. Hoover agrees with the EPA, adding that he believes that they are looking out for the benefit of the City.

Frank Godwin, Village of Liberty Center, stated that the Pilot Study states that the Plant will not treat Maumee River water; and Godwin believes it will not be affordable to build

this type of plant; Godwin agrees with Hoover and the Operators who have ran the Water Treatment Plant for the last twenty eight (28) years.

Helberg asked if the new conventional plant would be the best option over rehabbing the current plant based on the length of time the different plants would last; Irelan stated that according to the studies, the rehabbed plant would last as long as a new plant, as both options are designed to have a lifespan of forty (40) years, but the value of the asset of the rehabbed plant at the end of forty (40) years will not be as high as if the new plant were built.

Maassel suggested eliminating Option 4, buying water from other entities.

Wilson asked if there was a benefit to building a new conventional plant and using the current plant as a backup; Hoover stated that the rehab will completely restore the current plant to new condition, along with additional processes being added. Hoover added that according to the engineering firm that did the 2011 study, the current building is in adequate condition. Goodwin asked if TTHMs are down to zero (0); Hoover stated he was not certain since membranes were the focus of the studies. Maassel asked Hoover for his recommendation regarding these options; Hoover recommends rehabbing the current plant and putting in the new treatment processes and saving approximately \$10 million, adding that the rehab process will not be easy but will be cost effective. Hoover recommended some other changes to the current plant if rehabbing is the option chosen, including aeration in the clearwell and in the elevated towers. Sheaffer asked Hoover if he could make the current plant work during the rehabbing process; Hoover believes that he and the Operators can make the plant run during the rehab and Hoover has some ideas regarding building the rehab in stages. Hoover stated that there is technology that can assist the current plant. Irelan stated that she backs Hoover completely; Helberg stated he was just making sure this option was a feasible one. Sheaffer stated that he is inclined to go with Hoover's recommendation to rehab.

Wilson asked how the other Consortium members felt about this option; Godwin believes that Council should listen to the Operators since they produce the water and operate the plant on a daily basis. Godwin asked if the Consortium would remain the same if a different option was chosen; Helberg added that Godwin's recommendation of listening to the Operators is how the City originally ended up with the MIEX process, which the City is now trying to get rid of. Irelan stated that Hoover improves the MIEX process every day; Helberg agreed, adding that the testing done by Hoover has really improved the performance of the MIEX process.

Heath asked if rehabbing the facility includes the tower; Irelan stated that it does and she believes it also includes improvements to the VanHyning pump and station. Bisher asked if the plant will be a consortium plant or City plant. Godwin reminded Council that an agreement has already been signed in which the City agrees to be part of the Consortium and asked if that would remain the same if a different option is chosen other than the new membrane plant; Helberg stated there is an agreement stating all parties are working together, with a buyout clause for each party; Irelan stated it is a forty (40) year agreement with an early termination clause of three (3) years with written notice and a buyout of the party's total share must be received. Sheaffer stated he would like to stay in the consortium adding that this keeps the prices lower by sharing the cost; Marihugh stated he is opposed to 'giving away City assets'. Irelan stated that the agreement gives the asset of the Water Treatment Plant and the tower to the County, removing the assets from the City financial statements. Helberg believes the City should stay with the Consortium. Heath suggested addressing the issues of the ownership of the assets and the 25% upcharge in order to remain in the consortium; Sheaffer agreed, adding that the agreement could be restructured. Sheaffer asked why the assets were originally to be turned over to the County; Bisher replied this was written this way to get the debt off the

City's books, and the anticipated assessments for the project could only be completed by the County. Sheaffer asked if an assessment is still a viable option; Bisher replied that an assessment could only be an option if the County has ownership of the facility. Bisher stated there could be stranded costs if the City leaves the Consortium and the other members of the Consortium will purchase water from an entity other than the City after the current contracts are honored. Wilson believes that no Council member has yet suggested leaving the Consortium. Nick Rettig, Henry County Water Sewer, stated that the same issue was encountered with McClure; McClure wanted the Consortium to purchase the current system and the Consortium was willing to do that, however the cost of the system was added back to the water bills. Heath stated if the County assumes ownership of the facility, ownership would include the MIEX process. Heath asked the status and amounts of any United States Department of Agriculture (USDA) grants and if the USDA was willing to finance a rehab of the current facility; Rettig believes that the USDA is willing to finance any of the options although no specific figures have been set. Heath suggested that a new Water/Sewer district could be formed instead of a consortium which may give more balanced control on the Board, since the City remains 80% of the product as well as 80% of the cost, and having a vote equal to 80% should be a serious consideration. Helberg asked what the differences are between a Water/Sewer district and a consortium; Rex Hoffman, Attorney representing Henry County Water/Sewer District, believes forming a regional district water service district to control votes and services is a viable option and Ohio Revised Code Section 6119 allows for this; adding that the district could only be for water not sewer, and this would allow for assessment and gives flexibility to the City, and the citizens become the customers. Heath stated that Bond Council has never seen a consortium created in this manner, but they have seen a Water/Sewer district. Heath added that forming a regional Water/Sewer district under the Statute becomes its own political and legal entity solely for the purpose of water distribution and this entity would still be allowed to assess, and the makeup of the Board becomes independent of the City.

Helberg stated that the current agreement was to keep the consortium together working toward a solution and then working toward an operational agreement; Heath stated that the Water/Sewer district would take ownership from the County, Heath believes it was originally the County's intent to be mediator in combining all the entities in this project, however a formed district would become an entity unto its own and the County would not be involved; Sheaffer agrees with Heath's suggestion of forming a regional Water/Sewer district; Heath reminded Council that the Henry County Water/Sewer District would be a member of the newly formed regional Water/Sewer district. Ridley asked why this arrangement was not pursued in the first place; Bisher stated this option was previously discussed, at one time this was a County water district with a County board that must approve all changes including running water lines; the Commissioners were tired of approving these changes and the format was changed to a regional water district; Heath added they are only distribution. Hoffman stated part of the purpose of forming a regional Water/Sewer district is to save cost, adding that there are two (2) current regional Water/Sewer districts and adding a third would lose the benefit of having economies of scale; Hoffman added that the consortium can work, but the hurdle is getting the constituents to agree regarding billing. Helberg stated that if the City loses customers, the rates will increase; Hoffman stated that Henry County was the source chosen for water. Sheaffer stated his concern of turning this project over to the County is that past Commissioners have not remembered that the City is a vast majority of the population, and Sheaffer prefers to keep a measure of proportional control; Godwin stated there would be a voting member of every community on the Consortium regarding rates. Helberg restated the issue of concern is that the City would only have one (1) vote like all other members, although comprising 80% of the population and cost; Helberg asked if the agreement regarding consortium voting could be modified.

Irelan asked if Council could give direction for her to take to the Consortium so the

he believes rehabbing the current facility would be the best choice if the Operators do not think a membrane plant is needed; Helberg would like to stay with the consortium if there is balance with representation on the board; adding he believes that this can all be accomplished. Irelan stated there are not signed agreements as of yet and these issues can be worked out in a timely manner.

Motion: Maassel

Second: Ridley

To direct the City Manager to discuss the options of rehabbing the current facility and remaining with the Consortium with balance of representation on the Board with the Consortium

Motion To
Direct The City
Manager To
Discuss The
Options Of
Rehabbing The
Current Facility
And Remaining
With The
Consortium With
Balance Of
Representation
With The
Consortium

Heath added that there are considerations regarding the money that has already been extended by the City in the design of the previously proposed plant, and this should be included in the discussion with the Consortium; Heath added that the City Manager should be directed as to the balance of control percentage that should be determined in the agreement; Irelan stated there is a percentage based on cost in the current agreement thus far; Napoleon 64%, Henry County Water/Sewer District 12%, Liberty Center 10%, Malinta 7%, and Florida 7%.

details could be discussed. Helberg suggested to rule out buying water from other

entities as well as building the new membrane plant; Maassel agreed. Helberg added that

Marihugh restated his opposition to staying in the Consortium; Marihugh asked who would pay to feed Malinta, Florida and other systems if there was an issue; Helberg stated this was discussed at a previous Consortium meeting; the stranded costs would be allowed to be rolled into the debt, either through the rates or through the Capital Improvement Project. Marihugh stated that if repairs are not made timely, there will be an issue with the water. Bisher stated that the Consortium agreement covers the facility as well as the large water tower and the City keeps the small tower. Heath added that the distribution lines with no connection to the master meters must be discussed with the Consortium regarding ownership.

Passed Yea- 7 Nay- 0 Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer, Marihugh Nay-

Ridley added that the population of the County is decreasing and the only way to provide quality services to citizens is to work together with the Consortium and he is confident that Irelan can work out the details needed.

Heath believes Irelan needs direction on how the consortium should be set up; either keeping the Consortium as it is now or creating a regional separate district. Marihugh asked who can come to the Consortium meetings; Helberg replied it is a working group, and attendees not on the Consortium must be invited by Irelan. Marihugh asked when minutes would be recorded; Marihugh believes most decisions have been made using the 'cloak and dagger' approach; Helberg does not believe any decisions have been a secret, and Irelan is being open with the decisions, Heath and Hayberger attend most of the meetings as well, Helberg believes Council does not need to politically monitor each meeting; Maassel and Sheaffer agreed. Sheaffer added that all meetings so far have been exploratory and no decisions have been made.

Call To Order

Chairperson Wilson called the Safety & Human Resources Committee meeting to order at 8:17 PM.

Changes To The Personnel Code

Irelan distributed the Personnel Code with the previously discussed changes to the Safety & Human Resources Committee and Council; see attached.

Changes To The Personnel Code (Continued)

Wilson recapped the issues presented and tabled regarding the changes to the Personnel Code:

- 1. Cell phone and internet benefit as related to the Human Resources Director position; Wilson stated that this position is a Department Head position, meaning that Irelan has final decision regarding the reimbursement of these benefits for the Human Resources Director position, however Wilson requested that Irelan evaluate the necessity of any reimbursement for any position, as reimbursements are options, not mandates.
- 2. Special wording for permanent parttime benefits; Wilson stated that the Safety & HR Committee previously agreed unanimously to delete this wording as the Committee believed the wording targeted one (1) specific position and showed favoritism toward a parttime employee; Wilson was concerned about the precedent this wording would set for other parttime employees.

Helberg stated that the City tried to reduce cost for Obamacare through the parttime positions, such as staying under a certain number of hours; Helberg added that the more administrative based parttime positions may need the cell and internet reimbursement due to the scope of the job, adding that fulltime positions also have different benefits offered depending on the position, and the same could be done with the parttime positions. Wilson asked what different benefits were offered to fulltime positions; Irelan stated that not all fulltime positions have the same benefits, and gave the example that some fulltime positions, at the time of hiring, were given the benefit of taking their vacation time upfront even though this practice did not follow the manual at the time; Irelan added that this is why there would be a clause in the Personnel Code allowing Irelan to bring a Resolution before Council requesting benefits outside the Personnel Code as Irelan deems fit for individual newly hired positions. Heath cited the example of when he was hired; Heath had accrued vacation and sick time previously that Council provided for him to bring to the position; Sheaffer added that a computer was purchased for Bisher from the Community Improvement Corporation (CIC) when he was newly hired. Heath stated the cellphone and internet benefit are decisions of the Appointing Authority at their discretion.

Wilson stated that she is concerned with the inconsistency, adding that she has researched this issue and according to the reports that she read, the lack of consistency causes low morale; Wilson believes that allowing for different benefits for different employees is not being fair and equitable, adding that she believes that because an employee has a license does not mean they are a better employee; Wilson believes the City must be more diligent about being consistent. Sheaffer stated that Irelan has a hiring range in pay for any position; Wilson stated that pay ranges are different than benefits, and Wilson believes the pay range gives Irelan the flexibility that she is requesting in the hiring process. Wilson believes the inconsistency in benefits will cause employees to become disgruntled, adding that it will cost more to train the turnover due to disgruntled employees. Irelan stated there is a difference between being fair than treating everyone the same, adding that fairness should be based on experience and education, not the position.

Ridley asked for clarification regarding any atypical employment benefit offer being required to be approved by Council; Heath replied yes, and this change allows for contracts to be negotiated for different employees; adding that the previous Personnel Code precluded Council from having separated employee contracts; Heath believes that limiting or reducing benefits will tie the hands of Council regarding hiring future employees. Heath stated that the unionized bargaining agreements do not cover every issue, and the Personnel Code covers the items that are not covered in those agreements, adding that Heath believes this should be covered for future agreements; Irelan made the distinction that all employees in a unionized contract are considered to be all treated the

Changes To The Personnel Code (Continued) same, unless it is stipulated otherwise, however nonunion employees are not all treated the same, and Irelan believes that the flexibility is necessary. Sheaffer reminded the Committee that each atypical benefit request will come before Council for decision on an individual basis; Sheaffer believes that it is important to give the City Manager the authority to hire better employees with the flexibility this will afford. Wilson stated the additional benefits will increase cost to the City; Irelan stated that it will allow the City to lower the salary base which is what vacation and sick time benefits are based on, and this may save the City money. Irelan stated that some employees would rather have time off instead of extra pay, and this will also save the City money. Helberg stated that the rollups must be saved; Sheaffer believes that these atypical benefits will not be the norm, and Council can control this issue as the final decision maker.

Comadoll stated that after Bisher was hired as Special Projects Clerk with negotiated benefits, there was a parttime employee who asked Comadoll if these benefits would be for all parttime employees, to which Comadoll explained those benefits were negotiated for the individual, not all parttime employees. Irelan stated that Council gave the cellphone and internet benefits to their employee so Council could reach him as they deem necessary; Irelan added that she does not need to get in touch with the parttime employees who are not receiving these benefits, and that is why they are not receiving these benefits. Irelan stated the Human Resources Director permanent parttime position is a Department Head earning these benefits; Sheaffer suggested opening the benefit to all permanent parttime employees with a caveat attached for the education benefit; Irelan does not believe it is the responsibility of the City to pay for the education of all employees, and believes the education benefit should be used to promote employee training. Heath added that the Finance Department has one of the larger travel and training budget, and the issue is making up efficiency through training and education; Heath encourages his employees to take advantage of the employee education benefit, and currently has only one (1) employee using it. Heath suggested that education enhances the department; Sheaffer believes there is a difference between professional development and a full college degree being paid for; Heath was here when this original policy was passed, and the theory behind the policy is that education of the employees makes each Department and the City as a whole more efficient; Sheaffer is open to allowing this benefit for all permanent parttime positions. Wilson stated that the City should not be the steppingstone for employees and must figure out why this is the case; Heath believes this is due to pay and benefits; Wilson believes this is due to inconsistency, poor working conditions and the employees believing that they are not being treated well. Irelan stated she and Druhot are researching the issues causing employees to leave.

Ridley asked if education is covered in the union contract; Irelan stated that parttime firefighters are nonunion. Ridley asked if the Committee was requesting that different permanent parttime employees with different job descriptions all be treated the same; Wilson asked if the parttime firefighters were not union because they are parttime; Irelan stated that it is rare to have any parttime positions in a union though some positions were grandfathered into the American Federation of State, County, and Municipal Employees (AFSCME) union, however Irelan believes the reason they are not unionized was due to a management decision regarding negotiated items that do not pertain to the parttime positions. Irelan stated there are legal guidelines and has never worked for a City with unionized parttime employees until now; Irelan is asking for flexibility to provide different benefits to different positions. Wilson stated that there are two issues; flexibility and parttime positions; Helberg asked if both issues were covered in the written language of the Personnel Code; Wilson believes the specific language regarding permanent parttime employees was geared toward one (1) position which is why the Committee decided to have it struck out. Marihugh asked if the job description book has been updated recently; Irelan stated there have been approximately four (4) revisions; Marihugh asked if the job descriptions have the correct information; Irelan stated they

Changes To The Personnel Code (Continued)

have been revised and updated, and per Policy these have been sent to the unions to be checked.

Irelan stated that the first change listed to the Personnel Code was suggested by Hayberger, adding the original language was struck out, leaving the rule that any benefit agreement outside of the Personnel Code will come before Council for approval. Wilson believes this wording to be vague, adding that she is concerned that the former City Manager spoke out of turn and now Council is responsible for promises that should not have been made. Helberg stated this issue was addressed at the budget meeting and was not rewritten into Personnel Code until now; Council agreed that there had been extensive previous discussions regarding the Human Resources Director position; Heath stated that benefits were not discussed at that time. Irelan reminded Council that the changed clause would have forced the requested benefits, although approved through the Budget, to be brought before Council for final approval; Maassel and Sheaffer agreed with this change. Wilson asked if everyone without a standard contract will get the same benefits; Irelan stated no. Wilson believes that the benefits must have a specific layout; Irelan stated that the specific benefits are spelled out in the Employee Manual. Sheaffer summarized that newly hired nonunion employees coming in at different positions will start with the same benefits regarding sick and vacation time, unless negotiated and brought before Council for approval. Wilson asked if Council must approve negotiated benefits for parttime and fulltime newly hired employees; Irelan restated that any language outside of the Personnel Code must be brought before Council for approval whether it is for parttime or fulltime employees. Marihugh asked if there was a mandate regarding newly hired employee benefits; Heath stated this is statutory, and the Ohio Revised Code mandates sicktime only. Lulfs stated that he has a parttime Engineer that is used occasionally on major projects, who uses his computer at home to save cost; this Engineer is not offered the cellphone and internet benefits, but Lulfs can see how offering these benefits to this Engineer could potentially benefit the City.

Safety & HR Motion To Approve The Language Change To The Preamble Of The Personnel Code Motion: Wilson Second: Comadoll
To approve the language change to the Preamble of the Personnel Code, Section 197.01(a)

Passed Yea- 3 Nav- 0 Roll call vote on above motion: Yea – Marihugh, Comadoll, Wilson Nav –

Irelan reminded the Committee and Council that the fulltime hours are still defined at thirty (30) hours due to the Obamacare issue; Heath added that this language was defined due to hospitalization, however the Fair Labor Standards Act (FLSA) rule requires 37.5 hours to be fulltime. Irelan stated this change also redefines the title of 'temporary employee'.

Irelan stated that the change to Section 197.11 was a change in language from Safety Committee to Safety Work Group, eliminating the public meeting requirements since this body will not make decisions.

Irelan stated the next change regarded Section 197.14, Subsection (d)(5); mirroring the AFSCME contract regarding the practice of 'pyramiding time', and changing the minimum callout paid time from two (2) hours to one (1) hour. Irelan stated the next change was in the same section, changing any wording regarding overtime from eight (8) hours per day, to forty (40) hours per week.

Safety & HR Motion To Recommend Council Approve Changes To Personnel Code As Presented

Motion: Wilson Second: Marihugh

To recommend Council approve all changes to the Personnel Code as presented

Passed Roll call vote on above motion: Yea- 3 Yea – Marihugh, Comadoll, Wilson

Nay- 0 Nay -

Council Motion
To Accept Safety
& HR Committee
Recommendation
To Approve
Changes To
Personnel Code

Motion: Ridley Second: Sheaffer

To accept Safety & HR Committee recommendation to approve all changes to the

Personnel Code as presented

Passed

Yea- 7 Nav- 0 Roll call vote on above motion: Yea – Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer, Marihugh

Nay –

Changes To The Employee Manual

Irelan distributed the Employee Manual with the previously discussed changes to the Safety & HR Committee and Council; see attached.

Irelan stated the first change was Policy 2.2; defining that only regular fulltime employess are entitled to benefits, and changing the fulltime hours definition from 37.5 to thirty (30). Wilson stated this Policy lists the benefits on a base level before negotiation of any other benefits to be brought before Council.

Irelan stated the next change was Policy 3.5; Irelan sent Druhot and Hayberger to a Human Resource law seminar which recommended this language. Ridley suggested striking the language regarding sexual orientation until this language is defined by State law. Wilson suggested finding out any language requirements from the State before editing the language; Sheaffer stated that sexual orientation is not a protected class. Heath believes there will be a timing issue regarding the passing of the Legislation; Irelan suggesting giving protection to the same classes as the State, leaving it unspecific.

Safety & HR
Motion To
Amend The
Policy 3.5 Change
To Mirror State
Law

Motion: Wilson Second: Comadoll

To amend the change to Policy 3.5 to mirror the language of State Law requirements

Passed
Yea- 3
Nay- 0

Roll call vote on above motion:
Yea- Marihugh, Comadoll, Wilson
Nay-

Irelan stated that the language in the Employee Manual regarding overtime will be changed to match the language in the Personnel Code; changing any reference of eight (8) hours per day to forty (40) hours per week.

Irelan stated the next change was Policy 4.6; adding language requiring timesheets to be

Changes To The Employee Manual (Continued) turned in by 10:00am on the following business day if a holiday falls on a Monday. Heath added this is due to the Automated Clearing House (ACH) standard processing change; previously this could be processed in one (1) day, however Federal law now requires a two (2) day processing period.

Irelan stated the next change was Policy 5.5; adding the language of 'no artificial hair colors outside of the norm'; Irelan stated this change was a recommendation from the Human Resources law seminar attended by Druhot and Hayberger.

Irelan stated the next change was Policy 5.6; adding a zero-tolerance policy for drugs and alcohol, and adding information regarding the current random drug testing policy to the Manual.

Irelan stated the next change is Policy 5.7; adding the language of theft to the list of unacceptable activities.

Irelan stated the next change is Policy 5.10; adding standard language regarding a weapon policy, with the rules regarding a Conceal Carry permit defined. Helberg asked Irelan if she was aware that the City will take on some potential liability from the Policy; now that the right to carry a permitted weapon has been taken away, if harm occurs the City will be more liable for the individual's safety; Lieutenant Legg stated that the Ohio Conceal and Carry permit does not allow a weapon in any government building; Ridley asked if a Conceal and Carry permit is different than an Open Carry permit; Irelan stated that neither permit allow weapons in government buildings. Irelan stated this policy is to keep employees from carrying weapons into the workplace. Lulfs asked if this included an employee vehicle; Irelan stated this does include employee vehicles. Legg reported that when transporting a firearm, State law requires the firearm to be secured and the ammunition be secured separately; adding that the exception to this law is the Conceal and Carry permit. Legg explained that an empty firearm must be secured and not readily fireable. Sheaffer stated that the Conceal and Carry permit language states that a weapon in a vehicle is secured if the door is locked. Wilson is concerned about future issues regarding weapons in the parking lot on city property; Irelan stated there is signage posted regarding this. Heath stated that word 'company' should be changed to 'City facilities'.

Safety & HR
Committee
Motion To Direct
The Law
Director To
Amend Policy
5.10 For Liability
Reasons

Motion: Wilson Second: Comadoll
To direct the Law Director to amend Policy 5.10 for liability reasons

Passed Yea- 3 Nav- 0 Roll call on above motion: Yea – Marihugh, Comadoll, Wilson Nay-

Irelan stated the next change is Policy 6.5; Druhot stated that it is recommended not to tell employees that all information regarding harassment complaints will be kept confidential as some information is required to be shared; Ridley asked if the word discretion could adequately replace confidentiality or should it be more defined; Irelan stated that 'use of discretion shall be used by all parties' will be added.

Safety & HR Motion To Adjust The Motion: Wilson Second: Marihugh To adjust the wording of discretion

Wording Of Discretion

Passed Yea- 3 Nav- 0 Roll call vote on above motion: Yea- Marihugh, Comadoll, Wilson Nav-

Irelan stated the next change is Policy 7.3; Wilson stated that the additional fee was explained at the last meeting by Chief Bennett to allow calls to be made if cell service is lost; Lulfs added there is a special code required to use this service.

Irelan stated the next change is Policy 7.6; eliminating permanent parttime employees from receiving the internet reimbursement benefit.

Irelan stated the next change is to Policies 7.12 and 7.13; Heath addressed the issue of insurance coverage on City employees using personal property; this is the language from the insurance company which they suggested adding to the policy.

Helberg asked if the Police Department vehicles should be provided with Bluetooth connections to avoid being on their cellphones while driving; Heath believes the Police should be provided with hands-free access if this is a safety issue. Heath believes the Police Department should be properly equipped to follow the law properly; Helberg believes the City Manager should have the discretion to buy the Bluetooth kits for the Police cruisers. Legg stated that the law that enables the Police Department to speed to enforce laws is the same law that allows the Police Department to use their phones to enforce laws. Ridley stated that reference to Ohio Revised Code (ORC) regarding technology should be added; Heath stated this is the insurance wordage recommended by the insurance company. Wilson stated that the Police Department may be exempt, but believes the Policy may not be clear enough regarding other employees; Heath stated this a liability issue and the City will be less secured from a legal liability standpoint, making the employee disciplinable for not following this Policy; Ridley added that this wordage regarding the ORC is already defined in this Employee Manual.

Irelan stated the next change is to Policies 7.17, 7.18, and 7.19; adding language regarding use of personal property for City use.

Irelan stated the next change is to Policy 8.10; deleting the language regarding three (3) marks of exceeding standards that would cancel one (1) mark of not satisfactory.

Irelan stated the next change is to Policy 10.16; adding language suggested from the Human Resource Law seminar.

Irelan stated the next change is to Policy 15.14; adding language defining the step by step process for requesting Family and Medical Leave Act (FMLA) leave.

Irelan stated the next change is to Policy19.1; changing the grading scale from letter grade to a percentage scale; Wilson added this more closely matches some of the contract wording.

Irelan stated the next change is to Policies 21.1 and 21.2; changing the employee appreciation program from twice per year to once per year during the summer months. Sheaffer suggesting keeping the fifty percent (50%) discounted rental for fulltime employees in the manual; Irelan gave the history of this benefit being added in 1983/4 as there were no raises given and this benefit was given in lieu of raises to all fulltime and parttime employees, excluding volunteer firefighters, City Council and the Mayor. Irelan added that the Parks & Recreation Board wants to delete the first half of this benefit and

Changes To Employee Manual (Continued)

keep the second half but changing the wording from 'at no cost' to 'give the City Manager the discretion to determine the cost'; Maassel agrees with the Board. Irelan stated employees have generally not used the benefit in the last two (2) years, and this benefit was negotiated out of the AFSCME contract. Helberg stated that the union negotiated this benefit out of the contract for wage increases, and the nonunion employees are getting generally the same wage increases. Heath stated the issue is the parks fundability of the Recreation programs and this is a loss of revenue to those programs. Irelan stated that the fifty percent (50%) discounted rental fee is still in the Fire Department contract but this is not available for the Golf Course. Heath stated that utilization has evolved to a minimal level; Helberg stated he has received a lot of complaints from the public referring to the City employees receiving this benefit. Heath noted that the Safety & HR Committee does not have enough votes to make a motion to recommend out any changes, since Wilson and Marihugh would be required to abstain from the vote.

Council Motion

To Approve Changes To Policy 21.2 As Presented Motion: Maassel Second: Ridley To approve changes to Policy 21.2 as presented

Failed Yea- 3 Nay- 2 Abstain- 2 Roll call vote on above motion: Yea-Ridley, Maassel, Helberg Nay- Comadoll, Sheaffer Abstain- Marihugh, Wilson

Policy 21.2 Defaults Back To The Original Language Heath noted that Policy 21.2 will default back to the original language due to the Failure of the Motion.

Safety & HR
Committee Motion
To Recommend
Council Approve
The Employee
Manual With
Changes As
Presented

Motion: Wilson Second: Comadoll

To recommend Council approve the Employee Manual with changes as presented

Passed Yea- 3 Nay- 0 Roll call vote on above motion: Yea- Marihugh, Comadoll, Wilson

Nay-

Council Motion To Direct The Law Director To Draft Legislation Regarding The Changes To The Employee Manual Motion: Ridley Second: Maassel

To direct the Law Director to draft Legislation regarding changes to the Employee Manual as presented

Roll call vote on above motion:

Yea- Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer, Marihugh

Nay-

Passed Yea- 7 Nay- 0

As Presented

Heath believes the changes to the Personnel Code and the Employee Manual should follow the three (3) reads thirty (30) days requirement to give employees time to read the changes and vocalize their opinions if they choose to do so; Sheaffer agreed.

Approval Of Minutes

Minutes of the May 27 Safety & HR Committee meeting stand approved with no

objections or corrections.

Safety & HR Motion To Adjourn Motion: Comadoll Second: Marihugh

To adjourn the meeting at 10:14 PM

Passed Yea- 3 Nay- 0 Roll call vote on above motion: Yea- Marihugh, Comadoll, Wilson

Council Motion To Adjourn Motion: Ridley Second: Maassel

To adjourn the meeting at 10:14 PM

Passed

Roll call vote on above motion:

Yea- 7 Nay- 0 Yea - Comadoll, Wilson, Ridley, Maassel, Helberg, Sheaffer, Marihugh

Nay –

John Helberg, Council President

ORDINANCE NO. 042-14

AN ORDINANCE AMENDING THE PERSONNEL CODE CHAPTER 197 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON

WHEREAS, the Safety and Human Resources Committee met in a regular meeting held on May 27th, 2014, and reviewed the entire Personnel Code and suggested changes presented by staff and recommended that the City should adopt the amended Personnel Code; and,

WHEREAS, City Council acknowledges that from time to time it must review the various codes and policies of the City of Napoleon; and

WHEREAS, City Council now desires to amend the Personnel Code of the City of Napoleon; Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City of Napoleon does hereby amend Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio as follows:

CHAPTER 197

PERSONNEL CODE

City of Napoleon, Ohio

<u> 197.01</u>	Preamble.
<u>197.02</u>	Miscellaneous.
<u>197.03</u>	Employee records and discipline.
<u>197.04</u>	Employee relations.
<u>197.05</u>	Layoff and recall procedures.
<u> 197.06</u>	Residency requirements.
197.07	City organization chart.
197.08	Preconditions for employment.
197.09	Promotions, assignments and transfers.
<u>197.10</u>	Hiring of seasonal and temporary workers
<u> 197.11</u>	Safety Committee.
<u>197.12</u>	Seniority.
<u>197.13</u>	Policy, procedures and work rules.
<u> 197.14</u>	Hours of work and compensation.
<u>197.15</u>	Major paid benefits.
197.16	Paid leaves of absence.

Trauma leave.

197.17

197.18 Vacations.

197.19 Other leaves of absence.

197.01 PREAMBLE

(a) Applicability, Purpose and Interpretation

The term "Code" as used in this Chapter shall be interpreted to mean the "Personnel Code" unless its context clearly indicates otherwise and shall be considered part of the Administrative Code of the City of Napoleon, Ohio, whether codified or not.

Any resolution, ordinance, code or other similar instrument that refers to the "Personnel Code" shall be construed to mean this Code.

This Code supersedes and replaces all applicable federal and state laws, statutes, codes, policies, and all matters or issues pertaining to employee wages, benefits, and working conditions over which it has authority to supersede and replace. However, AN ORDINANCE OR RESOLUTION OF THE CITY MAY SUPERSEDE THIS CODE IF THE SPECIFIC ISSUE OR ISSUES ADDRESSED IN THE ORDINANCE OR RESOLUTION CONFLICT WITH THIS CODE. this Code does not supersede or replace resolution or ordinance numbers, 128-95, 16-98 and 117-96 (employment resolutions or ordinances pertaining to the City Manager and City Finance Director) as may be amended from time to time (except as it pertains to residency). A TYPICAL EXAMPLE OF WHEN THIS MAY OCCUR IS WHEN A NEW HIRE NEGOTIATES TERMS DIFFERENT THAN THIS CODE, BUT IT IS NOT LIMITED TO JUST THIS EXAMPLE.

Further, this Code does not pertain to the position of Judge of the Napoleon Municipal Court which shall be controlled by the Ohio Revised Code, except for the benefits as authorized by Section 197.14(i) concerning "Retirement Contribution Pickup" and as provided in 197.15 of this Code.

In the event that any provision of this Code and its application to any employee is held to be contrary to law by a court of competent jurisdiction, in areas of law that it may not be contrary, it shall be of no further force and effect, except to the extent permitted by law; but all other provisions and applications shall continue in full force and effect.

Any provision of a collective bargaining agreement shall govern matters covered herein only to the extent required by law. Nothing in this Code shall be construed as giving additional benefits to members of a bargaining unit that are not otherwise stated in the collective bargaining agreement.

(b) **Definitions**

Definitions for the purpose of this Code:

Any reference in this Code to "hire date", "date of employment", "anniversary date", "hired" and the like shall generally mean the first date of service following the most recent notice of hiring, unless the context clearly indicates otherwise.

Active Pay Status - Shall mean that an employee has received or is entitled to receive pay for one (1) of the following reasons when properly authorized in accordance with the terms of this Code: time worked whether at regular or overtime rates; sick leave; vacation leave; personal holiday; legal holiday; bereavement leave; or, compensatory time off. Active pay status shall exclude any unpaid time, unpaid leaves of absence, or unpaid separation from employment, whether authorized or unauthorized. The definition of active pay status as herein defined is intended to define active employment and is not intended nor shall it be construed as to supersede the requirements of earning overtime pay or compensatory time.

Appointing Authority - The directors of the city as provided by Charter, i.e. city manager, city finance director and city law director and may include other officers as authorized by the charter. Appointing authority may, when the text clearly indicates, mean the city council when the positions are appointed by council. Appointing authority may be others as designated by act of council or when delegated to others by the city manager, city finance director or city law director. Finally, for employees of the municipal court, the appointing authority shall be as provided by the Ohio Revised Code.

Bargaining Unit - Shall mean all employees of the City of Napoleon employed in a group of positions recognized by the City who are represented by an exclusive representative and whose terms of employment are covered by a collective bargaining agreement.

Class - A group of positions (or one (1) position) that:

Have similar duties and responsibilities;

Require like qualifications; and

Can be equitably compensated by the same salary range.

Classified Service - as defined in the Napoleon Civil Service Code and or Civil Service Rules of the City, the Charter, ordinance or other controlling law.

Class Title - The official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.

Director(s) - The city manager, city finance director, and city law director.

Employee - Unless the context otherwise indicates, employee shall mean any employee of the City.

Employee, Full-Time Regular - An employee hired to work for the City full-time, at least thirty-seven and one half (37-1/2) THIRTY (30) hours per week on a regular basis (normally 52 weeks per year) (except authorized leave). A full-time firefighter or EMT shall be considered full-time if they work a twenty-four (24) hour duty day at least fifty-three (53) hours per week on a regular basis (normally fifty-two (52) weeks per year, except authorized leave); or, if they work an eight (8) hour duty day at least thirty-seven and one-half (37-1/2) hours per week on a regular basis (normally 52 weeks per year, except authorized leave). Full time employees include both hourly and salary employees. For the purpose of this Code, the city manager, city law director, city finance director and those other fulltime positions appointed by council shall be considered full-time regular employees of the city and be entitled to the benefits as provided to other full-time regular employees, except where specifically excluded or where the context of the section clearly indicates that such section is not applicable to the positions. Council members and the mayor are not considered employees of any type for the purpose of this Code, except for purpose of public retirement benefits, workers compensation benefits and other benefits as specifically authorized by ordinance to be applicable to the council or mayor, or as may otherwise be required by law. For the purpose of this Code, board and commission members of the city are not considered employees of any type and are not entitled to benefits except unless specifically authorized for board and commission members by ordinance or as may otherwise be required by law.

Employee, Part-Time - An employee hired to work part-time, less than a regular **thirty-seven and one half (37-1/2)** *THIRTY (30)* hour work week (regardless of the number of weeks per year worked), for less than twelve (12) continuous months. Any reference to a summer, seasonal or intermittent employee shall mean part-time employee.

Employee, Permanent Part-Time - An employee hired to work part-time, less than a regular thirty-seven and one-half (37-1/2) THIRTY (30) hour work week, for twelve (12) or more continuous months, unless for a specific assignment on a temporary basis.

Employee, Temporary - An employee who may work a regular thirty-seven and one-half (37-1/2) hours or more work week, but—THAT-is hired for a period of time expected to be less than eight (8) months ONE HUNDRED AND TWENTY (120) DAYS PER ROLLING CALENDAR YEAR or no later than on completion of a specific assignment is considered a temporary employee. A temporary employee may be offered and may accept a new temporary assignment and still retain temporary status, provided there is a one (1) week break of employment.

Grievance - Shall mean an allegation by a full-time regular employee of the classified service for the City that there has been a breach, misinterpretation, or improper application of this Code (It is not intended that the grievance procedure be used to effect changes in this Code nor those matters which are controlled by the provisions of Federal or State laws and/or by the United States or Ohio Constitutions).

Involuntary Departure - Shall mean disciplinary termination or a firing of an employee.

Legal Holiday - Any City observed legal holiday, except President's Day.

Non-Bargaining Employees - Employees not a member of an officially recognized bargaining unit.

Pay Period Normal - Monday 12:00 a.m. through the following Sunday 11:59 p.m. for two (2) consecutive weeks (biweekly), with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m. for two (2) consecutive weeks (biweekly).

Perform The Job - For the purposes of this Code, perform the job shall mean perform the essential functions of the job, with or without reasonable accommodation, without posing a direct threat to the health or safety of the employee or others.

Physician - Unless the context indicates otherwise physician shall mean a medical doctor of medicine or osteopathy licensed to practice medicine or surgery in the State of Ohio.

Position - A group of currently assigned duties and responsibilities requiring the full or any part-time or temporary employment of one (1) person. A position may be occupied or vacant.

Residence - The place where one actually lives or has his/her home; a person's dwelling or place of habitation; an abode; house where one's home is. Personal presence is required without intention of definite or early removal and with purpose to remain for an undetermined period (not a post office box or just a mailing address). Place of residence is the place as reasonably determined to qualify as a residence of an employee by the employee's appointing authority.

Residency - A term to describe residence requirements as required by the City for employment purposes.

Resident - Any person who occupies a residence within **this** *THE* City and *ITS LIMITS*, having a present intent to remain within the City for a period of time.

Shift Work - Work in a department when at least three (3) separate and distinct shifts exist in a twenty-four (24) hour period.

Statutory Holiday - Any City observed legal holiday with exception to *OF* President's Day, *OR AS DEFINED IN AN APPROVED BARGAINING AGREEMENT*.

Unclassified Service - As defined in the Napoleon Civil Service Code or Civil Service Rules of the City, the charter, ordinance, resolution, or other controlling law.

(Ord. 015-12. Passed 3-5-12.)

197.02 MISCELLANEOUS

(a) Extensions of Times and Deadlines

Unless the context indicates otherwise, whenever a certain event is to occur on a date which is a Saturday, Sunday, or City legally observed holiday, or a certain deadline is to expire on a date which is Saturday, Sunday, or City legally observed holiday, the date upon which such event shall occur or such deadline shall expire shall be the first date thereafter which is not a Saturday, Sunday, or City legally observed holiday.

Unless the context indicates otherwise, in computing any period of time prescribed or allowed by this Code, the date of the act or event from which the designated period of time begins to run shall not be included.

(b) Gender Reference

All references to employees in this Code shall include both sexes, and wherever the male gender is used, it shall be interpreted to include male and female employees.

(c) Personnel Policies to be Governed by Code

It is the intent of city council that all of the City's personnel policies, guidelines, and procedures shall be governed by the charter and ordinances or resolutions duly passed by city council, unless otherwise authorized by council and except as otherwise authorized by this Code.

(d) Prohibition Against Discrimination

The provisions of the Code, shall be applied to employees without discrimination as to age, sex, marital status, race, color, creed, religion, national origin, ancestry, union affiliation, handicap and/or disability.

(e) Waiver in Case of an Emergency

In cases of emergency declared by the President of the United States, the Governor of the State of Ohio, the Mayor, the City Manager, or the United States Congress or the Ohio General Assembly, such as, but not limited to acts of God and civil disorder, any or all portions of this Code may be temporarily suspended by the City.

(f) Amendments to Existing Job Descriptions

The City may amend existing job descriptions from time to time as needed for its operational purposes. The City will present a copy of the amended job description to any affected full-time regular employee at least seven (7) days before the new job description shall take effect. If such employee believes a violation of this Code has occurred as a result of any such revision to a job description, the full-time regular employee may file a grievance as provided for in this Code. During any grievance process, any employee affected by the proposed change in job description shall use his/her best efforts to carry out his/her duties under the new job description (this Section is not applicable to any person or position defined an appointing authority or falling into the unclassified service).

197.03 EMPLOYEE RECORDS AND DISCIPLINE

(a) Access to Personnel Service Records

Employee service records shall only be accessible by the public to the extent required or permitted by law.

(b) Causes for Discipline

(1) Applicability and Overview

Any employee may be disciplined for just or proper cause. Violations of any municipal ordinance, statutes or other law of any political subdivision or any state, and violations of any or all city policies, rules or regulations or lawful orders shall constitute just or proper cause. Finally, any violation contained in a collective bargaining agreement shall also constitute proper cause for discipline as it relates to collective bargaining employees.

(2) Closure of Items Related to Discipline

Employee's personal service record as it relates to discipline shall be marked closed

for the purpose of progressive discipline in accordance with the following schedule; however, such shall be subject to the public records law:

Reprimands

Any reprimand shall be closed from the record after one (1) year from the date of the reprimand, providing there is no intervening disciplinary action during the one (1) year period.

• Suspensions Less Than Thirty (30) Days

Any suspension of less than thirty (30) days shall be closed from the record after a period of two (2) years, providing there is no intervening disciplinary action during the two (2) year period.

• Suspensions Longer Than Thirty (30) Days

Any suspension of thirty (30) days or more shall be closed from the record after three (3) years, providing that there is no intervening disciplinary action during the three (3) year period.

(c) Discipline Action as it Relates to Classified Employees

Where the City deems appropriate, the City will apply a policy of progressive and corrective discipline, with the progressive steps as follows: oral reprimand; written reprimand; suspension; demotion; or, dismissal (this section is not applicable to those persons or positions considered the appointing authority or to other unclassified employees). This section is not to be construed as prohibiting suspension or dismissal without progressive discipline where the cause for such suspension or dismissal is deemed warranted by the City due to the nature or circumstances of the conduct involved.

(1) Oral and Written Reprimands

When it becomes necessary for a supervisor to reprimand a classified employee, it shall be done with discretion.

In the event that a supervisor finds it necessary to orally reprimand an employee and determines to keep a record of that oral reprimand, such employee shall be made aware that a record of such oral reprimand is being maintained in the City's files or records. Employees are not entitled to hearings for oral reprimands.

Classified Employees may appeal a written reprimand to a review officer designated by the appointing authority, but may not appeal the disciplinary action to the Civil Service Commission. Such review shall be informal and the rules of

evidence shall not apply. A classified employee may thereafter submit a written statement to the appointing authority concerning the reprimand and outlining such employee's basis for concern, and a copy of such statement shall be appended to the copy of the reprimand in such employee's personal service record. Such statement must be filed within ten (10) days of the determination of the appointing authority to approve a reprimand.

The supervisor shall provide the classified employee with a copy of any written reprimand or any record of oral reprimand entered in such employee's file. The classified employee shall acknowledge receipt of same by signing and dating the original copy of such record.

(2) Procedure for (Disciplinary) Suspension, Demotion, or Dismissal.

Classified employees shall not be suspended, demoted, or dismissed for disciplinary reasons from duty without first being afforded the opportunity for a disciplinary review before the appointing authority or his/her designee, except that, where it is necessary to immediately relieve the employee from duty due to gross misconduct, a department head or his/her designee may temporarily suspend such employee for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays.

When a classified employee has been suspended without a disciplinary review, such employee shall be afforded a disciplinary review before the appointing authority or his/her designee within seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. The employee's pay status for the days which he/she was suspended shall be determined by the appointing authority or his/her designee at the disciplinary review.

When a classified employee is charged with a violation that is likely to result in such employee receiving a disciplinary suspension, demotion, or dismissal, the following shall apply:

• Except as provided above, the classified employee shall be given notice at least five (5) calendar days in advance of the disciplinary review and that notice shall advise such employee of the general nature of the suspected violation. The classified employee shall be advised in the notice of his/her right to be represented by counsel at such review.

Any disciplinary suspension, demotion, or dismissal may only be appealed as outlined in Section 197.03(c)(3) below and in accordance with the Civil Service Rules. ("Appeals from Disciplinary Suspensions, Demotions and Dismissals")

(3) Appeals from Disciplinary Suspensions, Demotions and Dismissals

Except for probationary employees, if a classified employee has been suspended for disciplinary reasons in excess of three (3) days or demoted or dismissed due to

disciplinary reasons, he/she may file an appeal before the Civil Service Commission (hereinafter referred to as the commission).

A classified employee may not waive a disciplinary review before the appointing authority and then subsequently file an appeal before the commission.

An appeal must be filed in writing within ten (10) calendar days after the appointing authority has determined to impose or uphold, whichever is later, a disciplinary suspension, demotion, or dismissal. Any appeal not submitted to the commission within such ten (10) calendar day time period shall be deemed settled on the basis of the determination given by the appointing authority at the disciplinary review.

(4) Powers, Duties and Limits of Authority of Commission

The powers, duties, and limits of authority of the commission shall be as contained in City's Revised Code of General Ordinances and the Rules of the Civil Service Commission.

The decision of the commission may be appealed according to the Civil Service Rules to the Common Pleas Court of Henry County, Ohio.

Upon request, a copy of the work record shall be furnished to the classified employee.

(5) Scheduling of Disciplinary Reviews

Disciplinary reviews called for in this Section may be scheduled at the discretion of the department head or appointing authority, whichever is applicable, taking into consideration the employee's work shift and subsequent appropriate rest time.

(d) Discipline Action for Unclassified Employees

(1) Unclassified

Pursuant to Article V, Section 5.01 (D) of the Charter, when not otherwise established in the Charter, council may determine that certain positions and employees in the civil service of the city are classified and that others are unclassified; nevertheless, at minimum, the department heads of the police department and fire department (i.e. chief of each department) shall be subject to civil service review for suspension in excess of three (3) days and/or dismissal.

(2) Prior to Suspension or Termination

All compensated unclassified employees shall be given an opportunity to be heard by the authority that appointed them prior to suspension without pay or involuntary termination; however, no finding of cause need be made prior to suspending or terminating an unclassified employee. Such opportunity to be heard may be conducted in executive session when before the council unless objected to by council or the person who is the subject of the suspension or involuntary termination. The act of suspension or involuntary termination shall be in open meeting when involving the city manager, finance director or law director or any clerk of council.

(3) Board Members or Commissions of the City

Section <u>197.03</u>(d) is not applicable to members of boards or commissions of the City, the mayor, elected or appointed members of council. (Ord. 015-12. Passed 3-5-12.)

197.04 EMPLOYEE RELATIONS.

(a) Employee Discussion

In the interest of sound and harmonious employee relations, a discussion process may be established whereby, upon request by the City or employee, employees may meet and confer with members of the appointing authority (city manager, city finance director or city law director) as may be appropriate, to discuss work related issues and matters as governed by this Code.

Limitations

Such discussions are not intended, nor are they in any way to be interpreted or otherwise construed, to effect changes or revisions in this Code, but are solely intended for the purpose of discussing general information of interest to the City and its employees in accordance with the provision of this Chapter. Neither the City nor its employees shall be obligated to act upon any issue or matter raised during such discussions.

(b) **Purpose of Meetings**

The purpose of such meetings shall be limited to:

- Discuss the administration of this Code.
- Notify employees of changes made by the City which affect employees.

- Discuss matters of potential grievances which have not been filed.
- Disseminate general information of interest to the City and employees.
- Give employees the opportunity to share the view of employees and/or make suggestions on subjects of interest to such employees.
- Discuss ways to increase productivity and improve efficiency.
- Consider and discuss health and safety matters relating to such employees. (Ord. 44-01. Passed 5-21-01.)

(c) Exit Interviews

When requested in writing, upon any employee's resignation or retirement, he/she shall be afforded the opportunity for an interview with the appointing authority and/or his/her designee. The purpose of this interview shall be to allow the employee to express reasons for resignation and/or his/her views on the operation of his/her department.

(Ord. 44-01. Passed 5-21-01.)

(d) Grievance Procedure

(1) Applicability and Overview

This Section is not applicable to those persons or positions defined as the appointing authority or other unclassified employees.

It is the intent of the City that this grievance procedure be the sole and exclusive grievance and appeal procedure for classified employees, and any other grievance and appeal procedures shall not be applicable.

Grievances and appeals related to disciplinary matters shall be handled in accordance with the herein established grievance procedures. This Section is limited to grievances related to all other issues regarding wages, benefits, and terms and conditions of employment, excluding disciplinary action(s).

(2) Information Required in Grievances

All grievances must contain the following information to be considered and must be filed using the grievance form:

• Aggrieved employee's name and signature.

- Aggrieved employee's classification.
- Date grievance was filed in writing.
- Date and time grievance occurred.
- Where grievance occurred.
- Description of incident giving rise to the grievance.
- Articles and sections of law or policies violated.
- Description of actions that will resolve the grievance.

(3) Limitations

All grievances must be processed at the proper step in the progression in order to be considered at the subsequent steps. An inadequacy of the grievance form may be corrected and resubmitted so long as done within five (5) calendar days from date of return.

Such employee may withdraw a grievance at any point by submitting in writing a statement to that effect, or by permitting the time requirements at any step to lapse without further appeal.

The time limits provided for herein shall be strictly adhered to. Any grievance not initially submitted or appealed to the next step within the specified time limits shall be deemed invalid or resolved based upon the City's last answer, as the case may be (an untimely grievance is void and an untimely appealed grievance is resolved based on the last answer); provided however, that any grievance not answered by the City within the stipulated time limits may be advanced by the employee to the next step in the grievance procedure. All time limits on grievances may be extended upon mutual consent of the City and employee affected.

