
Memorandum

To: Mayor & Members of Council
From: Monica Irelan, City Manager
Subject: General Information
Date: August 1, 2014

CALENDAR

CITY COUNCIL AGENDA - Monday, August 4th @7:00 pm

C. APPROVAL OF MINUTES – from the July 21st Council Meeting

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 048-14** an Ordinance Amending the Employment Policy Manual of the City of Napoleon, Ohio
2. **RESOLUTION NO. 049-14** a Resolution Authorizing the City Manager to Execute All Documents Necessary to Enter into a Contract with Innovative Financial Technologies, LLC (Infintech); and Declaring an Emergency. (*Suspension Requested*) – a copy of the *Third Party Credit Card Payments Proposal* is enclosed; Judge Rosebrook will be at the meeting Monday evening.

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS - NONE

I. THIRD READINGS OF 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. **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.

J. GOOD OF THE CITY (*Discussion/Action*)

1. **Approval of the Audit Report (CAFR)** – earlier this week, Greg emailed the *2013 Annual Financial Information Statement on Certain Related Debt Issues* and also the *CAFR FY2013*.
2. **MWT Subdivision (land behind Taco Bell)**
3. **Approval of Plans, Specifications and Documentation for the Southside Interceptor I/I Reduction Project (L.T.C.P. Project No. 20A)** – We have enclosed Chad's Memorandum on this project, the plans and specs are on file with the Finance Director/Recorder's Office.

INFORMATIONAL ITEMS

1. **CANCELLATION** – Technology Committee Meeting
2. **OMEA NEWSLETTER** / July 2014
3. **AMP UPDATE** / August 1, 2014

MI:rd

Records Retention
CM-11 - 2 Years

July 2014							August 2014							September 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				
							31													

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1	2
					7:00 PM - 11:00 pm / Rally in the Alley	
3	4	5	6	7	8	9
	7:00 PM City COUNCIL Meeting		6:00 PM - 8:00 PM RIVER CITY RODDERS CRUISE-IN AMP			
10	11	12	13	14	15	16
6:00 PM TOMATO FESTIVAL PARADE	6:30 PM ELECTRIC Committee Board of Public Affairs 7:00 PM WATER/SEWER Committee 7:30 PM Municipal Properties/ED Committee Meeting	4:30 PM Board of Zoning Appeals Meeting 5:00 PM Planning Commission				
17	18	19	20	21	22	23
	6:00 PM City TREE Commission Meeting 6:15 PM PARKS & REC Committee Meeting 7:00 PM City COUNCIL Meeting	AMP	AMP	AMP		
24	25	26	27	28	29	30
	6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee Meeting					
31	1	2	3	4	5	6
	HOLIDAY - Labor Day - City of	6:15 PM TECHNOLOGY Committee 7:00 PM City COUNCIL Meeting				

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, August 4, 2014 at 7:00 pm

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Approval of Minutes:** July 21 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. **Citizen Communication**
- E. **Reports from Council Committees**
 - 1. **Technology & Communication Committee** did not meet on Monday, August 4 due to lack of agenda items.
 - 2. **Finance & Budget Committee** *(Majority Report)* met on Monday, July 28 and recommended that Council:
 - a. Approve the Audit Report (CAFR)
 - 3. **Safety & Human Resources Committee** did not meet on Monday, July 28 due to lack of agenda items.
- F. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Civil Service Commission** did not meet on Tuesday, July 22 due to lack of agenda items.
 - 2. **Parks & Recreation Board** did not meet on Wednesday, July 30 due to lack of agenda items.
- G. **Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 048-14**, an Ordinance amending the Employment Policy Manual of the City of Napoleon
 - 2. **Resolution No. 049-14**, a Resolution authorizing the City Manager to enter into a Contract with Innovative Financial Technologies, LLC (INFINTECH); and declaring an Emergency *(Suspension Requested)*
- H. **Second Readings of Ordinances and Resolutions**

There are no Second Readings of Ordinances and Resolutions.
- I. **Third Readings of 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. **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
- J. **Good of the City** *Any other business as may properly come before Council, including but not limited to:*
 - 1. **Discussion/Action:** Approval of the Audit Report (CAFR)
 - 2. **Discussion/Action:** MWT Subdivision (land behind Taco Bell)
 - 3. **Discussion/Action:** Approval of Plans, Specifications, Documentation and Contracts for the South Side Interceptor Project (Issue II)
- K. **Executive Session:** Economic Development
- 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**

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Tuesday, September 2 @ 6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, August 11 @ 6:30 pm)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Electric Rate Design Study *(Tabled)*

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

(Next Regular Meeting: Monday, August 11 @ 7:00 pm)

- a. Review of Water Plant Consortium Concept

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

(Next Regular Meeting: Monday, August 11 @ 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, August 18 @ 6:15 pm)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, August 25 @ 6:30 pm)

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

(Next Meeting: Monday, August 25 @ 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, August 11 @ 6:30 pm)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Electric Rate Design Study *(Tabled)*

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, August 12 @ 4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, August 12 @ 5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, August 18 @ 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, August 26 @ 4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, August 27 @ 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, July 21, 2014 at 7:00 pm

PRESENT

Council

John Helberg (President), Jason Maassel (President Pro-Tem), Jeff Comadoll, Jeffrey Marihugh, Christopher Ridley, Heather Wilson

City Manager

Monica S. Irelan

Law Director

Trevor M. Hayberger

Finance Director/Clerk

Gregory J. Heath

Recorder

Tammy Fein

City Staff

Robert Bennett, Fire Chief

Tony Cotter, Parks & Recreation Director

Chad Lulfs, City Engineer

Dan Wachtman, MIS Administrator

Robert Weitzel, Police Chief

Others

News Media; Captain Jason Baker, 2014 Ambulance Committee member; Ronald Pugh

ABSENT

Council

Travis Sheaffer

Others

Mayor Ronald A. Behm

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 Approved

Minutes of the July 7 Council meeting stand approved with no objections or corrections.

Citizen

None

Communication

Reports From Committees

Chairperson Comadoll reported that the Parks & Recreation Committee met on Monday, July 21 and recommended:

1. Approval of Pocket Park Proposal pending survey, lot split, and official donation letter from current owner

Committee member Maassel reported that the Electric Committee met on Monday, July 14 and recommended:

1. Tabling of Review of Electric Rate Design Study
2. Approval of electric billing determinants

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on Monday, July 14 due to lack of agenda items.

The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on Monday, July 14 due to lack of agenda items.

Introduction Of Ordinances And Resolutions

There were no new Ordinances and Resolutions introduced.

Second Read Of

President Helberg read by title Ordinance No. 042-14, an Ordinance amending the

parttime golf course employees to use the golf course and eliminating the discounted admissions benefit on memberships for fulltime employees.

Helberg stated he would like the Ordinance to follow the Parks and Recreation Board recommendation; Irelan recommended to delete paragraphs one (1) through three (3) and amending the last paragraph to read 'at the cost determined by the City Manager', adding this was the recommendation of the Parks and Recreation Board to allow for more flexibility. Maassel stated that he has an issue with the rates of the golf course being increased to the community but being discounted for employees; adding that if the golf course discounted admission is removed from the wording, Maassel will vote Yea.

Passed
Yea- 4
Nay- 0
Abstain- 2

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

Hayberger stated the Ordinance would be amended and brought back as a First Read.

**Second Read Of
Resolution No. 045-14**

President Helberg read by title 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

**Motion To Approve
Second Read**

Motion: Maassel Second: Ridley
To approve second read of Resolution No. 045-14

Discussion

Heath stated there are no changes to the Resolution since the first read.

Passed
Yea- 6
Nay- 0

Roll call vote to approve second read of Resolution No. 045-14
Yea- Ridley, Maassel, Helberg, Marihugh, Comadoll, Wilson
Nay-

**Second Read Of
Ordinance No. 046-14**

President Helberg read by title 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

**Motion To Approve
Second Read**

Motion: Maassel Second: Ridley
To approve second read of Ordinance No. 046-14

Discussion

Roger Pugh, 1110 Highland Avenue, stated that he has lived on Highland Avenue for over twenty (20) years and the parking has remained the same, and the residents that Pugh spoke with in the area from Woodlawn Avenue to Lagrange Avenue want to keep the parking as it is currently. Pugh stated that the residents have put in mailboxes as required by the Post Office, and at that time Pugh checked with the City to make sure that there would not be a request to change sides of the street for prohibited parking. Pugh believes there to be twenty-nine (29) mailboxes on the West side of the road, and Pugh observed only approximately two (2) vehicles parked on the street during the weekdays; Pugh suggested finding the owner of the vehicles or moving the mailboxes closer to the driveway instead of moving the parking. Pugh also suggested there be a fine created for parking near the mailboxes to keep the parking as it is currently. Pugh stated that he is concerned about potential accidents.

Helberg stated that there are letters included in the packet from residents concerned about safety issues regarding moving the parking to the opposite side of Highland Avenue, including parking in the stop zone at the end closest to Lagrange Avenue. Maassel agreed that the mailboxes should be moved closer to the driveways which would solve most of the issue. Hayberger believes that the City's only option was to change the parking side after all other options were explored; the City cannot require the mailboxes to be moved. Marihugh stated that he has heard from residents and driven past the area, and does not believe that the moving the parking to the other side of the street will solve any issues. Wilson agrees that she has heard more opposed opinions from residents than proponents of moving the parking. Irelan reminded Council that this issue was brought to the City by a resident as she was not receiving any answers from the Post Office; and this was the only option that the City had to help the resident. Helberg asked if the City could ask the residents to move the mailboxes closer to the driveway; Hayberger suggested that the City should stay out of that discussion, adding that resident should speak with the Post Office before moving their mailbox.

Wilson believes changing the parking side is not the best option for the City.

Failed
Yea- 0
Nay- 6

Roll call vote to approve second read of Ordinance No. 046-14
Yea-
Nay- Ridley, Maassel, Helberg, Marihugh, Comadoll, Wilson

**Third Reading Of
Ordinances And
Resolutions**

There were no third readings of Ordinances and Resolutions.

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

Motion: Maassel Second: Comadoll
To accept the recommendation for approval of July electric billing determinants as follows:
Generation Charge: Residential @ \$0.09302; Commercial @ \$0.11823; Large Power @ \$0.05662; Industrial @ \$0.05662; Demand Charge Large Power @ \$15.95; Industrial @ \$16.95; JV Purchased Cost: JV2 @ \$0.04114; JV5 @ \$0.04114

Passed
Yea- 6
Nay- 0

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

**Approval Of NCTV
Contract**

Irelan distributed the revised NCTV Contract; see attached.

Hayberger reminded Council that under the third (3rd) Whereas, the 5% will be changed to 3%.

Irelan added that the Contract amendments have not changed since the first read.

Maassel stated that his only concern is that residents can turn on the channel and see a recent Council meeting; Irelan replied that although an NCTV representative was absent tonight, they have attended the previous two (2) Council meetings and have recorded the meetings using the new digital equipment and intensified microphone, so residents should be able to hear the televised meeting with no issues.

**Motion To Approve
NCTV Contract As
Presented**

Passed
Yea- 6
Nay- 0

**Approval Of
Specifications Of The
Purchase Of An
Ambulance Off State
Contract**

Motion: Marihugh Second: Comadoll
To approve NCTV Contract as presented

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

Chief Bennett distributed the quote letter, bid specifications, recommendation letter from the 2014 Ambulance Committee, and the contract; see attached.

Irelan distributed a memo regarding another option; see attached.

Bennett stated that, after a previous review of all submitted bids and deeming them to be outside the current budget range, changes were made by several companies and the lowest quote received was from Burgess Hearse & Ambulance Sales, with a total cost of \$138,156 for a 2015 McCoy Miller 170 inch module mounted on a Chevrolet G4500 chassis.

Irelan stated that \$3,000 was set aside for decals and painting, and Bennett asked if Fire Association could help with financing of the original quoted cost. Irelan stated that the new memo is the same ambulance as the original quote including paint and to match the rest of the current fleet, with a total price of \$146,500. Irelan stated that she has not asked the Fire Association if they will help with the cost of this quote as of yet.

Irelan recommends approving ambulance for \$146,500 from Burgess Hearse & Ambulance Sales.

Marihugh asked which account the money would be taken from; Bennett stated that this would be taken from the Capital Equipment Account (242), using the money saved from the cardiac monitors purchased earlier this year that had a cost under the budgeted amount. Marihugh asked why Baker did not sign the first memo; Irelan stated that this was an oversight. Marihugh asked if the graphics would exactly match the current ambulances; Irelan stated that is what was promised by the company; Bennett added that the company that did the original graphics is out of business and the original artwork is no longer available; the graphics will be matched as closely as possible. Helberg asked if this replacement product is worth the extra cost; Bennett stated this is for the composite interior which is what is in the current ambulance and has been used since 1989 with no issues.

**Motion To Approve
Specifications Of The
Purchase Of An
Ambulance Off State
Contract**

Passed
Yea- 6
Nay- 0

**Award of
Miscellaneous Street
Improvements Project:**

Motion: Marihugh Second: Maassel
To approve the specifications of the purchase of a McCoy Miller ambulance off State Contract from Burgess Hearse & Ambulance Sales

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

Irelan distributed a memo regarding the Miscellaneous Street Improvements Project; see attached.

Gerken Paving

Irelan reported that on Wednesday, July 16, 2014, bids were opened and read aloud for the Miscellaneous Street Improvements Project; one (1) bid was submitted from Gerken Asphalt Paving, Inc. in the amount of \$272,220. Lulfs stated that the published Engineer’s Estimate for this project is \$265,000, and this project consists of resurfacing portions of: Scott Street (U.S. 24 South Exit Ramp to Bonaparte Drive); Lagrange Street (Scott Street to Dodd Street); Haley Avenue (W. Washington Street to W. Main Street); Clairmont Avenue (Woodlawn Avenue south to West School Entrance); Sycamore Drive (Jahns Road to Hurst Drive); American Road (Industrial Drive to West Truck Stop Drive); Industrial Drive (North Abutment to American Road); 1775 Industrial Drive (City of Napoleon Operations Building); Indiana Avenue (Ohio Street to Oakdale Avenue); W. Clinton Street (Eastbound Turn Lane at N. Perry Street). Lulfs stated that the completion date for this project is October 25, 2014.

Irelan recommended that Council award Gerken Asphalt Paving, Inc. the contract for the 2014 Miscellaneous Street Improvements Project in the amount of \$272,220.

Marihugh asked if this is a firm completion date; Lulfs stated this is the contract date; Lulfs has no specific schedule to review regarding street timelines as of yet. Maassel asked for Lulfs estimate on what will be improved this year; Lulfs has this in the plans in his office for review.

Motion To Award Miscellaneous Street Improvements Project To Gerken Paving

Motion: Ridley Second: Wilson
To award Miscellaneous Street Improvements Project to Gerken Asphalt Paving, Inc.

Passed
Yea- 5
Nay- 0
Abstain- 1

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

Pocket Park Proposal

Helberg stated that he is concerned about the maintenance responsibilities regarding the park; Maassel replied that the Chamber and the Rotary will be responsible for maintenance. Helberg asked if the City will be responsible for the park if it falls into disrepair; Hayberger will draft Legislation outlining parties’ responsibilities. Irelan stated a survey will be completed and paid for by the Chamber or Rotary; the property will be donated to the City and maintained by the Chamber, and all specifics will be listed in the contract brought back to Council. Marihugh asked if there would be water and stormwater access; Irelan replied that the water and electric would be used from the current owner’s property. Marihugh stated that he is more concerned about water shed, adding that the current stone does not have the same runoff coefficient as the previous material. Marihugh added that he is also concerned about the shallow storm sewers in the alleys with a deep combined sewer in the front; Lulfs stated this will be researched in the design phase of the project.

Motion To Proceed With The Pocket Park Project Contingent Upon Survey Results, Lot Split And Official Donation Letter

Motion: Ridley Second: Comadoll
To proceed with the Pocket Park Project contingent upon survey results, lot split and official donation letter from the current owner

Passed
Yea- 6
Nay- 0

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

Good Of The City
(Cont.)

Heath

Heath distributed the Financial Reports and the information regarding a training session regarding Ethics Law.

Wilson

Wilson requested an Economic Development update; Irelan stated there is much in progress but nothing to report as of yet. Irelan was requested to bring a list of assets from the Municipal Properties, Buildings, Land Use & Economic Development Committee and the meeting was postponed due to a scheduling conflict, however this will be discussed at the next meeting.

Ridley

Ridley stated that the Ridge Project had a 5K run recently at the fairgrounds, and thanked the Police Department for the escort to keep the runners safe.

Ridley requested an update on the discussions regarding the Water Plant and Consortium; Ridley stated that he was approached regarding the option of Defiance as heard on the Mayor's radio program. Irelan stated that she met with Jeff Leonard from the City of Defiance, and he offered that Defiance is still interested, Irelan stated that at this point it would be approximately two (2) years to find out if Defiance would even work with all the research involved. Leonard understands the issues, and just offered that the option is still available.

Helberg Referred Discussion Regarding Consortium To Special Council/WSRRL

Irelan is working with the Consortium for specifics to bring to the Water, Sewer, Recycling, Refuse and Litter (WSRRL) Committee; Irelan requested that Helberg refer discussion regarding what is a Consortium to the WSRRL Committee.

Ridley asked if motion should be made regarding rehabbing the existing plant; Irelan stated no work is currently being done since Council has not given that direction. Irelan stated that she reported to the Engineers that the project is on pause; Marihugh suggested bidding based on the Quality Based Selection process for this project, as Jones & Henry was selected to build the membrane plant, not rehab the existing plant; Irelan is researching all legalities regarding this, adding that \$21,000 will still be spent regarding the partial pretreatment design, and 60% of this design can still be used no matter which treatment process is elected.

Maassel

Maassel asked about the parging bids for Donavon building; Irelan will open these tomorrow; Irelan reminded Council that the original specifications were for a larger cost due to the time of year at that point, however the cost was proposed to decrease in June.

Helberg

Helberg believed the parking lot was to be completed either before Ribfest or between Ribfest and the fair parade; Irelan stated that the contractor was caught up in bad weather, he was available during Ribfest and the City declined, and the next time the contractor was available was during the fair parade so the City once again declined; the parging will be completed after the fair parade. Lulfs stated that even though the contract stated these timelines, Lulfs requested to extend the project rather than have the construction during Ribfest and the fair parade as he did not believe having construction during these festivities was in the best interest of the City; adding that the schedule still fits with the parging of the wall. Maassel asked

ORDINANCE NO. 048-14

**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, this matter was previously brought before City Council at which time the Ordinance did not receive the required number of votes for passage, and after discussion a change was proposed, and staff does hereby submit the proposed changes to Council;

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

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 048-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State 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**

POLICY 1 PREAMBLE	8
Policy 1.1 Mission Statement.....	9
Policy 1.2 Purpose Of This Manual	9
Policy 1.3 How Employees Are Selected.....	10
Policy 1.4 Employee Relations Policy	10
Policy 1.5 Employee Responsibilities	11
POLICY 2 PERSONNEL ADMINISTRATION POLICIES.....	13
Policy 2.1 Personnel File	13
Policy 2.2 Employees Right To Benefits	13
Policy 2.3 Identification Cards.....	14
POLICY 3 GENERAL PERSONNEL POLICIES	15
Policy 3.1 Business Hours Of The City	15
Policy 3.2 Bonding Requirement	15
Policy 3.3 Aptitude & Ability Tests.....	15
Policy 3.4 Citizen Relations.....	15
Policy 3.5 Equal Employment Opportunity	15
Policy 3.6 Application Process	16
Policy 3.7 Former Employees Rehire	16
Policy 3.8 Health And/or Psychiatric Examinations	17
Policy 3.9 Credit Investigation.....	17
Policy 3.10 Job Descriptions.....	17
Policy 3.11 Knowledge Of The City Of Napoleon	18
Policy 3.12 Probationary Period	18
Policy 3.13 Performance Reviews	19
Policy 3.14 Proof Of U.S. Citizenship and/or Right To Work.....	19
Policy 3.15 Relatives And Employment	20
Policy 3.16 Employee's Ideas.....	20
POLICY 4 HOURS OF WORK POLICIES (HOURLY PAID EMPLOYEES).....	21
Policy 4.1 Hours Of Work	21
Policy 4.2 Overtime Pay	21
Policy 4.3 Part Time, Permanent Part Time, Temporary Employees (Overtime).....	22
Policy 4.4 Effects Of Time Off On Ability To Earn Overtime Pay	22
Policy 4.5 Reporting Time Pay: Inclement Weather & "Acts Of God"	22
Policy 4.6 Time Sheets/Time Cards.....	23
Policy 4.7 Time Clocks.....	23
Policy 4.8 Attendance	24
Policy 4.9 Absenteeism And Tardiness	24
Policy 4.10 Breaks/Rest Periods	25
Policy 4.11 Closure After Starting Time.....	25
Policy 4.12 Lunch Period.....	26
Policy 4.13 Wash Up Time	26
Policy 4.14 Acting Time	26
POLICY 5 STANDARDS OF CONDUCT POLICIES.....	28
Policy 5.1 General.....	28
Policy 5.2 Confidential Information	28
Policy 5.3 Records	28
Policy 5.4 Driver's License & Driving Record	33
Policy 5.5 Dress Code/Personal Appearance	34
Policy 5.6 Drug Free Work Environment Policy and Program.....	34
Policy 5.8 Disciplinary Actions - General	40