If an emergency occurs, rights of grievance under this Code may be suspended. Upon the termination of any emergency should valid grievances exist, they shall be processed in accordance with the provisions outlined in the grievance procedure of this Code and shall proceed from the point in the grievance procedure to which they (the grievances) had properly progressed, prior to the emergency.

(4) Method of Processing Grievances

The following procedure shall be followed:

A. Step 1 - Review by Immediate Supervisor

In order for a grievance to receive consideration under this procedure, the grievant must identify the grievance to the employee's immediate supervisor, in writing, within twelve (12) calendar days of the employee having, through the exercise of reasonable diligence, knowledge of the occurrence of the incident giving rise to the grievance. The employee's immediate supervisor shall investigate and provide an appropriate answer within six (6) calendar days following the day on which the employee's immediate supervisor was presented the grievance.

B. Step 2 - Review by Department Head

If the grievance is not resolved in Step 1, and the supervisor is not the department head, then the employee may, within six (6) calendar days of the supervisor's response, take up the grievance with his department head. The department head shall investigate and respond to the grievant within six (6) calendar days after receiving the Step 1 reply.

C. Step 3 - Review by Appointing Authority

Where the grievance is filed with a member of the appointing authority, due to the absence of an immediate supervisor or department head position in that department and is not resolved accordingly, another member of the appointing authority shall be appointed to hear said grievance and render a decision in accordance with the provisions of this Step 3.

(5) Scheduling of Grievance Hearings

Grievance hearings called for in this Chapter may be scheduled at the discretion of the department head or appointing authority, whichever is applicable, taking into consideration the grievant's work shift.

(6) Who May Bring Grievance

A grievance may be brought by any employee, except: the appointing authorities, unclassified employees and employees covered by a collective bargaining agreement. Where a group of such employees desire to file a grievance involving a situation affecting each employee in the same manner, one (1) employee selected by such group may process the grievance as a class action grievance, provided each such employee desiring to be included in the class action grievance, signs said grievance and the grievance is filed in a timely manner. For the purpose of this Section timely manner shall be within seven (7) days after notice is received.

197.05 LAYOFF AND RECALL PROCEDURES

(a) Applicability

This Section is not applicable to those persons or positions defined as the appointing authority or other unclassified employees. Further, no employee who is a member of a bargaining unit may displace a non-bargaining unit employee for the purpose of this Chapter.

When the City determines that a reduction in full-time work force or job abolishment is necessary, full-time regular employees shall be laid off in accordance with the provisions of this Chapter. Part-time, permanent part-time, or temporary employees may be laid off at any time without notice, or right of recall. (Ord. 74-00. Passed 8-7-00.)

(b) Layoff Notification Requirements

In the event of a long term layoff, full-time regular employees shall be notified twenty-one (21) calendar days in advance of the effective date of the layoff. Such employees will be notified of the City's decision to implement any short term layoff (lasting seventy-two (72) hours or less) as soon as possible.

(c) Priority of Employees Laid Off

In the event of a layoff, whether long term or short term, full-time regular employees will be laid off in accordance with their departmental seniority by job classification (last hired, first laid off). Such employee with the least departmental seniority in the department and job title which is designated for layoff shall be notified of the layoff and shall have the right to displace another employee at the same classification or lower classification series within the department who has less total City seniority, provided that the initially laid off employee is qualified to perform the work of the new position. Any employee displaced by this procedure shall have the right to displace another employee by the same procedure. This process may continue until the least senior employee is laid off.

(d) Recall

(1) No New Hire Before Recall

Vacancies and/or newly created positions shall be filled first by those full-time regular employees on lay off provided they are qualified to fill the new positions or vacancies, unless such laid off employee refuses a recall to the position to be filled or fails to respond to a recall notice in a timely manner.

(2) Recall Period

Employees who are laid off are subject to recall from lay off for a period of three hundred sixty five (365) days from date of lay off. After that time they shall be deemed to be permanently separated from City service, and no longer on layoff.

(3) Priority of Recall

A recall from layoff shall be based on departmental seniority by job classification (last laid off, first recalled). Notice of recall from a long term layoff shall be by certified or registered mail. If certified or registered mail is returned as undeliverable, the City shall be deemed to have fulfilled its obligations by mailing the recall notice to the last mailing address provided by the employee by regular U.S. Mail.

(4) Response Time to Recall Notices

In the case of long term layoff, the employee shall have fourteen (14) calendar days following the date of mailing the recall notice to notify the City of his/her intention to return to work, and shall have ten (10) calendar days following notification to the City of his/her intent to return to work in which to report for duty, unless a different day for returning to work is otherwise mutually agreed.

197.06 RESIDENCY REQUIREMENTS

- (a) Except as otherwise provided herein, all employees of the City are required to reside within Henry County, Ohio, or within an adjacent county thereto within this State.
- (b) Paid part-time employees of the Fire/Rescue Department that are firefighters or emergency medical technicians or the like, or a combination thereof, and paid part-time employees of the Police Department, not to be construed as solely volunteer personnel, are required to reside within fifteen (15) miles of the Henry County Courthouse. The herein mentioned radii shall be construed as a straight line and not as driven miles. All other paid part-time employees of the City, regardless of paid part-time class, are exempt from the residency requirements of the City. Nothing herein shall be construed as to provide for grandfathering as it relates to residency should a part-time employee obtain full-time employee status; further, dual employees, meaning for the purpose of this provision, employees working in two (2) capacities of the City, one full-time and one paid part-time, shall meet the most restrictive residency requirement.
- (c) Unless otherwise exempted, any employee of the City employed after the

effective date of this section shall meet residency requirements within 365 days of employment with the City, except that the City Manager, City Finance Director and City Law Director shall meet residency requirements within 180 days of employment with the City.

- (d) For purpose of continuing employment with the City, notwithstanding any other provision, policy, rule, resolution or ordinance, except the provision found in paragraph (f) hereof, full-time regular employees (salary or hourly) employed by the City on or prior to April 16, 2007, regardless of probation status, shall have 180 days to meet the residency requirements of the City; moreover, full-time regular employees (salary or hourly) employed by the City after April 16, 2007, but before the effective date of this section, regardless of probation status, shall have 365 days from the effective date of this section to meet the City's established residency requirements.
- (e) The appointing authority as appropriate, shall suspend from service any employee who fails to meet residency requirements as required by this section, until such time as the employee has met City residency requirements. In the event the suspension exceeds two (2) weeks in duration, the employee may be dismissed from the City service.
- (f) Unless otherwise prohibited by law, this section shall not be construed as to limit the enforceability of any residency provision found in a collective bargaining agreement between the City and a collective bargaining unit; further, nothing herein shall be construed as to limit the ability of an appointing authority of the City to require residency of its volunteers.

 (Ord. 095-07. Passed 11-19-07.)

197.07 CITY ORGANIZATION CHART

(a) City Manager to Maintain Chart

The city manager shall maintain an organization chart of all full-time positions in the City service. Amendments to this chart may be made only after approval by motion of council.

(b) Position Classification Plan

(1) Administration

The city manager shall be responsible for administering the position classification plan. The city manager may assign other employees under manager's authority to assist him/her in this activity.

(2) Allocation of New Position

The director of his/her department or designee shall complete or have completed a position description covering the duties and responsibilities of each proposed position. The city manager shall allocate the position to one (l) of the classes in the position classification plan. If a suitable class does not exist, he/she shall establish a new class and allocate the position to it.

(Ord. 44-01. Passed 5-21-01.)

(3) Allocation Appeals

If an employee has facts which indicates to him/her that his/her position is improperly allocated, he/she may request the city manager to review the allocation of this position. Such request shall be submitted in writing and shall contain a statement of justification.

(4) Amendments to The Position Classification Plan

Each time it appears desirable to establish a new class of positions or to abolish a current class of positions, the city manager shall effect such a change by issuing an amendment to the position classification plan. Notice of such change shall be circulated to the mayor, council, city law director, city finance director, and all department heads.

(5) Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established. In a series of classes, such as the engineering classes, the specifications for all classes should be reviewed as a unit.

(6) Maintenance of the Plan

Maintenance of the organizational plan shall be in accordance with subsections (b)(6)A. to (b)(6)E., both subsections inclusive.

A. On Vacancy of Position

Each time a vacancy occurs, a position description shall be completed and submitted to the city manager for a review of the allocation of the position. This requirement may be waived by the city manager in cases where changes in the duties and responsibilities of a position have been minimal.

B. On Reorganization of Department

Each time a department is reorganized, position descriptions for all affected employees shall be submitted to the city manager for his/her review.

C. On Request of City Manager

The city manager may require department heads or supervisors under his/her authority to submit position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions. The city manager may request other directors, and the directors shall furnish upon request of the city manager, position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions. (Ord. 44-01. Passed 5-21-01.)

D. On Establishment of Any Class

Each time a new class is established, a class specification shall be written and incorporated into the existing plan. The class title shall be added to the schematic list of titles. Likewise, an abolished class shall be deleted from the position classification plan by removing the class specification and eliminating the class title from the schematic list of titles.

E. Biennial Review

The city manager is responsible to conduct a general review of the position classification plan at least once every two (2) years.

(7) Official Copy of the Position Classification Plan

The city manager shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include regulations for administration, schematic list of class titles and class specifications, plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

(8) Position Vacancies, Maximum Number of Employees

The employment positions set forth in the plan indicate the various types and kinds of work which the City expects to require. Under normal operations, some positions may be filled only occasionally or intermittently, and others may not be filled at all. The presence of an employment position or job classification in this plan does not

imply or require that the City shall keep such position or job filled at all times or at any particular time, nor maintain any particular number or quota of employees in any position or job classification.

197.08 PRECONDITIONS FOR EMPLOYMENT

(a) Age Requirements for Police and Fire Departments

No police officer shall be hired who is younger than twenty-one (21) years of age. No fire or rescue person shall be hired who is younger than eighteen (18) years of age. There shall be no maximum age limit for officers of the police, fire or rescue divisions.

(b) Character, Criminal Records

The City shall not employ any person who has been convicted of a felony, nor employ any person otherwise prohibited from holding a position in public service.

(c) No Political or Religious Tests

Consideration of political or religious opinions as a test for employment or promotion in any position of the City service shall not be practiced. Membership in any organization shall not be required of any employee.

(d) **Physical Examinations**

Full-time employment with the City of Napoleon shall be contingent, and part-time, permanent part-time or temporary employment may be contingent on passing a physical examination by a physician designated by the City, at the City of Napoleon's expense, after an offer of employment, to determine that employees are physically capable of performing the essential job duties.

(e) **Probationary Period**

All newly appointed classified employees shall serve a probationary period of one (1) year. An employee shall not receive credit toward completion of the probationary period for absence from work for any approved time off in excess of five (5) work days.

Newly hired classified employees shall have no seniority during their probationary period. Upon completion of the probationary period, their seniority date shall be the original date of current appointment for the purpose of: (1) determining the employee's entitlement to all fringe benefits; and (2) determining the employee's continuous service date.

Probationary employees are only entitled to benefits such as health, overtime,

compensatory time, paid leave, retirement pickup and other such similar type benefits when and as provided elsewhere in this code for non-probationary employees, unless otherwise stated. What is considered a similar type benefit shall be at the sole determination of the appointing authority.

(Ord. 093-08. Passed 12-15-08.)

197.09 PROMOTIONS, ASSIGNMENTS AND TRANSFERS

(a) General

The City has exclusive control of promotion, assignment and transfer of all employees. Unless otherwise provided, when an employee is in the competitive civil service, such employee will be required to competitively test for promotion.

In assigning of employees to special positions, duties, or assignments, the City will offer to the extent possible, these positions, duties, or assignments to all qualified personnel and the City shall consider the following criteria in determining who shall serve in the available position, duty, or assignment and each criteria will be given the weight deemed appropriate by the appointing authority as it relates to the position, duty, or assignment:

- Experience;
- Specialized training;
- Job evaluations:
- Seniority (City and departmental);
- Physical & mental capabilities that are essential to the job duties;
- Current title; and
- Impact of the assignment upon other operations of the City.

(b) Probationary Periods for Transfers and Promotions: Noncompetitive

If a full-time regular employee in the classified service is promoted or transfers voluntarily from one (1) department to another, in a non-competitive position, he/she shall be subject to a thirty (30) calendar day probationary period. The employee shall have ten (10) working days in which to voluntarily return to his/her former position. The City may return the employee to his/her former position at any time during the probation period.

If a full-time regular employee in the classified service is involuntarily transferred from one (1) department to another, in a noncompetitive position, he/she shall be subject to a probationary period of one hundred and eighty (180) days. If he/she should be unsuccessful in his/her new position he/she may be laid off if no other suitable position exists within the City.

(c) Transfers Within City

If a full-time regular employee of the classified service voluntarily transfers to another department within the City, such employee will lose all departmental seniority rights previously earned in his/her pre-transfer department, and will be placed at the bottom of the seniority list of the department to which he/she has transferred.

In the case of non-disciplinary involuntary transfers to another City position, such employee will retain all seniority rights which he/she would have had if he/she had not been transferred.

(d) Vacancies in the City

- (1) Except in the case of rehire, where the City's policy on rehire shall control, when a non-competitive classified vacancy occurs in a position within the City, the appointing authority shall, when practical, cause to be posted such position for a period of at least ten (10) business days and first consider employees within the department division and then the department where the vacancy exists and next consider employees generally within the City's services. "First consider" shall mean, with all other things being equal, the person within the division or department where the vacancy exists shall be given the utmost consideration for filling the vacancy. "Employee" as used in the context of this provision includes, full-time regular, permanent part time, part time, and temporary employees. The City appointing authority may hire from outside the City services, without necessity of posting, when deemed by the appointing authority it not practical to post or fill the position by transfer. Only when posted within the City services may an employee apply for the position by proper filing of a transfer application therefor. If such employee is granted the position applied for, such position shall be considered a voluntary transfer.
- (2) A person serving in a paid part-time position with the City's Fire and Rescue Department and who applied for a vacant position by transfer may accept the new position that is the subject of the transfer without vacating his or her current paid part-time position, unless otherwise determined by an affected appointing authority.
- (3) Nothing in this section shall be construed as to prohibit the appointing authority from simultaneously posting the position within the City services and advertising outside the City services; moreover, nothing in this section shall be construed as to prohibit the appointing authority from not filling the position by transfer when a more qualified person is available outside the City services who is ready, willing and able to accept the position.
- (4) When a vacant position is posted internally, an interview should be afforded to employees of the City meeting the minimum qualifications that have properly applied for the vacant position.
 - (5) In the case of original appointment or promotion within the competitive

classified positions, civil service examinations and procedures shall apply to the extent required.

(e) Step Increases When Transferred.

When an employee is involuntarily transferred from one position to another, any step increase eligibility shall be on the employee's original hire anniversary date as if the employee was not transferred. If any employee makes a voluntary transfer, an employee must complete probation within the new classification prior to being eligible for any step increase, such eligibility being on the employee's original hire anniversary date. In the event that the voluntary transfer employee's original hire anniversary date passes while an employee is on probation, then the step increase eligibility shall be immediate upon completing probation and said employee will be eligible for an additional step increase at the employee's next immediate original hire anniversary date. Finally, in the event that an employee returns to his/her prior classification and missed a step increase in that prior classification, he/she shall be placed in the step as if never vacating the position effective on the date of such occurrence. Any increase shall be subject to successful performance evaluation. Nothing in this provision shall be construed as requiring any step increase. (Ord. 51-05. Passed 8-1-05.)

197.10 HIRING OF SEASONAL AND TEMPORARY WORKERS

Restrictions

If a laid off employee is hired as a part-time, permanent part-time, or temporary employee he/she shall be paid the rate and shall receive only those benefits, if any, allowed for such position. Such employment shall not constitute a "recall" within the meaning nor subject to the provisions of Section 197.05.

(Ord. 74-00. Passed 8-7-00.)

197.11 SAFETY COMMITTEE WORK GROUP

A safety **committee** *WORK GROUP* made up of those members that serve in or under the Department of Management as deemed appropriate by the City Manager shall be established by the City Manager. *THIS IS NOT A BOARD OR COMMITTEE OF CITY COUNCIL AND IS NOT A "PUBLIC BODY" AS DEFINED IN ORC 121.22.* The purpose of the Safety Committee is to **develop** *DISCUSS* safety policies and procedures for City operations for the approval of the City Manager, which, upon approval shall have the full force and effect of any other rule or regulation established by the City.

An employee within the Department of Management may be required to be a member of and to participate in the City's safety **committee** *WORK GROUP*.

Enforcement of safety policies so established will be the same as for any other work rule established by the City. (Ord. 015-12. Passed 3-5-12.)

197.12 SENIORITY

Except as may otherwise specifically be provided for in this Code, seniority shall be computed on the basis of an employee's uninterrupted length of continuous service with the City. For the purpose of this section, all paid leaves are considered uninterrupted continuous service; moreover, unpaid leaves as follows, shall not be considered an interruption of continuous service: suspensions, military leave during the time a person is eligible for reinstatement, injury leave for injuries occurring on duty, FMLA leave and pregnancy/temporary disability leave. An employee who is laid off and then is properly reinstated to City service within one year from the date of the layoff is credited with continuous service time for the period spent in layoff status. Likewise, up to a maximum of six months will be credited for time spent on an approved unpaid leave of absence, except when the leave of absence is for outside employment, including self-employment, then the employee shall receive no credit during the leave. Nothing in this section shall be construed as superseding or modifying provisions of this Code and policies of the City concerning how probationary periods are calculated. Department seniority when transfers are involved are controlled by Section <u>197.09</u>(c).

(Ord. 13-04. Passed 3-1-04.)

197.13 POLICY, PROCEDURES AND WORK RULES

(a) Policies and Procedures

The city manager, city finance director, and city law director, as appropriate, are authorized to establish work rules and policies not inconsistent with this Code without council approval. Any policy or procedure manual so established shall be distributed to all affected full-time regular employees before taking effect, and copies shall be made available for review of affected part-time, permanent part-time, or temporary employees.

(Ord. 74-00. Passed 8-7-00.)

(b) Establishment of Work Rules

Work rules may be established by department heads, subject to approval of the appointing authority.

(c) Complaints of Non-Uniform Application of Rules

Any complaint involving the non-uniform application of work rules, policies and procedures or any complaint involving a conflict between the terms of this Code

and work rules, policies and procedures may be resolved through the grievance procedure.

(d) Employees to Observe Rules

This Section shall not be interpreted in any manner to relieve an employee of his/her responsibilities to follow the established uses, rules, and procedures necessary to preserve the good order and discipline of the City whether or not such rules and procedures have been reduced to writing. New employees shall be informed of all written work rules, policies and procedures in existence at the earliest possible time, and no later than sixty (60) days following their date of hire.

(e) Notification of Rule Changes

Copies of changes in existing work rules, shall be provided to employees six (6) calendar days before they are to take effect unless an emergency is declared by the appointing authority that is promoting the rule change. (Ord. 44-01. Passed 5-21-01.)

(f) Rules to be Interpreted Uniformly

Work rules shall be interpreted and applied uniformly to all similar employees under similar circumstances.

197.14 HOURS OF WORK AND COMPENSATION

(a) Work Week For Employees

The standard normal work week for full-time regular employees shall be forty (40) hours, (except that certain fire department personnel work a fifty-three (53) hour work week) exclusive of lunch or other meal periods (except employees of the Police and Fire Departments as well as employees of the Water Treatment Department and the Wastewater Treatment Department are inclusive of lunch or meal period). The City will use its best efforts to schedule employees' days off such that the days off are contiguous.

This section is intended to define the normal hours of work in effect at the time of execution of this Code, and shall not be construed as a guarantee of work per day or per week.

The work week is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m.

(b) Longevity Pay Plan

May be paid as established by separate legislation.

(c) Overtime – Hourly Paid Employees

(1) Applicability

This Section is not applicable to those persons or positions defined as the appointing authority or other salary status employees. For all hourly employees, including fire and rescue personnel, work performed means, actually worked and does not include leave of any type.

(2) Advance Approval Required to Work Overtime

Any overtime hours must be authorized in advance by the appropriate supervisor.

(d) Compensatory Time

With approval of the department head or appointing authority, employees, except Police Lieutenants and Assistant Chiefs of the Fire/Rescue Department, that are eligible for overtime pay may have the option of overtime pay or compensatory time off in lieu of overtime pay for hours worked in an overtime status to a maximum accumulation of sixty (60) hours at any one time, regardless of carryover. Police Lieutenants and Assistant Chiefs of the Fire/Rescue Department that are eligible for overtime pay may have the option of overtime pay or compensatory time off in lieu of overtime pay for hours worked in an overtime status to a maximum of one hundred (100) hours at any one time, regardless of carryover. Any accumulated balance of unused compensatory time shall be paid off on the first pay period in December, unless otherwise permitted to be carried over by the applicable department head or appointment authority.

Employees shall not be eligible for compensatory time credit for any hours for which they were otherwise compensated.

(1) Rate of Credit of Compensatory Time

Compensatory time shall be credited at the appropriate overtime rate (either one and one half rate or double rate) for each hour of authorized overtime worked.

(2) Submission in Writing

All requests for credit of compensatory time must be submitted in writing during the pay period in which the overtime was worked. Such request shall show the date and time when compensatory time was earned.

(3) Rules for taking Compensatory Time Off

Compensatory time off shall be subject to advance approval by the employee's department head or appointing authority. Not less than one (1) hour of compensatory time shall be taken off on any one (1) day.

(4) Conversion to Overtime Pay

Any employee shall be permitted to transform accumulated compensatory hours into overtime payment, in minimum blocks of eight (8) hours, upon seven (7) days notice to the payroll department of the City. The seven (7) day notice requirement shall be waived in the case of termination of employment with the City.

(5) Minimum Call-out Time

Except as provided in the Section below entitled "Court Appearance Time", when an employee is required to and does report back to work at a time not contiguous to his regular scheduled work shift, thus necessitating additional travel to and from work, he/she shall be guaranteed a minimum of one (1) hour pay at the overtime rate, for each time he/she is called in. ONE (1) HOURS PAY. HOWEVER, ADDITIONAL CALLOUTS DURING ANY ONE (1) HOUR CALLOUT PERIOD WILL NOT RESULT IN ADDITIONAL GUARANTEED ONE (1) HOUR MINIMUM PAY (NO PYRAMIDING).

(6) Court Appearance Time

Any employee, who is required to return to work in order to make a City related court appearance at a time not contiguous to the beginning or end of his/her shift, shall be paid for a minimum of three (3) hours time at the appropriate overtime rate. If the employee is held beyond the minimum three (3) hour period, he/she shall be compensated at the appropriate overtime rate to the nearest one-quarter (1/4) hour for the time his/her presence is required for such court appearance.

If the employee is normally scheduled to work between the hours of 7:00 p.m. and 7:00 a.m. and spends more than five (5) hours in court, he/she shall not be required to work, if scheduled that day. He/she may instead charge eight (8) hours to sick leave, provided he/she notifies the current supervisor at least two (2) hours prior to the beginning of his/her shift of his/her intention not to report for work under the provisions of this Section.

(7) Actual Call-out Time

Actual call-out time shall be defined as the time between the following limits:

- The earlier of the time of arrival at the work site, or the time of arrival at the appropriate work facility, and
- The time of departure from the work site or from the appropriate work facility whichever is later.

If an employee is called back to work again after leaving from an earlier call-out he/she shall be deemed to have been called out again.

(8) Overtime - Basic Rate

All work performed in excess of eight (8) continuous hours or in excess of the regular forty (40) hour work week, shall be overtime and shall be compensated at the rate of time and one half (1-1/2) times the employee's regular rate of pay, except as provided below.

(9) Overtime in Excess of Eight Hours

Any authorized hours of overtime worked in excess of eight (8) continuous hours of overtime shall be payable at twice the employee's regular rate of pay. This shall not apply to the first eight (8) hours worked on a holiday by an employee who is regularly scheduled to work on that holiday.

(10) (9) Requirement to be Available to Work Overtime

It is an essential aspect of employment with the City that all employees make themselves available for overtime work. Employees who do not make themselves available and/or who otherwise refuse to work overtime on a regular or repeated basis or during emergencies (declared or otherwise) when requested to do so, and who do not have a bona fide reason for such unavailability and/or refusal, may be subject to disciplinary action, including dismissal.

(11) (10) Part-time, Permanent Part-Time, Temporary Employees (Overtime)

For part-time, permanent part-time or temporary firefighters and emergency medical technicians (EMT's) to be eligible for overtime, such employee must work in excess of one hundred and six (106) hours for a bi-weekly pay period (work period) (fourteen (14) days).

For part-time, permanent part-time or temporary employees (not firefighters or

EMT's) to be eligible for overtime, the employee must perform work in excess of forty (40) hours in a work week, regardless if they work over eight (8) hours in any given work day, except that any employee working in a City amusement or recreational establishment (example: public pool, golf course) that is open less than seven (7) months is exempt from any overtime rate of pay.

(12) (11) Full-time Non Bargaining Firefighters or EMTs.

For full-time firefighters and emergency medical technicians (EMTs) who are not in the collective bargaining unit, and work a twenty-four (24) duty day, to be eligible for overtime, such employee must perform work in excess of fifty-three (53) hours per week or in excess of the regular twenty-four (24) hour duty day. When such employee is required to report back to work at a time not contiguous to his/her regularly scheduled duty day, thus necessitating additional travel to and from work, he/she shall be guaranteed a minimum of one (1) hour pay, (two (2) hours pay when so reporting back to work occurs between the hours of midnight and 5:00 a.m.), at his/her overtime rate for each call back to work.

For the purpose of this section, the term "report back" shall be defined as a specific and actual time that the employee returns to work only.

(e) Overtime - Salaried employees

(1) Applicability

This section is applicable to those persons or positions defined as the appointing authority and other employees that may be exempted from being paid the overtime rate pursuant to the provisions of the Fair Labor Standards Act.

(2) General

In the case of salaried positions of managerial and professional employees, it is implicit in the nature of their positions that time beyond the normal work schedule may often be necessarily spent on the job for which no additional compensation is permitted.

(3) Salaried Employees

Salaried employees are required to work the hours necessary to complete the work tasks. Although expected to work a normal forty (40) hour week, it is also understood that such employee may work less or more hours without deduction or additional compensation. Any abuse of this provision shall be determined by the council when dealing with appointees of council and determined by the appointing authority when dealing with salaried employees under their authority, as deemed appropriate by such authority.

(f) Paid Lunch Periods

If the City determines that an hourly employee is required to remain at the work site for the entire length of a period of eight (8) hours or more, then the employee shall be permitted a one-half (1/2) hour paid lunch break during said period, provided the employee shall make him/herself available to respond to work demands during the lunch period if the need arises. Refusal to respond to work demands during lunch period if the need arises will be subject to discipline, including dismissal.

(g) Pay Plan

(1) Administration

The appointing authority shall be responsible for administering the pay plan for his/her respective department. Each appointing authority shall be responsible for making arrangements to ensure that the administration of the plan for all employees within his/her respective department is on an equitable basis.

(2) Interpretation

The appointing authority shall be responsible for interpreting the application of the plan to all pay questions which are not specifically covered by this regulation, using the principles expressed herein as a policy guide.

(3) New appointees

A new employee shall normally be paid the minimum rate of pay for his/her class. Exceptions may be granted in the following cases upon the written prior approval of the appointing authority.

A. Appointments of Individuals With Less Than Minimum Qualifications

The minimum rate of each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should be started below the minimum rate of the class.

B. Appointments of Individuals With More Than Minimum Qualifications

If a new employee more than meets the minimum qualifications and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher step. Cases should be thoroughly analyzed and measured against objective standards as determined by the appointing authority.

(4) Pay Changes - Promotions, Transfers, Demotions and Reallocations

A. Promotions to Higher Class

When an employee is promoted to a position in a higher class, his/her base pay shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to the step immediately above his/her present base pay.

B. Transfers Voluntary

An employee who voluntarily transfers into another position shall so transfer at the current minimum base pay rate of the position into which the employee transfers, unless experience, skill, and position constitute being transferred at a higher pay rate, as shall be solely determined by the appointing authority.

C. Demotions

When an employee is demoted to a lower class position, he/she shall be paid at a rate which is within the approved range for the lower class position. The rate of pay shall be set by the appointing authority.

D. Reallocations Downward

When an employee's position is reallocated to a lower class of positions (non-disciplinary), the employee shall be permitted to continue at his/her present rate (except in event of general service wide reductions), but such employee shall not be entitled to any base pay increase by any mechanism whatsoever, until and unless the sum of the base rate of pay for the reallocated position in the newly established level and class of the employee, plus any longevity pay entitlements of the employee applied to the base pay of the new level and class would become greater than the actual present pay rate of the employee.

E. Reinstated Employees

A reinstated employee shall be paid at a base pay within the approval range for the position to which he/she is reinstated. The appointing authority will establish the rate of pay.

F. Rates for Classes to be Established by Ordinance

The class plan rates of pay for each class of positions prescribed in the position classification plan for the City shall be changed by and rates of pay for new classes

of positions shall be established by council in the form of ordinances, or amendments thereto which provide for such rates.

(h) Rest Periods

Hourly employees may schedule with department head up to two (2) fifteen (15) minute rest periods during each work day which is scheduled to last eight (8) hours or more. Each rest period shall be taken at the work site, and shall in no circumstances exceed fifteen (15) minutes in length from the time productive work ceases until it begins again. Rest periods shall not be scheduled or taken in the first one and one half (1-1/2) hours of the work day.

(i) Retirement Contribution Pick-Up

May be established by the City in separate legislation.

(j) Salaries and Wages

Executive and management officers and employees' salaries for the following executive and management officers and employees shall be established by ordinance or resolution:

- City Manager
- City Finance Director
- City Law Director

(k) Total Remuneration

The salary or hourly rate, plus reimbursement for expenses incurred by approved use of private automobile on City business, uniform allowance, official travel expense, and any special provisions outlined in this pay plan shall be the total remuneration for any employee. [Except as otherwise provided herein, no employee covered by this plan shall receive pay from the City in addition to that authorized under the schedules provided in the pay plan for services rendered by him/her, either in the discharge of his/her duties, or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform.]

(l) <u>Shift Differential Pay - Non-Bargaining Hourly Employees in the Police Department</u>

Non-bargaining hourly employees in the Police Department working between the hours of 3:00 p.m. and 11:00 p.m. (2nd shift) shall receive shift premium pay at the rate of two and one quarter (2-1/4%) percent of their rate of pay for those hours worked. Those non-bargaining hourly employees in the Police Department working between the hours of 11:00 p.m. and 7:00 a.m. (3rd shift) shall receive shift premium pay at the rate of two percent (2%) of their rate of pay for those hours

worked (whether that be regular time, overtime, or acting time pay for either shift). (Ord. 093-08. Passed 12-15-08.)

197.15 MAJOR PAID BENEFITS

(a) Hospital and Medical Benefits

(1) Applicability

This section (Major Paid Benefits) applies to all members or officers of the appointing authority and other full-time regular employees, both classified and unclassified; specifically exempt from this section are members of city council, the mayor, and, except as herein provided, the judge of the municipal court. Section 197.15(d) (Pensions) applies to members of council and the mayor. The judge of the municipal court shall receive City shared contributions towards benefits as contained in this Section 197.15 to the extent permitted by law. Unless specifically authorized for part-time, permanent part-time or temporary employees by this Code or other controlling law, such part-time, permanent part-time or temporary employees are not eligible for major benefits, paid leave, or any other benefits described in this Code.

(2) Scope of Health Benefits

Subject to reasonable cost containment measures, the City provides group hospitalization, surgical, and extended medical benefits for each full-time regular employee in accordance with the benefit schedule provided in the City's plan as on file in the office of the City Finance Director marked "City of Napoleon Health Benefit Plan (#HBP-1)" and as may be amended from time to time by resolution of Council. The Health Benefit Plan shall include covered services, co-pays and premium contribution.

(b) <u>Life Insurance</u>

A death benefit, *FOR NON-BARGAINING EMPLOYEES*, in the amount of thirty thousand dollars (\$30,000) shall be paid, under the terms of an insurance policy, to the designated beneficiary of a full-time regular employee of the City upon his/her death, providing such death occurs after the employee has completed thirty (30) days from the date of employment and the first of the month thereafter. Each employee shall furnish the City with a beneficiary designation. In the event the employee has failed to designate a beneficiary then the benefit shall be made to his/her estate, upon the application of the legal representative. The City will provide a certificate of insurance to each employee.

(c) Leaves of Absence - Continuation of Premiums

Upon the written request of an employee on leave of absence, the City will continue

the employee's coverage under the group life and health insurance plans, and will pay its share of the premiums for such plans in accordance with the provisions of this section for a maximum of thirty (30) days, except as otherwise provided in Section 197.19(g) of this code and except as otherwise provided by law that supersedes this code. On the first day of the month following the commencement of the employee's leave of absence, the employee will then and thereafter be solely responsible for the payment of all subsequent such premiums.

(d) Pension Funds

Employees shall be provided coverage under the Public Employees Retirement - System or Police and Fireman's Disability and Pension Fund as appropriate.

(e) Severance Pay

Upon retirement, death, resignation, or termination, employees shall be paid for all, if any accumulated but unpaid vacation, holidays, regular pay and overtime pay, or compensatory time due and owed to them as of their last date of employment. In case of death, the above payments shall be made to the employee's estate or designated survivor(s).

(f) Unemployment Compensation/Workers Compensation

Employees shall be provided unemployment compensation coverage and workers compensation as required by law. (Ord. 093-08. Passed 12-15-08.)

197.16 PAID LEAVES OF ABSENCE

(a) Applicability

The provisions of this chapter shall apply only to employees who are full-time regular employees unless otherwise expressly applied to other than full-time regular employees. This chapter (Paid Leaves of Absence) shall also expressly apply to members or officers of the appointing authority and other full-time regular unclassified employees, excluding elected officials. Nothing in this provision (a) shall be construed as prohibiting the limiting or restricting of applicability of a leave policy to "key employees" as may be provided in a specific policy.

(b) Applications for Time Off and Scheduling of Time Off

The following guidelines will be followed when applying for and authorizing time off. Vacation, holidays, personal holidays, and compensatory time are considered time off. Any and all combinations of the above may be used when applying for time off.

Number of Days Off	Minimum Notice	
less than 5	7 days	
5 plus	35 days	

To reserve vacation time, employees must apply for their vacations by November 25th of the year prior to the year the vacations will be taken and priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date. With regard to any vacation application received after November 25th, priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date only when employees apply for vacation on the same calendar day. Advanced application for vacation may be made so long as the employee will have credited the requested hours at the time the employee's vacation is to commence; however, an employee may not, in advance, lock in vacation dates for multiple years.

Exceptions to minimum notice may be permitted subject to the approval of the appropriate supervisor.

Authorization of time off is subject to availability of personnel, and the recognized City objective of minimizing overtime paid.

(c) Bereavement Leave

(1) General

A full-time regular employee may be granted a leave of absence with pay to attend the funeral of a member of his/her immediate family. Such leave of absence will be granted between the day of death until and including the day of the funeral, not to exceed three (3) calendar days and shall not be charged against the employee's accumulated sick leave.

Immediate family, for the purposes of this Section, shall be defined as the employee's grandparents, brother, sister, father, father-in-law, mother, mother-in-law, spouse, child, stepchild, grandchild, or legal guardian.

A full-time regular employee shall be granted a one (1) day leave of absence with pay to attend the funeral of his/her spouse's brother, sister and grandparents, or the employee's son-in-law, daughter-in-law, aunt and uncle.

In the event of the death of any other relative of an employee, the employee shall, upon request, be excused for one (1) day to attend the funeral, with such leave day being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively,

the employee may elect to take an unpaid leave day.

(2) Additional Bereavement Leave

Additional leave may be granted, at the discretion of the department head, or appointing authority whichever is applicable, for travel or such other related purposes, with such additional leave days being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively, the employee may elect to take the leave unpaid.

(3) Notification Requirements for Bereavement Leave

The employee must notify his/her supervisor of the purpose of his/her absence as soon as possible but not later than one (1) hour prior to his/her scheduled starting time on the employee's first day of such absence from scheduled duty. The employee may be asked to provide to the department head, or appointing authority, whichever is applicable, verification of the death, relationship, and funeral date.

(d) **Personal Holidays**

Except as herein provided, each employee shall be entitled to five (5) personal holidays per calendar year to be taken on any work day chosen by the employee and approved in advance by the employee's supervisor or the appointing authority, whichever is applicable. During the first calendar year of employment, the number of personal holidays, or portion thereof, shall be prorated based upon the month in which the employee is hired. An employee hired on December 1 or later shall have no personal holidays for that year. Personal holidays must be taken prior to the last day of the last complete pay period of the calendar year or they will be lost. Personal holidays from year to year cannot be accumulated.

For officers of the police department, any holidays banked shall be taken prior to the last day of the last complete pay period in November, or they will be converted to eight (8) hours cash payment on the first pay of December.

Instead of what has been stated above, the Assistant Chief of the fire/rescue department shall be entitled to five (5) personal days or one hundred twenty (120) hours each calendar year.

(e) Sick Leave

(1) Crediting of Sick Leave

Except as otherwise provided, sick leave credit shall be earned at the rate of 0.0575

hours for each hour of service only in active pay status, up to a maximum yearly accumulation of one hundred twenty (120) hours. Unused sick leave credit shall accumulate from year to year without limit. Effective September 1, 2000, of the non-full-time regular status employees, only permanent part-time employees shall earn sick leave credit and at the same rate as full-time regular employees; however, any other part-time or temporary employee that received such benefit prior to September 1, 2000 shall retain the same until such time is otherwise exhausted.

The Assistant Chief of the fire/rescue department may accumulate a maximum of one hundred ninety-two (192) sick leave hours each calendar year; however, in no event shall the Assistant Chief of the fire/rescue department accumulate more than three thousand six hundred (3,600) total hours.

(2) Retention of Sick Leave

An employee who formerly worked for another public agency shall be given credit for any accumulated but unused sick leave provided that the employee was hired by the city within ten (10) years of the date on which the employee was last terminated from public service, and further provided that deduction from such sick leave credit shall be made for any payment or credit given by the previous agency in lieu of taking sick leave.

Unless otherwise provided by a specific ordinance or resolution of council pertaining to employment or previously authorized by the City, the sick leave so credited (transferred) may be used only to extend sick leave coverage while in the employment of the City, and only after all sick leave earned at the City has been exhausted; further, unless otherwise provided, such credited (transferred) sick leave may not be used in computing sick leave payout at retirement or additional (sick leave conversion) vacation leave purposes.

This provision shall not narrow or reduce the amount of sick leave credit received, nor shall it narrow or reduce a current sick leave balance, a sick leave conversion right or sick leave payout, as was previously authorized, of any person who is employed by the City at the time of this Code enactment.

(3) Expiration of Sick Leave

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted further leave in accordance with the City's FMLA policy, or other applicable leave policies, subject to qualification.

(4) Charging of Sick Leave

Sick leave shall be charged in minimum units of one-quarter (1/4) hour. An

employee shall be charged for such leave only for days upon which he/she would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

(5) Uses of Sick Leave

Sick leave shall be granted to an employee who qualifies for sick leave only upon approval of the City and for the following reasons:

Illness or injury of the employee that requires time off from work.

Illness or injury to a member of an employee's immediate family when care or attendance by the employee is necessary requiring time off from work.

Medical, dental or optical examination or treatment of an employee or a member of his/her immediate family which requires the employee to take time off work, and which cannot be scheduled during non-working hours or, when a member of the immediate family of an employee is afflicted with a contagious disease that requires the care and attendance of the employee or when, through exposure to a contagious disease the presence of the employee at his/her job would jeopardize the health of others.

For the purpose of this section, immediate family shall include the employee's father, mother, spouse, child, without regard to residency and will include a stepchild if in the employee's residence. The immediate family provisions contained herein shall be for a limited period of time (not to exceed three (3) consecutive days per week) to enable the employee to secure other arrangements for the care of the member of his/her immediate family, except as may be approved by the employee's appointing authority in unusual and exceptional circumstances.

* Notwithstanding any other provision in this section, pregnancy, childbirth and other related medical conditions and temporary disability requiring the necessity of an employee to take time off work, will be considered, subject to qualification, under the FMLA and pregnancy and temporary disability policies of the City. In cases where any other leave qualifies, the applicable leave policy shall control in accordance with the City's Employment Policy Manual.

(6) Evidence Required for Sick Leave Usage

Any employee requesting sick leave shall be required 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 physician shall be required to justify the use of sick leave. Falsification of either a written, signed statement, or a physician's certificate may be grounds for disciplinary action including dismissal.

(7) Notification by Employee

When an employee is unable to report to work, he/she shall notify his/her immediate supervisor, or other designated person, one (1) hour before the time he/she is scheduled to report to work on each day of absence, unless emergency conditions make it impossible, or other arrangements have been made in advance with the supervisor.

(8) Abuse of Sick Leave

Employees failing to comply with sick leave rules and regulations shall not be paid for the period of time missed from work. Application for sick leave with intent to defraud will result in denial of pay to cover the day(s) in question and may result in disciplinary action up to and including dismissal. If pay has been received for sick leave for which there was no entitlement, the City shall have the right to recover from the employee any money wrongly paid.

Sick leave shall not be paid to any employee for time off of work which results from any action within the control of the employee such as intentional self-inflicted wounds, use of illegal drugs, alcoholic beverages, or injury sustained while committing a felony or other criminal action. This provision shall not apply to sick leave used for the purposes of participating in bona fide drug treatment, alcohol treatment, or mental health treatment programs.

(9) Physician Statement

Employees on sick leave on more than three (3) consecutive working days shall be required to furnish a certificate from a physician notifying the City that the employee is unable to perform the job, and may be required to present a like certificate from a physician upon the employee's return to work indicating his/her fitness and ability to perform the job.

In addition, employees shall also be required to furnish a certificate from a physician for each illness of less than three (3) days duration, for each occasion which exceeds any one (1) of the following calendar year limits:

• Two (2) occasions per employee for the employee's illness, for which no physician's certificate was presented and/or two (2) occasions per family member, for which no physician's certificate was presented; however, the total occasions per calendar year shall not exceed four (4).

Exceptions may be made to the limits listed above in certain circumstances, and only upon advance written approval of the department head or the appointing authority, whichever is applicable.

Employees may be required to furnish a certificate from a physician for each illness of less than three (3) days duration, for each occasion which is less than any one (1) of the calendar year limits shown above, if the City has reasonable suspicion that sick leave abuse is occurring or will occur.

Where sick leave is requested to care for a member of the immediate family, the City may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person.

(10) Physical Examination

The City may require an employee to take an examination, conducted by a physician, to determine the employee's physical or mental capability to perform the job. If determined incapable of doing so as a result of such examination, the employee may be placed on paid leave of absence, unpaid leave of absence, or disability separation. The cost of such examination shall be paid by the City.

(11) Sick-Leave Payout

Unless otherwise provided or modified by a specific ordinance or resolution of Council pertaining to employment, or unless otherwise declined by the employee, or otherwise deferred by the employee in anticipation of rehire by the City, any employee who retires or otherwise departs service, other than an involuntary departure, after ten (10) years of continuous service with the City or who dies in service after five (5) years of continuous service with the City, except part-time permanent employees, shall be compensated for accumulated but unused sick leave at the time of retirement or death in the form of a lump sum payment at the rate of:

- One (1) day's pay for every four (4) days of accumulated but unused sick leave up to nine hundred sixty (960) hours; the remaining time shall be at the rate of one (1) day's pay for every three (3) days of accumulated but unused sick leave.
- Such lump sum payment shall reduce to zero (i.e., eliminate) the employee's sick leave credit.

An employee's "daily base rate" or "day's pay" shall be figured by dividing the employee's annual base rate at the time of retirement or voluntary departure by 2080 hours and multiplying that base hourly rate figure by eight (8) hours.

The death benefit payment shall be made to the beneficiary designated by the employee in writing on a form provided by the City. In the event that there is no such valid designation, the payment shall be made to the employee's estate upon application of the legal representative thereof.

In the case of sick leave payout being deferred in anticipation of rehire by the City,

the sick leave reconciliation shall be made as provided for in this section. A rehired employee shall be entitled to use all or part of the deferred sick leave so long as it is used in accordance with use of sick leave policies of the City. Any deferred sick leave amount may be demanded for payment by the earner of the sick leave at anytime in accordance with the sick leave payout schedule, so long as the sick leave is not used or otherwise transferred to another governmental entity. In any event, full reconciliation and settlement of deferred sick leave payout shall be completed not later than twenty-four (24) months after last employment with the City.

(12) Sick Leave Conversion

An employee with a sick leave balance in excess of nine hundred and sixty (960) hours may use a portion of such excess sick leave as vacation time by converting three (3) sick leave days for each one (1) day of vacation time. An employee may convert up to a maximum of fifteen (15) such excess sick leave days per calendar year. However, such conversion shall not be permitted if payment of overtime to another employee becomes necessary as a result. This provision is subject to the provisions contained in Section 197.18 of this Code (Vacations).

(f) Legal Holidays

(1) Effects of Vacations and Days Off on City Observed Legal Holidays

When one (1) of the City observed legal holidays falls within an eligible employee's approved vacation period or scheduled day off, he/she shall be entitled to holiday pay for the legal holiday in lieu of his/her vacation pay. Those employees who work "shift work" may elect to receive the pay, to bank the holidays, or to bank the vacation day. Except for salary employees, shift work employees who work on any of the herein City observed legal holidays listed shall have the option of electing one (1) of the following when applied for in writing by the employee to the payroll department prior to the next scheduled pay period following the holiday:

Receive eight (8) hours holiday pay plus one and one-half (1-1/2) times their regular rate of pay for all time worked, except in the case of the Assistant Chief of the fire department position(s) which shall receive 11.2 hours holiday pay plus one and one-half (1-1/2) times his/her regular rate of pay for all time worked.

Receive an additional banked holiday (to be taken off prior to the ending of the next to last full pay period of the current fiscal year) plus receive one and one-half (1-1/2) times their regular rate of pay for all time worked. If the additional banked holiday is not taken off by the end of the next to last full pay period of the year it shall be paid in cash for eight (8) hours at straight time (except for the positions of Assistant Chief of the fire/rescue department which shall be 11.2 hours) rate payable the first pay in December of the current fiscal year.

(2) Observance Days

For employees who have a regular work schedule other than Monday to Friday, the observance of the holiday shall be on the day of such City observed legal holiday. For those employees whose regular schedule is Monday to Friday, City observed legal holidays that fall on a Saturday will be observed on Friday, and City observed legal holidays that fall on Sunday will be observed on Monday.

(3) Schedule of Observed Legal Holidays

The following are the paid City observed legal holidays:

January 1, Good Friday (being the Friday immediately prior to Easter Sunday), Memorial Day (being the last Monday in May), July 4th, Labor Day (being the first Monday in September), Thanksgiving (being the fourth Thursday in November), December 25th, and an additional floating holiday as specified below:

If December 25th is Sunday, then December 25th will be recognized on December 26th and an employee shall also receive December 27th as the additional floating holiday.

If December 25th is Monday, then an employee shall also receive December 26th as the additional floating holiday.

If December 25th is Tuesday, then an employee shall also receive December 24th as the additional floating holiday.

If December 25th is Wednesday, then an employee shall also receive the day after Thanksgiving as the additional floating holiday.

If December 25th is Thursday, then an employee shall also receive December 26th as the additional floating holiday.

If December 25th is Friday, then an employee shall also receive December 24th as the additional floating holiday.

If December 25th is Saturday, then December 25th will be recognized on December 24th and an employee shall also receive December 23rd as the additional floating holiday.

In addition to what has been stated herein, President's Day shall be considered a legal holiday for the Assistant Chief of the fire/rescue department position(s); regardless, President's Day shall not be construed as a legal holiday for the City for any other purpose.

(4) Failure to Work on Holiday

To become eligible for holiday pay, the employee must work the full last scheduled work day prior to, and the full next scheduled work day after, each of the City observed legal holidays listed unless the employee was otherwise in active pay status.

Employees who are scheduled to work on a designated City observed legal holiday and do not report for work on the holiday shall not be entitled to holiday pay unless their reason for not reporting would ordinarily constitute an acceptable excuse under the applicable provisions of this Code.

(Ord. 093-08. Passed 12-15-08.)

197.17 TRAUMA LEAVE

Applicability: This Chapter is applicable to full-time regular employees of the classified service.

If a full-time regular employee in the classified service, while acting in his/her official capacity, is involved in an incident resulting in death or permanent disfigurement or disability to a person, or witnesses the death or permanent disfigurement or disability of a fellow employee, or witnesses the death of a person due to the application of deadly force by another, that employee shall receive trauma leave upon request of the employee to relieve the stress which has resulted from such incident.

The duration of such trauma leave shall be approved by the appointing authority. However, under no circumstances shall such trauma leave exceed thirty (30) days.

While on such trauma leave, the employee shall receive his/her normal rate of pay for such days, and they shall not be charged to his/her sick leave or any other accumulated but unused leave time.

Prior to his/her return to work, the City shall require the employee to take an examination, conducted by a physician, to determine if the affect of the trauma is relieved to the extent that the employee is both physically and mentally capable to perform the essential duties of the job. If determined incapable of doing so as a result of such examination, the employee may be placed on paid leave of absence, unpaid leave of absence, or disability separation. The cost of such examination shall be paid by the City.

(Ord. 44-01. Passed 5-21-01.)

197.18 VACATIONS

(a) Entitlement Restrictions

Except as otherwise provided in Section 197.18(h), full-time regular employees are entitled to vacation with pay after one (1) year of continuous service in the most recent employment with the City and will be due only upon the completion of the first year of said employment, calculated from hire date. The amount of vacation leave to which an employee is entitled is based upon length of service and calculated and earned on a biweekly basis as follows:

Full-time regular employees (except Assistant Chief of the fire/rescue department positions)

Years of Service	Annual Hours	Bi-Weekly Accrual Hours
0 year but less than 6 years	80 hours	3.077 hours/each normal pay
6 years but less than 12	120 hours	4.616 hours/each normal pay
12 years or more	160 hours	6.154 hours/each normal pay

Full-time Assistant Chiefs of the fire/rescue department positions:

0 year through 1	48 hours	1.85 hours/each normal pay
2 years through 8	120 hours	4.62 hours/each normal pay
9 years through 15	192 hours	7.385 hours/each normal pay
16 years or more	240 hours	9.231 hours/each normal pay

(b) Effect of Time Spent on Authorized Leave of Absence

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

(c) Scheduling of Vacations

Vacations will be arranged to give consideration to the desire of the employee in accordance with a procedure established by the employee's department head which will not interfere with City operations.

(d) Vacations to be Taken During Year After Earned

Except for the first year of service, accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum

increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule. An employee shall not allow his/her total vacation time to exceed eighty (80) hours his/her maximum accrual entitlement for any employment year (considered for the purpose of this Section as being from the employee's anniversary date to the employee's next anniversary date) without prior approval from the appointing authority. This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section 197.16(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

(e) Vacation Forfeiture

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

(f) Accrual

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

(g) <u>Lump Sum Payment of Vacation</u>

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

(h) Prior Service Credit.

A. Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987 by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted. Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of

said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave. (ORD 059-13. PASSED 11-18-13.) except as otherwise herein provided. An employee who retired from the City of Napoleon in accordance with the provisions of any retirement plan offered by the State of Ohio and who retired from the City of Napoleon after August 1, 2005, shall upon rehire to a full-time regular position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement and thereafter the service credit shall increase on an annual basis.

- **B.** Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.
- C. Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)

197.19 OTHER LEAVES OF ABSENCE

(a) Leave of Absence In General

(1) Application

The provisions of this Chapter shall apply only to full-time regular employees. This Chapter shall, unless otherwise stated, also apply to members or officers of the appointing authority, except members of city council and the mayor.

(2) Authorization of unpaid leave

The authorization of a leave of absence without pay is a matter of administrative discretion. The City shall decide in each individual case if a leave of absence is to be granted, within the limitations of this Code.

(3) Sick Leave Credit and Vacation Credit

An employee on leave of absence without pay does not earn sick leave or vacation credit. However, the time spent on authorized unpaid leave of absence is to be counted in determining length of service for purpose of calculating vacation eligibility or other purposes where seniority is a factor, unless otherwise stated to the contrary in other applicable ordinance or resolution.

(4) Falsification of Leave

Any leave of absence obtained through false representation, deceit, or fraud may be cause for disciplinary action up to and including dismissal.

(5) Reinstatement From Leave

Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave is to be on a temporary basis.

(b) Court Leave

Court leave with pay will be granted to an employee who is summoned and required to appear for jury duty by the United States, the State of Ohio, or a political subdivision during regular working hours. Court leave with pay will be granted to any employee subpoenaed and required to appear as a plaintiff, defendant, or witness in a criminal or civil matter related to City business so long as the action in controversy is not a controversy between the City and the employee so appearing.

Employees will not be entitled to court leave when appearing in court for criminal or civil cases being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences may be charged to leave without pay, vacation or other accumulated compensable time upon approval of the employee's supervisor.

Employees shall honor any subpoena issued to them including those for Worker's Compensation and Unemployment Compensation.

Employees are expected to report for work if, after court or jury duty responsibilities are met, two (2) hours or more of the employee's regularly scheduled shift remains.

All moneys received as compensation, unless jury duty was served totally outside of regular working hours, shall be turned over to the City.

(c) <u>Temporary Disability Leave</u>

Temporary disability leave shall be considered, subject to qualification, under the pregnancy and temporary disability leave policy of the City as contained in the City's Employment Policy Manual.

(d) <u>Injury Leave</u>

Injury leave shall be considered, subject to qualification, under worker's compensation or the FMLA or pregnancy and temporary disability leave policies of the City as contained in the City's Employment Policy Manual.

(e) Reinstatement after Injury or after Leave Due to Injury

(1) **General.**

An employee who is absent due to Injury Leave as defined in the Section (Injury Leave), or who has been separated from service due to injury or physical disability incurred in the performance of duty, will be considered for reinstatement only through the reinstatement application process, provided that such application shall be filed not later than the earliest of the following:

- Twenty four (24) months after the injury occurred; or,
- Twelve (12) months after leave from service under the provisions of this Chapter; or,
- The date of service eligibility retirement.

(2) Payment of Accumulated Sick Leave after Injury

Except for part-time, permanent employees, any employee who is permanently separated from City service due to a service related disability compensated by the Ohio Bureau of Workers Compensation or the appropriate Retirement System Fund, as a result of a bodily injury received in the line of duty, shall receive a lump sum payment for one-half (1/2) of his/her accumulated but unused sick leave. Such lump sum payment shall reduce the employee's sick leave credit to zero. If the one-half (1/2) lump sum payment has not been made before the employee dies, the designated beneficiary of any employee who dies as a proximate result of such an injury shall receive payment for the full balance of the accumulated but unused sick leave.

(f) Military Leave

All employees who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time not to exceed a total of thirty-one (31) days in any one (1) calendar year. If while on active duty the employee's total gross wages are less than what they earn in City employment, the City will pay the

employee the salary difference. If while on active duty the employee's total gross military wages are equal to or greater than what they earn in gross wages through City employment, the employee will not receive any salary reimbursement from the City.

- The employee is required to submit to his/her supervisor an order or statement from the appropriate military commander as evidence of such duty. There is no requirement that the service be in one (1) continuous period of time. The maximum number of hours for which payment may be made in any one (1) calendar year under this provision is one hundred seventy six (176) hours. Compensation received for the above purposes, not to exceed one hundred seventy six (176) hours, shall be submitted to the city finance director upon return from such duty, or as soon as possible. The city finance director will give the employee a receipt for the same.
- Employees who have worked for the City for at least thirty (30) calendar days will be granted a leave of absence without pay to be inducted or to otherwise enter military service. They are not paid for such leave unless they are members of reserve components as specified in the first paragraph of this Section.
- An appointment may be made to fill a vacancy created when an employee enters military service. However, if the person filling such a vacancy also enters military service he/she may be reinstated to the position after completion of service only if the first employee (the original incumbent) fails to apply to reinstatement within ninety (90) days of discharge or made written waiver of all rights to the position.
- An employee who voluntarily re-enlists while on active duty or a commissioned officer who voluntarily enters into extended duty beyond that required upon accepting a commission, is not eligible for reinstatement.
- Employees who are members of the Ohio National Guard will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor or assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. This leave will cover the official period of the emergency.
- Except for veterans that voluntarily re-enlist while on active duty or who voluntarily enters into extended duty beyond that required, a veteran separated or discharged under honorable conditions must in order to be reinstated, make application for re-employment to the former position within ninety (90) days from the date of release from service, or within ninety (90) days after release from hospitalization due to in service injury or illness which has not exceeded a period of more than one (1) year.

The following procedure will apply:

- A copy of a discharge or certificate of service must accompany all requests for reinstatement or reappointment;
- If a proper copy of discharge or certification is in order, reinstatement shall be accomplished within thirty (30) days after application is received by the appointing authority;
- Any change in classification or pay range which would have accrued to the position if the employee had been on the job shall apply.

(g) <u>Unpaid Personal Leave</u>

Any unpaid personal leave of absence requested must be submitted to the department head and approved by the appointing authority or his/her designated representative at least three (3) working days prior to the start of such leave. Unless otherwise specified, unpaid personal leave of absence is without benefits. Unpaid personal leave of absence, if approved, shall not exceed thirty (30) day intervals, and unless otherwise specified, shall be granted or denied at the discretion of the appointing authority or his/her designated representative.

Unpaid personal leaves of absences will generally not be granted for the purpose of working elsewhere, which includes self-employment.

(h) Family and Medical Leave (FMLA)

FMLA leave shall be as contained in the City's Employment Policy Manual. (Ord. 13-04. Passed 3-1-04.)"

- Section 2. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 21.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.
- Section 3. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.
- Section 4. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed:	
	John A. Helberg, Council President
Approved:	
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Attest:	Abstain
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director the foregoing Ordinance No. 042-14 was duly publis general circulation in said City, on the day further certify the compliance with rules established Napoleon Ohio and the laws of the State of Ohio per	of; & I in Chapter 103 of the Codified Ordinances Of
	Gregory J. Heath. Clerk/Finance Director

ORDINANCE NO. 043-14

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2014; AND DECLARING AND EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, the annual appropriation measure passed in Ordinance No. 069-13 and 019-14 for the fiscal year ending December 31, 2014 shall be supplemented (Supplement No. 2) as provided in Exhibit "A", attached hereto and made a part hereof.
- Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.
- Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.
- Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed:	
	John A. Helberg, Council President
Approved:	
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Abstain	
Attest:	
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director of the City of Ordinance No. 043-14 was duly published in the Northwest Signal, on the day of,; & I fu established in Chapter 103 of the Codified Ordinances Of Napoleon pertaining to Public Meetings.	a newspaper of general circulation in said City, orther certify the compliance with rules
Greg	gory J. Heath, Clerk/Finance Director

Supplement App #2 - 043 Ordinance No. 043-14

EXHIBIT-A ATTACHMENT TO ORDINANCE No. -14

2014 APPROPRIATION BUDGET - 2ND QT BUDGET ADJUSTMENTS				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
	=== 2014 2ND QUARTER BUDGET ADJMNTS.==== 2014			
ORDINANCE No14, Passed / /2014	PERSONAL			FUND
2ND QT Proposed - 2014 Appropriation Budget	<u>SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>TOTAL</u>
500 ELECTRIC UTILITY REVENUE FUND				
6110 Electric/Operations, Distribution System	\$0	\$121,000	\$121,000	\$121,000
	========	========	========	
- 6110 Electric Operations - Appropriate Additional to Par	y Stranded Costs	on AMPGS Settl	ement +\$121,000	<u>):</u>
Accounts - 500.6110.53300 Service Fees-Professional		121,000		
* GRAND TOTAL - ALL FUNDS	\$0	\$121,000	\$121,000	\$121,000
	========	========	========	========

ORDINANCE NO. 044-14

AN ORDINANCE AMENDING THE EMPLOYMENT POLICY MANUAL OF THE CITY OF NAPOLEON

WHEREAS, the Safety and Human Resources Committee met in regular meetings and reviewed the entire Employment Policy Manual and suggested changes presented by staff and recommended that the City should adopt the amended Employment Policy Manual; and,

WHEREAS, City Council acknowledges that from time to time it must review the various codes and policies of the City of Napoleon; and

WHEREAS, City Council now desires to amend the Employment Policy Manual of the City of Napoleon; Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, the City of Napoleon does hereby amend the Employment Policy Manual, as set forth in "Exhibit A" which is attached and incorporated herein.
- Section 2. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 21.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.
- Section 3. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.
- Section 4. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed:	John A. Helberg, Council President
Approved:	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay	Abstain

Attest:	
Gregory J. Heath, Clerk/Finance Director	or
the foregoing Ordinance No. 044-14 was du general circulation in said City, on the	Director of the City of Napoleon, do hereby certify that ly published in the Northwest Signal, a newspaper of day of; & I ablished in Chapter 103 of the Codified Ordinances Of Ohio pertaining to Public Meetings.
	Gregory J. Heath, Clerk/Finance Director

Employment Policy Manual

City of Napoleon, Ohio



History

- Adopted No. CN98-1 March 18, 1998 Ordinance No. 14-98
- Revised No. CN98-1- April 6, 1998 Ordinance No. 28-98
- Repealed No. CN98-1 and Adopted PM2001-1 October 1, 2001 Ordinance No. 102-01
- Amended PM2001-1 June 2, 2003 Resolution No. 65-03
- Amended PM2001-1 March 1, 2001 Resolution No. 012-04
- Amended PM2001-1 April 19, 2004 Resolution No. 055-04
- Amended PM2001-1 August 1, 2005 Ordinance No. 072-05
- Amended PM2001-1 December 5, 2005 Ordinance No. 110-05
- Amended PM 2001-1 April 17, 2006 Ordinance No. 028-06
- Amended PM 2001-1 July 7, 2008 Ordinance No. 046-08
- Amended PM 2002-1 October 5, 2009 Ordinance No. 074-09
- 2014

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Policy 1 Preamble

The term "Manual" as used in this policy book shall be interpreted to mean the "Employment Policy Manual" unless its context clearly indicates otherwise.

Any resolution, ordinance, code or other similar instrument that refers to the "Employment Policy Manual" or "Policy Manual" when dealing with personnel issues shall be construed to mean this Manual.

This Manual will provide answers to most questions regarding the City's policies and procedures, the City's responsibilities to employees, and employee's responsibilities to the City. This Manual is not an "employment contract" nor shall it be construed as such.

This Manual is secondary to the administrative code (including the personnel code), civil service rules and any collective bargaining agreement [in any case, the collective bargaining agreement merely controls over persons covered by a certain collective bargaining agreement]. In the event of a discrepancy between the contents of this Manual and the code, civil service rules or the collective bargaining agreement, the code, civil service rules or collective bargaining agreement shall prevail in the established order of priority. In the event of a discrepancy between the contents of this Manual and an officially adopted City policy, the document, or any modification thereof, occurring latest in time shall control. Any economic or benefit policy contained in this Manual is not intended for employees covered by a collective bargaining agreement; therefore, shall not be applicable to such, unless specifically approved by the employee's Appointing Authority.

Moreover, taking into consideration hourly vs. salary employee type policies, any economic or benefit policy stated herein is deemed applicable to members of the Appointing Authority, in this context being: the City Manager, City Finance Director, City Law Director, and Assistants thereto, and Clerk of the Municipal Court; also, any economic or benefit policy shall apply to the Judge of the Municipal Court and members of Council and the Mayor when permitted by law, and when authorized by Council, except that the De Minimus Cellular Telephone Use Policy No. 7.3 shall not be applicable to members of City Council and the Judge of the Municipal Court, but shall be applicable to the Mayor when permitted by law; further, longevity pay is not applicable to the City Manager, City Finance Director, City Law Director, Mayor, Members of Council, and the Judge of the Municipal Court. When a policy places discretion or determination on the "Appointing Authority" and the policy question directly concerns the acts of the City Manager, City Finance Director, City Law Director, or Clerk of Council, for this limited purpose, City Council shall be considered the "Appointing Authority". When a policy places discretion or determination on the "Appointing Authority" and the policy question directly concerns the acts of the Clerk of Court, then the Judge of the Municipal Court shall be considered the "Appointing Authority". When a policy is a non-mandatory economic policy

concerning the availability to, or extent a policy is applicable to the Mayor, members of Council, or Judge of the Municipal Court, then, to the extent permitted by law, Council as a whole shall be the sole determining body. Reviewers of policies concerning the Mayor and/or members of Council should also consult the Rules and Regulations of City Council.

If anything is unclear, employees are encouraged to discuss the matter with their immediate supervisor or Department Head. Employees are responsible for reading and understanding this Manual, and employee performance evaluations will reflect their adherence to City policies. In addition to clarifying responsibilities, we hope this Manual also gives employees an indication of the City's interest in the welfare of all who work here. Also, any policy pertaining to probationary periods is not intended to apply to the appointing authorities, their assistants, or any unclassified employee, or to permanent part time, part time, or temporary employees. Finally, permanent part time, part time, and temporary employees are not entitled to any benefits contained herein unless clearly stated in policy or to the extent as mandated by federal, state, or local law, including the City's Personnel Code.

Compensation and personal satisfaction gained from doing a job well are only some of the reasons most people work. Most likely, many other factors count, such as: pleasant working relationships and working conditions, career development and promotion opportunities, and health benefits, to name just a few. The City of Napoleon is committed to doing its part to assure employees of a satisfying work experience.

As a member of the City of Napoleon's team, employees will be expected to contribute their talents and energies to improve the environment and quality of the City, as well as the City's services. In return, employees will be given opportunities to grow and advance in their career.

Policy 1.1 Mission Statement

To provide our citizens with the best quality services at the lowest cost possible.

To provide our employees with wages and benefits competitive with others doing similar work within the field and within the region.

Policy 1.2 Purpose Of This Manual

This Manual has been prepared to inform employees about the City of Napoleon's philosophy, employment practices, and policies, as well as the conduct expected from employees.

No Manual can answer every question, nor would we want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship.

We hope this Manual will help employees feel comfortable with us. We depend on employees, their success is our success. Employees are encouraged to ask questions and Department Heads will gladly answer them. We believe employees will enjoy their work and their fellow employees here. We also believe employees will find the City of Napoleon a good place to work.

We ask that all employees read this Manual carefully, and refer to it whenever questions arise. We also suggest that employees take it home so family members can become familiar with the City of Napoleon and our policies.

The policies in this Manual are to be considered as guidelines. Due to changing circumstances, the City of Napoleon, at its option, may change, delete, suspend, or discontinue any part or parts of the policies in this Manual at any time. Any such action shall apply to existing as well as future employees with continued employment being the consideration between the City and its employees. When changes are made, every effort will be made to keep employees informed through suitable lines of communication, including postings on City bulletin boards and/or notices sent directly to employees in-house.

No one other than the City Manager, Finance Director and Law Director acting jointly, who are the three appointing authorities established in the City's personnel code, may alter or modify any of the policies in this Manual; however, nothing in this Manual shall be construed as limiting the authority of any Appointing Authority or Department Head to establish additional work rules and policies not inconsistent with this Manual without necessity of Council approval; moreover, nothing in this Manual shall be construed as limiting the Judge of the Municipal Court from establishing other policies or from varying from polices contained herein as it relates to his/her employees. No statement or promise by a supervisor or Department Head may be interpreted as a change in policy nor will it constitute an agreement with an employee.

Should any provision in this Manual be found to be unenforceable and invalid, such finding does not invalidate the entire Manual, but only that provision.

This Manual is an important document intended to help employees become acquainted with the City of Napoleon. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Policy 1.3 How Employees Are Selected

We carefully select our employees through written application, personal interview, reference checks, and when applicable, written examinations. After all available information is carefully considered and evaluated; an employee is selected to become a member of our team based on fitness and merit.

This careful selection process helps the City of Napoleon to find and employ people who are concerned with their own personal success and the success of the City of Napoleon, people who want to do a job well and who can carry on their work with skill and ability, and people who are comfortable with the City of Napoleon and who can work well with our team.

Policy 1.4 Employee Relations Policy

The City of Napoleon's established employee relations policy is to:

- Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religious persuasion, marital status, political belief, or disability that does not prohibit performance of essential job functions;
- Pay all employees according to their effort and contribution to the success of our operations;
- Review wages, employee benefits and working conditions periodically with the objective of providing appropriate benefits in these areas, consistent with sound business practices;
- Provide paid vacations and holidays to all eligible employees;
- Provide eligible employees with medical, disability, retirement, and other benefits;
- Dedicate ourselves to constant and never ending improvement;
- Develop competent people who understand and meet our objectives, and who accept with open minds the ideas, suggestions, and constructive criticisms of fellow employees;
- Assure employees, after talking with their Department Head, an opportunity to discuss any problem with the applicable appointing authorities of the City of Napoleon;
- Make prompt and fair adjustment of any complaints which may arise in the everyday conduct of our business, to the extent that is practicable;
- Respect individual rights, and treat all employees with courtesy and consideration;
- Maintain mutual respect in our working relationship;
- Provide buildings and offices that are attractive, comfortable, orderly, and safe;
- Promote employees on the basis of their fitness and merit;
- Make promotions or fill vacancies from within the City of Napoleon whenever practical;
- Keep all employees informed of the progress of the City of Napoleon, as well as the City's overall aims and objectives;

Policy 1.5 Employee Responsibilities

An employee's first responsibility is to know their own duties and how to do them promptly, correctly, and pleasantly. Secondly, employees are expected to cooperate with management and their fellow employees and maintain a good team attitude.

How employees interact with fellow employees and those whom the City of Napoleon serves, and how employees accept direction can affect the success of a department. In turn, the performance of one department can impact the entire service offered by the City of Napoleon. Consequently, whatever position, employees have an important assignment; perform every task to the very best of their ability. The result will be better

performance for the City overall and personal satisfaction for the employee.

Employees are encouraged to grasp opportunities for personal development that are offered to them.

We strongly believe employees should have the right to make their own choices in matters that concern and control their life. We believe in direct access to management. We are dedicated to making the City a place where employees can approach their Department Head, or any member of management, to discuss any problem or question; however, we do respect the chain of command as well and expect all employees to address issues with their supervisors first. We expect employees to voice their opinions and contribute their suggestions to improve the quality of the City. We're all human, so employees are encouraged to communicate with each other and with management.

Remember, employees help create the healthful, pleasant, and safe working conditions. An employee's dignity and that of fellow employees, as well as that of our citizens, is important. The City of Napoleon needs an employee's help in making each working day enjoyable and rewarding.

Policy 2 Personnel Administration Policies

Policy 2.1 Personnel File

Keeping an employee's personnel file up-to-date is important to the employee as well as the City of Napoleon with regard to pay, deductions, benefits, and other matters. If an employee has a change in any of the following items, the employee is responsible to, and shall notify their Department Head or payroll personnel as soon as possible:

- Legal name;
- Home address;
- Home telephone number;
- Person to call in case of emergency;
- Number of dependents;
- Marital status;
- Change of beneficiary;
- Driving record or status of driver's license, if an employee operates any City of Napoleon vehicles;
- Military or draft status;
- Exemptions on the W-4 tax form.

Coverage or benefits that an employee and their family may receive under the City of Napoleon's benefits package could be negatively affected if the information in the personnel file is incorrect.

Since the City of Napoleon refers to the personnel file when we need to make decisions in connection with promotions, transfers, layoffs, and recalls, it's to an employee's benefit to be sure their personnel file includes information about completion of educational or training courses, outside civic activities, and areas of interest and skills that may not be part of their current position here.

All employee acknowledgment forms, evaluations and employee disciplinary action will be kept in the personnel file. Employees may see information which is kept in their own personnel file if desired and, employees may request and receive copies of all documents signed by them. Department Heads may make the necessary arrangements for an employee. Twenty-four (24) hours notice for copies to be made is requested; however, copies will be made available as soon as practical. There may be a reasonable fee requested for such copies.

Policy 2.2 Employees Right To Benefits

Generally, only *REGULAR* full time employees (regular) are entitled to benefits as contained in the Personnel Code and this Manual. Such employee is defined as an employee hired to work for the City full time, at least thirty (30) -seven and one-half (37-1/2) hours per week on a regular basis (normally fifty-two (52) weeks per year) (except authorized leave). All other employees, i.e. part time, permanent part time, and temporary as

defined in the personnel code, are not entitled to benefits unless specifically authorized or mandated by the Federal, State, Local Law, the personnel code or this Manual.

Policy 2.3 Identification Cards

In order to maintain security for all employees of the City of Napoleon, Ohio, every employee shall be issued an Identification Card that is required to be displayed in a manner as determined by the Appointing Authority.

Policy 3 General Personnel Policies

Policy 3.1 Business Hours Of The City

The Appointing Authority for the Department of Management, Finance, and Law will in cooperation with each other establish work hours, including multiple work schedules, for its divisions (sub-departments) in a manner so as to provide efficient service to the public.

Policy 3.2 Bonding Requirement

Under certain circumstances, the City of Napoleon may require that an employee be bonded. It is an employee's responsibility to assure that they are bondable. The City of Napoleon will pay the cost of bonding. Should an employee fail to maintain these qualifications, an employee will be subject to transfer to another position, if available, or dismissal.

Policy 3.3 Aptitude & Ability Tests

Job related tests may be given to help determine an employee's aptitude or ability to perform a specific job. Such tests may be given to candidates for job changes and promotions, as well as to new applicants. All employees must be able to perform the essential functions of the job, with or without reasonable accommodations. ADA requirements will be followed by the City of Napoleon.

Policy 3.4 Citizen Relations

The success of the City of Napoleon depends upon the quality of the relationships between the City of Napoleon, our employees, our suppliers, and our citizens. Our citizens' impression of the City of Napoleon and their interest and willingness to work with us is greatly formed by the people who serve them. In a sense, regardless of an employee's position, an employee is the City of Napoleon's ambassador. The more goodwill an employee promotes, the more our citizens will respect and appreciate them, the City of Napoleon and the City of Napoleon's services.

Here are several things employees can do to help give citizens a good impression of the City's operations:

- Act competently and deal with citizens in a courteous and respectful manner;
- Communicate pleasantly and respectfully with other employees at all times;
- Follow up on orders and questions promptly, provide businesslike replies to inquiries and requests, and perform all duties in an orderly manner;
- Take great pride in the work and enjoy doing the very best.

These are the building blocks for employees and the City of Napoleon's continued success. An employee's support is appreciated.

Policy 3.5 Equal Employment Opportunity

THE CITY OF NAPOLEON IS AN EQUAL OPPORTUNITY EMPLOYER. IT IS OUR POLICY TO ADMINISTER ALL OF OUR

EMPLOYMENT PRACTICES, INCLUDING THOSE PERTAINING TO RECRUITMENT, HIRING, PLACEMENT, TRANSFER, PROMOTION OR COMPENSATION, LAYOFF OR TERMINATION/DISCHARGE, AND SELECTION FOR TRAINING IN A NONDISCRIMINATORY MANNER WITHOUT REGARD TO AGE, COLOR, SEX, NATIONAL ORIGIN, DISABILITY, RACE, RELIGION, MILITARY/VETERAN STATUS, GENETIC INFORMATION OR ON ANY OTHER BASIS PROHIBITED BY STATE OR FEDERAL LAW. WE WILL ALSO MAKE REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS WITH KNOWN DISABILITIES UNLESS DOING SO WOULD RESULT IN AN UNDUE HARDSHIP.

It is the policy of the City of Napoleon, Ohio to provide employment, training, compensation levels, transfer or promotion opportunities, and all other aspects of employment without regard to sex, race, color, religion, national origin, age, or for qualified handicapped individuals, disabled veterans, or Vietnam Era veterans.

When hiring or promotion activity occurs, and in those job categories where we have identified under utilization, we will take affirmative action to seek out qualified applicants without regard to sex, race, color, religion, national origin, age handicap, or veteran status.

At the City of Napoleon, all terms and conditions of employment are and will continue to be established on the basis of the individual's qualifications and ability to perform the job.

Policy 3.6 Application Process

To give all persons an opportunity to fill a position within the City employment, employment with the City will commence only through the application process. No applications will be accepted or considered prior to notice of vacancy or anticipated vacancy by the Appointing Authority, except when deemed necessary by the City Civil Service. A uniform application process will be followed. Unsolicited applications will not be accepted.

Policy 3.7 Former Employees Rehire

Except when filling competitive civil service positions, despite any other hiring procedure established by the City, in an effort to capture employment experience and save on training costs, the Appointing Authority may rehire a prior City employee that retired under an Ohio Public Retirement System. The rate of pay shall be that as determined by the Appointing Authority within the pay scale as established by City Council unless Council authorizes, by separate resolution or ordinance, a different amount. Any person rehired after retirement under this provision shall enjoy vacation benefits and other applicable benefits as if the employee did not retire, except that personal days shall not be again credited to a rehired employee for the intended calendar year if the employee received the personal days prior to departure, and except that longevity benefits will no longer exist. (Example, if an employee receives his or her personal days in January and then terminates his or her

employment in February, the employee shall not again receive additional personal days if rehired in March).

No person, except a retiree from the City as discussed above whom was previously employed by the City as a full time (regular) employee, shall be rehired by an Appointing Authority as a full time (regular) employee without prior approval from City Council.

Persons that were previously employed by the City desiring a part time position with the City need merely Department Head approval of rehire.

To be considered for rehire by the City to any position, the person applying for rehire must have been in good standing with the City at the time employment previously terminated with the City.

Policy 3.8 Health And/or Psychiatric Examinations

Employment with the City of Napoleon may be contingent on passing a physical/health or psychiatric examination at the City of Napoleon's expense. Also, at any point during ones employment, an employee may be asked to undergo a health and/or psychiatric examination on City time and at the City of Napoleon's expense. This may be necessary to insure that employees are physically and/or mentally capable of performing the essential functions of the job position safely, and without potential harm to others. Employees may be relieved from duty, utilizing sick leave time when available, when a Department Head has reasonable cause to believe that the employee is physically and/or mentally incapable of performing the essential functions of the job position safely, and without potential harm to him/herself or others.

Policy 3.9 Credit Investigation

In order to determine employee stability with the City of Napoleon, following the requirements imposed by the Fair Credit Reporting Act 15 U.S.C. Sec. 1681 et. seq., the City of Napoleon may conduct a preemployment credit check on all applicants who are offered and who accept an offer of employment as to credit worthiness, standing, and capacity without notification to the applicant. If an investigative consumer report is requested by the City of Napoleon as to the character, general reputation, personal characteristics, or mode of living, the applicant will be made aware of the same in writing and the applicant is entitled to complete disclosure of the nature and scope of the investigation. If the applicant is denied employment in whole or in part on the basis of the consumer report, he/she will be notified of the same. Remember, employees have certain legal rights to discover, and to dispute or explain, any information prepared by the credit checking City.

Policy 3.10 Job Descriptions

It is important for the employee to understand their duties; therefore, we maintain a job classification description for each position in the City of Napoleon. When an employee's duties and responsibilities are changed, the job description will be updated. If an employee wishes to see their job description, such request should be asked of the Department Head.

Policy 3.11 Knowledge Of The City Of Napoleon

After having learned to competently perform one's own duties, an employee's next step is to familiarize him or herself with other City of Napoleon activities. This can prove valuable to an employee, our citizens, and the City of Napoleon as well. The City may provide additional "cross-training."

Knowledge of the services of the City of Napoleon will help employees avoid the "I don't know" syndrome. Our citizens' confidence in an employee increases as employees are able to answer their basic questions; however, an employee is encouraged not to pretend to know the answer or try to guess the answer when there is uncertainty. If an employee is unsure of the correct information, the employee is to refer the inquiry to the appropriate Department Head, or to a person more qualified to respond.

Policy 3.12 Probationary Period

The first twelve (12) months of employment at the City of Napoleon are considered a probationary period for classified employees, and during that period an employee will accrue benefits described in this Manual unless otherwise noted. This probationary period will be a time for getting to know fellow employees, Department Heads and the tasks involved in a specific job position, as well as becoming familiar with the City of Napoleon's services. The employee's own Department Head will work closely with the employee to help an employee understand the duties and processes of his/her job.

This probationary period is a try out time for both the employee and the City of Napoleon as an employer. During this probationary period, the City of Napoleon will evaluate an employee's suitability for employment, and the employee can evaluate the City of Napoleon as well. At any time during this first twelve (12) months, an employee may resign without any detriment to their record. If, during this period, an employee's work habits, attitude, attendance, or performance do not measure up to our standards, we may release the employee. If an employee takes approved time off in excess of five (5) work days during the probationary period, the probationary period may be extended by that length of time.

At the end of the probationary period, an employee's Department Head will discuss job performance with the employee. This review will be much the same as the normal job performance review that is held for full time (regular), permanent part time, part time, or temporary employees. During the course of the discussion, employees are encouraged to give their comments and ideas as well.

The completion of the probationary period does not guarantee continued employment for any specified period of time, nor does it require that an employee be discharged only for "cause".

A former employee who has been rehired to a full time (regular) classified position after a separation from the City of Napoleon is hired in with probationary employee status; further, permanent part time, part time, or temporary employees taking a full time (regular) classified position with

the City of Napoleon shall be considered a newly hired employee for all purposes, except that: (i) to the extent permitted by any public retirement system, it shall not be construed as a break in service for pension rights; and, (ii) any accrued benefits received may continue. Permanent part time, part time, or temporary employees taking a full time (regular) classified position with the City of Napoleon shall have the same probation period as established in code or this Policy for full time (regular) classified employees commencing from the date the full time position is filled.

Policy 3.13 Performance Reviews

An employee's Department Head and immediate supervisor are continuously evaluating an employee's job performance. Day-to-day interaction between an employee and their Department Head should give an employee a sense of how their Department Head perceives their performance.

However, to avoid haphazard or incomplete evaluations, the City of Napoleon conducts a formal review at least once a year for each employee. New employees may be reviewed more frequently. A review may also be conducted in the event of a promotion or change in duties and responsibilities.

During formal performance reviews, Department Heads will consider the following things, among others:

- Attendance, initiative, and effort;
- Knowledge of the work;
- Willingness to work;
- The quality and quantity of the work.

The primary reason for performance reviews is to identify an employee's strengths and weaknesses in order to reinforce good habits and develop ways to improve in weaker areas. This review also serves to make an employee aware of, and to document, how the employee's job performance compares to the goals and description of the job. This is a good time to discuss interests and future goals. An employee's Department Head is interested in helping the employee progress and grow in order to achieve personal, as well as work related, goals. A performance review also affords the Department Head an opportunity to recommend further training or additional opportunities for the employee.

In addition to individual job performance reviews, the City of Napoleon periodically conducts a review of job descriptions to insure that we are fully aware of any changes in the duties and responsibilities of each position and those changes are recognized and adequately compensated.

Policy 3.14 Proof Of U.S. Citizenship and/or Right To Work

Federal regulations and this policy require that:

 Before becoming employed, all applicants must complete and sign Federal Form I-9, Employment Eligibility Verification Form; and, • All applicants who are hired need to present documents of identity and eligibility to work in the United States.

Policy 3.15 Relatives And Employment

In order to assure equal treatment in the workplace, if an employee and members of their immediate family are employed by the City of Napoleon, one may not supervise the other nor may they work in the same department. For purposes of this section, an employee's immediate family includes an employee's spouse, children, siblings, parents, grandparents, and an employee's spouse's children, siblings, parents, and grandparents.

Should two (2) present employees marry, they may not work in the same department. If the employees are unable to develop a workable solution, the Appointing Authority will decide which employee may be transferred in such situations.

This policy will not disturb employment and family situations as they exist prior to the adoption of these policies; moreover, due to the nature of part time fire service, this policy is not applicable to part time employees who are members of the Napoleon City Fire Department (example: a full time fire person may supervise or be supervised by a part time member of his/her immediate family or work in the same department; or two (2) part time persons in the fire department may be immediate family.)

Policy 3.16 Employee's Ideas

If employees ask *ASK* any of our employees who have worked with us for a long time and they will probably tell them of the many changes and improvements that have come about in their departments since they first joined us. We believe the person doing a job is in the best position to think of ways of doing it more easily, more efficiently, and more effectively. If an employee thinks of a better way of doing their job or the job of a fellow employee, an employee is encouraged to discuss it with their Department Head who will welcome the suggestions and ideas.

There may be areas in the City of Napoleon's operation that can be improved. These could be in service, production methods, equipment, communications, safety, ways to reduce costs, losses, and/or waste, or other improvements an employee may see a need. Employees are encouraged to give us the benefit of their unique experience and thoughts. Also, to document their innovations and money saving efforts and have them placed in their personnel file (include dates, detailed descriptions of their contributions, estimates from the accounting department regarding cost savings or revenues generated, etc.) these may favorably affect an employee's wage, salary, or promotion reviews.

Policy 4 Hours Of Work Policies (Hourly Paid Employees)

Policy 4.1 Hours Of Work

Particular hours of work and the scheduling of an employee's lunch period will be determined and assigned by their Department Head. Most employees are assigned to work a forty (40) hour work week, except that certain Fire Department personnel work a fifty-three (53) hour work week. Employees will be notified promptly whenever a change in their work schedule is necessary. Should questions concerning a work schedule arise, employees should contact their Department Head.

Policy 4.2 Overtime Pay

Overtime is controlled by §197.14 of the City's Personnel Code (which includes actual pay and compensatory time), except certain Fire Department personnel shall work an average work week of fifty-three (53) hours per week. Employees are encouraged to review this specific section; copies may be obtained from the payroll department. From time to time, it may be necessary for employees to perform overtime work in order to complete a job on time. All overtime must be approved in advance by an appropriate supervisor. When it is necessary to work overtime, employees are expected to cooperate as a condition of their employment. There are two (2) types of overtime work:

• Scheduled Overtime

Scheduled overtime work is announced in advance and generally will involve an entire department or operation. This type of overtime becomes part of the required work week of the people who are members of the department or operation. If an employee needs to be excused from performing scheduled overtime, an employee should speak with their Department Head. He or she will consider the employee's situation and the requirements of the department or operation in deciding whether an employee may be excused from performing the scheduled overtime.

• Incidental (Unscheduled) Overtime

Incidental overtime isn't scheduled; it becomes necessary in response to extenuating circumstances. It is extra time needed to complete work normally completed during regular hours, or work caused by weather or other unforeseeable causes or when an illness or emergency keeps coworkers from being at work as anticipated. It may require an employee to return to the workplace for emergency work.

The opportunity to perform incidental overtime will be given first to the employee who normally performs the task. If that employee cannot perform the overtime, the Department Head will offer the overtime to another suitably qualified person who is available to perform the overtime attempting to spread the overtime equally among all employees so far as practical.

Policy 4.3 Part Time, Permanent Part Time, Temporary Employees (Overtime)

For part time Firefighters and Emergency Medical Technicians (EMT's) to be eligible for overtime, the part time employee must work in excess of one hundred and six (106) hours for a biweekly pay period (work period) (14 days).

For part time, permanent part time and temporary (not Firefighters or EMT's) to be eligible for overtime, the employee must work in excess of forty (40) hours in a work week, regardless if they work over eight (8) hours in any given work day, (except that any employee working in a City amusement or recreational establishment (example: public pool, golf course) that is open less than seven (7) months is exempt from any overtime rate of pay.)

Policy 4.4 Effects Of Time Off On Ability To Earn Overtime Pay

Overtime is controlled by the Personnel Code §197.14, and is computed on work performed in excess of eight (8) continuous hours per day or in excess of a regular forty (40) hour work week, except fire and rescue personnel and part time, permanent part time and temporary personnel, which is as otherwise provided in this Manual. For all hourly employees, including fire and rescue personnel, time actually worked does not include leave of any type. WHEN A POLICE LIEUTENANT IS FORCED TO WORK AS A CONTRACTED POLICE OFFICER, THEN HE/SHE SHALL BE PAID PER ARTICLE 25.1 OF THE POLICE UNION CONTRACT. A Department Head may require an employee to return to work on any particular day to work over and above the standard work schedule without the necessity of paying the overtime rate, so long as the

Policy 4.5 Reporting Time Pay: Inclement Weather & "Acts Of God"

above formula for overtime is followed.

Temporary closing of City facilities is at the sole discretion of the City Manager. It is an employee's responsibility to listen for public announcement for City closing of employment due to special circumstances. Special circumstances include inclement weather, fire, flood or some other "Act of God", power/utility failure, an inoperable computer system, or lack of work. In the event an employee reports for work without being notified in advance that we are temporarily closed due to special circumstances, such employee will receive a minimum of two (2) hours of straight time pay. An employee may be asked to perform other available work for the two (2) hour period. If refused, the employee will forfeit their claim to reporting pay. This policy applies to only our hourly employees.

For the purpose of this policy an employee is deemed to have been notified if their residence is reached or public announcement is made sixty (60) minutes prior to an employee's scheduled report time. Employees are encouraged to tune to Napoleon's local radio station for updates on current conditions.

Vacation time or other type personal time (holidays and etc.) may be used by the employee when the City closes pursuant to this policy; however, sick leave will be permitted only as a last resort if no other type leave exists unless the person is genuinely ill.

This policy is not applicable to emergency services such as police and fire/rescue or to members of the operations or electric departments; moreover, salary employees may not accrue more time as a result of this policy nor be deducted for the same.

Policy 4.6 Time Sheets/Time Cards

We are obligated to keep accurate records of the time worked by hourly employees. This is done by time clock sheets and/or other written documentation.

Employees are responsible for their time sheet. Employees should remember to record their time. The time sheet is the only way the payroll department knows how many hours an employee worked for the purpose of determining how much to pay. All employees are required to keep their Department Head advised of their departures from and returns to the premises during the work day.

In the event of an error in recording an employee's time, the matter should be reported to their Department Head immediately. The employee's Department Head must make the correction and both the Department Head and the employee must initial the correction. Department Heads are expressly authorized to modify time sheets when unauthorized time is documented. If a Department Head makes such modification, it should be noted and initialed by both the Department Head and the employee. Should the employee refuse to initial the same, it should be so stated on the sheet.

Time sheets must be turned into an employee's Department Head by 10:00 a.m. Monday following the last day of the pay period. *IF A HOLIDAY FALLS ON A MONDAY THEN TIME SHEETS ARE DUE THE NEXT SCHEDULED WORK BUSINESS DAY BY 10:00AM.*

Except as above provided, no one may record hours worked on another's sheet. Tampering with another's time sheet is cause for disciplinary action, including possible dismissal of both employees. It is prohibited to alter another person's record, or influence anyone else to alter an employee's record for them.

Policy 4.7 Time Clocks

If time clocks are installed and the City requires that employees use the time clock to record their time worked, the following rules shall apply:

- Time sheets must still be completed in order for an employee to be paid;
- No employee may punch any other employee in or out. Infractions of this rule will be grounds for disciplinary action against both employees, up to and including dismissal;
- An employee must punch in and out at the beginning and end of the work day, and the beginning and end of unpaid lunch breaks.

- Except as outlined next, an employee must punch in and out at the start and end of any overtime work period not contiguous to a regular work day.
- If an employee is called out to investigate a situation, the employee may check the situation first if the situation has occurred between an employee's residence and their regular reporting station. If an employee resolves the situation in a short period of time, the employee shall end the call out by punching in and out in a single stop at their regular reporting station. If the situation requires that the employee stay on the scene for an extended period of time, the employee shall punch in and out when the work is complete and make a note of the actual hours worked on the time card. The Department Head should approve the handwritten record at the earliest opportunity.

Policy 4.8 Attendance

Employees are expected to be at their work station and ready to work at the beginning of their assigned daily work hours, and employees are expected to remain at their work station until the end of their assigned work hours, except for approved breaks and lunch. When an employee's work takes them away from their work station, the employee must let their Department Head know where they are going and how long they are expected to be gone.

Policy 4.9 Absenteeism And Tardiness

From time to time, it may be necessary for an employee to be absent from work. The City of Napoleon is aware that emergencies, illness', or pressing personal business that cannot be scheduled outside an employees work hours may arise. Days and personal days (personal holidays) have been provided for this purpose.

If the employee is unable to report to work, or if the employee will arrive late, the employee must contact their Department Head immediately. The employee must give him or her as much advance notice as possible. If an employee knows in advance that he/she will need to be absent, the employee is required to request this time off directly from their Department Head. He or she will determine when will be the most suitable time for the employee to be absent from their work.

When an employee calls in to inform the City of Napoleon of an unexpected absence or late arrival, the employee must ask for their Department Head directly. For late arrivals, the employee should indicate when he/she expects to arrive for work. Notifying the switchboard operator or a fellow employee is not sufficient. If an employee is unable to call in themselves because of an illness, emergency or for some other reason, the employee must be sure to have someone call on their behalf. If the employee's Department Head is not available when the employee calls, the information may be left with another Department Head or on the City's recorder, except that employees of the Electric and Operation's Department shall contact the City's Police Department.

Absence from work for five (5) consecutive days without notifying the appropriate Department Head or the Appointing Authority will be considered a voluntary resignation.

Tardiness or leaving early is detrimental to the City of Napoleon, and is an unauthorized absence. Three (3) such unexcused incidents in a ninety (90) day period will be considered a "tardiness pattern", and will be grounds for disciplinary action, in addition to the losses of pay specified below. Other factors, like the degree of lateness, may be considered.

The rules with respect to tardiness for hourly employees are as follows:

- Employees who arrive from one (1) to fifteen (15) minutes late, either in the morning or after lunch, may be stopped from working until the next quarter hour commencement of time and in such case will have fifteen (15) minutes pay deducted from that day's pay.
- Employees arriving more than fifteen (15) minutes late, either in the morning or after lunch, may be stopped from working in fifteen (15) minute blocks, with pay deductions made accordingly, or may be sent home for the remainder of the day, without pay.

The City may install time clocks to enforce these policies.

Policy 4.10 Breaks/Rest Periods

The City recognizes the need for breaks and rest periods; however, in order to still maintain service to the public, employees may take at most, two (2) fifteen (15) minute paid rest breaks each day at the work site. Normally these rest breaks will be scheduled in mid-morning and midafternoon. These breaks will be determined by the employee's Department Head. If an employee works in a department where breaks are not directly assigned, an employee must coordinate with their coworkers to maintain adequate coverage at all times. Employees must always be sure to return to work on time at the end of any break. If breaks are not taken, they are considered a voluntary waiver and an employee will not be additionally compensated; moreover, an employee may not arrive late or leave early in return for not taking breaks.

In the unlikely event of an emergency or unusual condition, an employee's Department Head may ask the employee to change or postpone their break in order to finish a particular project.

Policy 4.11 Closure After Starting Time

If severe weather conditions exist and the City Manager (or designated representative) decides to close the City's operation(s) and/or City building(s) for the remainder of the day, the employee will be notified as soon as possible by their Department Head. If an employee is sent home before having worked two (2) hours, the employee will be paid for two (2) hours of work. If an employee is sent home after having worked two (2) hours, the employee will be paid for the time actually worked.

If an employee's Department Head asks that the employee remain at work after their department has closed because of severe weather conditions, the employee will be paid at their regular base rate for the remaining hours that are worked beyond the announced closing time. (This policy does not

apply to emergency services i.e. police or fire, or the operations or electric department.)

Policy 4.12 Lunch Period

If an employee works longer than four (4) hours, the employee will be given an unpaid lunch period (Police and Fire employees are paid lunch periods). The time when lunch periods are scheduled varies among departments, depending on the needs of each department. Employee's Department Head will give the employee their lunch period schedule.

Employees are expected to take their full allotted time for lunch. Employees are requested not to perform any work during their regularly scheduled lunch period, unless specifically requested to do so by their Department Head. In that event, their lunch will be rescheduled or the employee will be paid for the time that he **or** she worked.

The employee may leave the premises during their lunch period. It is important to return to work on time at the end of the lunch period.

If the Department Head determines that an hourly employee is required to remain at the work site for the entire length of a period of eight (8) hours or more, then the employee shall be permitted a one-half (1/2) hour paid lunch break during said period, provided the employee shall make himself or herself available to respond to work demands during the lunch period if the need arises.

Policy 4.13 Wash Up Time

In order to maintain service to the public, employees are not permitted to wash up on City time prior to their lunch or rest breaks.

Policy 4.14 Acting Time

When the City determines it necessary to temporarily assign an hourly employee to work in a higher non bargaining unit classification, said employee shall be eligible to receive a rate of pay equaling one dollar (\$1.00) per hour above the hourly rate that which he/she usually receives. "Temporarily" shall mean for a minimum of four (4) hours and shall mean that the employee is available for call as an employee acting as a higher authority after working hours on the day that he/she receives acting time pay.

Should the employee be called as an employee acting as a higher authority after working hours while receiving acting time pay, he/she shall be entitled to receive pay for any actual time worked at one and one-half (1-1/2) his/her revised rate of pay; however, it shall not affect longevity rates.

When acting time is determined necessary by the City, the best qualified employee in the affected section or department shall be given the acting time as determined in the sole discretion of the Appointing Authority. In the event there are two (2) or more otherwise equally qualified employees, then the most senior employee shall be given the acting time. In the event there is no qualified person, then the same selection process may apply outside the affected section or department with Appointing Authority approval. Nothing in this policy shall be construed to prohibit the City from engaging service from outside the City services.

Acting time shall be paid for the actual number of hours worked in the higher classification.

Acting time is not intended for those employees that have a job description requiring them to act in the absence of a higher class employee.

Policy 4.15 Flex Time

The City confirms its commitment to develop, maintain, and support a comprehensive policy of equal opportunities in employment within the Organization. To assist in this, the Organization will actively support Flex-Time where it is reasonable and practical to do so, and where operational needs will not be adversely affected.

Flex time is a work schedule which allows employees to work hours that are not within the standard business schedule, while maintaining a high level of service during the organization's peak operating hours. With a flex-time schedule, non-exempt employees are still subject to all requirements of the Fair Labor Standards Act. Employees who are exempt from FLSA are expected to work whatever number of hours are required in order to accomplish their duties and are permitted to set their own schedules.

This flex-time schedule, subject to department head approval, will allow an employee to shift daily work hours while still working an 8 hour day. For instance, in the event normal business hours are 7:30 AM to 4:00 PM, an employee could work from 8:00 AM to 4:30 PM or 8:30 AM to 5:00 PM, etc. Working any arrangement of hours within an 8 hour day constitutes a valid work day. Further, an employee may arrive early or leave early by working through his or her unpaid lunch break or scheduled breaks. It is important to remember that the level of service must be maintained during peak hours; therefore, department heads will need to coordinate the schedules of all flex-time participants to ensure ample coverage during these hours. In the event an employee is eligible for overtime based on hours worked in excess of eight (8) hours, then flex-time must be adjusted in the same work day; however, if an employee is eligible for overtime based on hours worked in excess of forty (40) hours, then flex-time must be adjusted in the same work week.