Policy 5.9	Citizen Complaints Against Personnel.....	40
POLICY 6 SEXUAL HARASSMENT POLICY		45
Policy 6.1	Policy Goals.....	45
Policy 6.2	Policy	45
Policy 6.3	Reporting Procedure	47
Policy 6.4	Training And Education.....	49
POLICY 7 USE OF CITY PROPERTY		51
Policy 7.1	Theft.....	51
Policy 7.2	Personal Mail	51
Policy 7.3	Personal Telephone Usage	51
Policy 7.4	Use Of Computers, Software And E-Mail	52
Policy 7.5	Use of Laptop Computers	53
Policy 7.6	Internet Access.....	53
Policy 7.7	Computer Software and Hardware Accessories.....	53
Policy 7.8	Personal Use of City Property Prohibited	54
Policy 7.9	Taking of City Property	54
Policy 7.10	Inspection of Lockers, Desks and Packages	54
Policy 7.11	Incidents Involving City Vehicles.....	55
Policy 7.12	Use of City Vehicle.....	55
Policy 7.14 7.13	Property & Equipment Care.....	57
Policy 7.15 7.14	Return of City Property.....	57
Policy 7.16 7.15	Computer Generated Files.....	57
POLICY 8 PAY POLICIES.....		59
Policy 8.1	General.....	59
Policy 8.2	Deductions From Paycheck (Mandatory)	59
Policy 8.3	Voluntary Deductions/Direct Deposit.....	59
Policy 8.4	Error In Pay.....	59
Policy 8.5	Pay Cycle	60
Policy 8.6	Paycheck Distribution	60
Policy 8.7	Payroll Advances	60
Policy 8.8	Termination & Severance Pay	60
Policy 8.9	Wage Assignments (Garnishments).....	60
Policy 8.10	Compensation Reviews.....	60
POLICY 9 EMPLOYEE COMMUNICATION		62
Policy 9.1	Bulletin Boards	62
Policy 9.2	Communications	62
Policy 9.3	Specially Scheduled City Meetings	62
Policy 9.4	Department Meetings.....	63
Policy 9.5	Grievances & Suggestions	63
POLICY 10 MISCELLANEOUS POLICIES		64
Policy 10.1	Expense Reimbursement In General.....	64
Policy 10.2	Gifts	64
Policy 10.3	Housekeeping In General.....	64
Policy 10.4	Lunch Room Facility	64
Policy 10.5	Managers.....	64
Policy 10.6	Parking Lots.....	65
Policy 10.7	Personal Property	65
Policy 10.8	Solicitations & Distributions.....	65
Policy 10.9	Resignation	65
Policy 10.10	Fraternization Prohibited	66

Policy 10.11	Business Expenses	66
Policy 10.12	Uniform Allowance	66
Policy 10.13	Damaged, Destroyed or Stolen Personal Property	66
Policy 10.14	Personal Use of Equipment and Tools	67
POLICY 11	EMPLOYEE AND PUBLIC SAFETY	70
Policy 11.1	Safety Policy	70
Policy 11.2	Safety Rules When Operating Machines & Equipment	71
Policy 11.3	Security	71
Policy 11.4	First Aid	72
Policy 11.5	Smoking And Smokeless Tobacco Prohibited	72
Policy 11.6	Visitors	72
Policy 11.7	AIDS TRANSFERABLE LIFE THREATENING ILLNESS	72
POLICY 12	TRAVEL AND EXPENSE ACCOUNTS.....	74
Policy 12.1	Travel And Expenses In General	74
Policy 12.2	Extravagant Expenses	74
Policy 12.3	Expense Statements	74
Policy 12.4	Travel Time.....	77
Policy 12.5	Hours Worked When Away On Travel.....	77
Policy 12.6	Family Members And Travel.....	77
Policy 12.7	Personal Telephone Calls While On Travel.....	77
Policy 12.8	Delay Or Inconvenience Benefits While On Travel	77
POLICY 13	GENERAL BENEFITS PACKAGE.....	79
Policy 13.1	Benefits In General	79
Policy 13.2	Eligibility For Benefits	79
Policy 13.3	Conversion Privileges	80
POLICY 14	PAID LEAVES OF ABSENCE	81
Policy 14.1	Leave Of Absence In General	81
Policy 14.2	Holiday Policies	81
Policy 14.3	Recognized Holidays	81
Policy 14.4	Vacation	82
Policy 14.5	Funeral (Bereavement) Leave	82
Policy 14.6	Jury Duty	82
Policy 14.7	Personal (Holidays) Leave	82
Policy 14.8	Sick Leave	83
Policy 14.9	Trauma Leave	83
Policy 14.10	Military Leave Of Absence.....	83
Policy 14.11	Unpaid Personal Leave Of Absence	83
Policy 14.12	Unfit For Duty Leave.....	83
Policy 14.13	Pregnancy and Temporary Disability Leave	84
Policy 14.14	Leave For Retirement Benefits Consultation.....	84
POLICY 15	FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.).....	86
Policy 15.1	Applicability	86
Policy 15.2	Husband And Wife Are Employed By The City.....	86
Policy 15.3	Definitions	87
Policy 15.4	Employee Requirements For FMLA.....	89
Policy 15.5	Intermittent Leave Schedule	89
Policy 15.6	Unpaid And Paid Leave	90
Policy 15.7	City's Designation As FMLA Qualifying And Notice	90
Policy 15.8	Health Care Coverage	90
Policy 15.9	Late Premium Payment.....	91

Policy 15.10	Employee Eligible For Return	91
Policy 15.11	Documentation of Employees Health Leave.....	92
Policy 15.12	FMLA Requirements Of The City	92
POLICY 16	INSURANCE COVERAGE.....	95
Policy 16.1	Health & Insurance	95
Policy 16.2	Life Insurance	95
Policy 16.3	Termination Of Insurance	95
POLICY 17	GOVERNMENT REQUIRED COVERAGE.....	96
Policy 17.1	Workers' Compensation	96
Policy 17.2	Workers' Compensation Procedure	96
Policy 17.3	Long Term Disability Benefits	97
Policy 17.4	Unemployment Compensation.....	97
Policy 17.5	Workers Compensation Benefits When Drugs And Alcohol Involved.....	97
Policy 17.6	Wage Continuation Policy	100
Policy 17.7	Transitional Work Program	101
POLICY 18	RETIREMENT PLAN	103
Policy 18.1	Retirement Plan In General.....	103
Policy 18.2	Public Retirement More Specific	103
POLICY 19	EDUCATIONAL BENEFITS	104
Policy 19.1	Education Assistance For Formal Course Work At An Accredited Educational Institution 104	
Policy 19.2	Attending Training Programs.....	105
Policy 19.3	Certifications And Licenses	106
Policy 19.4	Volunteer Or Part Time Paramedics And Police (Certification).....	106
POLICY 20	GENERAL BENEFITS PACKAGE.....	109
Policy 20.1	Benefits In General	109
POLICY 21	EMPLOYEE RELATIONS	110
Policy 21.1	Service Awards	110
Policy 21.2	Discounted Admissions	110
Policy 21.3	Employee Assistance Program.....	110
Policy 21.4	Retirement Recognition Policy	111
POLICY 22	RESIDENCY	112
Policy 22.1	Residency Requirements.....	112
	Residency requirements shall be in accordance with the City's Personnel.....	112
	Code or other legislation or lawful agreements entered into by the City.....	112
	All employees of the City are required to reside within Henry County,.....	112
	Ohio or within an adjacent county, thereto within this state (<i>NOT TO EXCLUDE HANCOCK COUNTY</i>). 112	
	The Appointing Authority will make reasonable determination of	112
	residency utilizing the following factors among others: the physical.....	112
	location where the employee has telephone service, the physical location	112
	where the employee receives mail and billings, the physical location	112
	where the employee entertains friends, eats meals, and maintains furniture	112
	and clothes, and the physical location where residency is declared as such by the employee on his or her voter registration. 112	

POLICY 23	HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA PRIVACY POLICY).....	113
Policy 23.1	Privacy Official and Contact Person.....	113
Policy 23.2	Workforce Training	113
Policy 23.3	Technical and Physical Safeguards and Firewall.....	114
Policy 23.4	Privacy Notice.....	114
Policy 23.5	Complaints	114
Policy 23.6	Sanctions for Violations of Privacy Policy	114
Policy 23.7	Mitigation of Inadvertent Disclosures of Protected Health Information.....	115
Policy 23.8	No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy	115
Policy 23.9	Plan Document.....	115
Policy 23.10	Documentation.....	116
Policy 23.11	Use and Disclosure Defined.....	116
Policy 23.12	Workforce Must Comply With City's Policy and Procedures	116
Policy 23.13	Access to PHI Is Limited to Certain Employees.....	116
Policy 23.14	Permitted Uses and Disclosures: Payment and Health Care Operations.....	117
Policy 23.15	No Disclosure of PHI for Non-Health Plan Purposes	117
Policy 23.16	Mandatory Disclosures of PHI: to Individual and DHHS.....	118
Policy 23.17	Permissive Disclosures of PHI: for Legal and Public Policy Purposes.....	118
Policy 23.18	Disclosures of PHI Pursuant to an Authorization	118
Policy 23.19	Complying With the "Minimum-Necessary" Standard.....	118
Policy 23.20	Disclosures of PHI to Business Associates	118
Policy 23.21	Disclosures of De-Identified Information	119
Policy 23.22	Access to Protected Health Information and Requests for Amendment	119
Policy 23.23	Accounting.....	119
Policy 23.24	Requests for Alternative Communication Means or Locations	120
POLICY 24	FORMS AND ATTACHMENTS	121

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 policies 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 pre-employment 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 above formula for overtime is followed.