Policy 5 Standards Of Conduct Policies

Policy 5.1 General

Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively, and harmoniously. Some people have problems with "rules" and "authority figures," and past experience may have justified these thoughts and feelings; however, at the City of Napoleon, we hold ourselves to a high standard of quality where the rules and authority figures simply assure that quality is maintained.

By accepting employment with us, employees have a responsibility to the City of Napoleon and to their fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict an employee's rights, but rather to be certain that they understand what conduct is expected and necessary. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then our organization will be a better place to work for everyone.

Policy 5.2 Confidential Information

Our citizens and suppliers entrust the City of Napoleon with important information relating to their businesses. The nature of this relationship requires maintenance of confidentiality. In safeguarding the information received, the City of Napoleon earns the respect and further trust of our citizens and suppliers.

An employee with the City of Napoleon assumes an obligation to maintain confidentiality, even after departure from employment.

Any violation of confidentiality seriously injures the City of Napoleon's reputation and effectiveness. Therefore, it is prohibited to discuss the City of Napoleon business with anyone who does not work for us, and it is also prohibited to discuss business transactions with anyone who does not have a direct association with the transaction. Even casual remarks can be misinterpreted and repeated, so personal discipline is necessary to maintain confidentiality.

If an employee is questioned by someone outside the City or their department and the employee is concerned about the appropriateness of giving certain information, an employee is not required to answer, and we do not wish employees to do so. Instead, the employee must as politely as possible, refer the request to the appropriate Department Head or to the appropriate Appointing Authority.

Policy 5.3 Records

It is the purpose of the Policy to promote proper and timely retention, production, and disposal of public records.

A. Definitions

Public Records: Records kept by any public office, including, but not limited to, state, county, City, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to Section 3313.533 of the Ohio Revised Code.

Public Office: Any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by Ohio law for the exercise of any function of government.

Elected Official: An official elected to a local or statewide office. Elected official does not include the Chief Justice or a Justice of the Supreme Court, a Judge of a Court of Appeals, Court of Common Pleas, Municipal Court, or County Court, or a clerk of any of those courts.

Designee: A designee of the elected official in the public office if that elected official is the only elected official in the public office involved or a designee of all of the elected officials in the public office if the public office involved includes more than one elected official.

Redaction: Obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of "record". A redaction is deemed a denial of a request to inspect or copy the redacted information except if federal or state law authorizes or requires a public office to make the redaction.

Record: Any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in ORC 1306.01, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

B. Training for Public Officials

To ensure that all employees of public offices are appropriately educated about a public office's obligations to make public records available for public inspection and copying, all elected officials or their appropriate designees must attend training approved by the Attorney General. Employees shall be given this policy for guidance, to be contained in the Employee's Policy Manual, with receipt acknowledged. Moreover, a poster that describes this policy shall be created and posted in a conspicuous place in each department that describes this policy.

C. Organization and Availability of Public Records

Organization and Availability: Public offices must maintain public records in a manner so that they can be made available for inspection under the Public Records Law; therefore, the responsibility of retaining, production, and retention of its department records falls upon the Department Head. To facilitate broader access to public records, a public office or the person responsible for public records must organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with the Public Records Law. The City should take steps to centralize records when practical.

Records Retention Schedule: The public office must have available a copy of its current records retention schedule. This schedule shall be in a location readily available to the public; moreover, the schedules should be reviewed every six months for accuracy. Master copies of the retention schedules shall be filed with the clerk's office of the City. Amendments to the records retention schedule must be approved by the City's Records Commission.

Ambiguous Request: If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the public office or person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but must provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

D. Procedure

Inspection and Copying of Public Records; Redaction: It is generally required, subject to ORC 149.43(B)(8), that all public records be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours of the department. It is also generally required that upon request and subject to ORC 149.43(B)(8), a public office or person responsible for public records must make copies available at cost. Upon request, all public records responsive to the request will be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours of the department that possesses the record.

Except as otherwise provided in the Public Records Law, the number of public records that the public office will make available to a single person may not be limited, the number of public records that will be made available during a fixed period of time may not be limited, and a fixed period of time before responding to a

request for inspection or copying of public records may not be established, unless that period is less than eight hours.

If a public record contains information that is exempt from the duty to permit public inspection or to copy the record, the public office or the person responsible for the public record must make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying, the public office, or the person responsible for the public record must notify the requestor of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

Explanation for Denial of Request: If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record must provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation must be presented to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action in mandamus.

Requester's Identity and Intended Use of Requested Records:

Unless specifically required or authorized by state or federal law or in accordance with the Public Records Law, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any such requirement constitutes a denial of the request.

However, a public office or person responsible for public records is allowed to ask a requester to make the request in writing, to ask for the requester's identity, and to inquire about the intended use of the information requested, but only after disclosing to the requester that a written request is not mandatory, nor declaring the intended use; moreover, that the requested may decline to identify him or herself. When written requests, identification or intended use is requested, the requester must be informed that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for the public records to identify, locate, or deliver the public records sought by the requester.

E. Obtaining Copies of Public Records

Choice of Duplicating Medium: If any person chooses to obtain a copy of a public record in accordance with the Public Records law, the public office or person responsible for the public record must permit the person to choose to have the public record duplicated upon paper, upon the same medium upon which the

public office or person responsible for the public record keeps it, or upon other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. The public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy. Normal paper copy cost has been established by the City at the rate of five cents per page. Nothing in the Public Records Law requires a public office or person responsible for the public record to make the copies of the public record; however, when requested by a person and when practical to do so, it will be the policy of the City to do the same. In the event that contracted labor is required to meet a public records request, then, when practical, those charges should be ascertained in advance of filling the records request and collected from the requester prior to retrieving the records requested.

Transmission of Copies: Upon a request made in accordance with the Public Records Law and subject to the provision described above in Choice of Duplicating Medium, a public office or person responsible for the public records must transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission. Each department of the City shall limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For these purposes, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

F. Disposal of Public Records

Records Commissions: The City has established a records retention commission pursuant to Chapter 173 of the Codified Ordinances of the City of Napoleon, Ohio. Section 173.05 shall control the disposal of records.

One Time Disposal: In general, when the records commissions has approved or amended any application for one-time disposal of obsolete records or any schedule of records retention and

disposition, the commission shall send that application or schedule to the Ohio Historical Society for its review. The Ohio Historical Society shall review the application or schedule within a period of not more than sixty days after its receipt of it. Upon completion of its review, the Ohio Historical Society shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the Auditor of State for the Auditor's approval or disapproval. The Auditor shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.

Before public records are to be disposed of, the Records Commission shall inform the Ohio Historical Society of the disposal through the submission of a certificate of records disposal and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records that it considers to be of continuing historical value.

Scheduled Disposal of Records: Once all appropriate authorities have reviewed and approved the various retention and disposal documents, destruction or transfer of records is permitted when they reach the end of their assigned retention period; however, such records, prior to destruction, even if a schedule authorizes immediate destruction, are subject to the 15 day notification period to the Ohio Historical Society so that the Ohio Historical Society may select for its custody those records the Society determines contains continuing historical value. Therefore, each Department Head desiring to dispose of public records in accordance with a schedule should file a certificate of disposal with the Records Commission to be forwarded by the Commission to the Ohio Historical Society.

In the case of conflict between this Policy and the City's "master" record retention policy, the master record retention policy shall control.

However, a public office or person responsible for public records is allowed to ask a requester to make the request in writing, to ask for the requester's identity, and to inquire about the intended use of the

Policy 5.4 Driver's License & Driving Record

Employees whose work requires operation of a motor vehicle as an essential function of the job must present and maintain a valid driver's license and a driving record acceptable to our insurer. Employees may be asked to submit a copy of their driving record to the City of Napoleon from time to time. Any changes in an employee's driving record must be reported to the personnel department immediately (not later than fifteen (15) days). Failure to do so may result in disciplinary action, including possible dismissal.

Policy 5.5 Dress Code/Personal Appearance

Discretion in style of dress and behavior is essential to the efficient operation of the City. An employee is expected to dress and groom themselves in accordance with accepted social and business standards, particularly if a job that involves dealing with citizens or visitors in person. Each Department Head is responsible for establishing a reasonable dress code appropriate to the job performed; however, sun dresses with bare backs and/or shoulders; men's sleeveless undershirts; tank tops; and shorts, for men or women, are not appropriate, exception being swimming pool personnel.

Personal appearance should be a matter of concern for each employee. If an employee's Department Head feels an employee's attire is out of place, the employee may be asked to leave the workplace until properly attired. Such employee will not be paid for the time off the job for this purpose. An employee's Department Head has the sole discretion to determine an appropriate dress code, and anyone who violates this standard will be subject to appropriate disciplinary action.

PERSONAL HYGIENE AND GROOMING
EMPLOYEES ARE EXPECTED TO MEET THE FOLLOWING
STANDARDS OR GUIDELINES WITH RESPECT TO PERSONAL
GROOMING AND HYGIENE UPKEEP:

- CONSISTENT BATHING AND ORAL HYGIENE (INCLUDING USE OF DEODORANT).
- CLEAN, WELL-GROOMED HAIR; INCLUDING BEARDS, MOUSTACHES, GOATEES AND SIDEBURNS (NO ARTIFICIAL COLORS OUTSIDE THE NORM).
- WASHED OR LAUNDERED CLOTHING AS UNWASHED CLOTHES ARE OFTEN A SOURCE OF UNDESIRABLE SMELLS ODORS.

Policy 5.6 Drug Free Work Environment Policy and Program

We believe it is our duty to provide employees with as safe a workplace as we possibly can; therefore, we have a substance abuse policy, because employees have a right to depend on their coworkers.

Whenever use or abuse of any mood altering substance (such as alcohol or other drugs) interferes with a safe workplace, appropriate action must be taken. The City of Napoleon has no desire to intrude into its employees' personal lives; however, both on-the-job and off-the-job involvement with any mood altering substances can have an impact on our workplace and on the City's ability to achieve its objectives of safety and security.

Therefore, an employee is expected to report to the workplace with no mood altering substances in their body or in their possession. While a person may make their own lifestyle choices, the City of Napoleon cannot accept the risk in the workplace which substance use or abuse may create. The possession, sale, or use of mood altering substances at the workplace or on City property, or coming to work under the influence of such

substances, shall be a violation of safe work practices and may cause an employee to be subject to disciplinary action, including possible dismissal.

Furthermore, as a complying employer with the Drug Free Workplace Act of 1988, the City requires as a condition of employment that each employee notify the City of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after the conviction.

No employee will engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on City property or during business hours while in the employment of elected officers and City agencies, including, but not limited to City offices, departments, commissions, boards or institutions.

Program Awareness - The City of Napoleon will:

- Publish the policy and distribute to all full time, part time, temporary and seasonal employees. All new hires will be given a copy of this policy upon hire.
- Inform all employees of the dangers of drug abuse in the workplace by having the Chief of Police or his/her designee conduct mandatory meetings of City employees.
- Inform employees of available drug counseling, rehabilitation and employee assistance programs.

Employee Responsibility - The City of Napoleon requires as a condition of employment that each employee:

- Abide by the terms of this Policy.
- Notify their employer of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after conviction.
 - If an employee is employed by a City department, agency, commission, board, or institution that is a recipient of federal grants, the City will:
 - Notify the Federal Agency (donor of Grant) within ten (10) days after receiving notice of employee criminal drug statute conviction for a violation in the workplace.
 - Notify the Federal Agency (donor of Grant) within thirty (30) days that:
 - ✓ Appropriate personnel action has been taken against employee up to and including termination;

Of

✓ The employee, as required has/will participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

DRUG TESTING POLICY

THE CITY OF NAPOLEON WILL CONDUCT DRUG AND/OR ALCOHOL TESTING UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

- RANDOM TESTING: EMPLOYEES MAY BE SELECTED AT RANDOM FOR DRUG AND/OR ALCOHOL TESTING AT ANY INTERVAL DETERMINED BY THE CITY.
- REASONABLE SUSPICION TESTING: THE CITY OF NAPOLEON MAY ASK AN EMPLOYEE TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST AT ANY TIME IT FEELS THAT THE EMPLOYEE MAY BE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING CIRCUMSTANCES: EVIDENCE OF DRUGS OR ALCOHOL ON OR ABOUT THE EMPLOYEE'S PERSON OR IN THE EMPLOYEE'S VICINITY, UNUSUAL CONDUCT ON THE EMPLOYEE'S PART THAT SUGGESTS IMPAIRMENT OR INFLUENCE OF DRUGS OR ALCOHOL, NEGATIVE PERFORMANCE PATTERNS, OR EXCESSIVE AND UNEXPLAINED ABSENTEEISM OR TARDINESS.
- POST-ACCIDENT TESTING: ANY EMPLOYEE INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE USE OR INFLUENCE OF DRUGS OR ALCOHOL IN THE ACCIDENT OR INJURY EVENT MAY BE ASKED TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST. "INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY" MEANS NOT ONLY THE ONE WHO WAS OR COULD HAVE BEEN INJURED, BUT ALSO ANY EMPLOYEE WHO POTENTIALLY CONTRIBUTED TO THE ACCIDENT OR INJURY EVENT IN ANY WAY.

REFUSAL TO UNDERGO TESTING EMPLOYEES WHO REFUSE TO SUBMIT TO A TEST ARE SUBJECT TO IMMEDIATE DISCHARGE.

POSITIVE TEST

IF AN EMPLOYEE TESTS POSITIVE ON AN INITIAL SCREENING TEST, THE EMPLOYEE WILL BE TEMPORARILY SUSPENDED WHILE THE CONFIRMATION TEST IS BEING CONDUCTED. ON RECEIPT OF THE CONFIRMATION TEST, THE EMPLOYEE

WILL BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING DISCHARGE.

Policy 5.7 Unacceptable Activities

Generally speaking, we expect each person to act in a mature and responsible way at all times; however, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. An employee's avoidance of these activities will be to their benefit as well as the benefit of the City of Napoleon. If an employee has any questions concerning any work or safety rule or policy, or any of the unacceptable activities listed, the Department Head should be consulted for an explanation.

Occurrences of any of the following violations, because of their seriousness, may result in immediate dismissal without warning:

- **A.** Willful violation of any City or department rule or policy or any deliberate action that is extreme in nature and is obviously detrimental to the City of Napoleon's efforts to operate as intended;
- **B.** Engaging in Sexual Harassment;
- C. THEFT
- **D.** Willful tampering with the City of Napoleon equipment or safety equipment;
- **E.** Negligence or any careless action which endangers the life or safety of another person while on the City premises or at work sites or during an employee's working hours;
- **F.** Being intoxicated or under the influence of controlled substance drugs while at work, use or possession of alcohol while on City premises or work sites or during employee's working hours or business hours; or use, possession or sale of controlled substance drugs in any quantity, while on City premises or work site or during employee's working hours or business hours, except medications prescribed by a physician which do not impair work performance;
- **G.** Engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on City premises or work site or during employee's working hours or business hours;
- **H.** Unauthorized possession of dangerous or illegal firearms, weapons, or explosives on City premises or during employee's working hours or business hours;
- I. Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on City premises or work site, or when representing the City of Napoleon or during employee's working hours; fighting, horseplay, or provoking a fight on City premises or work site or during the employee's working hours or business hours;
- J. Insubordination or refusing to obey instructions properly issued by their Department Head or supervisor pertaining to their work or refusal to help out on a special assignment;
- **K.** Threatening, intimidating, or coercing fellow employees on or off the premises, at any time, for any purpose;

- L. Engaging in an act of sabotage of City operations; willfully or with gross negligence or negligently causing the destruction or damage of City property, or the property of fellow employees, citizens, suppliers, or visitors in any manner; theft of City property or the property of fellow employees or unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; using City equipment for profit;
- M. Dishonesty; willful falsification or misrepresentation on an employee's application for employment or other work records; lying about personal leave; falsifying reason for a leave of absence or other data requested by the City of Napoleon; alteration of City records or other City documents;
- N. Violating the nondisclosure agreement, giving confidential or proprietary City of Napoleon information to competitors or other organizations or to unauthorized City of Napoleon employees; breach of confidentiality of personnel information;
- O. Malicious gossip and/or spreading rumors on the City premises or work site or during an employee's working hours or anywhere when about the City operations or employees; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging others to do the same;
- **P.** Immoral conduct or indecency on City property or at the work site or during employee's working hours;
- Q. Neglect of duty;
- **R.** Acts of malfeasance, or nonfeasance;
- S. Violating any law, anywhere, that constitutes a felony type offense;
- **T.** Violating any law, anywhere, that would prevent an employee from serving in government;
- U. Violating any ethics law of Ohio;
- V. Violating any provision of Ohio Revised Code 124.34
- **W.** Willful violation of security or safety rules or failure to observe safety rules or the City of Napoleon safety practices; failure to wear required safety equipment while on the City premises or work site or during the employee's working hours when equipment is required.

Violations of the any of the following, considering the serious nature of the violation may result in reprimand, suspension and/or dismissal.

- X. Conducting a lottery or gambling on City premises or at the work site;
- Y. Unsatisfactory or careless work, failure to meet production or quality standards as explained to the employee by their Department Head or supervisor, mistakes due to carelessness or failure to get necessary instructions;
- **Z.** Any act of harassment, sexual, racial or other; telling sexist or racial-type jokes, making racial or ethnic slurs;
- **AA.** Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of the Department Head or supervisor, stopping work before time specified for such purposes;

- **BB.** Sleeping on the job, loitering, or loafing during working hours;
- **CC.** Excessive use of City telephone for personal calls or misuse of a cellular telephone;
- **DD.** Leaving the work station during work hours without the permission of employee's Department Head, except to use the restroom;
- **EE.** Smoking in restricted areas or at non-designated times, as specified by department rules;
- FF. Creating or contributing to unsanitary conditions on City premises or work site;
- **GG.** Posting, removing, or altering notices on any bulletin board on City property without permission of an officer of the City of Napoleon;
- **HH.** Failure to report an absence or late arrival, excessive absence or lateness of one's self;
- II. Obscene or abusive language toward any Department Head, employee or citizen, indifference or rudeness towards a citizen or fellow employee, any disorderly/antagonistic conduct on City premises or work site or during employee working hours;
- **JJ.** Discourteous treatment of the public, City officers or fellow employees;
- **KK.** Dishonesty;
- LL. Incompetence;
- MM. Inefficiency;
- NN. Immoral conduct;
- **00.** Any unlawful behavior while operating a City vehicle;
- **PP.** Failure to immediately report damage to, or an accident involving City equipment;
- **QQ.** Failure to maintain a neat and clean appearance in terms of the standards established by the Department Head, any departure from accepted conventional modes of dress or personal grooming, wearing improper or unsafe clothing on the City premises or work site during the employee's working hours;
- **RR.** Eating food and beverages in undesignated areas;
- SS. Failure to use timecard when required, alteration of one's own timecard or records or attendance documents, punching or altering another employee's timecard or records, or causing someone to alter one's own timecard or records;
- **TT.** Violations of any municipal ordinance of any political subdivision, statute or other law of any State or any Federal Law, or any rule, policy or regulation of the City;
- **UU.** Violations of any general City policy or work rule or other proper cause;

For the purpose of misconduct, work site may be construed, when the context would seem reasonable, to mean also: a work site, place of business or seminar or school etc., or to and from during travel time; also, working hours also means on when on City business or work related activities.

Policy 5.8 Disciplinary Actions - General

Unacceptable behavior which does not lead to immediate dismissal may be dealt with in any of the below stated ways. Progressive discipline is recommended; however, employees may be disciplined at any level depending on the severity of the unacceptable behavior:

- Documented verbal warning.
- Written reprimand.
- Suspension.
- Dismissal.

Demotion may be used in addition to or in lieu of a suspension or in place of a dismissal when deemed appropriate by the Appointing Authority or when otherwise ordered by the Civil Service Commission when the Commission has the authority to do so.

Discipline action is controlled by §197.03 of the Personnel Code.

Policy 5.9 Citizen Complaints Against Personnel

The purpose for this policy is to describe procedures for making complaints against City personnel, for investigating complaints, and to list and define the dispositions of complaints.

The image of the City depends on the personal integrity and discipline of all City employees. To a large degree, the public image of this City is determined by the professional response of the City to allegations of misconduct against it or its employees. The City must completely and professionally investigate all allegations of misconduct by employees and complaints bearing on the City's response to community needs.

General Procedures:

The City encourages citizens to bring forward legitimate grievances regarding misconduct by employees. City employees shall receive complaints courteously and shall handle them efficiently. All employees upon request are obligated to explain to inquiring citizens that citizens may file complaints with an employee's supervisor.

The City recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, or emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. In light of the complicated pressures of public work, it is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved.

Responsibility for Handling Complaints:

As a rule, complaints regarding department operations will be handled through the chain of command. Complaints involving how service is provided or a failure to provide service or improper attitudes or behavior will normally be investigated and handled by a supervisor or by the Appointing Authority.

If there is probable cause to believe an employee has committed a criminal offense, the City Law Director will be notified and a police agency may be requested to assist and complete an investigation.

Receipt of Complaints:

Formal written complaints, regardless of nature, may be lodged at any time. A copy of the complaint form is found in the appendix to this policy. Oral complaints will be followed up to the extent possible. No complaint will enter an employee's personnel file unless such complaint is founded.

Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizens' complaints. An employee of the City, who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.

Normally, a citizen with a complaint will be referred to a supervisor who will assist the citizen in recording pertinent information. If the complaint involves a supervisor, it will be referred to a Department Head or Appointing Authority as soon as possible.

If the supervisor determines that the complainant is apparently under the influence of an intoxicant or drug he/she shall direct the complainant to return when he or she is no longer impaired. Any visible marks or injuries relative to the allegation shall be noted.

Complaints received by telephone by receptionist or communications personnel, or other employees, will be courteously and promptly referred to the supervisor. If the supervisor is unavailable, the receptionist, communications personnel, or employee shall record the name and telephone number of the complainant and state that the supervisor or Department Head shall call back as soon as practicable.

Disposition of Complaints - The Department Head or Designee Shall:

Notify the complainant, in writing, as soon as practicable, that the City acknowledges receipt of the complaint, that the complaint is under investigation, that the investigation will be completed within thirty (30) days, when practical, and that the complainant will be advised of the outcome. If the investigation exceeds thirty (30) days, the Department Head shall write the complainant a letter explaining the circumstances of the delay.

Maintain complete files separate from personnel files, if unfounded or if the employee is exonerated, to be removed in accordance with the City's record retention file.

Take appropriate disciplinary action following the investigation, if the complaint is founded, and such disciplinary action is warranted.

Disposition of Serious Complaint:

In serious complaints which allege violations of the law or gross negligence in violating or failing to enforce civil rights of citizens;

The Appointing Authority shall:

Oversee the investigation; and

Maintain confidential records of same to the extent permitted by law; and Maintain close liaison with the Law Director's Office in investigating alleged criminal conduct. Where liability is at issue, the Department Head and/or Appointing Authority shall similarly maintain contact with the City Law Director.

Investigative Procedures:

Two types of investigations may take place; administrative or criminal. Different rules govern interviews of employees in each case.

Interview for Administrative Purposes:

The governing case is <u>Gardner v. Broderick</u>, 392 U.S. 273, 88 S. CT. 1913, 1916 (1968). The case made clear that a public employee may not be fired for asserting his/her Fifth Amendment right not to incriminate himself.

If the Appointing Authority wishes to compel an employee to answer questions directly related to his or her official duties and the Appointing Authority is willing to forego the use of such answers in a criminal prosecution, the Appointing Authority or Department Head or another interviewer, with consent of the Law Director, shall advise the employee that:

- The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or termination.
- All questions specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
- No answers given or any information obtained by reason of such statements may be admissible against the employee in any criminal proceedings. The employee will be presented with and advised of the Garrity Warning.
- In an interview for administrative purpose, no Miranda rights are required. Further, the foregoing rules are not inconsistent with Miranda in that employee's statements cannot be used as evidence. Further, as the interview does not serve criminal prosecution, the employee has no Sixth Amendment right to counsel.
- The governing case is <u>Garrity v. New Jersey</u>, 385 U.S. 493, 87 S. Ct. 616 (1967).

Interview for criminal investigative purposes:

• If the Appointing Authority believes that criminal prosecution is a possibility and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their

use, he/she shall have a Police Officer conduct the interview utilizing the standard acceptable practices of police agencies.

Investigative Tools and Resources:

In addition to interviews of the employee and witnesses, the Department Head may require other activities in support of a complaint investigation or internal investigation, including:

• Photograph and Lineup Identification Procedures.

Employees may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and could result in dismissal.

Adjudication of Complaints:

The Department Head or Appointing Authority will classify completed investigations as:

- Exonerated allegations supported, but result of adherence to proper and appropriate procedures and techniques.
- Unfounded not true or unable to verify the truth of the matters under investigation.
- Founded allegations true.
- Completed investigations classified as unfounded or exonerated will be maintained in separate Department Head files. Founded complaints will be filed in the individual employee's personnel file and maintained in accordance with the retention schedule.

POLICY 5.10 WEAPONS POLICY

TO ENSURE THAT THE CITY OF NAPOLEON MAINTAINS A WORKPLACE SAFE AND FREE OF VIOLENCE FOR ALL EMPLOYEES, THE CITY OF NAPOLEON STRICTLY PROHIBITS THE POSSESSION OR USE OF DANGEROUS WEAPONS (I.E. FIREARMS) ON CITY PROPERTY INCLUDING PARKING LOTS AND VEHICLES.

A LICENSE TO CARRY A WEAPON (CCW) DOES NOT SUPERSEDE CITY POLICY.

ANY EMPLOYEE IN VIOLATION OF THIS POLICY WILL BE SUBJECT TO PROMPT DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION. ALL CITY EMPLOYEES ARE SUBJECT TO THIS
PROVISION, INCLUDING CONTRACT AND TEMPORARY
EMPLOYEES, VISITORS AND CUSTOMERS ON COMPANY
PROPERTY.

UNLESS OTHERWISE AUTHORIZED BY LAW PURSUANT TO THE OHIO REVISED CODE, NO PERSON SHALL KNOWINGLY POSSESS, HAVE UNDER HIS/HER CONTROL, CONVEY, OR ATTEMPT TO CONVEY A DEADLY HANDGUN OR DANGEROUS ORDNANCE ONTO CITY PREMISES.

POLICE OFFICERS IN THE LINE OF DUTY ARE EXEMPT FROM THE ABOVE RULES AND REGULATIONS.

TO ENSURE THAT THE CITY OF NAPOLEON MAINTAINS A WORKPLACE SAFE AND FREE OF VIOLENCE FOR ALL EMPLOYEES, THE CITY OF NAPOLEON STRICTLY PROHIBITS THE POSSESSION OR USE OF DANGEROUS WEAPONS (I.E. FIREARMS) IN A GOVERNMENT BUILDING.

ALL EMPLOYEES WILL ADHEAR TO ALL LOCAL, STATE AND FEDERAL LAWS IN REGARDS TO FIREARMS AND DANGEROUS ORDNANCE.

A LICENSE TO CARRY A WEAPON (CCW) DOES NOT SUPERSEDE CITY POLICY.

ANY EMPLOYEE IN VIOLATION OF THIS POLICY WILL BE SUBJECT TO PROMPT DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

full time police officers of the napoleon police department LAW ENFORCEMENT OFFICERS, ON OFFICIAL BUSINESS, ARE EXEMPT FROM THE ABOVE POLICY. FIREARMS AND DANGEROUS ORDNANCE ACTIVITIES AND TRAINING FOR THE POLICE DEPARTMENT ARE COVERED UNDER NAPOLEON POLICE DEPARTMENT POLICIES AND AT THE DISCRETION OF THE CHIEF OF POLICE AND HIS/HER DESIGNEES.

AUXILLARY OFFICERS OF THE NAPOLEON POLICE DEPARTMENT ARE ONLY EXEMPT FROM THE ABOVE POLICY IF ON POLICE PROPERTY (I.E. POLICE STATION, SHOOTING RANGE).

Policy 6 Sexual Harassment Policy

Policy 6.1 Policy Goals

With this policy, the City of Napoleon will try to ensure that it is:

- Sensitive to the issue and to its victims;
- Responsive to the complaints of the City's employees;
- Active in maintaining a fair and respectful environment;
- Serious about not permitting sexual harassment having zero tolerance for sexual harassing behavior (i.e. behavior that violates this Policy);
- Desiring to focus on a productive, inclusive work environment.

Policy 6.2 Policy

The City of Napoleon believes that each employee has the right to be free from harassment because of age, color, creed, national origin, or sex. Sexual harassment is defined as the following:

- Unwelcome physical contact;
- Sexually explicit language or gestures;
- Uninvited or unwanted sexual advances;
- An offensive overall environment, including the unreasonable use of vulgar language, the presence of sexually explicit photographs or other materials, and the telling of sexual stories;
- Sexual favors for employment benefits at work, work related activities, even off job;
- Unwelcome verbal, visual, or physical conduct of sexual nature that creates intimidating, hostile, or offensive environment; or, interferes with an individual's work performance.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment are:

- Threats or intimidation of sexual relations or sexual contact which is not mutually agreeable by both parties; or
- Continual or repeated verbal abuses of a sexual nature, including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may offend the person; sexually degrading words to describe the person; or propositions of a sexual nature; or
- Threats or insinuations that the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances.

If the conduct is unwelcome to the recipient, sexual harassment can be:

• Giving money, raises, better benefits, better working conditions, more vacation time, better performance evaluation ratings, significantly

better assignments, etc. usually some direct economic benefit in exchange for sex;

- Decreasing salary benefit, vacation, working conditions, performance ratings, reassignment to significantly different responsibilities, etc., because an employee, a manager's or supervisor's advances (someone in a position to affect those things for that employee) usually inflicts some direct economic harm;
- Touching, particularly of a "private body part". Examples, breasts, buttocks, genitals. (Remember, it doesn't have to be a "private" body part);
- Whistling, cat calling, leering, staring suggestively;
- Making fun of someone in a gender related way;
- Using sex related words or discussing sex or sexual activity even if it has nothing to do with the listener;
- Talking about body parts; referring to body parts, particularly "private" body parts or legs;
- Asking for dates or sex;
- Lewd or obscene gestures;
- Almost any sex related remarks, especially if they are degrading, belittling, gender differentiating, "politically" incorrect, etc.;
- Unwanted hugging, kissing, massages, patting, stroking, brushing/pushing up against a person; detaining a person where/when they don't want to be detained;
- Calling people by inappropriate endearments: "sweetie", honey, etc.;
- Questions about another person's sex life or private matters;
- Flirting;
- Sexual advances, even if not connected with a promise or threat;
- Putting things in writing that would be inappropriate if spoken;
- Posters or cartoons featuring either men or women (or both) in suggestive or provocative poses or states of undress.
- Written materials of a sexual nature (such as articles, books, written jokes, etc.); and,
- Sexual harassment can be almost any physical, verbal, or non-verbal conduct of a gender related nature.

Employees who experience acts which can be construed as sexual harassment may, but are not required to, let the offender know that such conduct is unwelcome and/or offensive; and should immediately report the incident in accordance with this policy.

The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Sexual harassment may arise from the conduct and speech of elected and/or appointed officials, Department Heads, supervisors, fellow employees, or customers. Men as well as women can be victims of sexual harassment.

The City will not tolerate any form of sexual harassment.

Employees, who witness sexual harassment of another employee, are encouraged to report the incident as specified in this policy. Every supervisory employee of each department is responsible for handling harassment incidents, which includes dealing with complaints that employees bring to his or her attention, and identifying harassing situations on his or her own. If the allegation is sustained, the offending employee will be disciplined, which may include *suspension or dismissal*. Every supervisory employee is responsible for protecting employees from customers whose behaviors adversely affect employees. Offending customers who do not change their behavior after a polite request from a supervisor will be denied access to the areas in which the victim works.

In order to maintain a healthy work environment, this policy encourages prompt and confidential reporting and investigation of sexual harassment claims. Sexual harassment claims and charges can be of a ruinous nature to both the victim and the harasser. For this reason, all reports of such behavior and subsequent investigative results, as far as practicable and allowed by law, will be kept in the strictest confidence by the employees receiving and investigating such incidents. It is the goal of the City to ensure that an employee who reports such an incident will not be harassed or penalized in any way by any employee of the City or action of the City. Confidentiality will also protect anyone accused of sexual harassment as far as practical and as allowed by law. The City will immediately investigate such incidents. The City's goal is to reach a quick and sound resolution and ensure that such incidents do not reoccur. Every supervisory employee and other members of management have a duty to immediately report a sexual harassment action or face suspension and/or dismissal for failure to report. Any employee (excluding the victim) who hinders or obstructs an investigation concerning sexual harassment (as determined by the City) shall be subject to suspension and/or dismissal. Nothing contained herein is intended to diminish or interfere with any employee's due process rights or to obviate any employee's right against self-incrimination.

Any employee who experiences sexual harassment is entitled to exercise the rights and procedures applicable by Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973 and any and all state tort claims.

Any questions or individual complaints involving sexual harassment should be referred to the immediate supervisory employee or the City Manager for attention to the matter.

Policy 6.3 Reporting Procedure

Sexual harassment is a very distressing and upsetting situation. Because of this stress, the City would like to ensure that the reporting procedure is

comforting as well as productive; therefore, the City has designed several methods to report such incidents:

- The first and most recommended avenue to report such a claim is to have the victim report the incident directly to his/her supervisor.
- If the victim does not feel comfortable in reporting the incident to their supervisor, he/she may report it to the City Manager, Finance Director, Law Director, Clerk of courts, or other administrative personnel or assistants thereto of the same or different gender. Management will do all that is possible to make the alleged victim of sexual harassment feel comfortable in reporting.
- If any such supervisory or administrative person receives a sexual harassment report, that person shall assist the victim in reporting the harassment. For the purpose of this section, any such person receiving a report for sexual harassment has a duty to bring it to the attention of management.
- When the victim reports the harassment, he/she should prepare a written report. This report should include the identity of the harasser and victim, when and where the harassment occurred, a description of the incident, any witnesses, the remedy requested, and any other relevant information (see "Employee Incident Report Form"). All sexual harassment will, however, be investigated whether reported in writing or not, so long as the report is not anonymous.
- Employees may also report sexual harassment to the EEOC (Equal Employment Opportunity Commission).

If the complaint is against a supervisor, the complaint should be brought to the City Manager. Complaints against an Appointing Authority (for the purpose of this policy, Appointing Authority being: City Manager, Finance Director, Law Director or the Clerk of Courts), or an elected official, should be brought to the immediate supervisor or one of the other appointing authorities. If, at any point in the process, the employee is dissatisfied with the investigation being conducted, the employee should bring the matter to the attention of any other Appointing Authority for further attention. Any of the above appointing authorities have the power and duty to commence an investigation as it relates to sexual harassment. Any complaint made in regard to sexual harassment involving an Appointing Authority or appointed/elected official shall also be brought to the attention of City Council. Such case should be brought in executive session to comply with the confidentiality provision of this procedure.

The investigative procedure after the initial report will be prompt and thorough. This procedure shall include, but will not be restricted to the following:

- Interview with the alleged harasser;
- Interview all witnesses, those identified by the victim and alleged harasser:
- Gathering written statements from all witnesses;

- The investigating official shall write a report and take immediate action based upon the findings of the investigation;
- The report and finding by the investigating official will be shared with all affected parties, alleged harasser and victim, after the investigation;
- Any sexual harassment determined to be criminal in nature will be turned over to law enforcement for separate action.

All findings and documentation of such an investigation shall be kept on file for six (6) years.

DISCRETION Confidentiality WILL BE USED BY of all parties AND alleged harasser, victim, and witnesses, shall be protected to the extent permitted by law.

False complaints: although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. The failure to prove sexual harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint may be subject to discipline.

Punishment of an employee found to have sexually harassed another shall range from a written reprimand to immediate suspension and/or dismissal as determined by the appropriate appointed authority or governmental body.

Policy 6.4 Training And Education

All supervisors and department officials are encouraged to take sensitivity and diversity training.

Supervisors are encouraged to see that their employees are trained as it relates to sexual harassment and that employees are sensitive and open to the rights and feelings of others in this area.

Supervisors shall educate their employees that there is a process by which sexual harassment complaints will be handled. Supervisors shall encourage employees to use this process if they feel that their rights have been violated by sexual harassment.

POLICY 6.5 OTHER TYPES OF HARASSMENT

THE CITY OF NAPOLEON IS COMMITTED TO ENSURING A HEALTHY AND SAFE WORKPLACE FREE FROM ANY AND ALL WORKPLACE HARASSMENT. WORKPLACE HARASSMENT IS UNACCEPTABLE AND WILL NOT BE TOLERATED UNDER ANY CIRCUMSTANCES.

EVERYONE IN THE WORKPLACE MUST BE DEDICATED TO PREVENTING WORKPLACE HARASSMENT. COUNCIL MEMBERS, DEPARTMENT HEADS, SUPERVISORS, AND WORKERS ARE EXPECTED TO UPHOLD THIS POLICY, AND WILL BE HELD ACCOUNTABLE BY THE EMPLOYER.

WORKPLACE HARASSMENT MEANS ENGAGING IN A COURSE OF UNWELCOME COMMENTS OR CONDUCT AGAINST A WORKER, IN A WORKPLACE, THAT IS. HARASSMENT MAY ALSO RELATE TO A FORM OF DISCRIMINATION, BUT IT DOES NOT HAVE TO.

WORKERS ARE ENCOURAGED TO REPORT ANY INCIDENTS OF WORKPLACE HARASSMENT. MANAGEMENT WILL INVESTIGATE AND DEAL WITH ALL CONCERNS, COMPLAINTS, OR INCIDENTS OF WORKPLACE HARASSMENT IN A TIMELY AND FAIR MANNER WHILE RESPECTING WORKERS' PRIVACY, TO THE EXTENT POSSIBLE.

Policy 7 Use Of City Property

Policy 7.1 Theft

Internal theft is considered a serious matter for the City of Napoleon. Although taking small items of the City of Napoleon property many seem inconsequential, the cumulative effect can be very large.

Property theft of any type will not be tolerated by the City of Napoleon. We consider property theft to be the unauthorized use of City services or facilities or the taking of any City property for personal use. Property theft may take many forms, including, but not limited to, the unauthorized use of City copying machines and cellular telephones for personal use.

The office copiers and cellular telephones are not provided as a free service to employees. If an employee desires to use a City copier or cellular telephone for personal use, it must be authorized by a Department Head and the employee must follow the established procedure for reimbursement of the City of Napoleon. Failure to do so is a form of property theft. *POLICY 5.7 (C.)*

Policy 7.2 Personal Mail

The City of Napoleon as a personal mailing address is prohibited, and employees shall not put personal mail in the stacks that are to be run through the postage meter. Although the amount may seem small, it is still considered theft.0

Policy 7.3 Personal Telephone Usage

In order to maintain employee efficiency, personal telephone calls are to be kept to a minimum. They must not interfere with an employee's work. Employees are permitted to make limited calls on City wired telephones that are located in city offices for essential personal business. This privilege is not to be abused. Emergency calls regarding illness or injury to family members, changed family plans, or calls for similar reasons may be made at any time. Incoming urgent calls will be directed to the employee. In the event an employee makes a long distance call, it shall be immediately documented and sent to the Finance Department so the charges may be invoiced. Once invoiced to the employee, it shall be paid within thirty (30) days or it may be deducted from the employee's payroll.

The private use of City issued cellular telephones is prohibited, except in case of emergencies or arranging to take care of personal matters that arise due to City related business, and except as follows: to encourage members of the Appointing Authority, Department Heads and other administrative staff to carry cellular telephones while working as well as while away from the work site in order to maintain communication with the City, notwithstanding any other policy, said persons (as determined by the Appointing Authority) whom are assigned City issued cellular telephones may utilize the cellular telephone for de minimis non official use at no charge. De Minimis use shall mean to the extent it will be treated by the Internal Revenue Service as a "De Minimis Fringe". The term "De Minimis Fringe" means any property or service the value of

which is (after taking into account the frequency with which similar fringes are provided by the employer to the employer's employees) so small as to make accounting for it unreasonable or administratively impracticable. Generally speaking, no more than 15% of the use shall be non-business use.

If abuse is found, the employee may be subject to disciplinary action and when appropriate, criminal prosecution. The costs for those amounts beyond that classified as de minimis use shall be paid by the employee when invoiced. The use provided herein is in addition to the use provided in Policy 12.7. The City shall not be held liable by any user for any alleged injury or damage resulting from personal use of a City issued cellular telephone.

In the event that the City Manager, City Law Director, City Finance Director, Department Heads, and other administrative staff elect to use his or her personal cellular telephone for City business, subject to advance approval by the Appointing Authority, the City will reimburse the employee a per diem amount at the rate of \$35.00 per month."

SHOULD THE APPOINTING AUTHORITY CHOOSE TO ASSIGN CERTAIN KEY INDIVIDUALS A WIRELESS PRIORITY SERVICE (WPS) ACCOUNT THE COST OF THAT ACCOUNT WILL BE REIMBURSED TO THE EMPLOYEE.

Policy 7.4 Use Of Computers, Software And E-Mail

Except as otherwise provided in this Policy 7, the City of Napoleon's personal computers (the personal computers in the office, or laptops made available for work away from the office) and software are to be used exclusively for City business. City computers and telephone lines shall not be used for personal use access to the internet or any on-line services. The use of City computers, software, and telephone lines for the following purposes is strictly prohibited:

- To receive or transmit pornographic material;
- For the purposes of hacking, which includes, though is not limited to, securing unauthorized access to the computer and/or hard drive of another;
- To access or disclose unauthorized, privileged, or confidential City information;
- To engage in any commercial activity not amounting to official City business;
- To engage in any political activity;
- To engage in the playing of non-work related computer games;
- To engage in any workplace harassment;

For purpose of work related activity, to wit: evaluating the effectiveness and operation of the E-mail system; retrieval of work-related materials; to investigate violations of workplace rules, or criminal conduct that impacts on fitness for employment, the City of Napoleon will monitor E-Mail messages. In consideration of either continued employment, or in

consideration of future employment, and in consideration of being allowed to utilize the computers, all City employees, by virtue of continuing their employment, agree to consent to the City accessing E-Mail messages, hard drives, and backup copies for the purposes of enforcing this policy and for all other lawful purposes. If a Department Head has concerns in regard to privacy issues, he/she should contact the Law Director for advice.

Policy 7.5 Use of Laptop Computers

The Appointing Authorities, Department Heads and other administration staff (as determined by the Appointing Authority) assigned laptop computers by an Appointing Authority shall be required to follow all policies contained in the City's policy manual and/or personnel code applicable to computer and software use except as follows: To encourage members of the Appointing Authority, Department Heads and other administrative staff to have laptop computers while working as well as while away from the work site in order to maintain communication with the City, notwithstanding any other policy, said persons (as determined by the Appointing Authority) whom are assigned City issued laptop computers may utilize the laptop computers for de minimis non-official use at no charge. Holders of lap computers that are used off premises are encouraged to maintain a log of use to minimize any tax exposure.

Policy 7.6 Internet Access

Notwithstanding any other provision of this manual, subject to budgetary constraints and availability, internet access for internal e-mail, external e-mail, receiving and transmitting council packets and correspondence and accessing work files away from the work site will be furnished to the Appointing Authorities, Department Heads and other administration staff (as determined by the Appointing Authority) by modem, wireless cable, cable service or other technology at no charge subject to the following: the internet is used for City business use only.

In the event that recipients of this policy desire unlimited personal use of the City provided internet service, the recipient shall pay a flat monthly fee to the City in an amount as determined by the Finance Director to be one half the average cost of service.

In the event that the City Manager, City Law Director, City Finance Director, Department Heads, and other administrative staff elect to provide their own internet access, subject to advance approval by the Appointing Authority, the City will reimburse the employee a per diem amount at the rate of \$25.00 per month.

Policy 7.7 Computer Software and Hardware Accessories

Subject to budgetary constraints and availability, to encourage members of the Appointing Authority, Department Heads and Administrative Staff to do work at home, software and hardware accessories may be furnished to said persons (as determined by the Appointing Authority) for use on their personal computers, at no cost, when such software and hardware accessories are required in order to conduct City business. Said persons may utilize the software and hardware accessories so provided for de minimis non official use at no charge. By having the same installed on

their personal computer, employee agrees to all licensing provisions of the software and any accessory City applicable to the use. The City shall not be held liable by any user for any alleged injury or damage resulting from having, using or installing of the software or hardware accessories. Any software license, software and hardware accessories being provided under this Policy shall remain in the name of the City of Napoleon and be returned at time it is no longer needed for City business. Personal use may be unlimited when it is not practical to separate personal use from public use (example: computer operating system).

The City of Napoleon does not condone the illegal duplication of software. The copyright law is clear. The copyright holder is given certain exclusive rights, including the right to make and distribute copies. Title 17 of the U.S. Code states that "it is illegal to make or distribute copies of copyrighted material without authorization". The only exception is the users' right to make a backup copy for archival purposes. Therefore, both the unauthorized duplication of copyright protected software by City employees, as well as the use of City software for personal purposes, is strictly prohibited.

Finally, computers, software and/or accessories owned, leased or licensed by the City shall not be used for illegal purposes.

Policy 7.8 Personal Use of City Property Prohibited

Employees are not allowed to take, borrow, or use City of Napoleon tools, equipment, or supplies for their own personal use or make unauthorized removal thereof, except as may be otherwise authorized in this manual.

Policy 7.9 Taking of City Property

Unauthorized possession or removal of City property is a very serious offense. No item purchased or supplied by the City of Napoleon should ever be removed from the City premises without the express authorization of the employee's immediate Department Head and the proper paperwork associated with the situation being filled out, if such paperwork is required. This policy applies to all City property including raw materials, mechanic's tools, computers, and even pens and paper. Employees violating this policy will be subjected to discipline up to and including possible dismissal and prosecution. Referrals to criminal authorities will be made on a case-by-case basis.

Policy 7.10 Inspection of Lockers, Desks and Packages

For purpose of work related activity, to wit: retrieval of work related materials; to investigate violations of workplace rules, or criminal conduct that impacts on fitness for employment; and in order to maintain workplace efficiency and productivity, as well as to reduce losses to the City resulting from theft, the City of Napoleon reserves the right to inspect all desks, lockers and other items or locations owned or controlled by the City, as well as any packages or closed containers brought into or taken out of the work area. In consideration of either continued employment, or in consideration of future employment, and in consideration of being permitted to access the City premises (restricted areas) all City employees agree to consent to such inspections.

For security purposes, all employees may be subject to search as they enter or leave City facilities.

If a Department Head has concerns in regard to privacy issues, he/she should contact the Law Director for advice.

Policy 7.11 Incidents Involving City Vehicles

When an employee is authorized to operate a City vehicle in the course of assigned work, or when an employee operates their own vehicle in performing their job, the employee will be considered completely responsible for any traffic violations and fines associated therewith. When an employee operates his or her personal vehicle on City business, the vehicle shall be properly insured, and to the extent permitted by law, the employee's personal insurance shall be the exclusive coverage for all claims.

Department Heads should advise employees on what to say and do (and what not to say and do) in the event of a vehicular accident. City insurance will cover accidents in City owned or leased vehicles only to the extent as the City's insurance provider allows.

Policy 7.12 Use of City Vehicle

If an employee is authorized to use a City of Napoleon vehicle for City business, the employee must adhere to the following rules:

- The employee must be a licensed driver, free of suspension;
- The employee must be responsible for following all the manufacturer's recommended maintenance schedules to maintain valid warranties, and for following the manufacturer's recommended oil change schedule;
- The employee must follow all laws and are responsible for paying any moving or parking violation tickets;
- The employee must keep the vehicle clean at all times, including washed and vacuumed as often as necessary. An employee will be reimbursed for reasonable expense of keeping the vehicle clean upon production of a valid receipt for reimbursement;
- The employee must not allow unauthorized persons not employed by the City of Napoleon to operate or ride in a City vehicle;
- Prior to operation of any City vehicle, an employee's Department Head will train the employee on the appropriate steps to take if an employee is involved in an accident, such as, filling out the accident report, getting names of witnesses, and etc.
- Unless otherwise authorized by the applicable Appointing Authority, specially assigned City vehicles shall only be used when conducting City business, and traveling to and from work. No private use is permitted without the express permission of the Appointing Authority and then it is permitted only to the extent as authorized by the Appointing Authority.
- EMPLOYEES ARE REQUIRED TO BE FAMILIAR WITH AND COMPLY WITH LOCAL LAWS BEFORE USING A WIRELESS DEVICE WHILE OPERATING A MOTOR

VEHICLE FOR BUSINESS PURPOSES. SAFE
OPERATION OF ANY VEHICLE IN THE
PERFORMANCE OF COMPANY BUSINESS IS THE
RESPONSIBILITY OF THE DRIVER AND MUST BE
GIVEN APPROPRIATE ATTENTION AT ALL TIMES. IN
EVERY SITUATION, DO NOT USE A WIRELESS
DEVICE WHILE THE VEHICLE IS IN MOTION IF
DOING SO DISTRACTS ATTENTION FROM DRIVING.
ADDITIONALLY, ALL EMPLOYEES ARE PROHIBITED
FROM USING DATA SERVICES ON THEIR WIRELESS
DEVICES, SUCH AS TEXTING OR ACCESSING THE
MOBILE WEB OR OTHER DISTRACTING ACTIVITIES,
WHILE DRIVING.

ANY EMPLOYEE IN VIOLATION OF THIS POLICY WILL BE SUBJECT TO PROMPT DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

(POLICE OFFICERS ARE EXEMPT FROM THIS POLICY BUT SHOULD STILL USE EXTREME CAUTION WHEN USING A WIRELESS DEVICE AND PULL OVER IF THE SITUATION ALLOWS).

• ALL EMPLOYEES DRIVING ANY CITY VEHICLES SHOULD ANNUALLY PROVIDE TO THE CITY A COPY OF THEIR DRIVER'S LICENSE AND AUTHORIZE THE CITY TO RUN AN ANNUAL REPORT FROM THE STATE ON THEIR DRIVING RECORD.

POLICY 7.13 USE OF PERSONAL VEHICLE FOR CITY USE

WHEN CITY EMPLOYEES, INCLUDING, PT
FIREFIGHTERS AND/OR VOLUNTEERS, USE THEIR OWN
VEHICLE FOR CITY BUSINESS THE EMPLOYEES
INSURANCE ON THAT VEHICLE SHOULD BE VERIFIED
BY PROVIDING A DRIVER'S LICENSE, AND AUTHORIZE
THE CITY TO RUN AN ANNUAL REPORT FROM THE
STATE ON THEIR DRIVING RECORD AND A COPY OF
PERSONAL INSURANCE COVERAGE. IN THE STATE OF
THE ENTITY THE COURTS HAVE DETERMINED THE
INDIVIDUALS' PERSONAL VEHICLE LIABILITY
COVERAGE IS PRIMARY AND CITY COVERAGE WOULD
ACT AS SECONDARY.

THE REASON TO VERIFY AN EMPLOYEES' COVERAGE IS FOR THE FOLLOWING REASONS:

- 1). TO MAKE SURE THE EMPLOYEE IS IN COMPLIANCE WITH STATE LAW. IF THEIR LICENSE IS SUSPENDED FOR VIOLATING THIS LAW IT COULD AFFECT THEIR ABILITY TO FULFILL JOB REQUIREMENTS.
- 2). TO ENSURE AN EMPLOYEE IS NOT RISKING THEIR HOUSE OR FINANCIAL LIVELIHOOD WHILE DRIVING FOR THE CITY OR COUNTY.

3). THE COVERAGE IS PROVIDED TO PROTECT THE CITY FROM LIABILITY ACTIONS AND IT IS NOT THE INTENT TO PROVIDE PRIMARY COVERAGE FOR AN EMPLOYEE'S ACTION IN THEIR PERSONAL VEHICLE.

Policy 7.14 7.13 Property & Equipment Care

It is an employee's responsibility to understand the machines, tools, and equipment an employee needs to use to perform their duties. Good care of any equipment that is used during the course of employment, as well as the conservative use of supplies, will benefit employees and the City of Napoleon. If one finds that a machine or piece of equipment is not working properly or in any way appears unsafe, the employee is to notify their Department Head immediately so that repairs or adjustments may be made. Under no circumstances should an employee start or operate a machine deemed unsafe, nor should an employee adjust or modify the safeguards provided.

Policy 7.15 7.14 Return of City Property

Except as provided in the second paragraph of this policy, any City of Napoleon property issued to an employee, such as tools or uniforms, must be returned to the City of Napoleon at the time of an employee's dismissal or resignation, or whenever it is requested by an employee's Department Head or a member of management. The employee is responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from an employee's paycheck, and may subject an employee to criminal charges.

Upon termination or retirement, employees may keep any property that is of little or no value, such as: name tags, identifications (voided), or other like property; however, City Manager written approval is required; moreover, Department Heads may expend a reasonable amount for frames, plaques, certificates or the like, said amount to be approved by the City Manager. It is deemed a proper expenditure of funds as a necessity for preservation of employee management relationship and being an employee benefit.

Policy 7.16 7.15 Computer Generated Files

For purpose of file management, computer generated files of correspondence and the like (i.e. email) should be purged, when practical, in accordance with the City's record retention schedule.

Policy 7.17 7.16 CITY ADMINISTRATION OF SOCIAL MEDIA THE INTENDED PURPOSE BEHIND THE CITY OF NAPOLEON ESTABLISHING SOCIAL MEDIA SITES (I.E. FACEBOOK) IS TO KEEP ITS EMPLOYEES AND CITIZENS UP TO DATE ON CITY EVENTS (I.E. PROGRAMS, WEATHER, MEETINGS, ETC.). ONLY AUTHORIZED MANAGEMENT MAY POST CONTENT ON BEHALF OF THE CITY OF NAPOLEON. POSTS MADE BY AUTHORIZED MANAGEMENT NEED TO BE FACTUAL, NONDEROGATORY, NON-DISCRIMINATIVE, ETC.

THE CITY RESERVES THE RIGHT TO RESTRICT OR REMOVE ANY CONTENT THAT IS DEEMED INAPPROPRIATE. ANY CONTENT REMOVED MUST BE RETAINED FOR A REASONABLE PERIOD OF TIME, INCLUDING THE TIME, DATE AND IDENTITY OF THE POSTER, WHEN AVAILABLE.

POLICY 7.18 USE OF PERSONAL PROPERTY FOR CITY USE

ANY PERSONAL PROPERTY OF THE EMPLOYEE USED FOR CITY BUSINESS (LAPTOPS, CELL PHONES, MECHANICS TOOLS, ETC.) MUST BE PRE-APPROVED IN WRITING BY THE DEPARTMENT/DIVISION HEAD.

POLICY 7.19 PERSONAL ITEMS

PERSONAL ITEMS THAT MAY POSE POTENTIAL HAZARDS (FLOOR HEATERS, COFFEE POTS, MICROWAVES, CONVECTION OVENS, ETC.) MUST BE APPROVED FOR USE IN WRITING BY THE DEPARTMENT/DIVISION HEAD.

Policy 8 Pay Policies

Policy 8.1 General

The City of Napoleon has developed policies to insure wages and salaries comparable to those of other employees with similar jobs at the City or in our industry. Our wage and salary policy is designed to attract and retain the best qualified people available.

To carry out this policy, we periodically compare our wage and salary policy with community rates for similar positions using appropriate published information from sources like statewide business organizations, local chambers of commerce, state, and national organizations, various management reports, and various local, state, and federal agencies.

Employees who are employed by the City of Napoleon will be carried directly on our payroll. No person may be paid directly out of petty cash or any other such fund for work performed.

Policy 8.2 Deductions From Paycheck (Mandatory)

The City of Napoleon is required by law to make certain deductions from an employee's paycheck each time one is prepared. Among these are an employee's federal, state, and local income taxes and an employee's contribution to Public Employers Retirement Fund or the Police and Fire Fund as required by law. These deductions will be itemized on an employee's check stub.

The amount of the deductions may depend on an employee's earnings and on the information furnished on an employee's W-4 form regarding the number of dependents/exemptions claimed. Any change in name, address, telephone number, marital status, or number of exemptions must be reported to the payroll department immediately to ensure proper credit for tax purposes. The W-2 form an employee receives for each year indicates precisely how much of an employee's earnings were deducted for these purposes.

Any other mandatory deductions to be made from a paycheck, such as court ordered attachments, will be explained whenever the City of Napoleon is ordered to make such deductions.

Policy 8.3 Voluntary Deductions/Direct Deposit

It may be possible for employees to authorize the City of Napoleon to make additional deductions from ones paycheck, (limit of three separate accounts, exceptions at the sole discretion of the payroll department) such as for Christmas clubs, credit union loan payments, payroll savings plans, etc., or to deposit ones paycheck directly into an employee's savings or checking account at a participating bank. An employee should contact the payroll department for details and the necessary authorization forms.

Policy 8.4 Error In Pay

Every effort is made to avoid errors in an employee's paycheck. If an employee believes an error has been made, he/she should tell their Department Head immediately. He or she will take the necessary steps to

research the problem and to assure that any necessary correction is made properly and promptly. Errors that are found detrimental to the City may be adjusted under the terms and conditions deemed appropriate by the Finance Director.

Policy 8.5 Pay Cycle

Payday is normally on every other Friday afternoon for services performed for the two (2) week period. The work week is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m. Firefighters and EMT's (part time) work period is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. biweekly (14 days).

Changes will be made and announced in advance whenever City holidays or closings interfere with the normal payday. Checks may be disbursed earlier under special circumstances i.e. scheduled days off and holidays, so long as approved by the payroll department.

Policy 8.6 Paycheck Distribution

Pay summaries are distributed by the Finance Director utilizing Department Heads when necessary. Actual pay will be paid through a direct deposit process. Except for certain special pays as determined by the Finance Director, all employees shall receive their pay by direct deposit.

Policy 8.7 Payroll Advances

The City of Napoleon does not advance or loan money to employees.

Policy 8.8 Termination & Severance Pay

Any accrued but unused vacation time will be paid at the time of employment departure, as specified under the "Vacations" §197.18 of the Personnel Code.

The City of Napoleon does not normally pay severance pay.

Policy 8.9 Wage Assignments (Garnishments)

We hope employees will manage their financial affairs so that we will not be obligated to execute any Court ordered wage assignment or garnishment against an employee's wages; however, whenever Court ordered deductions are to be taken from an employee's paycheck, such employee will be notified.

An employee will not be discharged because of wage garnishment "for any one indebtedness". An employee's wages may be garnished several times to repay only one debt; however, multiple garnishments (being defined herein as three or more judgment creditors in any twelve (12) month period) may be cause for dismissal, except that a garnishment for support will not be used as the basis for discharge or disciplinary action.

Policy 8.10 Compensation Reviews

Base wage and salary increases are based on merit, with some consideration being given to cost of living; however, an increase in the cost of living and having ones compensation reviewed does not necessarily mean that an employee will be given an increase.

Each employee will be reviewed annually by the employee's supervisor for the purpose of determining a pay increase, if any, as well as for other reasons associated with reviews. New hires or transferees shall be evaluated within a reasonable time prior to their anniversary date. The criteria established on the City's standard "Performance Evaluation Report" will be utilized in the review process. Should any such employee receive three (3) or more marks or comments of "not satisfactory" on the latest review, such employee shall not be entitled to any increase in compensation; however, if an employee receives three (3) marks or comments of "exceeds standards" in the latest review, it may cancel one (1) mark of "not satisfactory". The Appointing Authority has full discretion, based on the latest evaluation, or combination thereof for the calendar year, to give full, part or no increase in compensation; therefore, leveling an employee's compensation where it deems proper. Based on poor review, the Appointing Authority may keep the employee at the rate of compensation the employee received prior to the enactment of this legislation, or in case of subsequent years, keep the employee at the rate of compensation received in the immediate prior year. Except for New hires, salary employees or transferees where increases may be considered at other times, any wage or salary increases will generally begin the first paycheck of January of the following year. Wage and salary increases not started then may be retroactive in the case of late reviews, at the discretion of the applicable Appointing Authority. Nothing in this policy shall be construed as to mandate any increases.

Policy 9 Employee Communication

Policy 9.1 Bulletin Boards

Electronic and conventional bulletins and bulletin boards are our "official" way of keeping everyone informed about new policies, changes in procedures, job openings, and special events. Information of general interest is posted regularly on the bulletin boards. Employees are encouraged to form the habit of reading the bulletin boards regularly so that they will be familiar with the information posted on it.

Only authorized personnel are permitted to post, remove, or alter any notice on the bulletin boards. If an employee wishes to have notices posted on City bulletin boards, Department Head approval is required.

Policy 9.2 Communications

Successful working conditions and relationships depend upon successful communication. Not only do employees need to stay aware of changes in procedures, policies, and general information, employees also need to communicate their ideas, suggestions, personal goals, or problems as they affect employee's work.

In addition to the exchanges of information and expressions of ideas and attitudes which occur daily, an employee must make certain they are aware of and utilize all the City of Napoleon methods of communication, including this Manual, bulletin boards, discussions with an employee's Department Head, memoranda, staff meetings, newsletters, training sessions, etc.

Employees will receive other information booklets, such as insurance booklets, from time to time. Employees may take these booklets home so that their family may know more about the job and benefits.

In addition, employees may receive letters from the City of Napoleon. There is no regular schedule for distribution of this information. The function of each letter is to provide employees and their family with interesting news and helpful information which will keep all up-to-date on events.

Policy 9.3 Specially Scheduled City Meetings

On occasion, we may require that employees attend a specially scheduled City sponsored meeting. If this is scheduled during an employee's regular working hours, attendance is required. If it is held during an employee's non-working hours, an employee will be paid for the time he/she actually spends at the meeting. (If an employee qualifies for overtime pay by virtue of working-more than eight (8) continuous hours on a particular day or more than forty (40) hours that same work week, then the employee will receive their overtime rate; exception being certain Fire Department personnel whose overtime is based on more than twenty-four (24) continuous hours on a particular day or more than fifty-three (53) hours in that same work week.

Policy 9.4 Department Meetings

From time to time, an employee's Department Head will schedule department meetings before, during, or after work. It's to an employee's advantage to be at these meetings. They give all workers a chance to receive information on the City of Napoleon events, to review problems and possible solutions, and to make suggestions about an employee's department or job.

If an employee's attendance at department meetings is mandatory, failure to attend may be subject to disciplinary action.

Policy 9.5 Grievances & Suggestions

An efficient, successful operation and satisfied employees go hand in hand. Employee grievances/suggestions are of concern to the City of Napoleon, regardless of whether the problems or ideas are large or small.

In order to provide for prompt and efficient evaluation of and response to grievances/suggestions, the City of Napoleon has established a formal Grievance/Suggestion Procedure. It will always be the City of Napoleon's policy to give full consideration to every employee's opinion. There will be no discrimination against or toward anyone for his or her part in presenting grievances/suggestions.

Under this policy, a grievance is defined as all issues regarding wages, benefits and terms and conditions of employment, excluding disciplinary action(s). The grievance procedure is applicable to all employees except; the appointing authorities, unclassified employees and employees covered by a collective bargaining agreement. Any employee may file a suggestion.

The grievance procedure shall be as contained in "Employee Relations" §197.04 of the Personnel Code.

Policy 10 Miscellaneous Policies

Policy 10.1 Expense Reimbursement In General

Except as otherwise provided, employees must have their Department Head's written authorization (requisition/purchase order, etc.) prior to incurring an expense on behalf of the City of Napoleon. To be reimbursed for all authorized expenses, employees must submit an expense report/voucher accompanied by receipts and approved by their Department Head. Expense report/voucher(s) should be submitted each week, as authorized reimbursable expenses incur. Detailed procedures for the reimbursement of expenses related to travel are set forth under a separate title of this Manual (see "Travel and Expense Accounts").

Policy 10.2 Gifts

Advance approval from the Appointing Authority is required before an employee may accept or solicit a gift of any kind from a citizen, supplier, or vendor representative. Employees are not permitted to give gifts, at City expense, to citizens or suppliers, except for certain promotional or informational purposes which must be approved by the Appointing Authority.

Policy 10.3 Housekeeping In General

Neatness and good housekeeping are signs of efficiency. Employees are expected to keep work areas neat and orderly at all times, it is a required safety precaution.

Easy accessible trash receptacles and recycling containers are located throughout the buildings. Employees are to put all litter and recyclable materials in the appropriate receptacles and containers. Cigarettes are not to be put out or dropped on the floor but thrown into proper receptacles. Employees are to be aware of good health and safety standards, including fire and loss prevention.

Policy 10.4 Lunch Room Facility

For employee convenience and comfort, the City of Napoleon provides lunch rooms for employees who want to bring their lunch from home. These areas are for everyone's use. It is an employee's responsibility to do their share in keeping these facilities clean and sanitary, to wit: clean up after oneself.

Policy 10.5 Managers

An employee's Department Head or supervisor is the person on the management team who is closest to the employee and the employee's work. An employee's day-to-day contact with their Department Head gives an employee a chance to receive guidance and counsel regarding assignments and to check the progress an employee makes on the job. An employee's Department Head can show an employee how the employee's work fits into the overall picture, teach an employee how to do things, explain the "how's" and "why's," and encourage employees when things look a little tough.

The Department Head is in immediate charge of the department. He or she is responsible for the efficient operation of the department. The Department Head has authority to assign work, recommend transfers or promotions, and to maintain order and discipline. This may be accomplished by the Department Head personally or through his or her assistant.

An employee's Department Head probably started in a job much like the employees and can guide and help the employee. An employee's Department Head wants all employees to succeed. An employee is encouraged to know ones Department Head, and when help is required or questions, complaints, problems, or suggestions need addressed, an employee should contact their Department Head first.

Policy 10.6 Parking Lots

Employees are encouraged to use the parking areas designated for our employees. Generally, parking spaces adjacent to or in front of our building(s) are for citizens and visitors only. Employees should lock their vehicle every day and park within the specified areas.

Courtesy and common sense in parking will avoid accidents, personal injuries, and damages to an employee's vehicle and to the vehicles of other employees. If an employee should damage another vehicle while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information to the employee's Department Head.

The City of Napoleon does not assume any liability for any loss or damages an employee may sustain.

Policy 10.7 Personal Property

Employees may be assigned a locker for personal possessions. Employees are responsible for keeping their locker clean, sanitary, and orderly. The City of Napoleon does not assume any responsibility for loss or damage to personal property of any employee.

Policy 10.8 Solicitations & Distributions

Solicitation for any cause during working time and in working areas is not permitted. Employees are not permitted to distribute non-City literature in work areas at any time during working time. Working time is defined as the time assigned for the performance of an employee's job and does not apply to break periods and meal times. Working areas do not include the lunch room or the parking areas. Solicitation during authorized meal and break periods is permitted so long as it is not conducted in working areas; however, employees are not permitted to sell chances, merchandise, or otherwise solicit money or contributions without management approval. Persons not employed by the City of Napoleon are prohibited from soliciting or distributing literature on City property.

Policy 10.9 Resignation

While we hope that both the employee and the City of Napoleon will mutually benefit from continued employment, we realize that it may become necessary for an employee to leave their job with the City of Napoleon. If an employee anticipates having to resign a position with the City, the employee is expected to notify their Department Head at least two (2) weeks in advance of the date that the employee must leave.

Policy 10.10 Fraternization Prohibited

Except as provided in Policy 3.5, in order to maintain good job performance and effective operations and uphold the integrity of the City offices, no employee shall have an intimate or sexual relationship with a subordinate employee, or have a romantic or passionate affair with a subordinate employee.

Policy 10.11 Business Expenses

From time to time employees may incur legitimate expenses while on or during City business (example: meals during a business meeting or work session), such expenses being payable by the City when approved by the Appointing Authority, approval being in the sole discretion of the Appointing Authority. Under no circumstances will alcoholic beverages be found to be a legitimate business expense except when used as a bonafide training tool.

Policy 10.12 Uniform Allowance

In certain jobs within the City, special uniforms or garments are required to ensure proper performance of an employee's duties. When such uniforms or garments are required, the City will furnish the same, including the cleaning thereof, at no cost to the employee. Payment of cost associated with this policy is subject to prior approval of the Appointing Authority, approval being in the sole discretion of the Appointing Authority.

Policy 10.13 Damaged, Destroyed or Stolen Personal Property

Generally, the city will not pay for damaged or destroyed personal property of an employee. However, in order to encourage full response of employees in situations where loss may occur, if damage or destruction of property is a direct result of performing ones official duties, and such is not due to the negligence or intentional acts of the employee, then such items may be reimbursed, repaired or replaced in accordance with this Policy. Reimbursement, repairing or replacement is at the sole discretion of the Appointing Authority and subject to authorized expenditure amounts and subject to availability of funds.

If destroyed:

- Replacement of the like or similar type of property may be offered as replacement by the City or, if determined to be less by the Appointing Authority.
- The cash value of a replacement of the like or similar type of property may be offered as in lieu of replacement by the City, considering the fair market value and/or depreciation, if any.

If damaged:

• Repair cost(s) may be covered by the City. Repair cost(s) shall not exceed the current replacement costs.

- In the event an employee has personal insurance to cover the loss, an employee shall first seek recovery from his/her own insurance. Any payment that may be made by the City or its insurance shall be limited to \$1,000.00 per item. The limits established herein also apply to any amounts paid by the City over and above what may be paid by an employee's insurance.
- At no time will any extravagant personal belongings be covered, nor motor vehicles or its contents or other miscellaneous items contained therein. The City is not responsible nor will it pay for mysterious disappearance or theft, or for items that are unique, unusual or irreplaceable as determined by the Appointing Authority. Further, the City is not responsible, and it will not pay for, normal wear and tear or for loss of use.

Policy 10.14 Personal Use of Equipment and Tools

Permitting an employee to use personal equipment or tools in the course of employment in lieu of the City expending dollars to purchase the same may at times result in savings to the City; therefore, personally owned equipment or tools may be used by employees when prior approval in writing is granted by the Appointing Authority or Department Head. In case of an emergency, the Appointing Authority, Department Head or immediate supervisor may authorize use of the equipment or tools by oral means. This approval provision is subject to review at any time.

Non approved equipment or tools are not permitted and any use will be at the employee's risk and will not be replaced or repaired in whole or in part.

Personally owned equipment or tools approved for use that are damaged or destroyed in the course of employment may be replaced or repaired, at the sole discretion of the Appointing Authority, in whole or in part as follows:

If destroyed:

- Replacement of the like or similar type of equipment or tools may be offered as replacement by the City or, if determined to be less by the Appointing Authority,
- The cash value of a replacement of the like or similar type of equipment or tools may be offered as in lieu of replacement by the City, considering the fair market value and/or depreciation, if any.

If damaged:

• Repair cost(s) may be covered by the City. Repair cost(s) shall not exceed the current replacement costs.

For the purpose of this Policy, equipment and tools do not include motor vehicles or its contents, or other miscellaneous items carried therein, or acts of negligence or misconduct by the employee which results in the destruction or damage of equipment or tools; further, the City is not responsible for or shall pay for mysterious disappearance or theft or items that are unique, unusual, or irreplaceable as determined by the Appointing

Authority. The City is not responsible for loss of use. In no case shall the City be responsible for normal wear and tear. Also, any replacement, repair or payment shall be at the sole discretion of the Appointing Authority and subject to the allowable expenditure amounts and subject to availability of funds.

The maximum payment that may be paid under this policy by the City or its insurance shall be \$5,000.00 per item and \$10,000.00 per occurrence. Notwithstanding the other provisions of this Policy 10.14, in the event that a Firefighter, EMT, or Paramedic, being volunteer, paid part time, or full time status of the Napoleon Fire/Rescue Department, has damage done to their personal vehicles in the course of responding to an emergency call, then the City shall pay up to \$5,000.00 of actual out of pocket expenses (expenses not otherwise covered by insurance) for repair to or replacement value of the Firefighter, EMT, or Paramedic's damaged vehicle, whichever is less. Replacement value shall be in the sole determination of the City. This provision is applicable only when all of the following apply:

- Money has been budgeted for losses under this Policy by the Appointing Authority in the year of the event.
- The damage was at the sole fault of a third party as determined in the sole discretion of the Appointing Authority.
- The vehicle was authorized for use by the Fire Chief.

Policy 10.15 Taxation Disclaimer

Any reimbursement or benefit provided by the City to the employee, an employee's family member or estate, may be subject to taxation. Except as may be otherwise required by law, the City assumes no tax liability associated therewith. Employees are encouraged to keep accurate records pertaining to any reimbursement or benefit received from the City in the event of audit.

Policy 10.16 Genetic Information Nondiscrimination Act (GINA)

GINA is a federal law that prohibits discrimination in health coverage and employment based on genetic information. GINA, together with already existing nondiscrimination provisions of the Health Insurance Portability and Accountability Act, generally prohibits health insurers or Health Plan Administrators from requesting or requiring genetic information of an individual or an individual's family members, or using such information for decisions regarding coverage, rates, or preexisting conditions. Gina also prohibits employers from using genetic information for hiring, firing, or promotion decisions, and any decisions regarding terms of employment.

Gina defines genetic information as information about:

- An individual's genetic tests (including genetic research study);
- Genetic tests of an individual's family members (defined as dependents and up to and including 4th degree relatives;
- Genetic tests of any fetus of an individual or family member who is a pregnant woman, and genetic tests of any embryo legally held by an

- individual or family member utilizing assisted reproductive technology;
- The manifestation of a disease or disorders in an individual's family members (family history); or;
- Any requests for, or receipt of, genetic services or participation in clinical research that includes genetic services (genetic testing; counseling; or education) by and individual or an individual's family members.

Therefore, it is the policy of the City that no person, board or commission that is employed or affiliated with the City will use genetic information, regardless of when the information was obtained or collected, when considering the hiring or firing of city employees, or for other decisions concerning the terms and conditions of individual city employment, except to the extent as may otherwise be permitted by law; moreover, employees of the City will follow all legal requirements of the Act. If you as an employee are unaware or unsure of the requirements of the Act or your protection, you should contact the Human Resources Department.

IN THE COURSE OF YOUR EMPLOYMENT, THERE MAY BE SITUATIONS IN WHICH YOU ARE REQUIRED TO PROVIDE MEDICAL INFORMATION TO THE CITY OF NAPOLEON (REQUESTS FOR LEAVE UNDER THE FMLA, LEAVES OF ABSENCE, WORKERS' COMPENSATION, ETC.). THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA) GENERALLY RESTRICTS EMPLOYERS FROM REQUESTING OR REQUIRING GENETIC INFORMATION, EXCEPT IN LIMITED CIRCUMSTANCES (E.G., REQUESTING LEAVE BECAUSE OF A FAMILY MEMBER'S SERIOUS HEALTH CONDITION). ACCORDINGLY, EMPLOYEES SHOULD NOT PROVIDE EMPLOYER WITH GENETIC INFORMATION WHEN PROVIDING MEDICAL INFORMATION, EXCEPT IN THOSE VERY LIMITED SITUATIONS

"GENETIC INFORMATION" INCLUDES AN INDIVIDUAL'S FAMILY MEDICAL HISTORY, THE RESULTS OF AN INDIVIDUAL'S OR FAMILY MEMBER'S GENETIC TESTS, THE FACT THAT AN INDIVIDUAL OR AN INDIVIDUAL'S FAMILY MEMBER SOUGHT OR RECEIVED GENETIC SERVICES, AND GENETIC INFORMATION OF A FETUS CARRIED BY AN INDIVIDUAL OR FAMILY MEMBER RECEIVING ASSISTIVE REPRODUCTIVE SERVICES.

Policy 11 Employee And Public Safety

Policy 11.1 Safety Policy

Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing all the City of Napoleon activities. We want to protect all employees against injury and illness, as well as minimize the potential loss of production.

All injuries (no matter how slight) are to be reported to an employee's Department Head immediately, as well as anything that needs repair or is a safety hazard. Below are some general safety rules. An employee's Department Head may publish other safety procedures in a particular department or work area:

- Avoid overloading electrical outlets with too many appliances or machines;
- Use flammable items, such as cleaning fluids, with caution;
- Walk don't run;
- Use stairs one at a time;
- Report to an employee's Department Head if an employee or a coworker becomes ill or is injured;
- Ask for assistance when lifting heavy objects or moving heavy furniture;
- Smoke only in designated smoking areas;
- Keep cabinet doors and file and desk drawers closed when not in use;
- Never empty an ash tray into a waste basket or open receptacle;
- Sit firmly and squarely in chairs that roll or tilt;
- Wear or use appropriate safety equipment as required in an employee's work;
- Avoid "horseplay" or practical jokes;
- Start work on any machine only after safety procedures and requirements have been explained (and an employee understand them);
- Use air hoses only for the use intended. Avoid blowing air at oneself or anyone else;
- Wear appropriate personal protective equipment, like shoes, hats, gloves, goggles, spats, hearing protectors, etc., in designated areas or when working on an operation which requires their use;
- Keep the work area clean and orderly, and the aisles clear;
- Stack materials only to safe heights;
- Watch out for the safety of fellow employees;
- Use the right tool for the job, and use it correctly;
- Wear gloves whenever handling castings, scrap, barrels, etc.;

• Operate motorized equipment only if authorized by an immediate Department Head. All operators must be validly licensed when required by law or rules;

The failure to adhere to these rules will be considered serious infractions of safety rules and may result in disciplinary actions.

Policy 11.2 Safety Rules When Operating Machines & Equipment

- Machine guards must be in place while machines are in operation;
- Loose clothing, jewelry, or rings must be removed before operating machinery;
- Wear steel toe shoes and (if necessary) prescription eye protection to start the job;
- Required personal protective equipment, except for prescription glasses and steel toe shoes, will be issued to an employee by their Department Head.

We will continue to provide a clean, safe, and healthy place to work and we will provide the best equipment possible. Employees are expected to work safely, to observe all safety rules and to keep the premises clean and neat. Carelessly endangering oneself or others may lead to disciplinary action, including possible dismissal.

Policy 11.3 Security

The safety and security of our employees is of paramount concern to the City. To this end, the City may install and use surveillance cameras. When installed, no liability shall be assumed by the City or any officer, official or employee for failing to adequately monitor the same. Although the use of such surveillance cameras shall be primarily limited to personal safety and security measures, the City or law enforcement personnel may also occasionally utilize such equipment for the investigation of criminal activity. Only video monitoring will be permitted, no audio, unless consented to by one (1) party to the conversation that is being monitored. In consideration of either continued employment, or in consideration of future employment, all City employees agree to consent to such surveillance monitoring.

If a Department Head has questions concerning privacy issues, he/she should discuss the same with the Law Director.

Maintaining the security of the City of Napoleon buildings and vehicles is every employee's responsibility. Develop habits that insure security as a matter of course. For example:

- Always keep cash properly secured. If an employee is aware that cash
 is insecurely stored, the employee should immediately inform the
 person responsible;
- Know the location of all alarms and fire extinguishers, and familiarize
 oneself with the proper procedure for using them, should the need
 arise;
- When leaving the City of Napoleon's premises make sure that all entrances are properly locked and secured.

Policy 11.4 First Aid

Good safety practice requires that we keep records of all illnesses and accidents which occur during the workday. The Workers' Compensation Act also requires that an employee report any illness or injury on the job, no matter how slight. If an employee is injured or becomes ill, an employee is to contact their Department Head for assistance. The failing to report an injury may jeopardize an employee's right to collect workers' compensation payments as well as health benefits. Employees should contact their Department Head for more information if questions or concerns exist.

* The City of Napoleon has made an arrangement with Henry County Hospital to provide first aid in medical emergencies.

Policy 11.5 Smoking And Smokeless Tobacco Prohibited

For liability reasons and health, safety, and welfare reasons, smoking, as well as the use of smokeless tobacco products, are prohibited in the City vehicles, buildings, offices, lunch rooms, and in areas where employees are directly serving citizens, and in areas where employees share enclosed space with nonsmoking (or nonusers of smokeless tobacco) coworkers.

Policy 11.6 Visitors

For liability reasons and safety reasons the City prohibits unescorted visitors in our facilities beyond the reception area. Visitors are not permitted in, or on the City of Napoleon buildings or facilities without prior permission from the Department Head; no visitors are permitted in working areas. If an employee is expecting visitors, the employee should request permission from their Department Head.

Policy 11.7 AIDS TRANSFERABLE LIFE THREATENING ILLNESS

The City recognizes that employees with a *TRANSFERABLE* lifethreatening illness such as AIDS/*HIV*, *HEPATITIS*, *ETC*. may wish to continue their employment and, in fact, that continued employment may be therapeutically important to their recovery process. The City also recognizes that it must satisfy its legal obligation to provide a safe work environment for all employees, customers and other visitors to the City's premises. As long as employees who have AIDS A TRANSFERABLE LIFE THREATENING ILLNESS are able to maintain acceptable performance standards in accordance with established City policies and procedures, and the weight of medical evidence continues to indicate that THE TRANSFERABLE LIFE THREATENING ILLNESS AIDS cannot be transmitted by casual workplace contact, employees WITH A TRANSFERABLE LIFE THREATENING ILLNESS AIDS will be permitted to continue to work.

In determining such an employee's ability to continue in employment, the City will consider making reasonable accommodations to the employee's condition, consistent with applicable federal, state, and local laws.

If an employee has AIDS or any other A TRANSFERABLE life threatening illness the employee is encouraged to contact the personnel department and they will assist the employee in providing information about the illness and about any available program to assist the employee

and their family so far as practical. The employee should also contact their physician so that the City can explore the types of possible reasonable accommodations that may be recommended for the employee, consistent with the business needs of the employee's department, established City policy, and applicable federal, state, and local laws.

Policy 12 Travel And Expense Accounts

Policy 12.1 Travel And Expenses In General

In order to make whole employees while on City business, all employees, including permanent part time, part time, and temporary who by necessity, travel on City business, will be advanced moneys based on anticipated travel expenses. As a general rule, except when used by an Appointing Authority, no City credit cards will be utilized without the express approval of the applicable Appointing Authority.

Definition: City business for the purpose of this policy means, any business usual and customary to City government, including but not limited to, certain approved educational or training programs, approved activities for the cultivation of community goodwill, and for participation in approved community, professional, industrial, and legislative activities, any or all being engaged into by employee when outside of the City of Napoleon, Ohio and not on City owned premises. The below policies concerning overtime shall be followed except where otherwise prohibited by state or federal law.

Policy 12.2 Extravagant Expenses

Employees shall not be extravagant with City funds. Expenses deemed extravagant will not be approved for reimbursement. What is considered extravagant is in the sole discretion of the Appointing Authority. Any expense considered extravagant or unauthorized shall be subject to immediate reimbursement by the employee through cash payment, money order, or payroll deduction as determined by the Appointing Authority.

The City of Napoleon will reimburse and/or advance employees for reasonable and necessary expenses incurred and/or paid by the employee in the conduct of City business.

Policy 12.3 Expense Statements

When practical, Employee Expense Statements must be prepared, submitted, and approved for advance reimbursement prior to the expense being incurred on a form provided by employer.

Except as herein provided, the City requires employees to furnish information and necessary receipts to support the expenses advanced and/or incurred.

An employee may submit an expense statement for reimbursement after the travel expense has occurred, but employee must still have prior approval of such travel/expense by employee's supervisor.

All required receipts must be forwarded with a photocopy of the previously submitted expense statement.

Personal expenses for the maintenance of an employee while away on City business may be reimbursable according to the following guidelines:

 When practical, all travel or personal expenses must be approved prior to occurrence.

- When possible, the employee should use a City vehicle.
- Commercial transportation requests should be processed through the
 City and generally require no reimbursement. Employees will be
 reimbursed for personal auto mileage at the current rate allowed by the
 federal standard, or at the Appointing Authority's discretion, the
 commercial airline travel rate, whichever is lower.
- Commercial lodging expenses will be reimbursed when the City has
 required that the employee be away from home overnight in the
 conduct of City business. Receipts are required. When making
 lodging arrangements, employee should request government rate and
 furnish Hotel/Motel with tax exempt form which should be obtained
 from the Finance Director.
- Recognizing that meals are more costly in places outside rural Ohio where seminars are generally held, except as may be increased by the Appointing Authority, meal expenses, not otherwise included in the costs of the meeting, training, or seminar, excluding continental breakfast, will be provided at the per diem rate of \$8.00 for Breakfast, \$10.00 for Lunch, and \$19.00 for Dinner without necessity of receipt and without necessity of actual expenditure. An employee will be granted a total daily allowance \$37.00 for all meals as indicated in the below stated manner. An employee may, at his/her option, combine any meal costs so long as the below criteria is met and so long as the expenditure does not exceed the total daily allowance:
 - ➤ Breakfast expenses are authorized when overnight lodging is necessary for the conduct of City business. In addition, breakfast expenditures are approved for a bona fide public relations reason, for the attendance of previously authorized Employees at civic or professional club breakfast meetings and for early morning travel which means the employee must be required to leave for travel prior to 8:00 a.m. in the morning.
 - Lunch expenses are authorized when out-of-town for City business, for a bona fide public relations or business reason; or for the attendance of previously authorized employee at civic or professional club luncheons. Day trips away from the office for normal work related duties do not qualify for lunch expense reimbursement.
 - ➤ Dinner expenses are authorized if the employee will have overnight lodging or his/her arrival back to the City is past 5:00 p.m. (in the conduct of City business). Dinner reimbursement will also be made for bona fide public relations reasons, or the attendance of previously authorized employees at civic or professional club dinner meetings.
 - All day meal expenses are for an employee who is required to be out-of-town prior to 8:00 a.m. and past 5:00 p.m.
 - ➤ Voluntary Gratuities (tips) are not reimbursable, but may be paid from any per diem rate received by the employee.

- Miscellaneous incidental personal or travel expenses may be reimbursable according to the following guideline:
 - Travel related use or service expenses such as road and bridge toll, taxi, and parking will be reimbursed if reasonable in amount.
 Receipts will be required for reimbursement.
- The following types of expenses will <u>not</u> normally be reimbursed:
 - > Travel related child care expenses.
 - > Travel related personal expenses such as laundry, dry cleaning, etc.
 - Personal expenditures, e.g. briefcase, umbrellas, clothing.
 - Expenses for a spouse or family member accompanying the employee on City business, unless reimbursement is approved by the Appointing Authority.
 - Expenses related to towing or other related repairs to non-City vehicles while on City business.
 - ➤ Theft of or damage incurred to non-City vehicles.
 - ➤ Theft of or damage incurred to personal items.
- Employees are reimbursed a fixed rate, calculated on mileage, when utilizing non-City vehicles; therefore, employee is responsible for any damage incurred to employee and/or their passengers by use of such vehicle and therefore should be properly insured.
- As a general rule, the City requires that advance of moneys for City business be done prior to the next account pay period of the travel date. The City of Napoleon will issue a check at least one (1) working day prior to employee's travel date. If employee submits an employee expense statement after the expense is incurred or on a monthly basis, payment will be made at the next available accounts payable period.
- Expenses and travel charges over \$100.00 require prior approval by the Appointing Authority. All travel itineraries, including supporting documentation, should be given to the Appointing Authority prior to the trip.
- In the event that monies are advanced by the City; however, because of cancellation or other cause the money is required to be returned, monies shall be returned to the City within thirty (30) days of such cancellation or event that triggered the reimbursement.
- Any monies advanced as travel expenses that are not actually spent on approved travel, except those amounts where a per diem rate has been established, shall be returned to the City at time of reconciliation, said reconciliation normally being within sixty (60) days upon returning to work from travel. The City Finance Department shall be given receipts or other documentation evidencing actual expenditure of the funds to be turned in by the employee at time of final reconciliation. The Finance Director may permit the expenditures in the event of failure to produce a receipt upon furnishing other adequate means that demonstrates the expenditure.

- Frequent flyer miles shall pass to the City when an airline permits the same, except when received pursuant to Policy 12.8.
- Nothing in this policy shall be construed as prohibiting any travel expenditures to exceed what has been stated herein so long as the amounts are not extravagant as determined by the Appointing Authority.

Policy 12.4 Travel Time

Travel time out of the City qualifies as hours worked, for all hourly employees, during the travel, except that when travel is overnight travel and done outside the normal work hours, the travel is not compensable for passengers or employees that are free to relax and not otherwise performing work. Travel for hourly employees during normal working hours on Saturdays and Sundays (when the normal work week is Monday through Friday) would be compensable for drivers and passengers regardless if they are free to relax.

Policy 12.5 Hours Worked When Away On Travel

In addition to what has been provided for in Policy 12.4 (Travel Time), when an employee is away on travel (not during actual mobile process) relating to City business, only those hours accrued during the employee's regular working hours or during corresponding hours on non-working days shall be considered as hours worked; moreover, if an employee is not attending a work related activity while away on travel for one or more of the days regularly scheduled to work, and then is scheduled to attend a work related activity on a non-regularly scheduled day to work, only hours actually worked will be considered for pay. For the purpose of this policy work will be considered as performing activity related to City business. (For instance, employee is regularly scheduled to work Monday through Friday; however, a particular seminar an employee is attending convenes on Monday, Wednesday, Thursday, Friday and Saturday; then employee would not be paid for Tuesday but for Saturday at regular pay, thereby substituting Tuesday for Saturday for pay purposes.)

Policy 12.6 Family Members And Travel

Employees may have family members with them during conferences or other away City business; however, any additional expenses incurred as a result thereof will be borne by the employee. Family members are not permitted in City vehicles without prior authorization and a waiver of liability being properly executed for travel purposes.

Policy 12.7 Personal Telephone Calls While On Travel

Employees are permitted one (1) telephone call per day, at City expense, to maintain family contacts not to exceed ten (10) minutes in duration. All other personal calls are at the sole expense of the employee, unless an emergency arises or contact is required to rearrange a schedule due to City activity.

Policy 12.8 Delay Or Inconvenience Benefits While On Travel

Occasionally airports and other transportation facilities or hotels offer cash incentives, travel vouchers, or frequent flyer miles when travelers are

delayed or inconvenienced. Employees may personally accept the same so long as the delay or inconvenience is not at the expense of the City (example: loss of work to be performed, or additional: meals expense, overtime expense, lodge expense, parking expense, etc.); otherwise, any such benefit must be given to the benefit of the City.

Policy 13 General Benefits Package

Policy 13.1 Benefits In General

In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, employees may be eligible to enjoy other benefits which will enhance an employee's job satisfaction. We are certain that employees will agree that the benefits program described in this Manual represents a very large investment by the City of Napoleon, and we trust that employees will avoid abusing any of the program's benefits.

A good benefits program is a solid investment in the City of Napoleon and its employees. It not only insures the loyalty of long time capable employees, it also helps to attract talented newcomers who can help the City of Napoleon grow. The City of Napoleon will periodically review the benefits program and will make modifications as appropriate to the City's condition.

IF AN EMPLOYEE BECOMES AWARE OF A PARTICULAR SEMINAR THAT THE EMPLOYEE BELIEVES IS APPROPRIATE FOR ENHANCING THEIR SKILLS (AND/OR THOSE OF OTHER EMPLOYEES), IT SHOULD BE BROUGHT TO THE ATTENTION OF THEIR DEPARTMENT HEAD. SINCE THESE SEMINARS ARE USUALLY OFFERED ONLY AT SPECIFIED TIMES IN A GEOGRAPHICAL AREA, THE EMPLOYEE SHOULD ATTEMPT TO NOTIFY THEIR DEPARTMENT HEAD AS FAR IN ADVANCE AS POSSIBLE. THIS WAY, HE OR SHE CAN ATTEMPT TO SCHEDULE WORKLOADS TO ACCOMMODATE THE EMPLOYEE'S (AND/OR OTHER EMPLOYEES') DESIRE TO ATTEND THE SEMINAR.

REMINDER: IF AN EMPLOYEE IS TAKING A PRE-APPROVED SEMINAR THAT OFFERS CONTINUING EDUCATION CREDIT, THE EMPLOYEE SHOULD GIVE THEIR DEPARTMENT HEAD A COPY OF THE CONTINUING EDUCATION CREDIT CERTIFICATE (OR OTHER DOCUMENT) TO INCLUDE IN THE EMPLOYEE'S PERSONNEL FILE.

Transferred from duplicate policy; policy 20.1

Policy 13.2 Eligibility For Benefits

Employees, full-time regular, will enjoy certain benefits contained in the Personnel Code and this Manual. All employees should become familiar with the Personnel Code. Part time, permanent part time and temporary employees, will enjoy only those benefits, if any, which are required by law to be afforded to them or that are clearly afforded to them by code or policy, provided that they meet the minimum requirements set forth by law and in the benefit plan(s).

Benefits that may be afforded to an employee are as follows:

- Overtime;
- Compensatory Time;
- Pension Fund;
- Deferred Compensation;
- Personal Holidays;
- Regular Holidays;
- Longevity Pay (not available to persons hired or rehired after 12/31/2007);
- Vacation;
- Trauma Leave;
- Workers Compensation;
- Health Insurance;
- Life Insurance:
- Bereavement Leave;
- Family Medical Leave;
- Holiday Leave;
- Pregnancy and Temporary Disability Leave;
- Deferred Medical Payment;
- Military Leave;
- City Program Discounts;
- Educational Benefits;
- Direct Deposits;
- Credit Union Membership;
- Discount Recreation Programs;
- EAP Benefits.

Policy 13.3 Conversion Privileges

At an employee's departure from employment, the employee should inquire as to how he/she can continue their insurance coverage and any other benefits an employee currently enjoy as an employee that are eligible for continuation.

Policy 14 Paid Leaves Of Absence

Policy 14.1 Leave Of Absence In General

Unless otherwise specified by the employee, time off for any reason during a working day will count first against an employee's allotted days or personal days, as appropriate, quarter hour, half hour, three quarter hour, hourly, quarter day, half day or full day increments. Once an employee has used all of *HIS/HER* earned or personal days, the time will be counted against their earned vacation time. *ANY LEAVE OF ABSENCE* thereafter, unless specifically *ALLOWED*, excepted, any time off will be without pay.

Policy 14.2 Holiday Policies

Employees may take time off to observe religious holidays. If available, a full day of unused (sick/personal) leave or a vacation day may be used for this purpose, otherwise the time off is without pay. An employee must notify their Department Head at least ten (10) business days in advance.

We schedule all national (City recognized) holidays on the day designated by common business practice.

If a holiday occurs during an employee's scheduled vacation, the employee is permitted to take an extra day of vacation.

To become eligible for holiday pay, the employee must work the full last scheduled work day prior to, and the full next scheduled work day after, each of the City observed legal holidays unless the employee was otherwise in active pay status.

Employees who are scheduled to work on a designated City observed legal holiday and do not report for work on the holiday shall not be entitled to holiday pay unless their reason for not reporting would ordinarily constitutes an acceptable excuse under the applicable provisions of the Personnel Code.

Policy 14.3 Recognized Holidays

The following holidays are recognized by the City of Napoleon as paid holidays:

- New Year's Day;
- Good Friday;
- Memorial Day (last Monday in May);
- Independence Day;
- Labor Day;
- Thanksgiving Day;
- December 25th;
- Note: Special floating holiday exists when December 25th falls on a Wednesday, (see Personnel Code §197.16).
- For full time non-bargaining employees, (except police and fire that are twenty-four (24) hour services) as an additional benefit, on the day

of December 24th when the City Administration building is open for business, the work day shall be considered **8 a.m. to 3 p.m.** 7:30 A.M. TO 2 P.M. with a regular lunch period for those persons scheduled to work; however, said employees shall be compensated for the full eight (8) hours as if worked, except that no employee shall receive any additional benefit from sick leave, vacation leave or similar other type leave as a result of this Policy. (COMMENT: It is the intent of this Policy to permit a scheduled employee to leave work two (2) hours early without loss of pay and to merely accrue the benefits regularly accrued and not otherwise benefit from this Policy.)

• Recognizing that police and fire departments are essential twenty-four (24) hour services, full time non-bargaining employees in police and fire services of the City, who work a substantial amount (more than six (6) hours) of a full shift between the hours of 12:01 a.m. to 11:59 p.m. on a December 24th when the City Administration building is open for business, shall receive a straight two (2) hours of holiday time.

Policy 14.4 Vacation

Vacation is a time for an employee to rest, relax, and pursue special interests. The City of Napoleon has provided paid vacation as one of the many ways in which we show our appreciation for employee loyalty and continued service.

Employees are not eligible for paid vacation during their probationary period, nor are they eligible for paid vacation if they are part time, permanent part time or temporary (see Personnel Code §197.18).

Policy 14.5 Funeral (Bereavement) Leave

Full time (regular) employees are granted bereavement benefits in accordance with the Personnel Code §197.16.

Policy 14.6 Jury Duty

Full time (regular) employees are encouraged to serve as jurors. It is an employee's civic duty as a citizen to report for jury duty whenever called. If an employee is called for jury duty, we will permit such employee to take the necessary time off and we wish to help the employee avoid any financial loss because of such service. The City of Napoleon will reimburse the employee for the difference between their jury pay and their regular pay, not to exceed eight (8) hours per day, for a maximum of ten (10) business days.

The employee must notify their Department Head within forty-eight (48) hours of receipt of the jury summons.

All moneys received as compensation, unless jury duty was served totally outside of regular working hours, shall be turned over to the City to obtain this benefit. (see also, Personnel Code §197.19)

Policy 14.7 Personal (Holidays) Leave

Full time (regular) employees are eligible to take *FIVE* (5) four (4) days of paid personal holidays during each calendar year (see Personnel Code §197.16). Such employees may use personal leave in units of no less than two (2) hours at any one time. Personal leave time is intended to be used

to accomplish personal business that cannot be accomplished during time other than the employee's normal working hours. An employee is required to request personal leave time from their Department Head in advance and obtain his or her approval. During an employee's first calendar year, the earned personal leave time is prorated.

If an employee is required to take a disability leave of absence, any accrued personal leave will be paid at the time the leave commences.

Employees going on unpaid required military leave of absence may apply their personal leave at the time the leave commences if they wish.

If an employee is on an approved leave of absence for less than thirty (30) days, his/her personal leave eligibility will not be affected; should the leave extend beyond thirty (30) calendar days, personal leave time will not continue to accrue. This personal leave policy does not apply to "exempt" employees on our payroll. It also does not apply if personal leave is needed as a result of self-inflicted injury, illegal substance abuse or alcohol abuse, or illness or injury incurred while in the act of committing a felony.

In the event of an illness or injury which is covered by workers' compensation insurance, this personal leave policy will not apply.

Personal leave may not be carried over and accumulated from year to year. Personal leave not used during a calendar year will be canceled out and not paid.