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

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 mid-afternoon. 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 requester 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;

~~or~~

- ~~✓ 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;
- OO.** 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 Gardner v. Broderick, 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 Garrity v. New Jersey, 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 ADHERE 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.

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~~ **APPOINTING AUTHORITY** 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, **EQUIPMENT**, ~~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, NON-DEROGATORY, 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 Fraternalization 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** life-threatening 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 not 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 job-protected 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 REQUEST.

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~~ employees 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, actions, 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.

Applicant's Consent and Waiver Form

Last Name	First Name	Middle Name
Address – Number	Street	City
		State
		Zip Code
Telephone Number(s)		Date of Birth

In consideration for the City of Napoleon (hereinafter “City”) evaluating the above named applicant for a term of employment as well as in consideration of both future and continued employment if hired, the above named applicant hereby agrees to each and every item of consent or waiver below:

<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>In order to maintain workplace efficiency and productivity, as well as to reduce losses to the City resulting from theft, I consent to City inspections of any desk, locker, and all other locations that are either owned or controlled by the City. I further consent to the City searching any packages or closed containers that I may bring into or out of the work area; all the above I consent to for both now and in the future.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>Since the safety and security of our employees is a paramount concern to the City, the City may install and use surveillance cameras. Although it's understood that the use of such cameras is primarily limited to personnel safety and security measures, the City or law enforcement personnel may also occasionally utilize such equipment for the investigation of criminal activity. I hereby consent both now and in the future to such surveillance monitoring.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>I consent to the City accessing all e-mail messages, hard drives, and backup copies both now and in the future, for the purposes of evaluating the effectiveness and operation of the e-mail system; finding lost messages; investigation of criminal activity; discovering and preventing the disclosure of unauthorized, privileged or confidential City information; recovery from system failures; and discovery and prevention of unauthorized duplication of software and unauthorized use of the City's computers.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>I agree to hold harmless in tort the City, its officials, agents and employees and any party responding to a City request for a reference; and hereby waive any cause of action against such party, including those for invasion of privacy (intrusion upon seclusion and public disclosure of private facts), intentional infliction of emotional distress, and defamation.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>I consent to financial checks being made on me by the City for purposes of employment and/or promotion, both now and in the future, and release and hold harmless the City, its officials, officers and employees for any harm as a result thereof.</p>

Signature of Applicant

Date

***** Please have each Applicant put their initials in each of the checked boxes.***

MAP SHOWING RESIDENCY REQUIREMENT



PERFORMANCE APPRAISAL

NAME: _____ EMPLOYEE ID: _____

DEPARTMENT: _____ POSITION: _____

APPRAISAL PERIOD: FROM: _____ TO: _____

PERIOD: ANNUAL PROBATIONARY OTHER

EMPLOYEES STRENGTHS:

OPPORTUNITIES FOR IMPROVEMENT:

EMPLOYEE COMMENTS:

EMPLOYEE'S SIGNATURE: _____ **DATE:** _____

SIGNATURE DOES NOT IMPLY CONCURRENCE WITH THE REVIEWER'S APPRAISAL, ONLY THAT APPRAISAL WAS

ADMINISTERED.

REVIEWER'S NAME AND TITLE: _____

REVIEWER'S SIGNATURE: _____ **DATE:** _____

CITY MANAGER SIGNATURE: _____ **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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
QUALITY OF WORK (ACCURACY):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRODUCTIVITY AND INITIATIVE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPENDABILITY/RELIABILITY:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATTENDANCE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RELATIONS WITH OTHERS (CO-WORKERS AND PUBLIC):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SAFETY:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMUNICATES EFFECTIVELY (WRITTEN AND ORAL):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADHERENCE TO POLICY:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATTEMPTS TO IMPROVE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PROFESSIONAL DEVELOPMENT:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SUPERVISORY ABILITY: <small>(applicable only to designated supervisor positions) Not to be added into overall percentage</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL APPRAISAL RATING: <small>(One category must be checked)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**CITY OF NAPOLEON
PERFORMANCE EVALUATION REPORT**

Employee Name	(Last)	First	Initial	Period	
				Annual	<input type="checkbox"/>
Department	Date	Classification/Title		Probationary	<input type="checkbox"/>
				Other	<input type="checkbox"/>

Maintenance Factors

Item No.	Item	Not Satisfactory	Needs Improvement	Meets Standards	Comments
1	Observance of Work Hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Attendance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Personal Habits:					
3a	Grooming and Dress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3b	Appearance of Work Stn.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	Compliance with Rules	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5	Safety Practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Relations with Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7	Relations with Co-workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Relations with Supervisor:					
8a	Accepts Responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8b	Accepts Direction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8c	Accepts Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Performance Factors

Item No.	Item	Not Satisfactory	Needs Improvement	Meets Standards	Exceeds Standards	Comments
9	Knowledge of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10	Judgements Related to Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11	Planning and Organizing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12	Care and Op. of Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13	Accuracy of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14	Timeliness of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15	Quantity of Acceptable Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16	Effectiveness Under Stress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17	Work Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Details of Comments

Item No.	Item	Detailed Comments Including Favorable and Unfavorable Comments and Proposals to Correct Problem Areas

PERFORMANCE EVALUATION SUMMARY

Overall Evaluation		Not Satisfactory	Needs Improvement	Meets Standards	Exceeds Standards
_____ Evaluator's Signature	_____ Date	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Reviewer's Signature	_____ Date				
I have received a copy of this evaluation and my supervisor has discussed it with me. Comments by Employee (if any) - if needed attach separate sheet(s):					
_____ Employee Signature	_____ Date				

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 _____, on the _____ day of _____, _____ Passenger, as the signing of this waiver being his/her free and voluntary act and deed.

(seal)

Notary Public

Commission expires: _____

(This part signed only if passenger is a spouse, child, stepchild, parent or grandparent to the City Employee assigned to use or operate the vehicle or equipment for transport.)

Date

Employee

Witness

Sworn to and subscribed in my presence by _____, on the _____ day of _____, _____ Employee of the City of Napoleon, as the signing of this waiver being his/her free and voluntary act and deed.

(seal)

Notary Public

Commission expires: _____

* If passenger is a minor child, then parent or guardian must sign on their behalf.

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 _____ Work Phone _____

Date and Time of Incident _____ Location _____

Employee against whom the complaint is being filed:

Name _____

Name(s), address, phone number or other identifying information concerning witnesses:

Statement of allegation:

(USE ADDITIONAL SHEET IF NECESSARY)

I understand that this statement of complaint will be submitted to the City of Napoleon, Ohio and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

Signature of Complainant

Date

Signature of Person Receiving 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 _____ Social Sec. No. _____
Home Address _____ Birth Date _____ Sex: Male Female
City/State/Zip _____ Telephone: () _____

Date of injury or onset of symptoms _____ Time _____ am pm
Described what caused the injury/symptoms, what you were doing **just before** the incident, and what you did **after** the incident (if you need more space, write on the back of this form). **Be specific - name any objects or substances involved:** _____

Did anyone see you get hurt? Yes No If yes, who? _____
Did you report this incident to anyone? Yes No If not, why not? _____
If yes, to whom did you report it? _____ Title/Position _____ When? _____

What part(s) of your body was/were affected? (BE SPECIFIC: for example, right elbow, left knee, right index finger):

What type of injury did you experience? (BE SPECIFIC: for example, bruise, scrape, laceration, pull) _____

Was any first aid provided at the scene? Yes No If yes, describe: _____

Did you seek other medical treatment? Yes No If yes, when? _____
Where? _____ If treatment was not sought immediately, explain why: _____

Is this an aggravation of a previous injury/symptom? Yes No If yes, when were you last treated for the previous injury?
_____ By whom or where? _____

Have you ever had a similar injury? Yes No If yes, describe other injury: _____

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'S REPORT OF INCIDENT AND BACK INJURY

To be completed when a back injury is reported

PLEASE PRINT IN INK

Employer: City of Napoleon, Policy # City of Napoleon

Name _____

Social Sec. No. _____

Home Address _____

Birth date _____ Sex: Male Female

City/State/Zip _____

Telephone: () _____

Occupation _____

Department _____

What part of your back hurts now? _____

When did you first notice this back pain? Date _____ Time _____ am pm

What were you doing at that time (explain **in detail**)? _____

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, if any? _____

Did anyone see you get hurt? Yes No If yes, who? _____

Did you report or mention this injury to anyone? Yes No If yes, who? _____ When? _____

Did you ever have a back injury before? Yes No If yes, when? _____

What part of your back? _____

Were you ever treated by a doctor? Yes No If so, when? _____

Has it given you further trouble since then? _____

Have you ever received or filed for compensation because of a back injury? Yes No

Any other injury? Yes No If yes, list Bureau of Workers' Compensation claim number(s) _____

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 No
If yes, witness statements should be attached.

Was the injury a result of horseplay? Under the influence of drugs, or purposely self-inflicted? If yes, please specify: Yes No

Has there been any recent disciplinary action taken against this employee? Yes No
If yes, please describe:

Has the employee missed any work previously due to similar industrial or non -industrial conditions? If so, when? Yes No

Has the employee submitted medical documentation for the injury? Yes No
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? Yes No

Last day worked _____ Returned to work _____

If not, what is the current estimated date of return? _____

With the information you have, would you recommend the claim be accepted? Yes No

If no, why? _____

Employer's signature

Title

Date

Employee Injury Form- Statement of Witness to Accident

Employer: City of Napoleon, Policy # City of Napoleon

I. INCIDENT IDENTIFICATION INFORMATION

Name of employee alleging incident _____ Shift _____

Occupation _____ Department _____

II. WITNESS STATEMENT

Your name has been given as a witness to an incident alleged by the above individual. Through your cooperation, information can be obtained to complete the investigation of this incident. Therefore, it will be appreciated if you will answer each of the following questions and promptly return your completed statement.