Policy 14.8 Sick Leave

To qualify for sick leave an employee must be a full time (regular) employee or a permanent part time employee. Sick leave credit for full time (regular) employees shall be earned at the rate of 0.0575 hours for each hour of service only in active pay status, up to a maximum yearly accumulation of one hundred and twenty (120) hours. Employees may use their sick leave in units of no less than one quarter (1/4) hours at any one time. An employee is required to advise their Department Head as soon as possible that he/she will be absent from work due to illness. (See Personnel Code §197.16)

Policy 14.9 Trauma Leave

Trauma Leave is controlled by the Personnel Code §197.17.

Policy 14.10 Military Leave Of Absence

Military Leave is controlled by the Personnel Code §197.19.

Policy 14.11 Unpaid Personal Leave Of Absence

In very special circumstances, the City of Napoleon may grant a leave for a personal reason; however, generally are not granted for taking employment elsewhere or going into private business. This policy is controlled by the Personnel Code §197.19.

Policy 14.12 Unfit For Duty Leave

If an employee is unfit for duty due to medical or mental health reasons and employee may be relieved from duty utilizing sick leave.

Policy 14.13 Pregnancy and Temporary Disability Leave

The purpose of this Policy is to provide all employees, including part-time and permanent part-time, that are pregnant, or otherwise have a qualified temporary disability of their own, an opportunity to retain employment for a set duration in time when other types of leaves are unavailable. It is not the intent of this policy to extend FMLA leave; but rather, provide necessary leave to an employee when FMLA leave is not initially or otherwise available to the employee. Leave under this Policy shall be controlled by the FMLA Policy, except that: (1) eligibility criteria related to time in service and hours worked shall not apply; (2) to the extent permitted, restoration of any health benefits shall be in accordance with the health care plan; (3) key employees as defined in the FMLA Policy are not exempted; (4) it is generally the employee's choice to be placed on this leave; and, (5) there shall exist additional provisions as contained in this Policy.

Employees are eligible to take an unpaid leave of absence under this Policy for: (1) temporary disability due to pregnancy, childbirth or related medical conditions; and, (2) their own other temporary disability as qualified by the American with disability act. Leave under this Policy shall run concurrent with other unpaid leaves of absence policies. Seniority and benefits while on unpaid leave under this Policy shall be treated the same as if the employee was on other types of unpaid leave for medical purposes.

Transfer and accommodation – an employee is also entitled to a temporary transfer to another position or other reasonable accommodation based on the respective disability so long as: (1) the employee requests the transfer or reasonable accommodation and the request is based on the medical certification of a health care provider that a transfer or reasonable accommodation is medically advisable; and, (2) the request can be reasonably accommodated by the City.

The City *MAY* May also require an employee to transfer temporarily to an available alternative position with the same pay and benefits in order to accommodate an employee's need for intermittent leave or a reduced work schedule. Further, unless otherwise prohibited by law, the Appointing Authority may require an employee to take leave under this Policy when necessary due to safety or job performance.

Outside employment – you may not work with any employer or work as a self-employed employee, other than the City, during your leave of absence. Outside work during your leave will result in immediate termination.

Not to be construed as superseding or limiting the FMLA Policy, any additional leave for taking care of a new born or adopted child shall be considered the same as for any other personal reason under Section 197.19(g) of the Personnel Code.

Policy 14.14 Leave For Retirement Benefits Consultation

Newly hired full time employees, not to be construed as rehired employees, shall receive four (4) hours of paid leave of absence in order to

receive consultation from representatives from an Ohio Retirement System during the first one hundred eighty (180) days of their employment with the City.

Policy 15 Family And Medical Leave Act (F.M.L.A.)

Policy 15.1 Applicability

The Family and Medical Leave Act (FMLA) as adopted by the City provides employees up to a total of twelve (12) work weeks of job-protected leave during a rolling twelve (12) month period measured backward from any FMLA usage for any of the following reasons:

- Birth and care of an employee's newborn child;
- Placement with the employee of a son or daughter for adoption or foster care;
- Because of a serious health condition of the employee that makes the employee unable to perform the functions of the job; or
- To care for a member of the employee's immediate family (i.e. spouse, child or, parent) with a serious health condition.

FMLA also provides up to a total of twelve (12) work weeks of jobprotected leave during a single twelve (12) month calendar year because of a Qualifying Exigency arising out of the fact that an employee's **SPOUSE, CHILD OR PARENT** is a covered military member serving on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

FMLA further provides up to a total of twenty-six (26) work weeks of Military Caregiver job-protected leave during a single twelve (12) month calendar year to eligible employees for the following reason:

• To care for a covered service member of the Armed Services who is seriously injured in the line of duty. An eligible employee is the spouse, child, parent or next of kin of a covered service member.

An employee is limited to, at most, a total of twenty-six (26) weeks of protected leave taken in any twelve (12) month period for any combination of FMLA leave. For example, if an employee has taken twelve (12) weeks of leave for a birth of a child, said employee would have a maximum of fourteen (14) additional weeks available for protected caregiver leave in the twelve (12) month period.

Policy 15.2 Husband And Wife Are Employed By The City

If a husband and wife are employed by the City, they are subject to a combined total of twelve (12) weeks of leave during the rolling twelve (12) month period for birth or placement of a child or to care for an employee's parent with a serious health condition. However, each employee remains entitled to, for any other qualified purpose, the difference between the amount he or she took individually for the above-stated purpose and the twelve (12) weeks. With regard to Military Caregiver Leave, a husband and wife employed by the City are entitled to a combined total of twenty-six (26) weeks of leave during a single twelve (12) month calendar year (non-rolling) period to care for a service member of the Armed Forces.

Policy 15.3 Definitions

Definitions for the purpose of this Section shall be as follows unless in conflict with the definitions as contained in the Federal FMLA. Notwithstanding the preamble of this Code, in case of conflict between this Code and the Federal FMLA definitions, Federal FMLA definitions shall control:

- (1) Eligible employee: For the purpose of this Section, an eligible employee is an employee who works for the City who:
- Has been employed for at least a total of twelve (12) months by the City; and
- Has worked at least 1,250 hours for the City during the previous twelve (12) month period (determined as of the date leave commences).
- (2) Serious Health Condition: For the purpose of this Section means an illness, injury, impairment, or physical or mental condition that involves any one (1) or more of the following:
- Any period of treatment or incapacity connected with inpatient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;
- Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work or perform other regular daily activities) due to:
 - ➤ a serious health condition (including treatment or recovery) lasting more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - ➤ two (2) or more treatments within 30 days of the first day of incapacity (unless extenuating circumstances) by a health care provider; nurse under direct supervision of a health care provider; or by a provider of health care services under orders of, or on referral by, a health care provider; or,
 - > one (1) treatment by a health care provider with a continuing regimen of treatment under the supervision of a health care provider; or
 - pregnancy or prenatal care (health care treatment is not necessary for each absence); or
 - ➤ a chronic, serious health condition which continues over an extended period of time, requires at least two periodic health care provider visits, and may involve episodic incapacity (e.g. asthma) but a health care provider visit for each absence is not necessary; or
 - ➤ a permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke, terminal cancer), with supervision of treatment by a health care provider; or

- ➤ any absence(s) to receive multiple treatment for restorative surgery or for a condition likely resulting in a period of incapacity of more than three (3) days if not treated (e.g., chemotherapy or radiation treatments).
- Serious injury or illness in the case of a member of the Armed Forces means an injury or illness incurred by the member in the line of duty on active duty that may render the service member "medically unfit to perform the duties of the member's office, grade, rank or rating."
- (3) In the absence of complications, "serious health condition" does not include:
- common cold or the flu
- earaches
- upset stomach or minor ulcers
- headaches (other than migraine)
- routine dental or orthodontia problems.
- (4) "Treatment" does not include:
- routine physical examinations
- eye examinations
- dental examinations

"Regimen of continuing treatment" does not include activities that can be initiated without a visit to a health care professional:

- over-the-counter medications (i.e. aspirin or salves)
- bed rest
- drinking fluids
- exercise and the like
- (5) "Substance abuse" may be a serious health condition and FMLA leave may be taken for such treatment on referral. An employee cannot use FMLA leave because of use of a substance, as opposed to for substance abuse.
- (6) "Qualifying Exigency" means arising out of the fact that a covered military member is in active duty or called to active duty in support of a contingency operation. A qualifying exigency is available to a family member of a military member in the National Guard or Reserves and includes the following:

SHORT-NOTICE DEPLOYMENT
MILITARY EVENTS AND RELATED ACTIVITIES
CHILDCARE AND SCHOOL ACTIVITIES
FINANCIAL AND LEGAL ARRANGEMENTS
COUNSELING
REST AND RECUPERATION
POST-DEPLOYMENT ACTIVITIES

Additional activities not encompassed in the other categories, but agreed to by the employer and employer.

Qualifying Exigency leave does not apply to military members in the regular armed forces

- (7) "Covered Service Member" means a member of the Armed Forces including the National Guard or Reserves, who is "undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."
- (8) "Next of Kin" means the nearest blood relative of an individual who is a covered service member.

Policy 15.4 Employee Requirements For FMLA

An employee is required to give the employer thirty (30) days advance notice if need for leave is foreseeable and such notice is practicable based upon planned medical treatment (verbal notice is sufficient); with regard to service members of the Armed Forces, an employee's request for leave based on a "qualifying exigency" and which is foreseeable must provide the employer with "reasonable and practicable" notice.

An employee shall make a reasonable effort to schedule medical treatments so as not to disrupt unduly the operations of the City, subject to the approval of the health care provider; and

An employee shall provide the City as much notice as practicable if the thirty (30) days of notice requirement cannot be met. When requesting leave, the employee need not mention the FMLA. When the leave request is made, it is the Department Head's duty *TO INFORM THE HUMAN RESOURCE DEPARTMENT OF SUCH REQUEST. THE HUMAN RESOURCES DEPARTMENT* to inquire *WILL DETERMINE* whether this *THE* leave request constitutes FMLA leave request (or is for a reason that would qualify for FMLA leave), and if the leave can and will be counted against the FMLA entitlement period.

Policy 15.5 Intermittent Leave Schedule

Leave in blocks or intervals of time; an employee may use the smallest increment utilized in the City's payroll system. In general, an employee is required to use the City's call-in procedure.

Reduced Leave Schedule is a leave schedule that reduces an employee's usual number of working hours per week, or hours per work day, a change in the employee's schedule for a period of time, normally from full-time to part-time:

- For birth, care or placement of foster child, subject to the Department Head's approval.
- Leave based upon a serious health condition of the employee or a family member may be taken on an intermittent or reduced leave schedule when medically necessary (e.g., does not require the City's approval).

- Leave to care for a service member of the Armed Forces who has suffered a serious injury or illness incurred in the line of duty on active duty may be taken on an intermittent or reduced leave schedule.
- If an employee requests an intermittent or reduced leave schedule because of a serious health condition that is foreseeable based upon planned medical treatment, the City may require the employee to transfer temporarily to an available alternative position offered by the City for which the employee is qualified, if the position has equivalent pay and benefits and better accommodates the recurring period of leave than the employee's regular employment position.
- Only one (1) notice designation is required unless the circumstances underlying the leave have changed.

Policy 15.6 Unpaid And Paid Leave

Except for workers compensation leave and maternity type leave which is discussed below, the employee shall utilize any accrued paid leave along with FMLA leave up to the limits so accrued until exhausted in the following order of use:

• Sick leave, paid vacation, personal time (not compensatory time).

An employee shall not be required to utilize any accrued paid leave (sick leave, paid vacation, and personal time) with FMLA leave when the departure from service is related to a workers compensation leave or maternity or pregnancy type leave.

Nevertheless, FMLA leave (time) shall run concurrently (together) with short-term or long-term disability or illness (including a serious health condition) workers compensation, maternity, and pregnancy or temporary disability type leave when permitted by law and when in the best interest of the City.

Policy 15.7 City's Designation As FMLA Qualifying And Notice

The City's knowledge of FMLA qualifying reason requires prompt action.

Within five (5) business days (absent extenuating circumstances) the City shall notify the employee that paid leave is designated and will be counted as FMLA leave.

Notice may be oral or written (but confirmed in writing by next payday).

The failure of the City to designate paid leave as FMLA leave, despite City's possession of requisite knowledge to do so, precludes the City from retroactive designation; however, the employee is entitled to full range of protections of FMLA.

If knowledge of FMLA qualifying leave is gained by the City only after leave has started, the City may retroactively designate the qualifying leave period as FMLA leave.

Policy 15.8 Health Care Coverage

The City shall be required to maintain the terms of the employee's group health insurance coverage on the same conditions as the coverage would have been provided if the employee had been continuously employed during the entire leave period. Where permitted by law, the employee will

be required to pay the employee's share of the premium. Advance written notice by the City of the terms and method of payment is required

Policy 15.9 Late Premium Payment

If the employee is required to pay employee's share of the premium, the City shall provide written notice to employee that payment has not been received. Notice shall be mailed at least fifteen (15) days before the date coverage is to cease advising the employee of the specific date of loss of coverage (which shall be at least fifteen (15) days after date of notifying letter).

Policy 15.10 Employee Eligible For Return

Any eligible employee who takes leave shall be entitled upon return from such leave:

- To be restored to the position of employment held by the employee when the leave commenced; or
- To be restored to an equivalent position with equivalent benefits, pay and other terms and conditions of employment (assuming the employee can perform the essential functions of the job);
- This restoration requirement includes the same health plan benefits. If an employee cannot or elects to not pay the health coverage premium during the leave period, and the policy lapses, the City must be able to restore the employee to equivalent health coverage upon return to work (i.e. no waiting period, no new preexisting condition exclusion).
- An employee may be laid off or terminated while on FMLA, without the right of continuing benefits, so long as such lay off or termination is due to a bona fide downsizing of the City's forces, provided however, that no other obligation such as a collective bargaining agreement existed and the City is able to demonstrate that the employee would not have not been reinstated, reassigned or transferred had they not been on FMLA leave.
- Key employees, defined as salaried, as FMLA eligible, and among the highest paid ten percent (10%) of all employees employed by the City may be denied restoration if denial is necessary to prevent "substantial and grievous economic injury" to the City operations. In determining pay, the City shall consider year to date earnings excluding incentives valued in the future. Such "key employee" status must be determined at time notice of need for leave is given (or as soon as practicable).
- For the purpose of this section, "substantial and grievous economic injury" means: caused by restoration, not employee's absence. The City may consider the City's ability to replace employee. Although there is no precise test required, minor inconvenience is insufficient.
- Key employee rights are:
 - ➤ Written notice of key employee status, including identification of potential consequences to employee regarding restoration and maintenance of medical benefits, must be given "as soon as practical".

- Notice must be served personally or by certified mail.
- ➤ Notice must include an explanation of basis of substantial and grievous economic injury and, if FMLA leave has commenced, identification of a reasonable time for employee to return to work.
- Employee may still request restoration at conclusion of leave and second determination and denial letter is required.

Policy 15.11 Documentation of Employees Health Leave

The employee is required to support by certification from the employee's health care provider, or the military as applicable, the need for the leave (except that persons who are pregnant are not required to see a health care provider in connection with every absence e.g., morning sickness). If the Department Head or Appointing Authority has reason to doubt the validity of the original certification, the City may require, at the City's expense, a second opinion from a physician determined by the City. When these two opinions differ, the City, again at the expense of the City, may require a third opinion from a health care provider jointly approved by the employee and the City, which third opinion shall be considered binding on the City and the employee. An employer may have direct contact with an employee's doctor; however, the employee's "Direct Supervisor" may not.

Certification Required for Return to Work:

The City requires that the employee will provide in all cases, certification from a health care provider that the employee is able to resume work. The employee is notified of this requirement with the designation notice. Failure to provide the fitness certificate may delay restoration to employment. A list of the essential job functions will also be supplied with the designation notice if the City requires certification of the employee's ability to perform the essential job functions. A sufficient medical certification must specify what functions related to the employee's position that the employee is unable to perform so that the City can make a determination whether the employee is unable to perform one or more essential functions.

Policy 15.12 FMLA Requirements Of The City

- (1) FMLA Notice Poster shall be conspicuously posted.
- (2) Employee Policy Books shall include FMLA rights information.
- (3) Written notice shall be provided to employees seeking FMLA leave in regard to specific expectations and obligations, and consequences of failure to meet an obligation as follows:
- That leave will be counted against annual FMLA entitlement.
- What medical certification requirements are and the consequences for failing to file certification.
- Employee's requirement to exhaust paid leave prior to going on unpaid FMLA.
- Health benefits premium payment requirements, if any, payment arrangements, and consequences.

- Whether a fitness-for-duty certificate will be required and consequences for failing to provide the same.
- What key employee status are potential consequences, and conditions required for denial of restoration.
- Restoration rights, if any.
- Potential Health premium liability (applies only to unpaid leave)
- (4) Notice must be given no less than once every six (6) months if FMLA leave is taken, but not each subsequent time. However, notice must be given if changes are made and a sixty (60) day window must exist prior to effective date.
- (5) Items contained in No. 3 above, must be given with each notice of need for leave if medical certification or return-to-duty certificate is required unless such requirement is met in the initial notice given and such notice is contained in an employee's handbook (or other written document) i.e. this Manual.
- (6) Any notice failure of City will result in employee protection.

POLICY 15.13 GENETIC INFORMATION

ANY GENETIC INFORMATION THAT THE CITY OF NAPOLEON ACQUIRES FROM THE MEDICAL INQUIRY PROCESS WILL BE DEEMED INADVERTENT AND THE EMPLOYER WILL NOT BE HELD LIABLE FOR RECEIVING IT IN RESPONSE TO ITS REOUEST.

POLICY 15.14 FMLA/ STEP BY STEP

- 1. NOTIFY EMPLOYER THIRTY (30) DAYS IN ADVANCE (IF APPLICABLE) OF NEED FOR LEAVE.
- 2. SUPERVISOR/ DEPARTMENT HEAD TO NOTIFY HUMAN RESOURCES DEPARTMENT OF EMPLOYEES NEED FOR LEAVE.
- 3. ANY EMPLOYEE ABSENCE OF THREE (3) OR MORE DAYS (THAT MEET THE FMLA REQUIREMENTS) WILL BE PLACED ON FMLA. POLICE AND FIRE THAT ARE ON TWENTY-FOUR (24) HOUR SERVICES WILL BE PLACED ON FMLA AFTER MISSING TWO (2) SHIFTS. EMPLOYEE MUST USE ANY ACCRUED PAID LEAVE ALONG WITH FMLA LEAVE UP TO THE LIMITS SO ACCRUED UNTIL EXHAUSTED IN THE FOLLOWING ORDER OF USE:
 - SICK LEAVE, PAID VACATION, PERSONAL TIME (NOT COMPENSATORY TIME).

AN EMPLOYEE SHALL NOT BE REQUIRED TO UTILIZE ANY ACCRUED PAID LEAVE (SICK LEAVE, PAID VACATION, AND PERSONAL TIME) WITH FMLA LEAVE WHEN THE DEPARTURE FROM SERVICE IS RELATED TO A WORKERS COMPENSATION LEAVE OR MATERNITY OR PREGNANCY TYPE LEAVE.

- 4. A NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES FORM WILL BE GIVEN TO THE EMPLOYEE WITH THE DESIGNATED FMLA PAPERS FROM THE HUMAN RESOURCES DEPARTMENT.
- 5. THE EMPLOYEE WILL HAVE FIFTEEN (15) DAYS TO RETURN THE FMLA PAPERWORK. DUE DATE WILL BE NOTED ON THE NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES.
- 6. WITHIN FIVE (5) BUSINESS DAYS AFTER RECEIVING THE FMLA PAPERS BACK FROM THE EMPLOYEE OR PHYSICIAN, THE HUMAN RESOURCES DEPARTMENT WILL THEN GIVE THE EMPLOYEE A DESIGNATION NOTICE SPECIFYING IF ANY OTHER DOCUMENTATION IS NEEDED, WHAT TIME IS COUNTED AGAINST THEIR FMLA LEAVE ENTITLEMENT (IF APPLICABLE) AND IF DOCUMENTATION IS NEEDED TO RETURN.

FAILURE TO RETURN FMLA PAPERWORK WILL BE CONSTRUED AS NON-COMPLIANCE AND WILL BE SUBJECT TO DISCIPLINARY ACTION.

Policy 16 Insurance Coverage

Policy 16.1 Health & Insurance

Today's many health insurance plans and options can be confusing and complicated. That is why the City of Napoleon has taken the time to form a committee consisting of management and employees to carefully review the coverage and plans available. We have selected the plan we feel provides the best coverage for our employees. Employees are expected to inquire about the literature provided by our insurance.

The City of Napoleon is interested in the health and well-being of an employee and their family. A comprehensive health and life insurance program is available for *FULL-TIME* the employee and their *FAMILIES* family. We provide group insurance underwritten by a local self-insured pool of municipalities. After completion of thirty (30) days an employee becomes eligible for health coverage and thirty (30) for life coverage. In the event of employee departure from employment with the City of Napoleon, an ex-employee and their dependents will have continued health insurance coverage for a period of thirty (30) days from the date of departure at City expense; thereafter an ex-employee and their dependents may have the right to continued coverage under COBRA at the employee's expense. Employees should contact the payroll personnel for details (see Personnel Code §197.15).

Policy 16.2 Life Insurance

Full time (regular) employees of the City of Napoleon may be covered by our Group Life Insurance. This insurance is payable in the event of death from any cause, at any time or place, while an employee is insured. Payment will be made in a lump sum or in installments to the beneficiary, as designated by the employee. The employee may change their beneficiary whenever desired by submitting the appropriate documents to the payroll personnel. Employees should refer to the literature provided by our City's insurance company for details on life insurance coverage (see Personnel Code §197.15).

Policy 16.3 Termination Of Insurance

An employee's insurance will terminate when the insurance policy terminates, when an employee fails to make an agreed contribution to premium when due, when an employee ceases to be eligible for coverage under the terms of our group insurance program, or when an employee ceases to be employed as a full time (regular) employee eligible for the insurance. The City of Napoleon may in special circumstances, by continuing to pay the premium, keep an employee's insurance in effect for a brief period if an employee ceases to be an eligible employee for any reason other than resignation, dismissal, or failure to meet the terms of eligibility of our group insurance program.

Policy 17 Government Required Coverage

Policy 17.1 Workers' Compensation

The Ohio Workers' Compensation Law is a no-fault insurance plan which is supervised by the state and one hundred percent (100%) paid for by the City of Napoleon. This law was designed to provide employees with benefits for any injury or illness an employee may suffer in connection with their employment. Under the provisions of the law, if an employee is injured while at work, or become ill as a result of work related conditions, an employee is eligible to apply for Workers' Compensation.

The City, in an effort to reduce costs related to Workers' Compensation claims, reserves the option to continue to pay the injured employee's lost wages direct to the employee from City funds, in lieu of Workers' Compensation.

Employees may obtain a copy of detailed guidelines and procedures pertaining to Workers' Compensation from the City's Human Resources Department. If a copy is not furnished at time of hiring, an employee should make an inquiry at the earliest possible time.

Policy 17.2 Workers' Compensation Procedure

The City has established detailed procedures to ensure that an employee receives quality health care timely and effectively. In the event of an on-the-job injury an employee should:

- Report the injury to their supervisor.
- Seek medical treatment.

Although employees are free to seek treatment from any provider who is Bureau of Worker's Compensation certified to receive payments from the City's managed care group (Comp Management Health Systems), we ask that employees seek medical attention from the Henry County Hospital.

Henry County Hospital

11-600 SR 424 East

1600 E. RIVERVIEW AVE.

Napoleon, Ohio 43545 Phone: 419-592-4015 Hours: 24 hours/day

- An employee should complete all the necessary paperwork. An employee's supervisor or the payroll personnel will assist an employee and provide all necessary forms.
- An employee's supervisor will provide the employee with a MCO
 Identification Card. The employee should give this card to the medical
 provider to ensure that all bills are sent to the correct address.
- Notify Human Resources of the status of the injury.
- Employees returning to work after being absent due to an injury must report to their Department Head prior to beginning work, and must bring a doctor's clearance for returning to duty.

Policy 17.3 Long Term Disability Benefits

If the injury is very serious one an employee won't be able to work for a year or more, an employee may be eligible for additional benefits from their respective retirement system (i.e. PERS or the Police and Fire Pension Fund). Employees should contact the nearest office of their respective retirement system administration for information, or discuss their situation with the claims representative of the City of Napoleon's Workers' Compensation Insurance carrier.

Policy 17.4 Unemployment Compensation

The City of Napoleon pays a percentage of its payroll to the Unemployment Compensation Fund according to the City of Napoleon's employment history. If an employee becomes unemployed, they may be eligible for unemployment compensation, under certain conditions, for a limited period of time. Unemployment compensation provides temporary income for workers who have lost their jobs. To be eligible such person must have earned a certain amount and be willing and able to work. Such persons should apply for benefits through their local State Unemployment Office as soon as possible.

The City of Napoleon pays the entire cost of this insurance.

Policy 17.5 Workers Compensation Benefits When Drugs And Alcohol Involved

The purpose of this Policy is to establish a drug free policy and testing procedure to promote employee safety, health, productivity and prevention of the workplace injuries and to compliment Policy 5.6 (Drug Free Work Environment Policy and Program).

Utilizing Policy 5.6, the City administration will endeavor to discuss and educate its employees as to this Policy. Moreover, the City will endeavor to train its supervisors in regard to this Policy and other drug policies of the City.

In the event of a work place injury, testing for substances, such as alcohol, controlled substances, medications not prescribed by the employee's physician or not taken as prescribed, and over the counter medications may be conducted when reasonable cause exists to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician. The testing shall be conducted at qualified facilities as determined by the City; moreover, the testing shall be at the City's expense.

The City hereby incorporates by reference the required Ohio Bureau of Worker's Compensation notice into this Policy as well as Section 4123.54 of the Ohio Revised Code concerning work place injuries or occupational disease involving alcohol, controlled substances, medications not prescribed by the employee's physician or not taken as prescribed, and over the counter medications.

ORC 4123.54 reads in pertinent part as follows:

 Every employee, who is injured or who contracts an occupational disease, and the dependents of each employee who is killed, or dies as the result of an occupational disease contracted in the course of employment, wherever such injury has occurred or occupational disease has been contracted, provided the same were not:

- Caused by the employee being intoxicated or under the influence of a controlled substance not prescribed by a physician where the intoxication or being under the influence of the controlled substance not prescribed by a physician was the proximate cause of the injury, is entitled to receive, either directly from the employee's self-insuring employer as provided in Section 4123.35 of the Revised Code, or from the state insurance fund, the compensation for loss sustained on account of the injury, occupational disease, or death, and the medical, nurse, and hospital services and medicines, and the amount of funeral expenses in case of death, as are provided by this chapter.
- For the purpose of this Section, provided that an employer has posted written notice to employees that the results of, or the employee's refusal to submit to, any chemical test described under this Division may affect the employee's eligibility for compensation and benefits pursuant to this Chapter and Chapter 4121 of the Revised Code, there is a rebuttable presumption that an employee is intoxicated or under the influence of a controlled substance not prescribed by the employee's physician and that being intoxicated or under the influence of a controlled substance not prescribed by the employee's physician is the proximate cause of an injury under either of the following conditions:
 - > When any one or more of the following is true:

The employee, through a qualifying chemical test administered within eight (8) hours of an injury, is determined to have an alcohol concentration level equal to or in excess of the levels established in divisions (A)(1)(b) to (i) of section 4511.19 of the Revised Code;

The employee, through a qualifying chemical test administered within thirty-two (32) hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels in an enzyme multiplied immunoassay technique screening test and above the levels established in Division (B) (3) of this Section in a gas chromatography mass spectrometry test:

- For amphetamines, one thousand (1,000) nanograms per milliliter of urine;
- For cannabinoids, fifty (50) nanograms per milliliter of urine;
- For cocaine, including crack cocaine, three hundred (300) nanograms per milliliter of urine;
- For opiates, two thousand (2,000) nanograms per milliliter of urine;
- For phencyclidine, twenty-five (25) nanograms per milliliter of urine.

The employee, through a qualifying chemical test administered within thirty-two (32) hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:

- For amphetamines, five hundred (500) nanograms per milliliter of urine;
- For cannabinoids, fifteen (15) nanograms per milliliter of urine:
- For cocaine, including crack cocaine, one hundred fifty (150) nanograms per milliliter of urine;
- For opiates, two thousand (2,000) nanograms per milliliter of urine:
- For phencyclidine, twenty-five (25) nanograms per milliliter of urine.

The employee, through a qualifying chemical test administered within thirty-two (32) hours of an injury, is determined to have barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States Department of Health and Human Services.

- When the employee refuses to submit to a requested chemical test, on the condition that that employee is or was given notice that the refusal to submit to any chemical test described in division (B)(1) may affect the employee's eligibility for compensation and benefits under this Chapter and Chapter 4121. of the Revised Code.
- For purposes of Division (B) of this Section, a chemical test is a qualifying chemical test if it is administered to an employee after an injury under at least one of the following conditions:
 - When the employee's employer had reasonable cause to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician;
 - ➤ At the request of a police officer pursuant to Section 4511.191 of the Revised Code, and not at the request of the employee's employer;
 - At the request of a licensed physician who is not employed by the employee's employer, and not at the request of the employee's employer.
- As used in Division (C)(1)(a) of this Section, "reasonable cause" means, but is not limited to, evidence that an employee is or was using alcohol or a controlled substance drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:

- ➤ Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
- A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;
- ➤ The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;
- A report of use of alcohol or a controlled substance provided by a reliable and credible source:
- Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.
- Nothing in this Section shall be construed to affect the rights of an employer to test employees for alcohol or controlled substance abuse.
- For the purpose of this Section, laboratories certified by the United States Department of Health and Human Services or laboratories that meet or exceed the standards of that department for laboratory certification shall be used for processing the test results of a qualifying chemical test.
- The written notice required by Division (B) of this Section shall be the same size or larger than the certificate of premium payment notice furnished by the bureau of workers' compensation and shall be posted by the employer in the same location as the certificate of premium payment notice or the certificate of self-insurance.

Policy 17.6 Wage Continuation Policy

An employee who suffers a compensable industrial injury or illness can, subject to the below mentioned items, receive regular wages instead of workers' compensation lost time benefits. Payment for related medical benefits is the responsibility of the Bureau of Workers' Compensation.

Qualifications:

 The injury or illness must be determined to be compensable by the City of Napoleon, or in the case of dispute, the Ohio Industrial Commission. In no event will compensation commence before all initial paperwork is completed and filed with the appropriate agency (ies).

- Competent medical proof of disability must be provided via Form C-84 or Physician's Update and Physical Capabilities form. The attending physician must complete the form in its entirety and affix his/her original signature to the form. Copies are unacceptable.
- The employee must complete a FROI-1 (First Report of Injury) application and sign a wage agreement, medical release and an election form.
- The City of Napoleon reserves the right to have the employee examined by a physician of its choice at the City of Napoleon's cost to confirm the medical diagnosis and/or the period of disability. Failure to submit to examination will result in termination of wage continuation benefits.
- Wage continuation benefits will be paid only for those periods of lost time that otherwise would qualify the employee for receipt of workers' compensation lost time benefits, subject to the following limitations:

Termination Conditions:

Wage continuation payments will cease upon any of the following conditions:

- Attending physician releases employee to return to work.
- Employee returns to work for another employer.
- Employee fails to return to a transitional "limited duty" assignment consistent with his/her medical restrictions as approved by the injured workers' treating physician.
- Employee fails to appear for employer-sponsored medical examination.
- Employee has reached maximum recovery and/or the condition has become permanent.
- The claim is found to be fraudulent after payment has been commenced.
- The injured worker attempts to collect both wage continuation and temporary total compensation.
- Employment termination.
- Violation of any company policy or guideline.
- Regardless of the above conditions of termination, management may, at its sole discretion, terminate wage continuation benefits at any time after the initial period or any extension thereof.
- Subject to the limitation set forth in provision 10, the wage continuation plan and all benefits of this policy can be terminated at management's discretion at any time.

This policy (17.6) was incorporated into this Employment Policy Manual pursuant to authority granted in Section 197.13 of the City's Code of Ordinances.

Policy 17.7 Transitional Work Program

The City has adopted a Transitional Work Program that represents a process to minimize the impact of an injury, illness, or disability on an

employee's capacity to work safely and productively, as well as to serve as a benefit to protect the employability of workers with restrictions; moreover, it's a program that involves an early intervention process requiring the timely utilization of internal and external services and interventions. The program focuses on early return to work strategies designed to control lost time and disability costs and requires joint employee and management involvement, support and accountability. Specific policies and procedures related to this program have been adopted by City Council.

Policy 18 Retirement Plan

Policy 18.1 Retirement Plan In General

The City participates in the Public Employees' Retirement System and the Police and Fire Pension Fund to provide eligible employees (who have completed sufficient service) with a monthly pension benefit upon retirement. Each system includes provisions for normal retirement, and early retirement or disability retirement benefits for employees meeting certain qualifications.

All employees are eligible to participate in PERS and/or Police and Fire Pension Fund. Participation in both systems begins on the first day of hire.

The details regarding the City of Napoleon and employee contributions, vesting, administration, investments, etc. are provided in the separate literature for PERS and the Police and Fire Pension Fund which should be given to an employee, along with this Manual, when an employee is hired or during a new employee orientation.

Statement of Employee Retirement Income Security Act (ERISA) rights: as a participant in the City of Napoleon Employees' Retirement Plan, an employee is entitled to examine the plan documents and the annual report and plan description filed with the U.S. Department of Labor. This inspection may be made during normal business hours by asking the employee's Department Head to make arrangements for the employee with the payroll personnel.

Policy 18.2 Public Retirement More Specific

The Government of Ohio operates a system of contributory insurance known as Public Employment Retirement System and the Police and Fire Pension Fund. City employees are required by law to contribute a statutory prescribed percent of their weekly wages to the fund from which benefits are paid. The City of Napoleon is required to deduct this amount from each paycheck an employee receives. In addition, the City of Napoleon matches the employee's contribution with a contribution of a certain percent based on an employee's weekly wages.

Policy 19 Educational Benefits

Policy 19.1 Education Assistance For Formal Course Work At An Accredited Educational Institution

We feel an individual who possesses a desire to continue their education, in addition to performing their full time job, shows a commitment to improving themselves and therefore, indirectly improve their potential for performance with the City. To encourage and reward these individuals, the City of Napoleon offers an education assistance benefit.

Full time (regular) employees may continue their education in a job related field and the City of Napoleon may reimburse, upon successful completion of course(s), all or part of the tuition or instruction costs. All courses and costs must be pre-approved, in writing, at the sole discretion of the Appointing Authority. The City of Napoleon will reimburse an employee, subject to budgetary considerations, for six (6) semester hours or nine (9) quarter hours (based on the corresponding charges of the nearest "state" college or university) not to exceed one thousand (\$1,000) dollars in total, per calendar year, as described below for the portion of the registration and tuition that was pre-approved.

In order to qualify for this education assistance benefit an employee must:

- Advise their Department Head, prior to enrolling for the class, that such employee intends to take a particular course. The Department Head will advise the employee whether the course is of a nature that the Appointing Authority will approve for partial or total reimbursement of tuition and instructional fees (not to include other general fees, travel, or books).
- The course must be job oriented and offered by an accredited educational institution.
- Once the course is completed, submit a certified transcript of grades, with receipts for expenses.
- A GRADE OF AN A, B, C OR 70% OR HIGHER WILL RECEIVE 100% REIMBURSEMENT (NOT TO EXCEED THE MAX AMOUNT PER YEAR). ANY GRADE OF D, F, OR BELOW 70% WILL RECEIVE \$0 IN REIMBURSEMENT.
- The amount of course reimbursement is based on the final grade received for the course, as follows:
- A = 100% B = 80% C = 60% < C = 0%
- An employee must have at least two (2) full years of service with the City of Napoleon.
- If an employee's employment with the City of Napoleon terminates for any reason within two (2) years after completing the course, the employee must agree to pay back the City of Napoleon.

• If an employee is eligible to receive educational benefits from other sources, such as the Veterans Administration, the City of Napoleon will not reimburse the educational expenses.

The undertaking of any such course work will be considered voluntary on the part of the employee, further, the City, does not consider such course work integral or essential to the performance of the employee's current job duties; consequently, any City subsidy for such course work shall not include either the regular or overtime payment of wages or include educational related travel time under this policy. Moreover, the employee shall bear the cost of all transportation.

Finally, an employee may be granted a schedule change by the Department Head, in order to attend a course, so long as such does not materially affect operations of the department. What constitutes material is at the sole discretion of the Department Head.

Policy 19.2 Attending Training Programs

From time to time, the City of Napoleon may arrange to have both formal and informal training programs available to enable employees to progress in their technical knowledge of our business. Several times a year, employees are selected to attend factory schools, workshops, training programs or seminars. All or a portion of the expenses for off-premises training will be paid for by the City of Napoleon depending on the nature of the course, and such expenses may include compensation for travel time (see Travel Policy).

When an employee is attending a training session(s) that does not require overnight stay (except as provided in the exception below) the employee shall be compensated for hours at training that correspond with their regular working schedule as well as other hours while actually in the training session outside their normal working schedule. Travel time shall be paid pursuant to the City's Travel Policy. A Department Head may adjust an employee's work schedule to avoid the necessity of accruing overtime.

(Exception to above paragraph)

If the training session is:

- Outside normal working hours; and,
- Attendance is voluntary (i.e. it is not mandated training as a requirement of the employee to carry out his/her current job duties); and,
- The training is not directly related to the employee's current job assignment (i.e. not specifically designed by or at the request of the City for the employee for his/her current job assignment);
- No work of value to the employer is performed by the employee (i.e. no work is being performed by the employee for the employer at the time of the training), the employee, with prior approval of the Department Head, may be compensated for the cost of the instruction; however, the employee will not be compensated for hours while attending the training session and the travel policy shall not apply.

Policy 19.3 Certifications And Licenses

Training sessions, for maintaining a professional certification or professional license essential for the employee's job assignment shall be considered required training and the cost thereof, including the cost for renewal of a certificate or license, shall be paid by the City.

Policy 19.4 Volunteer Or Part Time Paramedics And Police (Certification)

Whereas the City desires to retain the service of individuals competent to perform functions and duties related to the Napoleon City Fire Department and Napoleon City Police Department, especially persons who are or may be certified as paramedics or peace officers; however, acknowledging that the training session for such certification is:

- Outside normal working hours;
- Attendance is voluntary;
- The training is not directly related to the employee's current job assignment;
- No work of value to the employer is performed by the employee; the following is offered by the City:
- The paid part time or volunteer employees of the Napoleon Fire Department or paid part time or volunteer police officer employees of the Napoleon City Police Department, to include Auxiliary Police as a volunteer employee, after one year of service, may apply to the accrediting body selected by the City, for training and instructions to qualify the employee for a certificate of competency as a paramedic or peace officer, subject to approval of the respective Department Head. Upon approval, the City will advance the reasonable cost, for and on behalf of the employee, for the training, limited to the tuition, books and materials, as may be required by the accrediting body, not to exceed an amount as approved by the City Manager. In order for the employee to receive this benefit, the employee must first sign an agreement with the City agreeing to repayment to the City of any amounts advanced by the City for the training in cases of unsuccessful completion or certification; further, in the event of successful completion and certification, the employee agreeing to perform the duties as a paramedic or peace officer when assigned thereto by the Chief of the Department or officer in charge at a rate of pay as established by the City; also, the employee must agree that if for any reason his or her service is terminated with the City Fire Department or the Napoleon City Police Department, as applicable, except due to death or disability, on or before the expiration of the original certificate of competency, or if the employee fails to perform duties as a paramedic or peace officer, except in case of death or disability, then the employee will reimburse the City for the cost advanced by the City for the training, instruction, and certification of the employee in regard to the paramedic or peace officer status in accordance with the following schedule:

- Within six (6) months after paramedic certification or peace officer certification, then one hundred (100%) percent of the cost advanced by the City for the training, instruction, and certification shall be repaid to the City by the employee.
- After six (6) months of the employee obtaining paramedic certification or peace officer certification but within twelve (12) months, then the employee shall pay the City seventy-five (75%) percent of all costs advanced by the City for the training, instruction, and certification.
- After twelve (12) months of paramedic certification but within twenty-four (24) months, then the employee shall pay the City fifty (50%) percent of all costs advanced by the City for the training, instruction, and certification.
- After twenty-four (24) months of paramedic certification or peace officer certification but within thirty-six (36) months, the employee shall pay the City twenty-five (25%) of all costs advanced by the City for the training, instruction, and certification.
- After thirty-six (36) months of paramedic certification or peace officer certification, the employee shall no longer be responsible for repayment to the City of advanced monies that was paid for the training, instruction, and certification.
- If the paid part time employee fails to complete the training or obtain the certification, except as herein provided, the employee shall pay the City one hundred percent (100%) of all costs advanced by the City for the training, instruction, and certification, in accordance with pay schedule as approved by the City Manager.

In the event that a paid part time employee fails to complete the training or is otherwise unsuccessful in obtaining the certification that is the subject of this Policy 19.4, but remains an employee with the respective department of the City for thirty-six (36) months after separation from the training, the City will forgive seventy-five percent (75%) of the amount advanced by the City.

In the event that a volunteer employee (including Auxiliary Police Officer) fails to complete the training or is otherwise unsuccessful in obtaining the certification that is the subject of this Policy 19.4, but remains as a volunteer employee with the respective department of the City for thirty six (36) months after separation from the training, the City will forgive one hundred (100%) of the amount advanced by the City.

In the event that an employee changes classifications within the City during the thirty six (36) months period as found above, the City Manager is empowered to adjust the amount of repayment required in his or her sole discretion.

In the event that an employee repaid monies to the City as part of a payment plan which is later forgiven pursuant to this policy, the Finance Director will reimburse the employee those amounts paid by the employee in order to meet the intent of this policy.

This Policy 19.4 shall be retroactively applied back to January 1, 2005.

Policy 20 General Benefits Package

Policy 20.1 Benefits In General

In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, employees may be eligible to enjoy other benefits which will enhance an employee's job satisfaction. We are certain that employees will agree that the benefits program described in this Manual represents a very large investment by the City of Napoleon, and we trust that employees will avoid abusing any of the program's benefits.

A good benefits program is a solid investment in the City of Napoleon and its employees. It not only insures the loyalty of longtime capable employees, it also helps to attract talented newcomers who can help the City of Napoleon grow. The City of Napoleon will periodically review the benefits program and will make modifications as appropriate to the City's condition.

If an employee becomes aware of a particular seminar that the employee believes is appropriate for enhancing their skills (and/or those of other employees), it should be brought to the attention of their Department Head. Since these seminars are usually offered only at specified times in a geographical area, the employee should attempt to notify their Department Head as far in advance as possible. This way, he or she can attempt to schedule workloads to accommodate the employee's (and/or other employees') desire to attend the seminar.

Reminder: If an employee is taking a pre-approved seminar that offers continuing education credit, the employee should give their Department Head a copy of the continuing education credit certificate (or other document) to include in the employee's personnel file.

THIS IS THE SAME POLICY AS IN 13.1

Policy 21 Employee Relations

Policy 21.1 Service Awards

Twice each ONCE PER year, once during the summer months and once during the winter months there is an employee appreciation period and program. The City of Napoleon honors its long-term employees by presenting service awards at an annual City function. Service awards will be given after an employee has completed five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30), thirty-five (35) and forty (40) years of continuous service.

Policy 21.2 Discounted Admissions

Each employee who has been hired on a full time (regular) basis may purchase on behalf of him or herself, and members of his or her immediate family, tickets for admission to all City recreation programs and activities, as well as memberships at the Municipal Golf Course and Swimming Pool for one-half (1/2) of the amount which otherwise would be charged for the program, activity or membership. However, this benefit shall not apply to daily admission to the Municipal Swimming Pool or to greens fees or cart fees at the Municipal Golf Course.

For the purpose of this policy, the term "immediate family" shall mean the employee's spouse, minor children, and minor step children in the employee's residence.

In addition, a "City Recreation Program" shall consist of only those bona fide programs that are City controlled and operated or have been declared as such. If a question arises as to what constitutes a "City Recreation Program", the City Manager shall be the sole authority in determining the same for the purpose of this policy.

Notwithstanding the above, in order to achieve adequate inspection of our recreational facilities, employees [not members of their immediate families], part time, seasonal, permanent part time, temporary and full time, that directly work for the City's Park and Recreation Department at a City owned or operated recreational facility, are entitled to use that facility where worked, at no cost, subject to availability. What constitutes a facility is in the sole discretion of the City Manager.

Policy 21.3 Employee Assistance Program

The City of Napoleon provides an Employee Assistance Program (EAP) which is designed to provide a confidential service for our employees whose personal problems are affecting their abilities to function at top efficiency in their work. This service is available to all full time (regular) employees and their immediate families. Arrangements will be made for the employee to be seen by a professional, who is specially trained in their specific problem area, including:

- Alcoholism;
- Domestic violence;
- Drug dependency;

- Eating disorders;
- Emotional illness;
- Family problems;
- Financial problems;
- Legal problems;
- Marital conflict;
- Other.

Confidentiality is one of the most important aspects of the program; however, it will be preserved only to the extent permitted by law. Participation in the employee assistance program will not affect future promotional opportunities. The City of Napoleon assumes the costs for the employee assistance program assessment and referral, not to exceed five hundred (\$500.00) dollars in any calendar year. Other costs, like treatment, are generally covered in part or in full by the group insurance plan. Asking for assistance does not mean that the employee will be obligated to accept or continue it. In some instances, the City of Napoleon may help the employee pay the costs of the counseling and grant the employee paid time off.

There may be times when the employee will be solely liable for the expenses and, in such cases; the employee will be informed before they occur.

Employee Assistance Program information contact is the City Human Resources Department, and can be reached at (419) 592-4010.

Policy 21.4 Retirement Recognition Policy

In the interest of promoting good employer/employee relations and encouraging employee dedication and improvement or promotion of the City and its services, the following policy is hereby adopted:

Subject to budgetary restraints, employees retiring or retired from the City services with twenty (20) or more years of public service, evidence by eligibility and application for receiving retirement benefits under either the Public Employment Retirement System or the Police and Fire Pension Fund, may be entitled to the benefit of, upon approval of two (2) of the three (3) appointing authorities (approval in the sole discretion of the appointing authorities), no cost use of the City's facilities for a City sponsored employee recognition activity and a sum not to exceed three hundred (\$300.00) dollars, to be used by the City to fund an employee recognition item or activity. Eligibility consideration for receiving such entitlement of facility use and sum shall include factors such as: employee dedication to the service of the City during the term of employment; and City improvement or promotion directly or indirectly resulting from employee's efforts during the course of employment.

Policy 22 Residency

Policy 22.1 Residency Requirements

Residency requirements shall be in accordance with the City's Personnel Code or other legislation or lawful agreements entered into by the City. All employees of the City are required to reside within Henry County, Ohio or within an adjacent county, thereto within this **state** (*NOT TO EXCLUDE HANCOCK COUNTY*).

The Appointing Authority will make reasonable determination of residency utilizing the following factors among others: the physical location where the employee has telephone service, the physical location where the employee receives mail and billings, the physical location where the employee entertains friends, eats meals, and maintains furniture and clothes, and the physical location where residency is declared as such by the employee on his or her voter registration.

Policy 23 Health Insurance Portability And Accountability Act of 1996 (HIPAA Privacy Policy)

City of Napoleon (the City) sponsors and self-administers a group health plan (the Plan). Members of the City's workforce may have access to the individually identifiable health information of Plan participants (1) on behalf of the Plan itself; or (2) on behalf of the City, for administrative functions of the Plan.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the City's ability to use and disclose protected health information (PHI).

Protected Health Information. Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

It is the City's policy to comply fully with HIPAA's requirements. To that end, all members of the City's workforce who have access to PHI must comply with this Privacy Policy. For purposes of this Policy as well as procedure developed by the "Privacy Official", the City's workforce includes individuals who would be considered part of the workforce under HIPAA such as employees, volunteers, trainees, and other persons whose work performance is under the direct control of the City, whether or not they are paid by the City. The term "employee" includes all of these types of workers.

No third party rights (including but not limited to rights of Plan participants, beneficiaries, covered dependents, or business associates) are intended to be created by this Policy. The City reserves the right to amend or change this Policy at any time (and even retroactively) without notice. To the extent this Policy establishes requirements and obligations above and beyond those required by HIPAA, the Policy shall be aspirational and shall not be binding upon the City. This Policy does not address requirements under other federal laws or under state laws.

Policy 23.1 Privacy Official and Contact Person

The Human Resources Director will be the Privacy Official for the Plan. The Privacy Official will be responsible for the development and implementation of procedures relating to privacy, including but not limited to this Privacy Policy. The Privacy Official will also serve as the contact person for participants who have questions, concerns, or complaints about the privacy of their PHI.

Policy 23.2 Workforce Training

It is City's policy to train members with access to PHI of its workforce on its privacy policies and procedures. The Privacy Official is charged with developing training schedules and programs so that all workforce members receive the training necessary and appropriate to permit them to carry out their functions within Plan.

Policy 23.3 Technical and Physical Safeguards and Firewall

The City will establish on behalf of the Plan appropriate technical and physical safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. Technical safeguards include limiting access to information by creating computer firewalls. Physical safeguards include locking doors or filing cabinets.

Firewalls will ensure that only authorized employees will have access to PHI, that they will have access to only the minimum amount of PHI necessary for plan administrative functions, and that they will not further use or disclose PHI in violation of HIPAA's privacy rules.

Policy 23.4 Privacy Notice

The Privacy Official is responsible for developing and maintaining a notice of the Plan's privacy practices that describes:

- the uses and disclosures of PHI that may be made by the Plan;
- the individual's rights; and
- the Plan's legal duties with respect to the PHI.

The privacy notice will inform participants that the City will have access to PHI in connection with its plan administrative functions. The privacy notice will also provide a description of the City's complaint procedures, the name and telephone number of the contact person for further information, and the date of the notice.

The notice of privacy practices will be individually delivered to all participants as required on an ongoing basis, at the time of an individual's enrollment in the Plan or, in the case of providers, at the time of treatment and consent; and within 60 days after a material change to the notice. The plan will also provide notice of availability of the privacy notice at least once every three years.

Policy 23.5 Complaints

The Privacy Official will be the Plan's contact person for receiving complaints.

The Privacy Official is responsible for creating a process for individuals to lodge complaints about the Plan's privacy procedures and for creating a system for handling such complaints. A copy of the complaint procedure shall be provided to any participant upon request.

Policy 23.6 Sanctions for Violations of Privacy Policy

Sanctions for using or disclosing PHI in violation of this HIPAA Privacy Policy will be imposed in accordance with City's discipline policy, up to and including termination.

Policy 23.7 Mitigation of Inadvertent Disclosures of Protected Health Information

The City shall mitigate, to the extent possible, any harmful effects that become known to it of a use or disclosure of an individual's PHI in violation of the policies and procedures set forth in this Policy. As a result, if an employee becomes aware of a disclosure of protected health information, either by an employee of the Plan or an outside consultant/contractor, that is not in compliance with this Policy, immediately contact the Privacy Official so that the appropriate steps to mitigate the harm to the participant can be taken.

Policy 23.8 No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy

No employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA.

No individual shall be required to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility.

Policy 23.9 Plan Document

The Plan document shall include provisions to describe the permitted and required uses and disclosures of PHI by the City for plan administrative purposes. Specifically, the Plan document shall require the City to:

- not use or further disclose PHI other than as permitted by the Plan documents or as required by law;
- ensure that any agents or subcontractors to whom it provides PHI
 received from the Plan agree to the same restrictions and conditions
 that apply to the City;
- not use or disclose PHI for employment-related actions or in connection with any other employee benefit plan;
- report to the Privacy Official any use or disclosure of the information that is inconsistent with the permitted uses or disclosures;
- make PHI available to Plan participants, consider their amendments and, upon request, provide them with an accounting of PHI disclosures:
- make the City's internal practices and records relating to the use and disclosure of PHI received from the Plan available to DHHS upon request; and
- if feasible, return or destroy all PHI received from the Plan that the City still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

The Plan document must also require the City to (1) certify to the Privacy Official that the Plan documents have been amended to include the above restrictions and that the City agrees to those restrictions; and (2) provide adequate firewalls.

Policy 23.10 Documentation

The Plan's and the City's privacy policies and procedures shall be documented and maintained for at least six years. Policies and procedures must be changed as necessary or appropriate to comply with changes in the law, standards, requirements and implementation specifications (including changes and modifications in regulations). Any changes to policies or procedures must be promptly documented.

If a change in law impacts the privacy notice, the privacy policy must promptly be revised and made available. Such change is effective only with respect to PHI created or received after the effective date of the notice.

The Plan and the City shall document certain events and actions (including authorizations, requests for information, sanctions, and complaints) relating to an individual's privacy rights.

The documentation of any policies and procedures, activities and designations may be maintained in either written or electronic form. Covered entities must maintain such documentation for at least six years.

Policy 23.11 Use and Disclosure Defined

The City and the Plan will use and disclose PHI only as permitted under HIPAA. The terms "use" and "disclosure" are defined as follows:

- *Use*. The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information by any person working for or within the personnel department of the City, or by a Business Associate (defined below) of the Plan.
- *Disclosure*. For information that is protected health information, disclosure means any release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information to persons not employed by or working within the Personnel Department of the City.

Policy 23.12 Workforce Must Comply With City's Policy and Procedures

All members of the City's workforce (described at the beginning of this Policy and referred to herein as "employees") must comply with this Policy and with the City's privacy use and disclosure procedures which are set forth in a separate document.

Policy 23.13 Access to PHI Is Limited to Certain Employees

The following employees ("employees with access") have access to PHI:

- Finance Director and/or his/her designee
- Human Resources Director
- Law Director
- City Manager

The same employees may be named or described in both of these two categories. These employees with access may use and disclose PHI for plan administrative functions, and they may disclose PHI to other

employees with access for plan administrative functions (but the PHI disclosed must be limited to the minimum amount necessary to perform the plan administrative function). Employees with access may not disclose PHI to employees (other than employees with access) unless an authorization is in place or the disclosure otherwise is in compliance with this Policy and the more detailed use and disclosure procedures.

Policy 23.14 Permitted Uses and Disclosures: Payment and Health Care Operations

PHI may be disclosed for the Plan's own payment purposes, and PHI may be disclosed to another covered entity for the payment purposes of that covered entity.

Payment. Payment includes activities undertaken to obtain Plan contributions or to determine or fulfill the Plan's responsibility for provision of benefits under the Plan, or to obtain or provide reimbursement for health care. Payment also includes:

- eligibility and coverage determinations including coordination of benefits and adjudication or subrogation of health benefit claims;
- risk adjusting based on enrollee status and demographic characteristics; and
- billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess loss insurance) and related health care data processing.

PHI may be disclosed for purposes of the Plan's own health care operations. PHI may be disclosed to another covered entity for purposes of the other covered entity's quality assessment and improvement, case management, or health care fraud and abuse detection programs, if the other covered entity has (or had) a relationship with the participant and the PHI requested pertains to that relationship.

Health Care Operations. Health care operations means any of the following activities to the extent that they are related to Plan administration:

- conducting quality assessment and improvement activities;
- reviewing health plan performance;
- underwriting and premium rating;
- conducting or arranging for medical review, legal services and auditing functions;
- business planning and development; and
- business management and general administrative activities.

Policy 23.15 No Disclosure of PHI for Non-Health Plan Purposes

PHI may not be used or disclosed for the payment or operations of the City's "non-health" benefits (e.g., disability, workers' compensation, life insurance, etc.), unless the participant has provided an authorization for such use or disclosure (as discussed in "Disclosures Pursuant to an Authorization") or such use or disclosure is required by applicable state law and particular requirements under HIPAA are met.

Policy 23.16 Mandatory Disclosures of PHI: to Individual and DHHS

A participant's PHI must be disclosed as required by HIPAA in two situations:

- The disclosure is to be individual who is the subject of the information (see Policy 23.22 for "Access to Protected Information and Request for Amendment" that follows); and
- The disclosure is made to DHHS for purposes of enforcing of HIPAA.

Policy 23.17 Permissive Disclosures of PHI: for Legal and Public Policy Purposes

PHI may be disclosed in the following situations without a participant's authorization, when specific requirements are satisfied. The City's more detailed use and disclosure procedures describe specific requirements that must be met before these types of disclosures may be made. The requirements include prior approval of the City's Privacy Official. Permitted are disclosures:

- about victims of abuse, neglect or domestic violence;
- for judicial and administrative proceedings;
- for law enforcement purposes;
- for public health activities;
- for health oversight activities;
- about decedents:
- for cadaveric organ, eye or tissue donation purposes;
- for certain limited research purposes;
- to avert a serious threat to health or safety;
- for specialized government functions;
- that relate to workers' compensation programs.

Policy 23.18 Disclosures of PHI Pursuant to an Authorization

PHI may be disclosed for any purpose if an authorization that satisfies all of HIPAA's requirements for a valid authorization is provided by the participant. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization.

Policy 23.19 Complying With the "Minimum-Necessary" Standard

HIPAA requires that when PHI is used or disclosed, the amount disclosed generally must be limited to the "minimum-necessary" to accomplish the purpose of the use or disclosure.

The "minimum-necessary" standard does not apply to any of the following:

- uses or disclosures made to the individual;
- uses or disclosures made pursuant to a valid authorization;
- disclosures made to the DOL;
- uses or disclosures required by law; and
- uses or disclosures required to comply with HIPAA.

Policy 23.20 Disclosures of PHI to Business Associates

Employees may disclose PHI to the Plan's business associates and allow the Plan's business associates to create or receive PHI on its behalf. However, prior to doing so, the Plan must first obtain assurances from the business associate that it will appropriately safeguard the information. Before sharing PHI with outside consultants or contractors who meet the definition of a "business associate," employees must contact the Privacy Official and verify that a business associate contract is in place.

Business Associate is an entity that:

- performs or assists in performing a Plan function or activity involving the use and disclosure of protected health information (including claims processing or administration, data analysis, underwriting, etc.); or
- provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where the performance of such services involves giving the service provider access to PHI.

Policy 23.21 Disclosures of De-Identified Information

The plan may freely use and disclose de-identified information. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis, or by removing 18 specific identifiers.

Policy 23.22 Access to Protected Health Information and Requests for Amendment

HIPAA gives participants the right to access and obtain copies of their PHI that the Plan (or its business associates) maintains in designated record sets. HIPAA also provides that participants may request to have their PHI amended. The Plan will provide access to PHI and it will consider requests for amendment that are submitted in writing by participants.

Designated Record Set is a group of records maintained by or for the City that includes:

- the enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan; or
- other PHI used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

Policy 23.23 Accounting

An individual has the right to obtain an accounting of certain disclosures of his or her own PHI. This right to an accounting extends to disclosures made in the last six years, other than disclosures:

- to carry out treatment, payment or health care operations;
- to individuals about their own PHI;
- incident to an otherwise permitted use or disclosure;
- pursuant to an authorization;
- for purposes of creation of a facility directory or to persons involved in the patient's care or other notification purposes;
- as part of a limited data set; or

• for other national security or law enforcement purposes.

The Plan shall respond to an accounting request within 60 days. If the Plan is unable to provide the accounting within 60 days, it may extend the period by 30 days, provided that it gives the participant notice (including the reason for the delay and the date the information will be provided) within the original 60-day period.

The accounting must include the date of the disclosure, the name of the receiving party, a brief description of the information disclosed, and a brief statement of the purpose of the disclosure (or a copy of the written request for disclosure, if any).

The first accounting in any 12-month period shall be provided free of charge. The Privacy Official may impose reasonable production and mailing costs for subsequent accountings.

Policy 23.24 Requests for Alternative Communication Means or Locations

Participants may request to receive communications regarding their PHI by alternative means or at alternative locations. For example, participants may ask to be called only at work rather than at home. Such requests may be honored if, in the sole discretion of the City, the requests are reasonable.

However, the City shall accommodate such a request if the participant clearly provides information that the disclosure of all or part of that information could endanger the participant. The Privacy Official has responsibility for administering requests for confidential communications.

Policy 24 Forms And Attachments

The following forms are recommended for use:

Policy 24.1	Employee Incident Report Form (see attached)
Policy 24.2	Applicant's Consent And Waiver Form(s) (see attached)
Policy 24.3	Map Showing Residency Requirement (see attached)
Policy 24.4	Employee Evaluation Form (see attached)
Policy 24.5	Release And Waiver Of Liability Form For Civilian Travel (see attached)
Policy 24.6	Garrity Warning (see attached)
Policy 24.7	Report Of Complaint Against City Personnel (see attached)
Policy 24.8	Accident Reporting & Investigation (see attached)
Policy 24.9	Report Of Employee Injury Form (see attached)
Policy 24.10	Report Of Citizen Accident/Incident Form (see attached)
Policy 24.11	Automobile/Equipment Loss Report Form (see attached)
Policy 24.12	Employee Incident No-Injury Accident Report Form (see attached)
Policy 24.13	Passenger Incident Form (see attached)
Policy 24.14	Notice Of Injured Employees Election Of Compensation (see attached)

POLICY 24.15 EXIT INTERVIEW

FORMS MAY BE SUBJECT TO CHANGE BY APPOINTING AUTHORITY WITHOUT COUNCIL APPROVAL.

Employee Incident Report Form Name _____ Job Title _____ Department _____ Name of Immediate Supervisor _____ **Statement of Complaint (Be specific.)** Date and time of Incident _____ Name(s) of Person(s) Accused of Wrongdoing Type of wrong Doings: Sexual Harassment Discrimination Violation of Civil Rights Violence in Work Place Alcohol or Drug Use Safety Suggestion Other Description of Incident (Describe actions of all person(s) involved, including yourself.) Adjustment Requested Employee Signature Today's Date ______ Time _____a.m./p.m. Do Not Write Below This Line

Any additional space needed, please use the back of this form.

Signature _____ Date Received _____

(title)

Person Receiving Report _____

Applicant's Consent and Waiver Form

Last Name			First Name	Mi	Middle Name		
Address – N	Number	Street	City	State	Zip Code		
Telephone ?	Number(s)				Date of Birth		
above n future a	amed applican and continued e	n for the City of Napo t for a term of employ employment if hired, th consent or waiver bel	ment as well as in c he above named ap	consideration of	f both		
initial	from theft, I cor or controlled by	tain workplace efficiency a sent to City inspections of the City. I further consent or out of the work area; all	any desk, locker, and a to the City searching a	ll other locations th ny packages or clo	nat are either owned sed containers that I		
initial	and use surveill to personnel saf utilize such equ	and security of our employ ance cameras. Although it ety and security measures, ipment for the investigation arveillance monitoring.	's understood that the us the City or law enforce	se of such cameras ment personnel ma	is primarily limited y also occasionally		
initial	future, for the p messages; inves privileged or co	City accessing all e-mail murposes of evaluating the etigation of criminal activity infidential City information duplication of software and	ffectiveness and operati y; discovering and preve ; recovery from system	ion of the e-mail sy enting the disclosur failures; and disco	stem; finding lost re of unauthorized, very and prevention		
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Oi one - l			-				
Signatu	re of Applicant						

Date

^{**} Please have each Applicant put their initials in each of the checked boxes.

MAP SHOWING RESIDENCY REQUIREMENT



PERFORMANCE APPRAISAL

NAME:		E	EMPLOYEE ID:			
DEPARTME	ENT:	PO	SITION:			
APPRAISA	L PERIOD: FROM:					
PERIOD:	ANNUAL	PROBATIONARY	OTHER			
EMPLOYEE	ES STRENGTHS:					
OPPORTUI	NITIES FOR IMPROVE	EMENT:				
EMPLOYEE	E COMMENTS:					
EMPLOYEE	E'S SIGNATURE:		DATE:	_		
		ENCE WITH THE REVIEWER'S APPRAISAL	, ONLY THAT APPRAISAL WAS			
ADMINISTERE						
				_		
REVIEWER	S'S SIGNATURE:		DATE:			
CITY MANA	AGER SIGNATURF		DATE:			

Comments: These categories should include favorable and unfavorable comments. Be as detailed and specific as possible.	EXCEEDS STANDARDS	MEETS STANDARDS	BELOW STANDARDS
OVERALL JOB KNOWLEDGE:			
QUALITY OF WORK (ACCURACY):			
PRODUCTIVITY AND INITIATIVE:			
DEPENDABILITY/RELIABILITY:			
ATTENDANCE:			
RELATIONS WITH OTHERS (CO-WORKERS AND PUBLIC):			
SAFETY:			
COMMUNICATES EFFECTIVELY (WRITTEN AND ORAL):			
ADHERENCE TO POLICY:			
ATTEMPTS TO IMPROVE:			
PROFESSIONAL DEVELOPMENT:			
SUPERVISORY ABILITY: (applicable only to designated supervisor positions) Not to be added into overall percentage			
OVERALL APPRAISAL RATING: (One category must be checked)			

	PERFOR		OF NA			PORT		
Emplo	oyee Name (Last)		First			nitial	Period Annual	ontoni diconcontronto
	Department	Date	<u> </u>	Classif	ication/Title	•	Probationary	
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2	Attendance							
	Personal Habits:		,					
3a	Grooming and Dress							
3b	Appearance of Work Stn.							
4	Compliance with Rules							
5	Safety Practices			6		-		
6	Relations with Public							
7	Relations with Co-workers							
	Relations with Supervisor:							
8a	Accepts Responsibility							
8b	Accepts Direction	7						
8c	Accepts Change							
	/	Perf	ormanc	e Facto	rs			
Item No.	Item	Not Satis- Factory		Meets Standards	Exceeds Standards		Comments	
9	Knowledge of Work						roomineed becoming hydrogram do gergo all crystaled a recombility for an executive and a second design and a s	www.co.ji
10	Judgements Related to Work							
11	Planning and organizing							
12	Care and Op. of Equipment							
13	Accuracy of Work			- D				
14	Timeliness of Work							
15	Quantity of Acceptable Work							
16	Effectiveness Under Stress							

17

Work Coordination

	Factors Indi	cating P	otential	for Fi	irther Pro	omotion	
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22b	Training and Instructing						
22c	Scheduling and Coordinating			D			
22d	Supervisory Control						
22e	Ability to Motivate						
	Management of Work:						
23a	Planning						
23b	Execution of Plans						
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Release and Waiver of Liability

In consideration of the City of Napoleon, Ohio, permitting the transport of a civilian or non-City Employee, officer or official (hereinafter called "passenger") in a City owned or leased vehicle or other equipment at no cost to the passenger, such passenger agrees to hereby release and hold harmless the City of Napoleon, Ohio its officials, officers, employees, and agents against any and all claim(s) of any kind, including but not limited to: claims of death, personal injury, property damage, or any other damage or loss, that may result from the use or operation of said vehicle or equipment or the transport thereof, claims both known now or in the future.

If the intended "passenger" is a spouse, child, stepchild, parent or grandparent of a City Employee who is assigned the City owned or leased vehicle or other equipment that is to be utilized in making such transport, then, in consideration of permitting the use of the said vehicle or equipment for transport of a family member at no charge to the City Employee, the undersigned Employee agrees to release and hold harmless the City, its officials, officers, employees, agents and others, herein mentioned or not, for any and all claim(s) made by the Employee or on the Employee's behalf, or their family member's behalf, as a result of the use or operation of the City owned or leased vehicle or equipment or the transport thereof; further, Employee agrees to indemnify and defend the City of Napoleon, Ohio, its officials, officers, employees, and agents against any and all claim(s) made by the passenger, relatives of the passenger, or the passenger's heirs and assigns forever, that may arise in regard to any claim(s) of death, personal injury, property damage, or any other damage or loss as a result of the operation or use of said vehicle or equipment or the transport thereof.

Date	Passenger
Witness	
Sworn to and subscribed in my presence by, Passenge	, on the day of er, as the signing of this waiver being his/her free and
voluntary act and deed.	
(seal)	Notary Public
	Commission expires:
assigned to use or operate the vehicle or equipmer	ild, stepchild, parent or grandparent to the City Employee nt for transport.)
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Date Witness Sworn to and subscribed in my presence by	Employee, on the day of
Date Witness Sworn to and subscribed in my presence by	Employee
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Administrative Investigation

Garrity Warning Garrity v. New Jersey 385 U.S. 493

I wish to advise you that you are being questioned as part of an official investigation of the City of Napoleon, Ohio.

You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to departmental charges which could result in your dismissal from the City of Napoleon, Ohio. If you do answer, neither your statements or any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

EMPLOYEE'S SIGNATURE	DATE	
WITNESS'S SIGNATURE	DATE	

Report of Complaint Against City Personnel

Name of Complainant		Date of	Birth
Address	City	State	Zip
Residence Phone	Wor	k Phone	
Date and Time of Incident		Location	
Employee against whom the cor	mplaint is being fil	ed:	
Name			
Name(s), address, phone number	er or other identifyi	ng information co	oncerning witnesses:
Statement of allegation:			
(USE ADD I understand that this statement of the Dhio and may be the basis for an affirm that the facts contained he knowledge and belief. I declare voluntarily without persuasion,	n investigation. Fuerein are complete and affirm that m	be submitted to the arther, I sincerely, accurate, and truly statement has be	e City of Napoleon, and truly declare and e to the best of my
Signature of Complainant		Date	
Signature of Person Receiving C	Complaint	Date	

Accident Reporting & Investigation

It is the policy of each BORMA member to document each accident which occurs involving City employees and equipment when they occur. It is also the responsibility of each BORMA member to thoroughly investigate each accident reported so that claims may be handled fairly and appropriate actions can be taken to prevent future occurrences. Therefore, all City of Napoleon, Ohio (hereinafter referred to as "City") departments and employees will follow the procedures detailed in this Policy.

Definitions

Accident - an event which results in injury, no matter how minor, to employees or other parties occurring within City owned facilities, through the actions of City employees and representatives, or because of the involvement of City owned equipment; or damage to property, City owned and non-City owned, resulting from reactions of City employees or the actions of others.

Accident Report Forms - forms for the reporting of accidents to be used by all Department Heads. All forms are in the appendix.

Management Responsibility

It will be the responsibility of the City Finance Director to oversee and document accident reporting and investigation throughout the City.

It will be the responsibility of each Department Head to inform their employees of these policies and to insure that all accidents are reported on the appropriate forms and investigated. Annual reviews for each Department Head by the City Manager will include a review of each department's compliance with this Policy.

Accident Reporting Procedures

When an accident occurs, the following procedures shall be followed:

- * All accidents shall be reported immediately after they occur. If accidents occur away from the work site, as soon as the injured have been taken care and when an accident scene has been secured, the employee should report the accident to his or her Department Head. If the accident happens at the work site, after the injured have been taken care of, the accident should be reported to the supervisor, and then to the Department Head.
- * The appropriate accident form must be filled out completely within twenty four (24) hours from time such accident becomes known to the City, its employees, officers or agents. Some information must be acquired at the accident scene before departure. Other information can be provided from a location remote to the accident scene or by the employee when they return to their work location.
- * Accident reports should be maintained in separate files along with other pertinent information. Automobile accidents should be maintained collectively on a

- separate log. Work site accidents involving injuries to employees should be maintained on a separate log.
- * If the accident involves an employee driving a commercial vehicle, immediate action must be taken to determine if post-accident drug/alcohol tests are necessary. If they are, the supervisor is required to insure timely testing of the employee. (See CDL Policy)

All departments will use the accident/incident reporting forms attached to this Policy. Two (2) forms are for all accidents/incidents related to employees at the work site (*Forms EIF-1 and EIF-2*). The two (2) forms are for accidents/incidents involving City vehicles or equipment while in use (*Forms EIF-3 and EIF-4*); and one (1) form is for reporting accidents/incidents involving non-employees (*Forms EIF-5*). Any injury to an employee, no matter how minor and any damage to City vehicles and equipment, no matter how minor, and any injury to a member of the general public which occurs on/within City facilities, or as a result of City employee/equipment activities, must be reported on these forms.

The following procedures must be followed:

- * All information requested must be provided on the form (police accident forms acceptable in lieu of these forms); and,
- * The form must be completed and turned in to the City Finance Director within forty eight (48) hours of the time of the accident/incident.

This procedure will be followed for every accident/incident which occurs to ensure that they are documented properly and that they are investigated and used by management for identifying and eliminating risks associated with them. When an accident occurs, the Department Head must do the following:

- * Inform City Manager and City Finance Director that an accident has occurred; and,
- * Initiate an investigation of the accident, including visits to the accident site, interviews of police, witnesses, fellow employees, etc.; and, cooperate with representatives of our insurance companies and other City officials involved in the accident investigation.

Accident Review Committee

The City has established a Safety Committee which will review accidents on a City wide basis to assess risk management within each department.

The Safety Committee will meet on a quarterly basis to review all accidents/incidents which have occurred within the City during the previous quarter. Department Heads will be asked questions as necessary by the Committee to fully understand the facts of the accidents, what caused them, and what is being done to prevent them.

The Committee will suggest additional changes or improvements to manage risks when appropriate. Department Heads will be required to implement these additional changes when directed by the City Manager after a report is received by the City Manager from the Committee.

Accident Investigation Procedures

All accidents must be investigated to determine if they are preventable in the future. Each report prepared by the Department Head shall include a determination of preventability, changes to be implemented for preventability and time frames for implementation. Except as otherwise permitted, the forms included in the Appendix shall be used by Department Heads and a copy of the completed form will be sent to the City Finance Director, with a copy to the City Manager. In case of exclusively worker's compensation related claims, worker's compensation forms may be used.

A packet of information concerning Accident/Incident Investigation is included in the Appendix. This packet will assist management and Department Heads in effectively investigating these events and determining causation factors.

Effective date: March 1, 1999

Dr. Jon A. Bisher, City Manager

CITY MANAGER

David M. Grahn, City Law Director
CITY LAW DIRECTOR

Gregory J. Heath, CITY FINANCE DIRECTOR

Report of Employee Injury Form

EMPLOYEE'S REPORT OF INCIDENT AND INJURY

To be completed by **Employee** PLEASE PRINT IN INK

Employer: City of Napoleon, Policy# City of Napoleon

Name Home Address City/State/Zip	Social Sec. No Birth Date Telephone: ()	Sex: Male Female
Date of injury or onset of symptoms		
Did anyone see you get hurt? Yes No If yes, who? Did you report this incident to anyone? Yes No If no If yes, to whom did you report it?	t, why not?	
What part(s) of your body was/were affected? (BE SPECIFIC: What type of injury did you experience? (BE SPECIFIC: for exar		
Was any first aid provided at the scene? Yes No If you seek other medical treatment? Yes No If you where? If treat	es, describe:s, when? ment was not sought immediately	
Is this an aggravation of a previous injury/symptom? Yes Have you ever had a similar injury? Yes No If yes, de		

Medical Release Under current workers' compensation law, the employer is entitled to a signed medical release I hereby authorize any person or persons who have in the past or will in the future medically attend, treat or examine me, or any person who may have information of any kind which may be used to reach a decision in any claim for injury or disease arising from the injury/illness described above, to disclose such information to my employer, my employer's managed care organization, or to my employer's designated representative, CompManagement, Inc. A copy of this form will serve as the original. Employee Name (print)______ Date (required)_______ Date (required)_______

EMPLOYEE'S REPORT OF INCIDENT AND <u>BACK</u> INJURY To be completed when a back injury is reported PLEASE PRINT IN INK

Employer: City of Napoleon, Policy # City of Napoleon

Name Home Address City/State/Zip Occupation	Social Sec. No Birth date Telephone: () Department	Sex: Male Female		
What part of your back hurts now? When did you first notice this back pain? Date What were you doing at that time (explain in detail)?	Time			
If you were lifting an object, what was it and how heavy? What was your exact position when pain was first noticed? What did you feel? What was the length of time between the injury and your disability, it				
Did anyone see you get hurt? Yes No If yes, who? Did you report or mention this injury to anyone? Yes No				
Did you ever have a back injury before?				
Have you ever received or filed for compensation because of a back Any other injury? Yes No If yes, list Bureau of Workers				

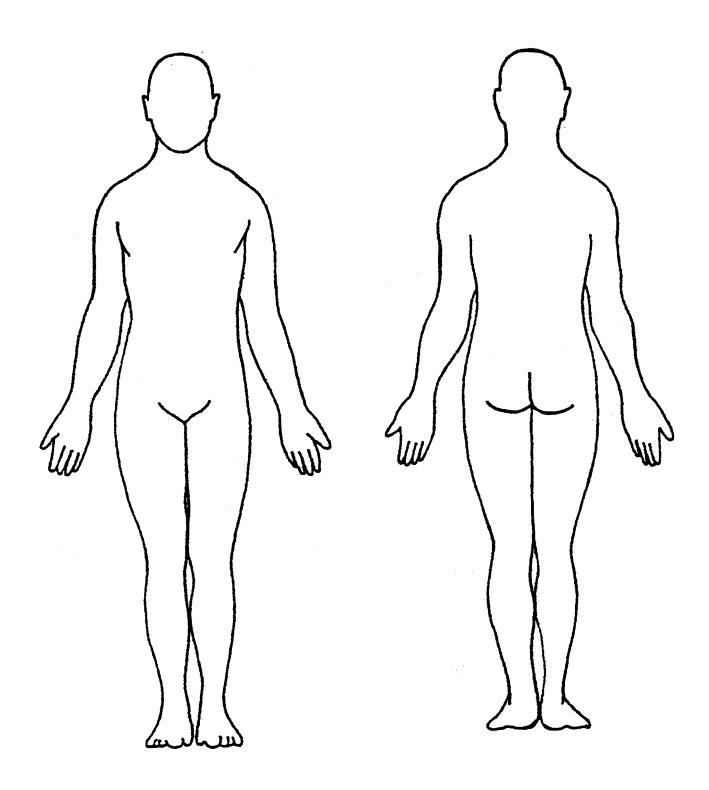
Medical Release Under current workers' compensation law, the employer is entitled to a signed medical release I hereby authorize any person or persons who have in the past or will in the future medically attend, treat or examine me, or any person who may have information of any kind which may be used to reach a decision in any claim for injury or disease arising from the injury/illness described above, to disclose such information to my employer, my employer's managed care organization, or to my employer's designated representative, **CompManagement**, **Inc.** A copy of this form will serve as the original. Employee Name (print)____ Employee Signature_____ Date (required)_____ Employee Injury Form- Supervisor's Investigation Report **Employer:** City of Napoleon, Policy # City of Napoleon Employee Name: ______ Soc. Sec. #_____ Date of Injury: _____ Was an investigation completed concerning the circumstances of this injury? Yes ☐ No Were there any witnesses to this injury? Yes If yes, witness statements should be attached. Was the injury a result of horseplay? Under the influence of drugs, or Yes □ No purposely self-inflicted? If yes, please specify: Has there been any recent disciplinary action taken against this employee? ☐ Yes ☐ No If yes, please describe: non -industrial conditions? If so, when? Has the employee missed any work previously due to similar industrial or ☐ Yes ☐ No Has the employee submitted medical documentation for the injury? If so, please attach. If known, please provide us with the name, address and telephone number of the attending physician:

Has the employee returned to work?

Last day worked	Returned to work		
If not, what is the current estir	nated date of return?		
If no, why?	e, would you recommend the claim be acco		□ No
Employer's signature	Title		
Empl	loyee Injury Form- Statem	nent of Witness to A	Accident
Employer: Cit	y of Napoleon, Policy # City of Napoleon	n	
I. INCIDENT IDENTIFICA	ATION INFORMATION		
Name of employee alleging in	cident	Shit	t
Occupation	:	Department	
II. WITNESS STATEMEN	T		
Your name has been given as	a witness to an incident alleged by the abostigation of this incident. Therefore, it will		
Your name		Your occupation	
Your address		Your telephone numb	er ()
Did you see an accident invol- If not, how did you le	ving the above employee? Yes earn about the accident?	□ No	
•	ident occur: Date of accident		dentampm
			
Your signature	Please print your r	name	Date

Injury Map

(Circle areas of injury)

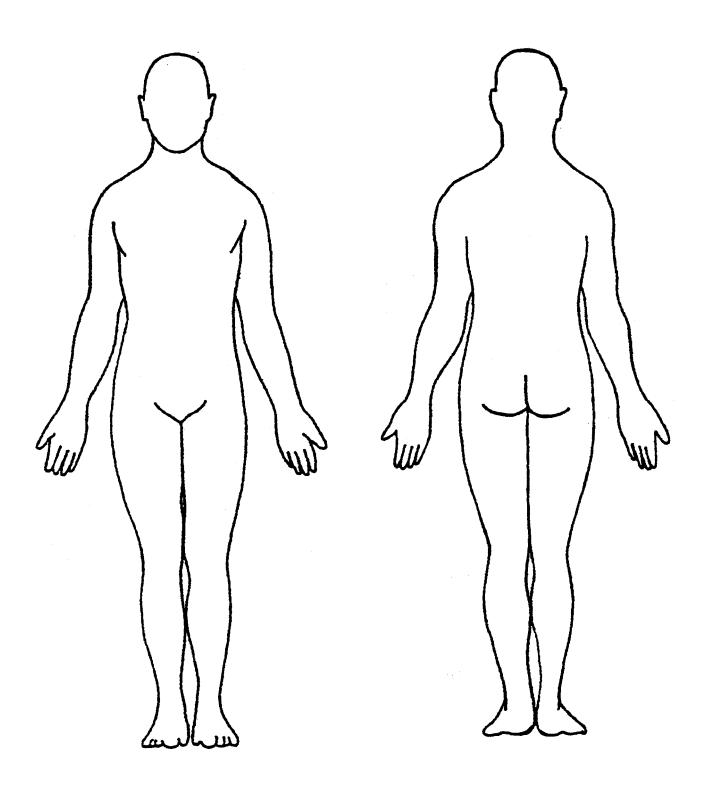


Report of Citizen Accident/Incident Form Name of Injured Citizen: Age: _____ Sex: _____ A.M. Location of Date of Incident/Accident: _____ Time: ____ P.M. Incident/Accident: _____ Description of Incident: Nature of Injury & Part of Body Involved: Was any First Aid Provided at the Scene of the Incident/Accident? _____ Yes _____ No By Whom? _____ Doctor ____ Emergency Personnel ____ Other Names and Addresses of Witnesses to Incident: 1. 2. 3. I have completed this report and it is correct to the best of my knowledge. Signature of person completing this report I have read this report and it is correct to the best of my knowledge. X

Citizen's Signature

Injury Map

(Circle areas of injury)



Automobile/Equipment Loss Report Form

(To Be Completed By Employee or Immediate Supervisor)

Location of Accident	Street/Road		
	City & State		
	Date of Accident Time of Accident		
	Driver/Operator Name		
City Vehicle/Equipment	Year, Make, Model of Vehicle/Equipment		
	Vehicle/Equipment Serial Number		
	Driver License #		
	Driver Relation to City Employee Volunteer Other		
	Damage to City Vehicle		
Involved Party #1	Name(s)		
	Vehicle Make Model & Year Address		
	City/State/Zip		
	Phone: Home Work		
Involved Party #1	Insurance Company		
Insurance Information	Policy #		
Involved Party #1	Name(s)		
πινοινεα τ απι πτ	Name(s) Model & Year		
	Address		
	City/State/Zip		
	Phone: HomeWork		
Involved Party #1	Insurance Company		
Insurance Information	Policy #		

(Attach additional pages if there are more than 2 involved parties.)

Description of Accident (Attach additional pages more space is needed)	if			
BY ARROW INDICATE NORTH				
Witnesses:	Address		Work	
	Thone. Home		WOIK	
Witnesses:	Address		Work	
Authorities Contacted/ Responding	Fire	Yes	No _No _No	
Describe Citations Issued	d			
Completed By:	Name			
	Signature			

Employee Incident No-Injury Accident Report Form

	_		isor after an accident when there is n		
Exact Location of Incident: Time:					
			Employee ID:		
Job '	Title:	Employment Date:	Time on Present Job:		
1.	Property Damag	ged:			
	Cost \$	Len	gth of downtime		
2.	Unsafe condition at time of incident be specific)				
3.	Unsafe practice	contributing to the incide	nt (be specific)		
4.	Witness (es) to	incident:			
5.					
•	bloyee Signature: _ Be Completed by Do	epartment Head:	 Date Reported:		
1.	What was imme				
	U	Insafe Condition	Unsafe Act No F	ault	
2.	What was contr	ibuting Cause(s):			
3.	What can be done to prevent re-occurrence of this type of loss:				
4.	When will corre	ective steps be taken:			
Rem	narks:				
Sup	ervisor:		Date:		

Immediately forward copies of this report to Department Management

Passenger Incident Form

Instructions to Driver: Please complete this form each and every time there is a problem or injury with occupant in your vehicle. Always take photographs of the fall/injury area if possible.

Immediately Report This Incident To Your Supervisor.

Driver Information (P	lease comp	lete as fully as possible):	
Your Name:			
	Last	First	M.I.
Company Address:			
Tel:		te: Time:	
Insurance Police No: _		Vehicle Identification No. (V	'IN)
Accident/Incident Loc	ation:		
Name of Passenger: _			
Address:	Last	First	
		Work Phone No:	
If Yes, By Whom?		m the scene? Yes	
Type of Problem (Plea	ise check a	s many boxes as necessary.):	
Passenger Fall	Pas	ssenger Injury	Incident
Down stairs		Struck by object overhead	Complaint
Up stairs		Struck by carried object	Argument
Near bus		Struck by falling person	Lost article
Step stool		Tripped on board	Fighting
In aisle		Struck head on overhead rack	Vandalism
In restroom		Injury at/around baggage doors	Asleep
Other:		Injury, other cause:	Other:

Description of Incident: (Please print clearly.) Names of Witnesses and Contact Information: Name: _____ First M.I. Address: Telephone No.: _____ Last First M.I. Address: Telephone No.: To Be Completed By Department Head: Date Reported _____ 1. What was immediate cause(s): _____ Unsafe Condition _____ Unsafe Act _____ No Fault 2. What was contributing Cause(s): What can be done to prevent re-occurrence of this type of loss: 3. When will corrective steps be taken: 4. Remarks:

Notice of Injured Employees Election of Compensation

The City of Napoleon offers a Wage Continuation Policy relating to employees who are injured or contract an occupational disease while in the course of employment. This policy is effective for injuries on or after 6-19-98. In the past, injured employees have been partially reimbursed for lost wages by the Bureau of Workers' Compensation. Injured employees are compensated at the rate of 72% of the full weekly wage for the first 12 weeks of disability, and a 66 2/3% of the average weekly wage for all subsequent weeks of disability. In most cases, administrative delays have caused significant interruption in income from the last day worked to the eventual receipt of workers' compensation benefits.

In order to prevent such delays, the City of Napoleon will, in compensable claims, continue to pay wages at the same rate of pay the injured worker was making at the time of the injury. This rate will be multiplied by the usual number of scheduled hours per week. This compensation will be paid for a period not to exceed 12 weeks. The payment by the City of Napoleon will take the place of payment by the Bureau. Wage continuation will be made only during the period of the time that workers' compensation benefits would otherwise be paid by the Bureau. In most cases, payments will immediately commence upon receipt of proof of disability from the preferred medical provider and a completed claim application.

The payments by the City of Napoleon will be taxable income to the employee and subject to the same tax withholding requirements as one's regular weekly wage. Workers' compensation benefits payable by the State are not taxable income to the employee; however, the City of Napoleon's net payment will be equal or greater than the payment which would be made by the Bureau, and will reduce the delay.

Receipt of wage continuation payment will be in lieu of workers' compensation lost time benefits. The

payment of medical benefits will continue to be the responsibility of the Bureau of Workers' Compensation.

If the period of disability exceeds _______ weeks, the City of Napoleon may, solely at management's discretion, extend wage continuation payments for additional periods of time. Injury leave payments beyond _____ will be calculated at the same rate of pay the injured worker was making at the time of injury. This rate will be multiplied by the usual number of scheduled work hours per week. Alternatively, after _____, the City of Napoleon may request that the employee commence payment from the Bureau of Workers' Compensation. Since the claim number will be assigned by the Bureau, no interruption in the disabled employee's benefits should occur.

Hopefully, this plan will eliminate any financial hardship suffered by an employee as a result of an occupational illness or injury. Please contact the Workers' Compensation Coordinator with any questions you may have or to obtain a copy of written guidelines pertaining to qualification for receipt of injury leave benefits.

I elect to receive direct payments.

I elect to receive compensation from the Bureau of Workers' Compensation.

Date

Employee's signature

Exit Interview

Date:				
Employee's Name:	Job Title: _			
Department:	Employed From	To		
Reason for Leaving: Resignation Discharge	Layoff	Other		
Have you accepted another position? Yes No	If yes, where? _			
Present Title:	New Title:			
Present Salary: New Salary:				
Additional Fringe Benefits offered by new employer: _				
1. How long ago did you begin searching for another process circumstance(s) made you begin looking for another process.				
2. What were the reasons you decided your career godelse?				
3. Did you speak with your supervisor or anyone else your career goals? Yes No				
If the answer to 3 above was Yes, what was the outcome of this conversation?				
5. If the answer to 3 above was No, why not?				
6. Did you get along well with your supervisor? Yes _	No If No, pl	ease explain:		
7. How well did your supervisor handle any complain	ts or grievances you ma	y have had?		
8. What could have been done to make your job here	more rewarding?			
9. What did you like best about your job?				

10.	What did you dislike about your job?					
11.	What makes the City of Napoleon a good place to work?					
12.	What makes the City of Napoleon a poor place to work?					
13.	How does your new position	_	you are leaving?			
14.	How would you rate the foll					
>	Job responsibilities?					
	Outstanding	☐ Very Good	☐ Satisfactory	☐ Fair	Unsatisfactory	
>	Opportunity for achieving	goals?				
	Outstanding	☐ Very Good	☐ Satisfactory	☐ Fair	Unsatisfactory	
>	Work environment?					
	Outstanding	☐ Very Good	☐ Satisfactory	☐ Fair	Unsatisfactory	
>	Supervisor?					
	Outstanding	☐ Very Good	☐ Satisfactory	☐ Fair	Unsatisfactory	
>	Pay?	☐ Very Good	☐ Satisfactory	□ Fair	Unsatisfactory	
>	Benefits?					
	Outstanding	☐ Very Good	☐ Satisfactory	☐ Fair	Unsatisfactory	
15.	What recommendations wo	uld you have for maki	ing your department ar	nd/or the City a	better place to work?	
Em	ployee Signature:			Date:		

Please return completed form to HR Director

RESOLUTION NO. 045-14

A RESOLUTION AUTHORIZING ENROLLMENT IN THE OHIO RURAL WATER ASSOCIATION 2015 WORKER'S COMPENSATION POOL, AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DIRECTING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH COMP MANAGEMENT, INC. (CMI) A WORKER'S COMPENSATION ADMINISTRATOR; AND DECLARING AN EMERGENCY

WHEREAS, the City in 2014 belonged to the Ohio Rural Water Association Worker's Compensation Pool; and,

WHEREAS, the City in 2014 desires to remain for the remainder of the year 2014 and for the entire year of 2015 in the Ohio Rural Water Association Pool; and,

WHEREAS, the State of Ohio allows for "pooling" with other entities to obtain savings in worker's compensation; and,

WHEREAS, the City desires to contract for Worker's Compensation Administration of its claims, **NOW THEREFORE**;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, the City's Finance Director is authorized and directed to enroll the City in the 2015 Ohio Rural Water Association Worker's Compensation Pool and continue in the Pool for the remainder of the year 2014.
- Section 2. That, the City finds it necessary and therefore authorizes the expenditure of funds in an amount of two thousand, nine hundred sixty dollars (\$2,960.00) for a professional service contract with Comp Management, Inc., a Sedwick CMS Company (CMI), Dublin, Ohio, referred to as (CMI) a Worker's Compensation Administration Service. If additional amounts are required to cover the remainder of the year 2014, the same is hereby authorized.
- Section 3. That, the City Manager is authorized and directed to enter into a Contract for professional services for Worker's Compensation Administration services with CMI substantially in the form as found in City Contract No. "to be assigned", subject to amendments as he deems necessary or, in the alternative, utilize the automatic renewal provision as found in the Contract.
- Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.
- Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its

inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely filing of the Group Rating Enrollment with the State of Ohio, with a deadline of September 1st, 2014; and, provided it receives the required number of votes therefore, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed:	
	John A. Helberg, Council President
A 1	
Approved:	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay	Abstain
Attest:	
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director of foregoing Resolution No. 045-14 was duly published in circulation in said City, on the day of	
	Constant Hards Clark/Eineman Director
	Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 046-14

AN ORDINANCE AMENDING THE CITY OF NAPOLEON TRAFFIC SCHEDULES, SPECIFICALLY SCHEDULE I, AMENDING THE PROHIBITED PARKING ON HIGHLAND AVENUE FROM THE EAST SIDE TO THE WEST SIDE

WHEREAS, the City of Napoleon has received a request to change the prohibited parking on Highland Avenue between Woodlawn Avenue and Lagrange Street from the east side to the west;

WHEREAS, Additionally, it is the understanding of the City that the US Postal Office is requiring mail boxes to be placed on the "no" parking side however all mailboxes in this area are on the west side which is currently the "parking" side; Now Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, the City of Napoleon Ohio amends Schedule I of the City of Napoleon Traffic Schedules to change the "prohibited" parking from the east side to the west side of Highland Avenue from Woodlawn Avenue to Lagrange Street.
- Section 2. That any changes needed to pages, page numbers, or appendixes are hereby approved to accommodate for the above amendment.
- Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.
- Section 5. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed:	John A. Helberg, Council President
Approved:	Ronald R. Behm, Mayor
VOTE ON PASSAGE Yea Nay	_ Abstain
Attest:	

Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Directonthe foregoing Ordinance No. 046-14 was duly public general circulation in said City, on the day of further certify the compliance with rules established Napoleon Ohio and the laws of the State of Ohio per	; & I I in Chapter 103 of the Codified Ordinances Of
	Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 047-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH NAPOLEON TOWNSHIP FOR THE ANNEXATION OF 5.448 ACRES OF LAND OWNED BY MDC HOLDINGS, LLC; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon having been approached by MDC Holdings, LLC that they would like to exercise an Expedited Type I Annexation from Napoleon Township to the City of Napoleon; and,

WHEREAS, in accordance with ORC 709.022, Expedited Type I Annexation, the City of Napoleon and Napoleon Township must enter into an Annexation Agreement; and.

WHEREAS, the Council for the City now desires to enter into an Annexation Agreement with Napoleon Township regarding the above stated property; Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, the City Manager is authorized to enter into an Annexation Agreement with Napoleon Township for the annexation of 5.448 acres of land currently in Napoleon Township located along U.S. Route 24 and Westmoreland Avenue (Parcel No. 071500400000), which is owned by MDC Holdings LLC.
- Section 2. That the City Manager is authorized to execute any and all documents necessary on behalf of the City to enter said Annexation Agreement.
- Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.
- Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.
- Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the City can receive the benefit of having the property annexed into the city which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed:			
			John A. Helberg Council President
Approved:			
			Ronald A. Behm, Mayor
VOTE ON PASSAGE	Yea	Nay	Abstain
Attest:			
Gregory J. Heath, Clerk/Fi	nance Direc	ctor	
that the foregoing Resolution newspaper of general circula	No. 047-14 tion in said	was duly pu City, on the	of the City of Napoleon, do hereby certify blished in the Northwest Signal, a day of, established in Chapter 103 of the Codified
-	-		te of Ohio pertaining to Public Meetings.
			porv J. Heath. Clerk/Finance Director

ANNEXATION AGREEMENT

(hereinafter "Agreement")

This Agreement is made this _____ day of ______, 2014, by and between the City of Napoleon, Ohio (hereinafter "City") and Napoleon Township in the State of Ohio (hereinafter "Township") (collectively, hereinafter "Parties").

RECITALS

WHEREAS, MDC Holdings, LLC (hereinafter "Property Owner") is the owner of approximately 5.448 acres of land in Napoleon Township located along U.S. Route 24 and Westmoreland Avenue (Parcel No. 071500400000), being more fully described on Exhibit A attached hereto and incorporated herein (hereinafter "Property").

WHEREAS, the Property Owner desires and proposes to have the Property annexed to the City pursuant to and in accordance with R.C. 709.022, Expedited Type 1 Annexations, and this Agreement.

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City.

WHEREAS, the City and the Property Owner desire to annex the Property to the City in order to obtain all customary general municipal services for the Property.

WHEREAS, the City desires to annex the Property in order to facilitate and serve the economic potential of the Property for the benefit of the City and its citizens and residents.

WHEREAS, the City and the Township, after due and careful consideration, have concluded that the annexation and zoning of the Property pursuant to and in accordance with this Agreement would further enable the City to control the development of the area and would serve the best interests of the City.

THEREFORE, the parties of this Agreement in consideration of the mutual covenants and stipulations set forth herein, agree as follows:

Section 1. Territory to be Annexed

Property Owner is the owner of one parcel of property located in the Northeast Quarter of Section 15, Township 5 North, Range 6 East, Napoleon Township, Henry County, Ohio, attached hereto as Exhibit A (including in the proposed property to be annexed only such real estate as is described in said Exhibit A).

Setion 2. Land Use Planning Matters

Property owned by Petitioner will be annexed and zoned C-4, unless otherwise determined by the City and the Property Owner.

Section 3. Provision of Services and Improvements by City

The City will provide the Property with all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the City. The governmental and utility services shall include:

- a) Water Service
- b) Sewer Service
- c) Electric Service
- d) Street Service
- e) Fire/EMS
- f) Police Service
- g) Planning and Zoning

Section 4. Provision of Services and Improvements by Township

The Township shall not provide any services to the Property upon Annexation.

Section 5. Payments

It is distinctly and particularly understood and agreed between the City and the Township that no financial compensation shall be paid by either party to the other. It is furthermore agreed that this agreement is permanent.

Section 6. Miscellaneous

a) **Intent of Parties**. This Agreement shall be binding upon the Parties hereto and their respective successors and/or assigns, and by execution hereof, all Parties represent that they are duly authorized to sign it.

- b) **Cancellation or Termination**. This Agreement may be cancelled or otherwise terminated by mutual written agreement of the Parties hereto or pursuant to the terms of this Agreement as to conflict in law, impracticality and/or acts of God.
- c) Remedies. Except as otherwise limited by Chapter 2744 of the Ohio Revised Code, the Parties hereto shall be afforded and do possess the right to seek every remedy available at law or in equity provided for under the laws of the State of Ohio as pertains to the terms and conditions, duties, obligations, privileges and rights of this Agreement and the enforcement thereof.
- d) **Enforcement**. Unless this Agreement is cancelled or otherwise terminated, this Agreement will be enforceable against any Party hereto per the laws, ordinances, resolutions, regulations or policies in effect at the time of the execution of this Agreement.
- e) **Relative Rights**. The rights and obligations of the parties hereunder shall be subject to the terms and conditions hereof, and will inure to the benefit of, and be binding on, the respective successors and assigns.
- f) Entire Agreement Merger Clause; Statement of Incorporation. It is agreed that the Agreement merges all of the oral negotiations, representations, discussions and understandings between the Parties, their legal counsel, agents or representatives. This Agreement contains the entire Agreement of the Parties with respect to its subject matter. All documents related to this Agreement and/or attached hereto as exhibits or addendums shall be incorporated into this Agreement by reference as if fully set out at length herein.
- g) Severability. If any clause, sentence, paragraph or part of this Agreement shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement and the remainder of said Agreement shall continue in full force or effect.
- h) **Cooperation**. The City and Township shall cooperate with Property Owner to obtain any required and/or necessary permit from any government or governmental agency not a party to this Agreement.
- i) **Modifications or Amendment of Agreement**. No modifications, amendments, alterations or additions shall be made to this Agreement except in a writing signed by all Parties hereto.