Your name _____ Your occupation _____

Your address _____ Your telephone number () _____ - _____

Did you see an accident involving the above employee? Yes No

If not, how did you learn about the accident? _____

If you did see an accident occur: Date of accident _____ Time of accident _____ am pm

Describe what you saw: _____

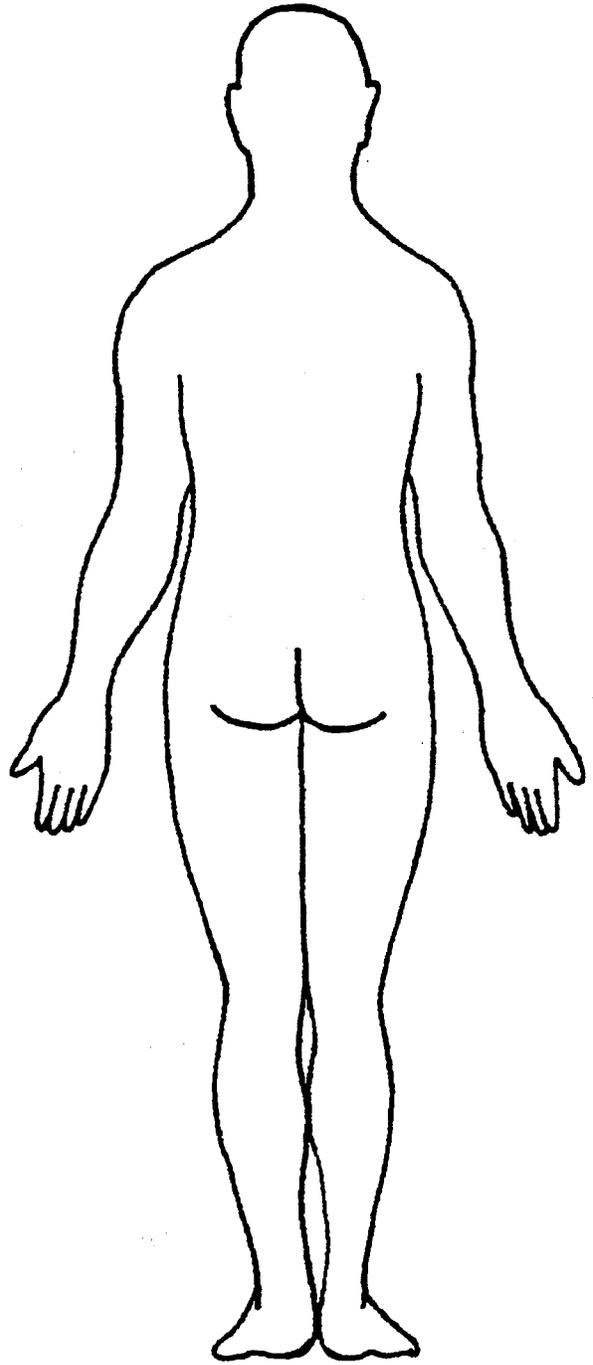
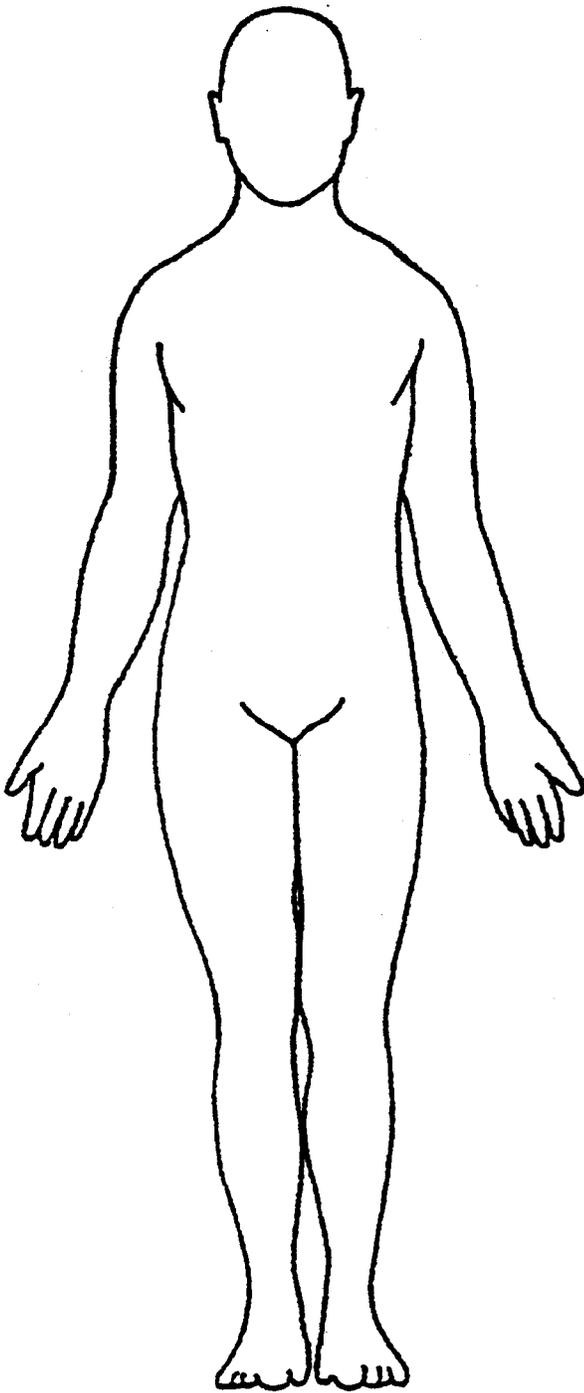
Your signature

Please print your name

Date

Injury Map

(Circle areas of injury)



Report of Citizen Accident/Incident Form

Name of Injured Citizen: _____

Age: _____ Sex: _____

Date of Incident/Accident: _____ Time: _____ A.M. Location of
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. _____

4. _____

I have completed this report and it is correct to the best of my knowledge.

X _____

Signature of person completing this report

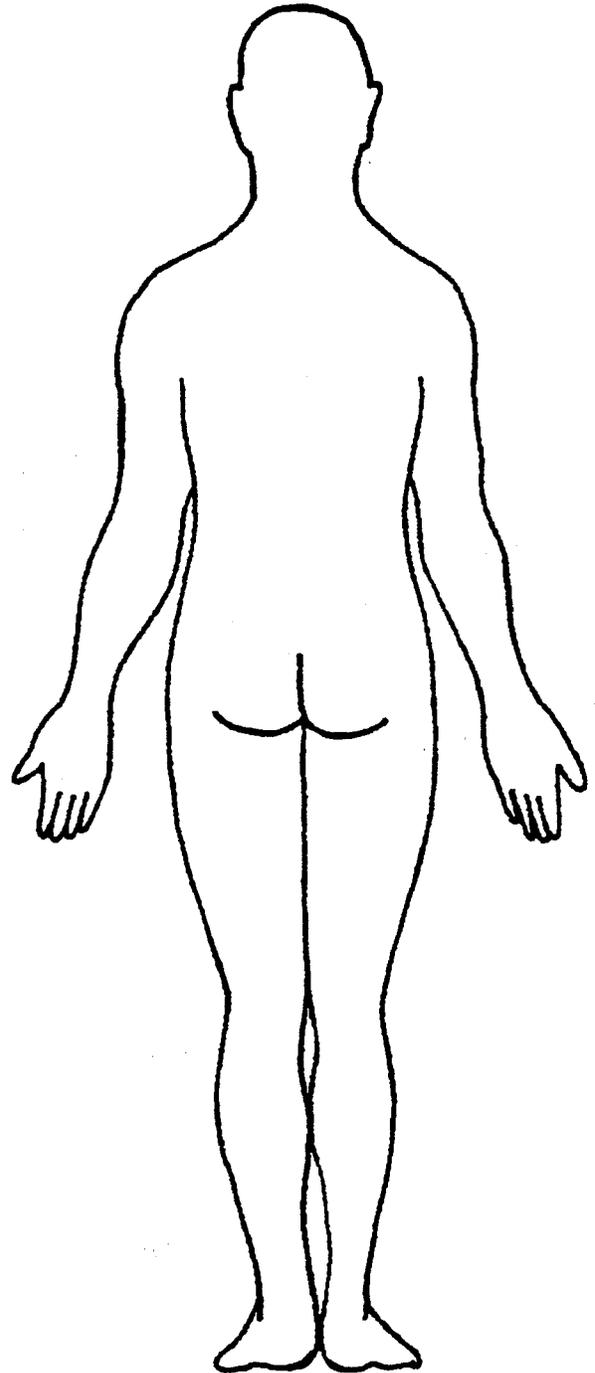
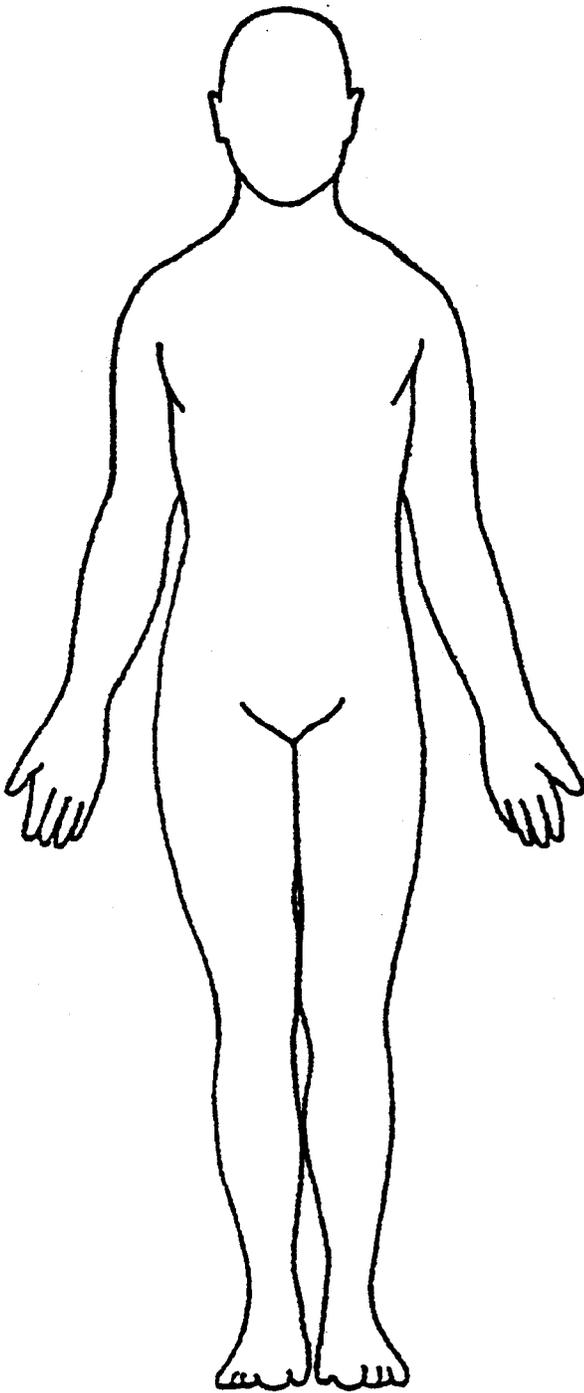
I have read this report and it is correct to the best of my knowledge.

X _____

Citizen's Signature

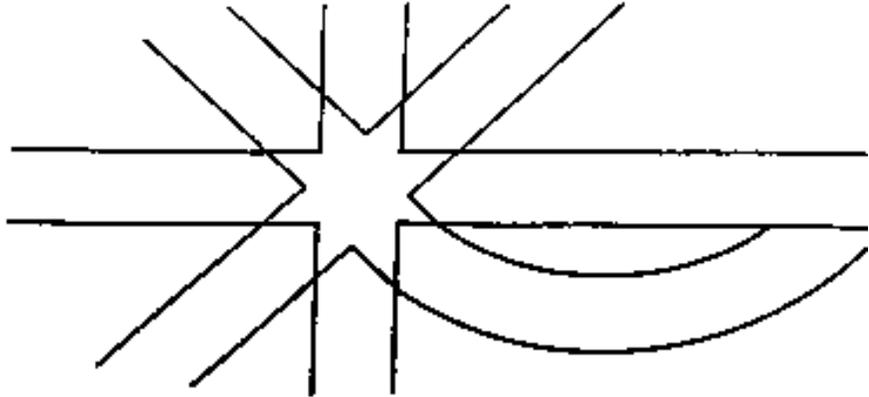
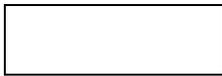
Injury Map

(Circle areas of injury)



Description of Accident
(Attach additional pages if
more space is needed)

BY ARROW
INDICATE NORTH



Witnesses: Name _____
Address _____
City/State/Zip _____
Phone: Home _____ Work _____

Witnesses: Name _____
Address _____
City/State/Zip _____
Phone: Home _____ Work _____

*Authorities Contacted/
Responding* Police _____ Yes _____ No _____
Fire _____ Yes _____ No _____
Ambulance _____ Yes _____ No _____

Describe Citations Issued _____

Completed By: Name _____
Signature _____

Employee Incident No-Injury Accident Report Form

(This must be completed IMMEDIATELY by a Supervisor after an accident when there is no injury.)

Exact Location of Incident: _____ Department: _____

Occurrence Date: _____ Time: _____ Date Reported: _____

Employee Involved: _____ SSN#: _____ Employee ID: _____
(Optional)

Job Title: _____ Employment Date: _____ Time on Present Job: _____

1. Property Damaged: _____

Cost \$ _____ Length of downtime _____

2. Unsafe condition at time of incident be specific) _____

3. Unsafe practice contributing to the incident (be specific) _____

4. Witness (es) to incident: _____

5. Sequence of events: (detailed) _____

Employee Signature: _____

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): _____

3. What can be done to prevent re-occurrence of this type of loss: _____

4. When will corrective steps be taken: _____

Remarks:

Supervisor: _____ Date: _____

(Use of SSN #, if furnished, will be used for tracking.)

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 (Please complete as fully as possible):

Your Name: _____
Last First M.I.

Company Name: _____

Company Address: _____

Tel: _____ Date: _____ Time: _____ a.m. /p.m.

Insurance Police No: _____ Vehicle Identification No. (VIN) _____

Accident/Incident Location: _____

Name of Passenger: _____
Last First M.I.

Address: _____

Home Phone No: _____ Work Phone No: _____

Was your passenger removed from the scene? _____ Yes _____ No

If Yes, By Whom? _____

If Yes, to Where? _____

Type of Problem (Please check as many boxes as necessary.):

<i>Passenger Fall</i>	<i>Passenger Injury</i>	<i>Incident</i>
<input type="checkbox"/> Down stairs	<input type="checkbox"/> Struck by object overhead	<input type="checkbox"/> Complaint
<input type="checkbox"/> Up stairs	<input type="checkbox"/> Struck by carried object	<input type="checkbox"/> Argument
<input type="checkbox"/> Near bus	<input type="checkbox"/> Struck by falling person	<input type="checkbox"/> Lost article
<input type="checkbox"/> Step stool	<input type="checkbox"/> Tripped on board	<input type="checkbox"/> Fighting
<input type="checkbox"/> In aisle	<input type="checkbox"/> Struck head on overhead rack	<input type="checkbox"/> Vandalism
<input type="checkbox"/> In restroom	<input type="checkbox"/> Injury at/around baggage doors	<input type="checkbox"/> Asleep
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Injury, other cause: _____	<input type="checkbox"/> Other: _____

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.

Employee's signature

Date

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 position? _____ What incident or circumstance(s) made you begin looking for another job? _____

2. What were the reasons you decided your career goals could not be met here or could be better met somewhere else? _____

3. Did you speak with your supervisor or anyone else in management or the Administration Office concerning your career goals? Yes _____ No _____

4. 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, please explain: _____

7. How well did your supervisor handle any complaints or grievances you may 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 compare with the one you are leaving? _____

14. How would you rate the following:

➤ 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?

Outstanding Very Good Satisfactory Fair Unsatisfactory

➤ Benefits?

Outstanding Very Good Satisfactory Fair Unsatisfactory

15. What recommendations would you have for making your department and/or the City a better place to work?

Employee Signature: _____ Date: _____

Please return completed form to HR Director

RESOLUTION NO. 049-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO ENTER INTO A CONTRACT WITH INNOVATIVE FINANCIAL TECHNOLOGIES LLC (INFINTECH), AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Municipal Court desires to enter into a contract with INFINTECH, for the processing of credit card payments made to the Court; and

WHEREAS, the cost of the service would be passed to the user of the credit card and the City would no longer have to pay the fees associated with credit card transaction; **Now therefore**,

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 enter into a contract with Innovative Financial Technologies, LLC (INFINTECH) .

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 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 transition credit card payment in which the City currently pays the fees to INFINTECH whom passes those fees on to the consumer; 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 Napoleon, do hereby certify that the foregoing Resolution No. 049-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

**Napoleon Municipal
Court** | **Third Party
Credit Card Payments
Proposal**

Delivering Innovative Financial Technologies

June 2014

Introduction

Innovative Financial Technologies, LLC (Infintech) is submitting this proposal to become the Credit Card Payment vendor for the Napoleon Municipal Court. Infintech is an emerging leader in the merchant bankcard processing industry. Infintech is large enough to provide a full suite of products and services, yet small enough to be highly responsive to the needs of the individual departments. Different from Financial Institutions, transaction processing is our only business and that dedicated focus on one core competency allows us to deliver superior service to our merchants.

We realize you face a difficult decision, given the multiple vendor options available. Infintech will deliver pro-active solutions that will overcome any obstacle related to functionality, experience, cost, and industry knowledge.

Company Information

Innovative Financial Technologies, LLC
dba Infintech, LLC
4010 Executive Park Drive
Suite 430
Cincinnati, Ohio 45241
[513-761-1448](tel:513-761-1448)

Infintech, a privately held company based in Cincinnati, offers a full range of payment processing services and products. These products include credit, debit, check processing, gift card and equipment technologies. We are committed to excellence and customer satisfaction backed by a management team with more than 40 years experience in the payment processing industry. In 2013, Infintech was named the Small Business of the year by the Cincinnati USA Regional Chamber of Commerce. In 2010 and 2011 Infintech was a Better Business Bureau Torch Honoree Award winner.

Infintech Company Mission

Our Mission is to provide innovative payment services and products to our customers and partners, enabling them to be more competitive and profitable in their respective market. We will also provide the highest quality customer service and support to our payment partners.

Our success hinges on our vision, passion, knowledge and experience within the merchant processing industry. The combined experience of the principals allows us to provide flexibility to the changing marketplace. We have the ability to manage growth by recruiting industry sales experts, accelerating to market with innovative and properly executed processing solutions, and managing customer satisfaction and retention.

Management Team

Tom DeBord, CEO

Tom began his career in the payment processing industry at Fifth Third Bank in 1984, after graduating from Miami University in Oxford, Ohio. Tom spent his first 8 years in the Information Technology organization, building customer information files, bankcard settlement systems, and internal billing systems.

In 1990, Tom was invited to lead the sales organization, and was tasked with establishing a leading national sales force in payment processing. Over the next 10 years, Tom built the sales force from 6 local representatives to more than 180 nationally distributed sales representatives. His sales force focused on targeting merchants of all sizes from single-location merchants to national chain merchants. In addition to excelling with direct processing relationships, Tom also established indirect processing relationships with multiple referral sources, including Agent Banks, Associations, Franchises, Equipment Manufacturers and Software Suppliers.

After company restructuring at Fifth Third Bank eliminated Tom's position, Tom founded Infintech in 2004 along with Ryan Rybolt and Joff Moine.

Ryan Rybolt, President/COO

Ryan has over 6 years experience in the payment processing industry, working for Infintech and formerly Fifth Third Bank.

While at Fifth Third Bank, Ryan gained extensive experience as a project manager in the Information Technology organization.

Within two years, Ryan joined the Product Development group and gained immediate responsibility for the petroleum industry, merchant boarding process, and merchant online-reporting systems.

Prior to working in the payment processing industry, Ryan worked as a corporate business analyst for Procter & Gamble, and a business process consultant for Andersen Consulting. Ryan has a degree in Industrial Engineering from the University of Cincinnati.

Beyond work, Ryan plays an integral role as a community leader. Ryan is the co-founder and director of Give Back Cincinnati, a 2000+ member social volunteering organization based in Cincinnati, Ohio. Ryan serves on multiple regional boards, including the Cincinnati USA Regional Chamber, Cincinnati Parks Foundation, Northern Kentucky Vision 2015, and Cincinnati Agenda 360.

Joff Moine, Executive Vice President

Joff has been working in the payment processing industry for 4 years. Joff has a degree in Marketing and Management from the University of Cincinnati with business experience coming from Hasbro, Chiquita, and Sport and Social Clubs of the U.S. where he served as Senior Director of National Operations and Senior Director of Sponsorship and Marketing. Joff is co-founder and former President of Cincinnati Sports Leagues (CSL), LLC, a sports management and marketing company. He has extensive experience developing and facilitating marketing programs for clients that include Anheuser-Busch, Procter & Gamble, Diageo, Brown-Forman, Toyota, Coca-Cola, and Redox Brands.