- j) **Recitals**. The Parties acknowledge and agree that the facts and circumstances as described in the Recitals hereto are an integral part of this Agreement and as such are incorporated herein by reference.
- k) **Executed Counterparts**. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.
 - Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.
 - m) **Survival of Representations and Warranties**. All representations and warranties of the City and the Township in this Agreement shall survive the execution and delivery of this Agreement.
 - n) **Effective Date**. This Agreement shall be effective when signed by all the Parties hereto.
 - o) **Time**. Time shall be of the essence in doing and performing all things to be done under the terms of this Agreement.

IN WITNESS WHEREOF, the parties have signed this agreement in ______,
Ohio, on the day and year first mentioned above.

CITY OF NAPOLEON

	By:
	Monica S. Irelan, City Manager
	Approved as to form:
	Trevor Hayberger, Law Director
I hereby certify this to be an original an	d true copy.
	, Clerk of Council, City of Napoleon.
Signatu	res continued on next page

By: _______ By: ______ By: ______ J. Hawken Flannagan, Prosecutor for Henry County, Ohio I hereby certify this to be an original and true copy.

_____, Clerk, Napoleon Township

NAPOLEON TOWNSHIP

RESOLUTION NO. 038-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2014

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2014, including but not limited to execution of Grant Agreement(s).
- Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.
- Section 4. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed:				
			John A. Helberg, Council President	
Approved:				
			Ronald A. Behm, Mayor	
VOTE ON PASSAGE	Yea	Nay	Abstain	

Attest:	
Gregory J. Heath, Clerk/Finance Dire	ctor
that the foregoing Resolution No. 038-14 newspaper of general circulation in said; & I further certify the compliance	ace Director of the City of Napoleon, do hereby certify was duly published in the Northwest Signal, a City, on the day of, ce with rules established in Chapter 103 of the Codified tws of the State of Ohio pertaining to Public Meetings.
	Gregory J. Heath, Clerk/Finance Director

OWPC 0384 Page 2 - Resolution No. 038-14

RESOLUTION NO. 039-14

A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO DIRECT PAYMENT OF \$820, 991.00 TO AMERICAN MUNICIPAL POWER, INC. FOR THE NET STRANDED LIABILITY FOR THE AMPGS PROJECT

WHEREAS, the City of Napoleon was a participating partner in the AMPGS project; and,

WHEREAS, the AMPGS project now has incurred stranded; and,

WHEREAS, the City of Napoleon's share of the net AMPGS stranded liability is \$820,991.00; and,

WHEREAS, the City of Napoleon has already budgeted \$700,000.00 for payment towards the said stranded costs; and,

WHEREAS, the Council for the City of Napoleon now desires to pay not only \$700,000.00 that was previously budgeted but also the remaining \$120,991.00 of the net stranded liability; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, upon the effective date of this Resolution, the City Finance Director is hereby authorized to execute payment of \$820,991.00 to American Municipal Power, Inc. for the net stranded liability for the AMGS project.
- Section 2. That, the Finance Director is authorized to transfer any funds necessary and legal to obtain the \$120,991.00 that was not previously budgeted.
- Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.
- Section 5. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed:		
		John A. Helberg, Council President
Approved:		
		Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea	Nay	Abstain

Attest:	
Gregory J. Heath, Clerk/Finance Director	_
I, Gregory J. Heath, Clerk/Finance Director foregoing Resolution No. 039-14 was duly published circulation in said City, on the day of the compliance with rules established in Chapter 10 the laws of the State of Ohio pertaining to Public M	
	Gregory J. Heath, Clerk/Finance Director



To:

Dr. Jon Bisher, City Manager

From:

Marc S. Gerken, P.E., President/CEO

Subject:

AMPGS Stranded Cost Payment Options

Date:

April 16, 2014

The purpose of this memo is to inform you, as a participant in the AMPGS project, the City of Napoleon's net AMPGS liability for stranded costs currently held on AMP's revolving line of credit facility (LOC) at March 31, 2014, including any payments made by the City, is \$820,991.00 (please see **Attachment A**). Stranded costs are subject to change, including future borrowings costs on the LOC. That amount does not include allocation of the \$34,881,074 Plant Held for Future Use potential liability.

Subject to the continued renewal of the LOC, AMP is prepared to assist the City with a payment plan of your choosing for a payback period of up to 15 years. The City may choose to include these payments as part of their monthly power invoice from AMP or pay their respective AMPGS liability in one or several lump sum payments. AMP prefers that these amounts would be invoiced to your municipality through the AMP monthly power supply invoices in order for these costs be recovered through your power cost adjustment. Please utilize **Attachment B** to this memo to make your selection, being sure an authorized signatory executes the document and returning **Attachment B** to the attention of Marty Engelman (mengelman@amppartners.org, 614-540-0851) at AMP headquarters, 1111 Schrock Rd, Columbus, OH 43229 by June 1, 2014.

AMP would like to emphasize the expectation that whatever payment option is chosen, the payment option should not cause the Electric Fund to exhibit an annual operating loss at any time during the payment period or cause the municipality to fail any covenants for its own debt service, AMP Joint Venture (JV) debt service if a participant in a JV, or reflect unfavorably on the municipal's AMP project participation.

As you have questions in deciding your payment options or would like assistance in determining the potential effects on your Electric Fund of a particular payment option under consideration, please contact Chris Deeter (cdeeter@amppartners.org, 614-540-0848) at AMP.

ATTACHMENT A PAGE 1 OF 1

					AMPGS		Net
	Original	AFEC	AMPGS	AMPGS	Plt held	Less	AMPGS
	Ordinance	Allocation	Stranded	AFEC	future use	Municipal	Stranded
	kW	kW	Costs	Credit	Credit	Payments	Liability
Napoleon	12,000	6,650	2,078,311	(714,622)	(542,698)	-	820,991
Plus: Potential Plant Held for Future Use Liability							542,698
					Total	_	1,363,689



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
Chad E. Lulfs, P.E., P.S., Director of Public Works
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

Memorandum

To:

Monica Irelan, City Manager

From:

Chad E. Lulfs, P.E., P.S., Director of Public Works

cc:

Mayor & City Council

Greg Heath, Finance Director

Date:

July 7, 2014

Subject:

Park Street Improvements

(L.T.C.P. Project No. 17C and 11E ~ Partial)

Consultant Selection

Quality Based Selection (QBS) was utilized to select a consulting firm for the above referenced project. The firms that submitted Qualification Statements were ranked as follows:

- 1. Peterman Associates, Inc.
- 2. Jones & Henry Engineers, Ltd.
- 3. Poggemeyer Design Group

This project includes: design of new asphalt roadway, concrete curbing, concrete walks, concrete drive approaches, sanitary sewers, waterlines, and storm sewers in the Park Street area as required by the Long Term Control Plan, as well as improvements needed for the reconstruction of Park Street.

Negotiations were entered into with Peterman Associates, Inc. and a contract price was agreed upon. The negotiated price for the above referenced project is \$174,300.00. Having reviewed the submitted Qualification Statements and after extensive negotiations, it is my recommendation that Council award the design contract for Park Street Improvements (L.T.C.P. Project No. 17C and 11E ~ Partial) to Peterman Associates, Inc. in the amount of \$174,300.00. If you have any questions or require additional information, please contact me at your convenience.

CEL

The Board of Henry County Commissioners met in special session on this 25th day of June, 2014, at 11:30 a.m. with Robert E. Hastedt, Glenn A. Miller, and Thomas H. Von Deylen present.

Also present were:

HCRW&SD/HCPC Nick Rettig Jeff Nolton Village of Florida **Gregory Heath** City of Napoleon Monica Irelan City of Napoleon **Chad Lulfs** City of Napoleon **Brad Meyer** City of Napoleon Gregg Simon Jones & Henry Gary Williams Jones & Henry John Helberg City of Napoleon Scott Hoover City of Napoleon Terry Wulff Village of Malinta Rick Baden Village of Malinta Frank Godwin Village of Liberty Center Max Fetterman Village of Liberty Center

Hawken Flanagan Henry County Prosecutor's Office

Robert Kane HCRW&SD
Rex Huffman HCRWSD

The Water Treatment Plant was the topic of discussion.

Monica Irelan, City of Napoleon Manager, gave a presentation on the proposed water treatment facility. A history of the project was reviewed; including a review of the Intergovernmental Cooperative Agreement signed by all entities. Napoleon City Council suggested in a recent meeting that they move in the direction of rehabilitating the current plant, instead of building a new membrane plant.

Representatives from the Village of Florida, Liberty Center, and Malinta, all provided their opinion on the matter. It seems to be a matter of trust, more than anything, which is holding the entities back from allowing the City of Napoleon to move forward with the improvements to the current plant. Ms. Irelan stated that if communication is the only thing the entities are worried about, we can fix/handle that.

As of right now, the County is not involved. Discussion was held regarding the possible formation of a 6119 Water and Sewer District. There is question whether to re-form the current Regional Water & Sewer District or to form a new one.

Most entities were under the assumption that if the consortium owned the water plant, they would get water at cost without any surcharges. The County would repair and maintain water tower.

Renegotiating every entity's contract may be the answer. Information will be distributed to each entity with figures and what it really takes to make and distribute water, so they can see for themselves how much it costs. Each entity also needs to take this information back to their respective council/board and decide which direction they are in favor of moving.

Ms. Irelan will provide to the entities:

Water costs, wheeling vs. water tower, emphasis getting off of surcharge, information on the cost of water business and what it costs to distribute, what Napoleon residents' cost is, what it costs to produce and what it is sold for to Napoleon residents vs. satellite customers.

Refer to recording for more details.

The next committee meeting will be Tuesday, July 8 at 11:30 a.m.

There being no further business to discuss, the meeting was adjourned until the next regular scheduled meeting or upon call of the President.

Robert F. Hastedt

Glenn A Miller

Thomas H. Von Deylen

Lica D Suga Clork

Memorandum

To: Board of Zoning Appeals, Council, Mayor, City Manager, City Law

Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 7/1/2014

Re: Board of Zoning Appeals Meeting Cancellation

The Board of Zoning Appeals meeting regularly scheduled for Tuesday, July 8th at 4:30 PM has been CANCELED due to lack of agenda items.

Memorandum

To: Planning Commission, Council, Mayor, City Manager, City Law Director, City

Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 7/1/2014

Re: Planning Commission Meeting Cancellation

The Planning Commission meeting regularly scheduled for Tuesday, July 8th at 5:00 PM has been CANCELED due to lack of agenda items.

June 27, 2014



Volunteers from Cleveland, Oak Harbor, Orrville, Tipp City, Westerville and DUECO assist AMP in placing poles on June 24 for the upcoming Lineworkers Rodeo on Aug. 23.

AMP prepares for Lineworkers Rodeo – there's still time to register

By Michelle Palmer – assistant vice president of technical services

The poles have been set for AMP's first annual Lineworkers Rodeo. AMP members Cleveland, Oak Harbor, Orrville, Tipp City and Westerville, with the help of DUECO, all assisted in placing poles on June 24.

Registration is well under way for the Rodeo – to be held on Aug. 23 at AMP headquarters, with training sessions also offered in the morning on Aug. 22. The registration deadline for volunteers, sponsors and vendors is July 1. The deadline to register as a contestant is July 22.

In order for contestants to be considered for AMP-sponsored funding for the American Public Power Association's 2015 Lineworkers Rodeo, they must participate in AMP's 2014 Rodeo event.

Registration forms (contestant, volunteer, sponsor/vendor, and banquet), event descriptions and more information are available on the AMP website at http://amppartners.org/amp-lineworkers-rodeo/. Please contact Jennifer Flockerzie at rodeo@amppartners.org or 614.540.0853 with questions.

Hotel rooms are available at the Crowne Plaza North, 6500 Doubletree Ave., Columbus, OH for the discounted rate of \$95/night (includes breakfast for one person per room in the restaurant) plus applicable taxes. Please contact the Crowne Plaza directly at 614.885.1885, ext. #2 and ask for the "AMP" Rate.

Above-normal gas injection into storage leads to drop in energy prices

By Mike Migliore – assistant vice president of power supply planning & transmission

Energy prices closed lower again this week as natural gas storage injection numbers came in higher than normal. Weekly production amounts continue to cut into the storage deficit compared to past years, but the supply of gas in storage is still much below normal.

July natural gas ended the week \$0.18 lower than last week at \$4.40/MMBtu. This is a \$0.36/MMBtu drop over two weeks. 2015 on-peak electric prices fell \$0.15/MWh from last week with AD Hub closing at \$47.04/MWh. At this time last year (June 27, 2013), 2015 on-peak power was selling for \$42.15/MWh.

More information from last week's edition

Patrick McCullar, president and CEO of DEMEC Inc. and AMP Board Member, was also a featured speaker at the American Public Power Association's (APPA) recent National Conference in



Denver, Colo. He presented a breakout session on RTO markets 101. McCullar has been a frequent witness for APPA on PJM-related matters at various forums.

Look for Update on Thursday next week

Due to the July 4 holiday, *Update* will be distributed on Thursday, July 3

AFEC weekly update

By Mike Migliore

For the first time since its January 2012 commercial date, Fremont was dispatched offline during the overnight hours and started up for the on-peak hours for six straight days. After being shut down for economics on Saturday, the plant was brought up to full load at 2 p.m. on Sunday as warmer weather returned.

Fremont was then ramped down after 10 p.m. Sunday and continued the up and down pattern Monday through Friday. Duct burners were used 45 hours this week during the afternoon peak hours as most days saw real time prices higher than day ahead prices. The plant ended the week with a load factor of 45 percent (based on a plant rating of 675 MW).

AMP supports PJM's effort to retain the use of RICE units for emergency DR

By Lisa McAlister - deputy general counsel FERC/RTO affairs

As reported in the May 16, 2014 Update, a recent decision by the Federal Energy Regulatory Commission (FERC) could negatively impact both the cost of electricity and grid reliability by threatening the current "emergency" status of AMP's (and many of our members') reciprocating internal combustion engines (RICE units).

Specifically, on Dec. 24, 2013, PJM made a filing to increase the operational flexibility of demand response (DR) by creating a new category of demand resources called "Pre-Emergency Load Response" that are subject to PJM dispatch before an emergency is called, under pre-emergency conditions. Under PJM's proposal, all demand resources, with limited exception, must be Pre-Emergency Load Response. The only DR resources that are not required to be Pre-Emergency Load Response, and which may remain in the PJM Emergency DR category, are those that are both behind-the-meter and subject to environmental restrictions - limiting operations to emergency conditions.

On May 9, 2014, FERC expressed concern that PJM did not adequately demonstrate that all such behind-the-meter generation resources are, in fact, categorically prohibited from operating during pre-emergency conditions. FERC directed PJM to submit a compliance filing that either: 1) justifies the need for and scope of its proposed exemption or 2) removes the exemption for behind-the-meter demand response resources from its tariff.

PJM made its Compliance Filing on June 2, 2014, wherein PJM provided both a clarification to the Emergency DR category and a thorough description of the rationale for retaining Emergency DR.

On June 23, 2014, AMP filed comments to support the retention of the Emergency DR classification.

Several generators and PJM's Independent Market see RICE UNITS Page 3

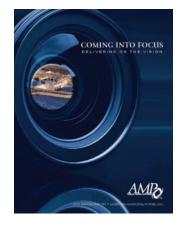
On Peak (16 hour) prices into AEP/Dayton Hub

		<i>,</i> 1	′ ′	•
Week end	ling June 27			
MON	TUE	WED	THU	FRI
\$47.77	\$47.63	\$44.76	\$49.55	\$48.23
Week end	ling June 20			
MON	TUE	WED	THU	FRI
\$49.83	\$63.21	\$72.69	\$53.81	\$43.36
AEP/Dayton 2015 5x16 price as of June 27 — \$47.04				
' '		*		
AEP/Dayt	AEP/Dayton 2015 5x16 price as of June 20 — \$47.19			

Annual report available online

By Greg Grant - director of publications

AMP's 2013 Annual Report - along with the JV2, 5 and 6 2013 annual reports - is now available on the Investor Relations page of the AMP website, http://amppartners. org/investor-relations/ annual-reports/. Mailing of the hardcopy reports begins next week.



The 2013 AMP Annual

Report, "Coming into Focus: Delivering on the Vision," provides an overview of accomplishments from the past year in finance, power supply, generation, sustainability, member services, and more. It also features eight community profiles that highlight AMP's services to members. Those member communities are: Front Royal, Georgetown, Hamilton, Hatfield, Hudson, Jackson Center, Lebanon and Newton Falls.

Developed and managed by AMP Publications, working at the direction of the AMP Executive Management Team and the Board of Trustees leadership, the annual report project is a highly collaborative effort. Contributors include AMP staff in Generation Operations, Power Supply, Marketing, Finance, Legal, IT, Risk and Member Services, as well as representatives of profiled AMP member communities and vendors and consultants to AMP projects.

Save the date: Sustainability Subcommittee

Please mark your calendars for a Sustainability Subcommittee webinar at 2 p.m. Aug. 6. Additional details will be distributed closer to the date. The webinar is open to any interested AMP members. If you have a specific topic you'd like included on the agenda, please contact Julia Blankenship, director of energy policy and sustainability, at 614.540.0840 or jblankenshp@amppartners.org.

Monitor (IMM) filed comments opposing the Emergency DR classification. The IMM argued that there is no economic, reliability or environmental reason to retain this exemption for behind-the-meter diesel engines and said that the RICE units have higher emissions than the resources that they generally replace and they serve no special reliability need. The generators argued that the exemption is too broad and may encourage generators to enter the market as behindthe-meter demand response resources, enabling them to take advantage of PJM markets without bearing the same burdens required of other capacity resources.

To the contrary, AMP described the restrictions on the RICE units' usage and noted that the very limited nonemergency usage is not an open-ended opportunity to exploit DR resources. AMP also argued that complaints that behind-the-meter DR resources should not be permitted to operate without emissions controls are really issues with the EPA rules that permit RICE units to operate and, thus, are outside the scope of this proceeding. Finally, AMP noted that efforts to eliminate the emergency DR category ignore the fact that behind-the-meter emergency DR resources are valuable resources that provide reductions in load when PJM is in emergency conditions and have been instrumental in helping PJM maintain reliability of the bulk power system, even during the extraordinary events of January 2014.

If FERC determines that all DR must operate as Pre-Emergency DR, the current emergency status of the RICE units would be threatened and they would be put at risk of violating the RICE NESHAP rules. A single violation of the RICE NESHAP rules would cause the resource to lose its designation as an emergency unit, thus subjecting it to immediate shutdown or installation of costly emission controls.

FERC will likely issue its ruling within the next few months. If FERC rejects the emergency category of DR, we would need to determine whether an appeal would be warranted in order to ensure that our DR units may continue to provide needed support in emergency situations.

If you have questions, please contact me at lmcalister@ amppartners.org, Chris Norton at cnorton@amppartners.org, or Julia Blankenship at jblankenship@amppartners.org.

Garvey retires from Tipp City

Provided by the City of Tipp City

After 25 years of service to Tipp City and a total of 44 years to the electric industry, Electric Superintendent Gary Garvey has announced his retirement effective June 30, 2014. Garvey came to Tipp City from Dayton Power & Light. He previously worked for various electric contractors, including work in the Grand Cayman Islands and Saudi Arabia.

During his tenure in Tipp City, the community grew from a population of approximately 5,500 to 10,000 with increased industrial load. With that growth came a need for more substations and distribution lines. Garvey was instrumental in helping to grow and develop Tipp City's electric system and electric department staff. The city thanks him for his dedicated service to the community.

AMP offers AEDs at discounted rate for member communities

By Gary Keffer – environmental health & safety manager

AMP has received a competitive quote for automated external defibrillators (AEDs). We are purchasing AEDs for our hydroelectric projects, but due to the exceptional rate, would also order AEDs for members who are interested in purchasing units.

The quote AMP received was \$1,152 per unit (about \$350 cheaper than most AED units).

Any member who is interested in purchasing AEDs at this discounted rate may contact me at 614.540.0998 or gkeffer@amppartners.org.

OSHA pushes compliance date back to Oct. 31, 2014

By Michelle Palmer

The Occupational Safety and Health Administration (OSHA) released a final rule revising



its workplace safety standards for workers performing electric power generation, transmission and distribution work in April 2014. These revised rules were originally set to become effective on July 10, 2014, but in a June 20 memo to regional administrators, OSHA said it would accept compliance with the previous version of the standards until Oct. 31, 2014.

OSHA's temporary enforcement policy on this compliance date applies to most all elements with the exception of the design, manufacturing, testing, and other requirements for rubber goods such as blankets, gloves, sleeves, etc.; and in-service care and use of electrical protective equipment - these will become effective and enforceable on July 10.

AMP offers OSHA training programs for any member who requests it. The OSHA 10-hour training program is designed for workers who perform services by replacing, correcting, erecting and painting in the work environment, but anyone may participate in the course. The cost is \$179 per student (at least 10 students must attend) for this two-day training program. Payment is due prior to services provided for training cost, materials, and OSHA card request from Mid-America OSHA.

For more information on OSHA's revised rule, visit https://www.osha.gov/ or https://esafetyline.net/ IPDDocs/eei/osha Webinars.pdf. We will also offer a session at the October AMP/OMEA Conference regarding OSHA's revised rule.

Please contact Kyle Weygandt, AMP director of member safety, at kweygandt@amppartners.org or 330.323.1269 with questions or to schedule an AMP training program on OSHA.

www.amppartners.org

Update Classifieds

AMP seeks part-time member marketing consultant candidates

American Municipal Power, Inc. (AMP) is seeking candidates for a Part-Time Member Marketing Consultant (central and eastern Pennsylvania territory). This position will be responsible for fostering member relationships and joint action activity between members.

A minimum of a four-year business or engineering-related degree is desired. Candidates must have five or more years of experience in the electric utility industry, including supervisory responsibilities, and must possess proven management skills and technical expertise in the day-to-day activities of municipal electric systems. Three or more years of experience in marketing and public relations is preferred. Experience in a municipal environment is strongly preferred. This position requires travel, primarily in Pennsylvania.

For a complete job description or to apply, please email to ttucker@amppartners.org.

Village of Milan accepts electric superintendent applications

The Village of Milan is accepting applications for the position of Electric Superintendent.

A full position description and application may be obtained at 11 S. Main St., PO Box 1450, Milan, Ohio 44846 between 8 a.m. and 4 p.m. weekdays or online at www.milanohio.com.

City of Marshall has opening for director of electric utilities

The City of Marshall (an RP3 community) is seeking a Director of Electric Utilities to manage the city's electrical production, distribution and metering departments. There are approximately 4,500 commercial, industrial and residential electrical customers. The successful candidate will be a people person with exceptional leadership skills and solid knowledge of overhead and underground electric distribution, transformers, meters, and budgeting. A full job description can be found at www.cityofmarshall.com.

Five to eight years of progressively responsible experience required. Municipal utility experience and bachelor's degree in related field a plus. \$70,000 - \$77,000 DOQ plus fringe benefits. Will report to the City Manager. Submit resume to Human Resources, 323 W. Michigan, Marshall, Michigan 49068. Equal Opportunity Employer M/F/H/V. Position open until filled.

Tipp City seeks lineworker

The City of Tipp City Electric Department (TCED) is accepting applications for the position of Journeyman Lineman. TCED will be hiring up two journeyman lineworkers and may consider those that currently working through an apprentice training program.

Periodic drug and alcohol testing will be required. Work in inclement weather, on-call and non-traditional hours will be required.

Tipp City has an excellent wage and benefits package. Resume and application to City Manager's Office. Tipp City Government Center, 260 S. Garber Dr., Tipp City, Ohio 45371. Resume/application are due June 20, 2014. Tipp City is an Equal Opportunity Employer.

Danville is looking for electric substation superintendent

The Utilities Department is seeking an experienced candidate to perform administrative and expert technical support for the Substation and Meter Department as well as coordinating the dispatch/control of power supply. Electric substation superintendent will be responsible for preparing the budget and monitoring expenditures, programming; testing and calibrating all meters; handle customer complaints; providing technical support for meter technicians; supervise meter technicians, substation technicians and systems operators.

Qualified candidates will have the ability to read, understand, and interpret financial reports and/or legal documents; the ability to supervise, train, motivate, and discipline authorized personnel. Must have broad knowledge in a general professional or technical field or a bachelor's degree in related field. Possession of valid drivers license required. Starting salary range: \$56,993 -\$68,391/Annual. Position open until filled apply online: www.danville-va.gov Equal Opportunity Employer.

Calendar

June 30-July 2—Hotline Training AMP Headquarters, Columbus

July 24—AMP Finance & Accounting Subcommittee Meeting AMP Headquarters, Columbus

Aug. 6—Sustainability Subcommittee Webinar 2 p.m. Email jblankenship@amppartners.org for log-in information

Aug. 19—Project Update & Member Outing

Aug. 23—AMP Lineworkers Rodeo AMP Headquarters, Columbus

Aug. 28—AMP Finance & Accounting Subcommittee Meeting Johnstown, Pennsylvania

Sept. 8-12—Lineworker Training Basic 2 AMP Headquarters, Columbus

Sept. 11—AMP Finance & Accounting Subcommittee Meeting Piqua, Ohio

Sept. 22-26—Lineworker Training Advanced AMP Headquarters, Columbus

July 3, 2014



Hotline Training participants pictured (from left) are: row one-Jason Kratochvil, Zelienople; Alex Miller, Shelby; Rick Koogler, Tipp City; row two-AMP Manager of Technical Training Bob Rumbaugh, instructor; Joe Reau, Oak Harbor; and Gary Roub, Shelby.

AMP offers new Hotline Training course

By Bob Rumbaugh - manager of technical training

There were five participants from four member communities in Ohio and Pennsylvania who attended AMP's new Hotline Training course June 30-July 2 at AMP headquarters.

The Hotline Training course was designed to provide an in-depth understanding of proper work techniques for line construction from the bucket, and focuses on the skills and knowledge required for bucket truck work. Similar to AMP's climbing class, the course is entirely hands-on and performed in the bucket.

Please contact AMP Technical

Services Program Coordinator Jennifer Flockerzie at 614.540.0853 or jflockerzie@amppartners.org with questions or for more information on AMP's course offerings. The AMP 2013-14 Training Catalog is also available on the Member Extranet section of the AMP website.



Frazier, Peuli join AMP team

By Teri Tucker – director of human resources

AMP welcomed two new employees on June 30: Dan Frazier and Maliha Peuli. Frazier is accounts payable coordinator and Peuli is human resources generalist.

Frazier will be responsible for ensuring accounts payable workflows are documented, best practices are implemented, and policies and procedures are prepared – making sure appropriate internal controls are in place. Prior to AMP, Frazier was



Dan Frazier



Maliha Peuli

accounts payable disbursements manager for Sterling Commerce/IBM and was in a similar role with Safelite Glass Corp. He holds a master's degree from Ashland University, bachelor's degree from Ohio State University and is a Certified Accounts Payable Professional.

Peuli will be working with senior management to help create and maintain an employee culture that supports AMP's mission, vision and values. She was previously a human resources generalist at Excel. Peuli holds a bachelor's degree from Ohio State University and is pursuing a master's degree from OSU's Fisher College of Business.

Please join me in welcoming Dan and Maliha.

Cooler summer helps lower energy prices

By Craig Kleinhenz – manager of power supply planning

The first couple weeks of summer are now over and most of the U.S. has yet to see any extreme heat. This lack of heat has resulted in a string of higher-than-normal injections of natural gas into

continued on Page 2

Court rejects FERC's approval of PJM's transmission cost allocation again

By Lisa McAlister - deputy general counsel FERC/RTO affairs

On June 25, 2014, the U.S. Court of Appeals (7th Circuit), in a decision written by Judge Richard Posner, again rejected PJM's postage-stamp allocation of the costs of new 500 kilovolt (kV) and above transmission lines that had been approved by the Federal Energy Regulatory Commission (FERC). This is the second time within just a few months that two separate circuit courts have rejected FERC orders based on FERC's lack of justification or real rationale for FERC's decisions.

In 2009, the same Court vacated and remanded a 2007 FERC order that approved a region-wide postage-stamp allocation of the costs of new transmission facilities that operate at and above 500 kV in PJM. In the earlier case, the Court directed FERC to quantify the benefits to the utilities in western PJM from the new 500 kV lines in the eastern portion of PJM. The Court said that if FERC could not quantify the benefits, it could nevertheless reinstate the postage stamp methodology if it had an "articulable and plausible reason to believe that the benefits are at least roughly commensurate" with the western utilities' share of electricity sales in the entire PJM region.

FERC issued its order on remand on March 30, 2012, which also prescribed a region-wide postage-stamp allocation. The western PJM utilities again appealed FERC's decision.

On this second appeal, the Court held that FERC "failed to comply with our order remanding the case to it. It must try again. If it continues to argue that a cost benefit analysis of the new transmission facilities is infeasible, it must explain why that is so and what the alternatives are. It has presented no evidence that postage-stamp pricing is an acceptable, or the only possible, alternative."

Unsympathetically, the Court noted that FERC "defended its approach by appealing to the difficulty of measuring the benefits that the western utilities would derive from the new lines" but that the Court "considered that a feeble defense." Rather, the Court stated that, although the benefits may be unquantifiable, after careful consideration, FERC may do something like "use the western utilities' estimate of the benefits as a starting point, adjust the estimate to account for the uncertainty in benefit allocation, and pronounce the resulting estimate of benefits adequate for regulatory purposes. If best is unattainable second best will have to do, lest this case drag on forever." Thus, the Court again remanded the case to FERC.

Judge Richard Cudahy dissented, stating that the "entire thrust of the majority is toward precise cost causation, even in the present case, where that is indeterminate or at least obscure" and that FERC was dealing with "incommensurable forces and conditions as skillfully and honestly as it can." Judge Cudahy concluded that courts should generally be deferential to FERC's technical analysis, particularly when

On Peak (16 hour) prices into AEP/Dayton Hub					
Week end	ling July 4				
MON \$56.07	TUE \$60.15	WED \$47.73	THU \$38.41	FRI NA	
,	ling June 27	ψ47.73	ψ30.41	1421	
week end	ing June 27				
MON	TUE	WED	THU	FRI	
\$47.77	\$47.63	\$44.76	\$49.55	\$48.23	
AEP/Dayton 2015 5x16 price as of July 3 — \$46.69					
AEP/Dayton 2015 5x16 price as of June 27 — \$47.04					

Lower energy prices

continued from Page 1

storage. This led both natural gas and power markets to close lower again this week. August natural gas ended the week \$0.08 lower than last week, ending the week at \$4.36/ MMBtu. 2015 on-peak electric prices fell \$0.35/MWh from last week with AD Hub closing at \$46.69/MWh.

AFEC weekly update

By Craig Kleinhenz

Fremont extended its daily cycling streak as the plant was cycled offline last Thursday and Friday nights for a total of seven days in a row. The plant was dispatched offline on Sunday and came back up Monday morning. The plant then generated at base minimum levels during off-peak hours and base maximum levels during daytime hours for Monday through Wednesday.

Duct burners were used 67 hours this week during Friday evening, Monday afternoon and evening, and Tuesday and Wednesday morning. The plant ended the week with a load factor of 50 percent (based on a plant rating of 675 MW).

Trends in sustainability

By Julia Blankenship – director of energy policy & sustainability

In what can be hoped will NOT become a trend but is important to note regardless - a major insurance company is suing Chicago-area municipal governments for failing to take appropriate preventative actions to avoid damages that resulted from spring floods in 2013.

Attributing the flooding and the damage to climate change, the class action suit filed by Farmers Insurance Co. alleges that Chicago-area municipal governments knew that their drainage systems were inadequate; the regional water management authority identified various deficiencies back in 2011. The suit also notes that heavy storms, such as the one that caused the spring 2013 flooding, are now predictable results of climate change and thus are now foreseeable risks that need to be planned for, not insured against.

By not taking "reasonable action," such as increasing storm water storage capacity or deploying temporary property protection measures to prevent flooding of insured properties, the local governments were negligent. The local governments are expected to claim government immunity from prosecution.

dealing with cost allocation, which is a judgmental matter.

The case originally involved 18 transmission projects expected to cost \$6.6 billion in toto. The number of new lines has dwindled to 12 (11 already built, the other under construction). The current estimate of the total cost of the projects that have been or will be completed is \$2.7 billion. However, PJM would not have collected that full amount as the allocations are collected over the projects' useful lives. Nonetheless, if FERC changes the allocation method on remand, PJM will likely have to rebill for payments collected until 2013, when PJM implemented a new cost allocation methodology. Thus, at this point, the allocation method that would be used for rebilling is still an open question.

PJM has indicated that the Court's decision and FERC's reaction should not impact PJM's new hybrid cost allocation formula that allocates 50 percent of the cost of regional projects (which now includes double 345 kV circuits in addition to lines 500 kV and above) using the postagestamp method and the remainder based upon a solutionbased distribution factor (DFAX) analysis.

Calendar

July 24—AMP Finance & Accounting Subcommittee Meeting AMP Headquarters, Columbus

Aug. 6—Sustainability Subcommittee Webinar 2 p.m. Email jblankenship@amppartners.org for log-in information

Aug. 19—Project Update & Member Outing

Aug. 23—AMP Lineworkers Rodeo AMP Headquarters, Columbus

Aug. 28—AMP Finance & Accounting Subcommittee Meeting Johnstown, Pennsylvania

Sept. 8-12—Lineworker Training Basic 2 AMP Headquarters, Columbus

Sept. 11—AMP Finance & Accounting Subcommittee Meeting Piqua, Ohio

Sept. 22-26—Lineworker Training Advanced AMP Headquarters, Columbus

Oct. 5-11—Public Power Week

Oct. 6-8—Underground Training AMP Headquarters, Columbus

Oct. 27-30—AMP/OMEA Conference Hilton Columbus at Easton, Columbus

Oct. 28—AMP Finance & Accounting Subcommittee Meeting Hilton Columbus at Easton, Columbus

Dec. 4—AMP Finance & Accounting Subcommittee Meeting AMP Headquarters, Columbus

Update Classifieds

Cuyahoga Falls Civil Service Commission to hold open exam

The City of Cuyahoga Falls has given notice that the Cuyahoga Falls Civil Service Commission will administer an open-competitive written examination for the position of Firefighter/Paramedic at 6 p.m. Aug. 6 in the Cuyahoga Falls High School Cafeteria, 2300 Fourth St., Cuyahoga Falls, OH 44221. Registration will begin at 5 p.m.

For a complete job description and requirements, visit http://cfo.cityofcf.com/web/departments/human- resources/job-postings.

Applications are available at the City Building, 2310 Second St., Cuyahoga Falls, OH 44221 from 8 a.m. to 5 p.m. weekdays or online at www.cityofcf.com.

AMP seeks part-time member marketing consultant

American Municipal Power, Inc. (AMP) is seeking candidates for a Part-Time Member Marketing Consultant (central and eastern Pennsylvania territory). This position will be responsible for fostering member relationships and joint action activity between members.

A minimum of a four-year business or engineeringrelated degree is desired. Candidates must have five or more years of experience in the electric utility industry, including supervisory responsibilities, and must possess proven management skills and technical expertise in the day-to-day activities of municipal electric systems. Three or more years of experience in marketing and public relations is preferred. Experience in a municipal environment is strongly preferred. This position requires travel, primarily in Pennsylvania.

For a complete job description or to apply, please email to ttucker@amppartners.org.

Village of Milan accepts electric superintendent applications

The Village of Milan is accepting applications for the position of Electric Superintendent.

A full position description and application may be obtained at 11 S. Main St., PO Box 1450, Milan, Ohio 44846 between 8 a.m. and 4 p.m. weekdays or online at www.milanohio.com.

American Municipal Power, Inc. 1111 Schrock Road • Suite 100 Columbus, Ohio 43229 614.540.1111 • FAX 614.540.1113 www.amppartners.org





Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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Committee Schedule

July 2, 2014

HB5 INTERESTED PARTIES MEET FOR PRELIMINARY DISCUSSION

On Monday, Chairman of the Senate Finance Committee Senator Scott Oelslager (R-Canton) and Senator Bob Peterson (R-Washington Courthouse) held a preliminary interested party to discuss sub.HB5, the municipal income tax uniformity bill. We want to thank Chairman Oelslager and Senator Peterson for convening this meeting and beginning the discussion, on the Senate side, concerning what areas of the bill need improvement and what areas of the legislation there are agreements reached.

The meeting was limited to roughly a dozen municipal officials from across the state who had previously participated in interested party meetings that occurred in the Ohio House along with representatives of various organizations that make-up the business-backed municipal tax reform coalition. During the nearly two hours of discussion, municipal officials reiterated the areas of the bill that are acceptable (with the caveat that technical corrections and drafting errors that are contained in the language we support need to be addressed and fixed before the finished product could be considered) and the seven points we have identified that will have the greatest impact on municipal revenues and are the source of our greatest opposition. The document that was distributed during the meeting and used to identify our positions is <u>HERE</u>.

Following the explanation of concerns held by municipal representatives, the reform coalition then presented the issues that they would like to have reinserted to the bill that were taken out by the Ohio House (example: applying the State of Ohio's Bright Line Residency Test to determine municipal residency) and other issues that were not part of any draft that they would like the Senate to add (example: setting an arbitrary threshold for taxpayers before municipalities can require a Net Profit filings).

The meeting concluded with the suggestion that future interested party meetings should and most probably will take place as the summer goes on, in anticipation of the legislatures return to the Statehouse sometime in the Fall. In the meantime, there are a number of things our municipal officials can do to help communicate your concern for what is being proposed in the current version of sub.HB5 with Senators as they are back in their districts over the Summer break. The following are a few suggestions:

- When you see your Senator at a parade, cook-out, town hall meeting or just around your city or village, don't hesitate to ask them if you could **have a word with them** briefly about components of the bill that will challenge your communities ability to continue to support basic municipal services at the current levels.
- Ask area business leaders who value the relationship they have with their hometown and who may have concerns

with the effects sub.HB5 would have on their host community to continue to provide the services and workforce sufficient to continue the productive operation of their operation to write a letter supporting your communities operations and the need to preserve the fiscal integrity of the municipality so businesses can continue to compete. The letters can be to your particular Senator but the league would also like a copy of any letter of this type so we can keep track of the information provided to members of the Senate.

- Reach-out to business owners who have moved to your community because of an incentive package or other strategies that were used by the municipality to secure the new or existing business location/operation and ask them to write a letter to the Senate member (with a copy to the league) to share with them the importance of preserving the financial integrity of municipalities for the state of Ohio's own economic development benefit.
- Reach-out to Mayors or City Managers in your area and discuss the potential of joining forces to examine the financial impacts the various treatments we have identified in sub.HB5 will have on your cities or villages and communicate those concerns jointly to your member of the Ohio Senate. There truly is strength in numbers and collaborations are important on such important issues as what is being proposed in sub.HB5.
- Contact your local newspaper Editor and ask to have a meeting with the Editorial Board to discuss the effects the legislation will have on your municipality's ability to support the level of services currently being provided to residents and the businesses that employ them.

It is very important that municipal officials across the state stay vigilant in sharing their opposition to what is contained in sub.HB5 and passed by the Ohio House of Representatives. The members of the Senate will be deciding what their position will be on the bill over their break and through their contact with those for or against the bill while they are away from Columbus. When the legislature returns after the summer, we expect the bill to move through the remaining legislative process very quickly so the time to speak-up and act is now.

CINCINNATI, CLEVELAND, ATLANTA SCORE HIGH MARKS AS MOST TAX-FRIENDLY LARGE CITIES FOR BUSINESS: KPMG REPORT

In our effort to share good news about state and national recognition Ohio cities and villages continue to receive, we want to bring to our member's attention an article that was published Monday recognizing two Ohio cities that were recently identified for their outstanding business-fostering tax practices.

The article, that can be found HERE, announces the results of a KPMG International 2014 Competitive Alternatives: Focus on Tax study that identified Cincinnati and Cleveland as the 11 th and 12 th most favorable tax structures for businesses among U.S. cities/locations with populations exceeding 2 million. The study is a global comparison of the total tax burden that companies in 107 cities throughout 10 countries may face, including corporate income taxes, capital taxes, sales taxes, property taxes, miscellaneous local business taxes and statutory labor costs.

Great job to these two municipalities for being leaders in Ohio's economic development vitality and this should be further evidence to dispel the misconceptions being advanced by special interest groups seeking tax cuts disguised as "tax reform" for certain individuals on the backs of service providing, municipal budgets through-out the state.

GENERAL ASSEMBLY RELEASES SECOND HALF OF 2014 LEGISLATIVE SESSION SCHEDULE

Last week, legislative leaders released the legislative calendar for the remaining half of 2014. The announced dates for session and committee hearings are:

September-Senate has tentative committee hearings dates set for 9/23, 24, 25 and session, if needed on the 30 th. The House has six session dates listed on an *if needed* basis.

October- Senate has session dates, if needed, for the 1 st and 2 nd.

November (Lame Duck season) - Senate has session dates scheduled for the 10/12, 13, 18, 19, 20, 25th. House will be in session on the 12th and 19 th and then *if needed* on the 18th and 20th.

December- Senate will be in session 12/2, 3, 4, 9, 10, 11, 16, 17 and 18 th while the House will hold session on the 3 rd, 10 th and 17 th with *if needed* session dates of the 2, 4, 9, 11, 16 and 18 th.

Upcoming bulletins

The league will continue to produce our legislative bulletin through-out the summer, on a somewhat irregular basis. If there is legislative activity that takes place during the Summer, we will be sure to share that information with our members.

Because we know many of our members were unable to attend the May 27 th Sponsor's Hearing in the Senate Finance committee for sub.HB5 hearing, nor the hearing held June 3 rd for the proponents of the bill, before the legislature recessed, we have been requested by many of our members and feel it is important to share what information was presented to the committee with our league members. So, in upcoming bulletins we will be featuring segments of the testimony that was provided to the Senate Finance committee members by the sponsors and the bill supporters. We are providing our members with this information that was presented through testimony so that inconsistencies with the truth can be identified and clarifications can be made to what the bill will actually do and the potentially devastating effects those changes included in the current version of the legislation will have on 592 of Ohio's municipalities.

We hope everyone has very safe and happy Fourth of July celebrations.

Fw: July TMACOG Big Picture newsletter

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

06/30/14 03:21 PM

----Original Message-----

From: TMACOG <public.info@tmacog.org>

To: gheath@napoleonohio.com Date: 06/30/2014 03:13 PM

Subject: July TMACOG Big Picture newsletter





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FEATURE

Save the Date for TMACOG Summer Caucuses and Forum with State Lawmakers



The summer meeting of TMACOG members has a full agenda. Please mark your calendar now and plan to attend. The Summer Caucuses and Forum with State Lawmakers is Thursday, August 28 from 8:30 a.m. - noon. The forum will be held in the Grand Lobby of the Dr. Martin Luther King, Jr. Plaza, with caucus sessions in TMACOG's offices.

State lawmakers who have confirmed their attendance for the forum are: Senator Randy Gardner, Senator Cliff Hite, Representative Tim Brown, Representative Teresa Fedor, Representative Barbara Sears, and Representative Mike Sheehy. All TMACOG members are asked to send one or more representatives to the summer meeting. Participation in the caucus sessions helps to direct TMACOG activities during the rest of the year.

AGENDA

Summer Caucus and Forum with State Lawmakers Thursday, August 28, 2014

8:30 a.m. Registration with continental

breakfast/networking

9 a.m. Presentation "Complying with Ohio's

Open Meetings Laws"

Attorney Cheryl Wolff, Spengler

Nathanson P.L.L.

9:45 a.m. Caucus Sessions: Counties, Cities,

Upcoming Events

Summer Caucus - Legislators Forum

August 28, 8:30 a.m. noon 2014. Location TMACOG offices and Grand Lobby of the Dr. Martin Luther King, Jr. Paza

Contact: Jennifer Allen 419.241.9155 ext 107 Ohio Conference on

Freight

September 18 & 19 at the Hyatt Regency, Columbus

Contact: Christine
Connell 419.241.9155

ext. 119

Anniversary
New TMACOG
Members
Share Your News

& Authorities, Schools & Universities, Non-governmental Members

Villages, Townships, Special Districts

10:15 a.m. Networking Break

10:30 a.m. Forum with State Lawmakers

Noon Concluding remarks

There is no fee to attend but please contact <u>Jennifer Allen</u> at 419.241.9155, ext. 107 to register by Friday, August 22nd.

EVENTLINE
July & August
2014
Web
pdf version

Clean Ohio Funds Preserve Oak Openings Region



Clean Ohio Fund

Three projects of the Metroparks of the Toledo Area are the top ranked applications and have been recommended for funding through the Clean Ohio Fund. The Clean Ohio Fund allocates money to each Ohio County for the preservation of open space and to increase public access to natural areas. From the five proposals submitted in Lucas County, the three Metroparks projects ranked highest in the evaluation process...read more

TRANSPORTATION



September 18 & 19, 2014 Hyatt Regency, Columbus, OH

Register early for the Ohio Conference on Freight to secure early bird rates for both the conference and for hotel accommodations. The Ohio Conference on Freight website has complete information regarding speakers, topics, tours, and more.

The Ohio Conference on Freight is a project of the Toledo Metropolitan Area Council of Governments in association with the Ohio Department of Transportation and the National Association of Regional Councils. Additional support is provided by The JobsOhio Network.









TMACOG's summer interns collect essential data used for transportation modeling and planning in northwest Ohio and southeast Michigan. The work for 2014 summer interns Abby Curtis and Andrew Carden includes counts that are required by ODOT, requests from TMACOG members, and ongoing collection of data on area roadways...read more

Gas Cap Testing and Replacement Program

Does your check engine light come on now and then? You may have a poorly fitting gas cap that is wasting gas and contributing to ozone pollution. Stop in to one of the testing locations in July and August to have it checked...read more

Kicking Off Cycling Season



For the whole month of May, TMACOG and many regional partners hosted rides, shared maps, and took other steps to encourage adults and children to use bicycles as commuting vehicles...read more

ENVIRONMENT

Ozone Action Season





From May through September is when northwest Ohio and southeast Michigan are most likely to experience unhealthy air caused by ground level ozone, or smog. Ozone collects in the lower atmosphere on hot, still days with a lot of sun. Ozone is created when Nitrogen oxides (NOx) and volatile organic compounds (VOC) react with sunlight on hot days. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NOx and VOC. Nearly half of VOC are generated by motor vehicles. Individual actions can affect air quality. On hot, sunny days, consider taking a bus or riding a bike to work or school, don't fill up the gas tank or light a grill until the worst of the day's heat is gone. Take steps to reduce the amount of energy your household consumes and avoid use of engines and grills. At home, adjust the thermostat to run the air conditioner less and hang laundry out to dry instead of running a household appliance.

Ozone can affect lungs and also hurts plant growth. Children and people with asthma and other lung problems can be harmed by continued exposure to ozone. Even in the short run ozone can cause chest pain and trouble breathing.

Stormwater Case Study: Rain Garden in a Brownfield

Grants from the Great Lakes Restoration Initiative (GLRI) Surface Water Improvement Fund (SWIF) are funding the design and construction of several stormwater

management projects in Lucas County. The University of Toledo is evaluating those pilot projects with the goal of providing information to developers who want to reduce the amount of stormwater entering sewer systems, remove pollutants from the water, and do so cost effectively. The TMACOG Stormwater Coalition is providing a forum for the grant recipients to discuss and collaborate on their projects...read more

MEMBER NEWS

Thank You for Survey Participation

TMACOG recently conducted an opinion survey as part of the public involvement for our regional long range transportation plan, "On the Move: 2015-2045 Transportation Plan." Four prize winners were chosen in a random drawing, and they will receive either a gas card or a bus pass. The lucky winners are: Melanie Coulter, David Marrufo, James Moriarty, and Robert Spino. Thanks to everyone for participating! More information about the transportation plan can be found here.

Congratulations

TMACOG member <u>Eastman & Smith</u> celebrated 170 years of service on June 5, 2014. The law firm is Toledo's oldest and one of the largest. It was established in 1844, only seven years after Toledo's founding.

Welcome



TMACOG welcomes new member <u>Republic Services</u>, <u>Inc</u>. Republic provides trash and solid waste collection and also provides recycling and hazardous waste management services. Republic is a private company with offices in Erie, Michigan, and joins TMACOG as a non-governmental member.

What's New, Members?

Is your community celebrating a milestone? Do you have a grand opening of a new bridge or bikeway? Did your agency win that big grant you applied for? Share your member news with TMACOG. Message us on Facebook (Toledo Metropolitan Area Council of Governments) or send your news to public.info@tmacog.org.

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To ensure our e-mails reach your inbox, please add public.info@tmacog.org to your address book.



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