Joff currently sits on several community boards including Give Back Cincinnati and the Board of Trustees for the Cincinnati Horticulture Society. He was also recognized as one of Cincinnati's top 100 Creative People.

Infintech's processing partner, NPC, has been in business since 1986 and is unsurpassed in the bankcard industry for providing both quality service and the latest technology to more than 100,000 merchants nationwide.

Products and Services

This proposal is designed specifically to address the credit card acceptance needs of the Napoleon Municipal Court. We are certainly open to discussing the features and placement opportunities for any of our other products and services detailed below.

Infintech provides payment processing solutions that custom-fit the needs of our clients. Our wide range of products and services help to enhance business and increase revenue. With Infintech, you can be certain of a fair cost structure, accurate deposits and reliable reporting. We also pride ourselves in providing free, 24/7 LIVE, merchant technical support.

Infintech offers the following products and services to all business industry types:

Credit & Debit Card Processing

Infintech provides businesses the opportunity to accept ALL Major Credit Cards and Debit Cards.

Electronic Funds Transfer Processing

Infintech offers businesses and organizations the ability to accept Electronic Funds Transfers (EFT). Using Infintech EFT/eCheck capabilities, customers can remit payments electronically instead of producing and mailing a check.

Electronic Check Processing

Electronic Check Conversion (ECC) program transforms check acceptance into risk-free electronic payments using the latest technology in the check processing industry.

Check Guarantee & Verification

Upfront check guarantee stops the problem of bad checks before it starts.

Remote Check Depositing

Infintech's Remote Deposit tool eliminates the need for manual deposit slips and trips to the bank. Using the policies of Check 21, merchants can now send electronic images in place of actual checks. Remote Depositing can also reduce costly bank fees related to imaging and handling paper checks.

Free Check Recovery Service

This free service for our merchants will electronically recover NSF items, eliminating the time and effort of handling paper checks. This service uses a state of the art program to collect funds on returned checks.

Gift and Rewards Programs

Increase your location's traffic, build customer loyalty, and increase your profits with a wide array of proven card programs.

Credit Card Equipment

Our equipment pricing is held low in order to allow a business to start processing credit cards without straining their budgets and to allow for upgrades as newer technologies become available.

Virtual Terminals/Processing Software

Skipjack, Authorize.net, and USAePay are a few of the proven and accomplished internet gateway partners with Infintech that allow secure, reliable and fast service.

PledgeConnect

PledgeConnect is a fully customizable pledging/giving tool for churches, non-profits, and other service related organizations to accept non-cash payments online or in the back-office.

Processing Options

Infintech's Municipal payment processing solution is comprised of a combination of integrated services. Infintech will provide the Municipality with a "Cost-Plus" processing rate structure to minimize the acceptance costs for face-to-face transactions.

Other essential solutions include web-based payments that can effectively reduce or eliminate processing costs and integrate with the office's record management software.

Conventional Face-to-Face Processing (via swipe terminals)

The Municipality will be able to accept walk-in credit card payments behind the window. This approach uses a cost-effective "Cost-Plus" pricing model to minimize the expense of accepting payments.

Estimated Costs:

Set up cost – \$0.00

Terminal Cost – \$399.00 per terminal

Web-based Online Payments

Web-initiated payments are grouped into three (3) unique options: Single Payments, special fixed-rate Utility Payments and Split Payments.

Estimated Costs:

Infintech set up fees – \$599.99*

Infintech Monthly Hosting fees – \$0.00** (transaction minimum required)

a. Single Payments:

The Municipality would absorb the processing costs without passing it onto the customer. Transactions will be processed using the same “Cost-Plus” model as conventional payments.

b. Fixed-Rate Utility Payments:

This option allows payments to be processed utilizing a special fixed Utility rate. The Municipality would absorb a fixed per-transaction cost for processing payments instead of the traditional variable, increasing percentage fee. Utility customers will appreciate making an online payment without the surcharge.

c. Split Payments:

This option utilizes an Access Fee surcharge that is added to the principal payment amount. The customer pays the total amount; the surcharge covers the costs to process the transaction while the Municipality is funded for the entire principal amount. This method can effectively eliminate all processing costs for the Municipality. This is an ideal processing environment for court payments, fines and taxes. The processing fee table is listed below.

Processing Fee Table		
<i>From</i>	<i>To</i>	<i>Fee</i>
\$0.01	\$29.99	\$2.95
\$29.99	\$49.99	\$2.95
\$49.99	\$69.99	\$2.95
\$69.99	\$89.99	\$2.95
\$89.99	\$99.99	\$2.95
\$100.00	\$199.99	\$5.45
\$200.00	\$299.99	\$7.95
\$300.00	\$399.99	\$9.95
\$400.00	\$499.99	\$11.95
\$500.00	\$599.99	\$13.95
\$600.00	\$699.99	\$15.95
\$700.00	\$799.99	\$17.95
\$800.00	\$899.99	\$19.95
\$900.00	\$999.99	\$21.95
Over \$1000.00 (increments by \$2.25 per \$100)		

A demo of the payment workflow can be accessed at:

<https://secure2.infintechllc.com/demo>

* Infintech assumes a standardized approach for acquiring record information from the Municipality’s record-keeping system. For more complex software integration, the setup may include costs billed at Infintech’s standard development rates.

** Infintech does not charge any monthly system hosting or maintenance fees when the monthly transaction volume minimums are reached. Minimum monthly transaction volumes are as follows: Single and Split Payments – 40; Utility Payments – 100. Each month when there is not appreciable transaction volume to meet the minimum, the merchant will be billed \$50.

Sample Web-Payment Workflow

Review payment details and accept terms & conditions

Enter billing information

Review and submit payment

View results and get payment receipt

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

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

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 117-06 (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 full-time 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 [197.03](#)(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 (1) 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 [197.09\(c\)](#).
(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) Shift Differential Pay - Non-Bargaining Hourly Employees in the Police Department

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) Life Insurance

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)

<u>Years of Service</u>	<u>Annual Hours</u>	<u>Bi-Weekly Accrual Hours</u>
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. *FOR THE PURPOSE OF THIS SECTION, THE TWELVE MONTH SPAN OF TIME BETWEEN EMPLOYEE'S ANNIVERSARY DATE IS AN EMPLOYMENT YEAR.*

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) **Lump Sum Payment of Vacation**

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) **Temporary Disability Leave**

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) **Injury Leave**

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) Unpaid Personal Leave

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 ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 042-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance 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

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 Napoleon, do hereby certify that the foregoing Resolution No. 045-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2014.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Engineering Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., City Engineer

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, City Finance Director
Date: August 1, 2014
Subject: South Side I/I Reduction Project (L.T.C.P. Project No. 20A) – Approval of Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the above referenced project. This project consists of: replacing the existing brick interceptor sewer from Perry Street to Daggett Drive in the rear of the properties, parallel to the Maumee River; replacing the collector sewers on W. Maumee Avenue from Perry Street to First Street; and replacing all affected sanitary sewer laterals from the sewer main to the right-of-way or easement line.

Engineer's Estimate of Construction: \$800,000.00.

Budgeted amount for this project is \$800,000.00.

There is an O.P.W.C. Grant attached to this project. The maximum amount for the grant is 41% or \$325,000.00, whichever is less.

CEL

Memorandum

To: Technology and Communication Committee, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 7/29/2014

Re: Technology and Communication Committee Meeting Cancellation

The Technology and Communication Committee meeting regularly scheduled for Monday, August 4, 2014 at 6:15 PM has been CANCELED due to lack of agenda items.



July 2014

OMEA NEWSLETTER

EVENTS OF NOTE

AMP/OMEA Conference

Oct. 27-30, 2014

*Hilton Columbus at Easton
Columbus, Ohio*

Election Day

Nov. 4, 2014



Welcome to our association newsletter

From the desk of Jolene Thompson

I am pleased to introduce you to our association newsletter. In this quarterly publication, OMEA members will receive updates on legislation, regulatory issues, elected official profiles, and OMEA Board member profiles.



Our goal is to keep members as up-to-date and informed as possible. Throughout the year we will be sending this newsletter to our OMEA member communities to educate and shed light on important regulatory, state and federal legislative issues of interest to public power.

I want to encourage you to take full advantage of everything this newsletter has to offer. Feel free to email or call us with ideas or questions you want to see addressed in an issue.

I also want to thank you for all of your support. Grassroots is the rallying cry for our successes.

Sincerely,

Jolene Thompson

OMEA Executive Director &

AMP Senior Vice President of Member Services & External Affairs

Ohio Municipal Electric Association: Standing up for public power since 1962

Ohio municipal systems serve about 370,000 customers, with about 2,100 megawatt (MW) statewide peak. The Ohio Municipal Electric Association (OMEA) was formed in 1962 by Ohio municipal electric officials who wanted a forum for collaboration. In the 1980s, OMEA restructured to focus on its current role as the legislative liaison to Ohio's municipal electric communities. The OMEA now represents the collective interests of its 80 Ohio members before Ohio's state and federal policymakers.



The OMEA has been serving municipal electric systems for more than 50 years.

OMEA also serves as the legislative liaison to American Municipal Power, Inc. (AMP) and represents the state and federal legislative interests of the organization. AMP was formed by OMEA leaders in 1971 to focus on power

continued on Page 5

CONTACT US

Jolene Thompson – OMEA
Executive Director/AMP Senior
Vice President of Member Services
& External Affairs

jthompson@amppartners.org

Michael Beirne – AMP/OMEA
Assistant Vice President of
Government Affairs & Publications

mbeirne@amppartners.org

Jodi Allalen – AMP/OMEA
Government Affairs Coordinator

jallalen@amppartners.org

Website – www.amppartners.org

Phone – 614.540.1111

OMEA's Legislative Day & Mayors Reception once again a successful event; Members met with key lawmakers

The annual OMEA Legislative Day and Mayors Reception was once again a great success. The 2014 event, held on Feb. 25, was well attended with more than 55 elected and appointed officials representing 26 public power communities participating. The afternoon session updated participants on key state and federal issues, including environmental and energy policy matters, Home Rule provisions, call before you dig and pole attachments. Rep. Jim Buchy (R-Greenville) spoke on job creation, business and economic development, and the importance of affordable energy. Sen. Bill Coley (R-Liberty Township) discussed call before you dig legislation and energy efficiency requirements under debate in the Ohio Senate.

Following the afternoon session, the always effective annual reception for members and legislators was held in the Riffe Center lobby. This year we had more than 50 lawmakers attend the evening reception.

This annual OMEA event provides important information on the legislative issues facing Ohio municipal electric systems at the Statehouse and shows lawmakers that it's important that we have a seat at the table for policy discussions.



TOP: Rep. Jim Buchy gives an update on key Ohio issues at the statehouse during the legislative briefing.

ABOVE: Representatives from Dover network with legislators during the Mayors reception.

Final pole attachment agreement was signed in April

The final, signed agreement between the OMEA, AMP, and the Ohio Cable Telecommunications Association on the issue of pole attachments is now available. This agreement provides a model rate structure and policy for cable attachments to municipally-owned utility poles.

This is an agreement in which member municipalities retain local control of their utility operations and rates, including pole attachment rates. The agreement

provides a non-legislative solution to a dispute which has been going on since at least 2008. For several years the cable industry had been pushing for state regulation of municipal pole attachment policies. Following meetings at the request of lawmakers, cable and the OMEA agreed to pursue an agreement that would not require legislation.

For many of our members it provides a way to fairly recover costs without the time and cost of rate studies, negotiations and

potential legal fights. We believe this agreement provides the best possible outcome for AMP and OMEA members as it prevents onerous legislation, and avoids a legal battle that would result in significant costs and a potentially fundamentally detrimental court decision.

For more information or a pole attachment agreement template, please contact Michael Beirne at mbeirne@amppartners.org or 614.540.0835.

OMEA group travels to APPA Legislative Rally in Washington

For 2014, the American Public Power Association (APPA) Legislative Rally was held March 10-12 at the Grand Hyatt Washington in Washington, D.C. This was an important event for AMP/OMEA members and they utilized their time educating congressional policymakers about public power and municipal concerns at the federal level.

OMEA members met with 12 representatives and both Ohio senators. Speaker John Boehner met with our group to discuss BABs sequestration, energy policy, tax-exempt financing and environmental policies. Both Sen. Sherrod Brown and Sen. Rob Portman took time to address similar issues with the group. While most lawmakers were available to meet with OMEA members, those who were unavailable due to scheduling conflicts made sure the office energy adviser was available to hear members' concerns.

During the APPA Rally's Legislation & Resolutions Committee meeting on March 11, AMP and the OMEA sponsored two of the nine resolutions – Resolution 14-03: In Opposition to Sequestration of Direct Payment



ABOVE: OMEA and AMP members meet with Speaker John Boehner during the APPA Legislative Rally

Bond Payments, and Resolution 14-05: In Support of Improving the U.S. Army Corps of Engineers' Hydropower Practices; and co-sponsored Resolution 14-07: In Support of Reforming the Centralized Capacity Markets Operated by Regional Transmission Organizations. All nine resolutions are available at <http://www.publicpower.org/Programs/interiorsidebar.cfm?ItemNumber=40770&navItemNumber=38584>.

Kasich signs SB310 – imposing two-year freeze on renewables

Gov. John Kasich has signed the legislation that was adopted by the Ohio General Assembly, which modifies the state's renewable energy and energy efficiency mandates.

Among other things, Senate Bill (SB) 310 imposes a two-year freeze (at 2014 levels) on annual renewable and energy efficiency increases applicable to Ohio's investor-owned utilities, creates the Energy Mandates Study Committee to review possible future changes to the law, and eliminates the in-state requirement that half of renewables need to come from resources located in Ohio.

The issue has been hotly debated for more than a year and a half. In general, the bill was supported by investor-owned utilities and certain large energy

users and was opposed by environmental advocates, consumer groups and certain manufacturer organizations. The provisions of the freeze have no direct impact on municipalities as they are not subject to these standards.

While OMEA did not take a position on the bill, OMEA staff did secure favorable language for the Greenup hydroelectric generating facility – it was included by definition as a renewable energy resource and is now eligible to generate Renewable Energy Certificates (RECs).

Please contact Michael Beirne at 614.540.0835 or mbeirne@amppartners.org for more information.

Call before you dig continues to be a contentious issue

House Bill (HB) 458 was adopted late in 2012, marking the first update to the call before you dig laws in more than 20 years. However, the more contentious issues – including enforcement and liability – were not included in the bill. Work continues on additional changes to the call-before-you-dig law. Stakeholder meetings have been taking place to discuss the enforcement issue in particular, as well as a proposal to require mandatory reporting of legal violations and damage to

facilities. Additionally, the federal agency overseeing state call before you dig laws has indicated a concern with the 12-inch exemption in Ohio state law, so we anticipate an effort will be made to revoke it.

As work continues on development of legislation for possible introduction later this year, we welcome feedback from members and participation as legislative language is developed. Please contact Michael Beirne at mbeirne@amppartners.org or 614.540.0835 for additional information.

GET TO KNOW YOUR BOARD MEMBERS:

Robin Laubaugh



Mayor of Wadsworth Robin Laubaugh has been an OMEA Board member since 2008.

She is currently serving her second four-year term as mayor of the City of Wadsworth.

Laubaugh's government experience began with Wadsworth City Council as Council at Large in 1998 and continued with various committee work until she was elected president (2004-2008). She was elected mayor in 2008.

She appoints the director of public service, director of human resources and the director of public safety. These appointments help the mayor to effectively administer city services to Wadsworth's 22,000

residents and to supervise the city's 229 fulltime, 17 part-time, and 95 seasonal employees, as well as its 47 fire and EMS volunteers.

Laubaugh has been very active in volunteer initiatives over the years. Presently, she serves on the Downtown Wadsworth Board, the Salvation Army Women's Auxiliary and the United Way of Medina County. At the county level, she is a member of the Strategic Advisory Council for the Medina County University Center, a member of the Medina County Sheriff's Office Advisory Council, and sits on the Executive Board of the Medina County Economic Development Corporation. She is presently chairing the efforts for the community's Bicentennial celebration this year.

She was the 2009 recipient of the Wadsworth Chamber of Commerce "Vision Award," a 2011 inductee

into the Senior Advocate Hall of Fame, and was named Citizen of the Year in 1996.

Laubaugh graduated from Brigham Young University, where she received a bachelor's degree in finance. She achieved the Certified Financial Planner (CFP) designation, and founded and managed a financial consulting practice in Wadsworth, which continues successfully today.

"Through the OMEA we're able to have one united voice. We are able to share each other's knowledge and come together as a group to benefit public power," Laubaugh said. "We're promoting the needs and the interests of our constituents, and when we're discussing with those at the state and federal level – we're representing the same people they represent. I think that's a very important key when we talk about grassroots efforts."

OMEA follows federal issues of interest on members' behalf

With Congress currently in a gridlock situation, many federal legislative initiatives are on hold. OMEA, however, remains engaged and part of the legislative and regulatory process by following many issues that could affect members.

One issue that we are concerned with is the sequestration of the Build America Bonds (BABs). We have asked our members to reach out to their congressional representatives. We want to urge Congress to get involved in finding a solution to the sequestration of this federal money. Many members have already made contact with their representatives and senators through letters. We continue to encourage everyone to speak up and speak out about this unfair sequestration.

The U.S. Environmental Protection Agency is also a

key concern as it proceeds with regulations that may reshape the electric industry. The agency released regulations for new units in September 2013 and on June 2 of this year it issued a proposed rule that would require existing power plants nationwide to achieve an average of 30 percent reductions in CO2 by 2030. OMEA staff is in the process of reviewing the 645-page existing unit rule and supplemental documents.

Recently there have been more discussions involving electric system reliability and security, including cyber and physical security. It is becoming more apparent that electric systems need to be aware of, and be able to tell the difference between imminent threats and potential vulnerabilities.

Ohio Municipal Electric Association

continued from Page 1

supply and transmission access needs. Although closely aligned with AMP, the OMEA is a separate, nonprofit entity guided by a 16-member Board of Directors.

With the goal of protecting the independence and constitutional rights of Ohio municipal electric systems, OMEA provides services that include

lobbying, member activities, coalition building, and legislative and regulatory analysis.

OMEA staff perform five primary functions: monitoring legislation, advocating, building coalitions, acting as an information resource, and organizing member activities. The OMEA celebrated its 50th anniversary in 2012.

Key Ohio legislation being tracked by OMEA as of spring 2014

HB 312 – Rep. Terry Johnson (R-Portsmouth) referred to House Public Utilities Committee

To allow electric light companies to recover economic and job retention program costs

HB 319 – Rep. Cheryl Grossman (R-Grove City) referred to House Public Utilities Committee

To permit natural gas companies to apply for an infrastructure development rider to cover costs of certain economic development projects

HB 337 – Rep. Lou Terhar (R-Cincinnati) referred to House State and Local Government Committee

To revise budgeting requirements which apply to local governments, and revise requirements and sanctions for non-compliance

HB 375 – Rep. Matt Huffman (R-Lima) referred to House Ways and Means Committee

To levy a severance tax on horizontally drilled oil and gas wells

HB 472 – Rep. Jeffrey McClain (By request) (R-Upper Sandusky)

To make operating and other appropriations, and to provide authorization and conditions for the operation of state programs. This bill has been divided into 14 separate bills, which are being heard in several different committees

HB 506 – Rep. Andy Thompson (R-Marietta)/Jack Cera (D-Bellaire) referred to House Agriculture and Natural Resources Committee

To require the director of the Ohio EPA to adopt standards of performance for carbon-dioxide emissions from existing coal-fired and natural gas-fired electric generating units

SB 58 – Sen. Bill Seitz (R-Cincinnati) referred to Senate Public Utilities Committee

To modify competitive retail electric service/energy efficiency provisions

SB 59 – Sen. Bill Beagle (R-Tipp City) referred to Senate Public Utilities Committee

To authorize an eligible regional council of governments to establish itself as an education energy council for the purpose of issuing debt to pay for school district energy purchases

SB 181/HB 368 – Sen. Kris Jordan (R-Powell) Rep. Matt Lynch (R-Bainbridge Township) referred to Senate Public Utilities Committee/referred to House Public Utilities Committee

To require electric distribution utilities to obtain a customer's consent prior to installing a smart meter on the customer's property

SB 310 – Troy Balderson (R-Zanesville) referred to Senate Public Utilities Committee

To make changes to the renewable energy, energy efficiency, and peak demand reduction requirements, and to create a study committee

OMEA BOARD OF DIRECTORS



DOVER
Richard Homrighausen
OMEA President
Mayor
City of Dover



ST. CLAIRSVILLE
Robert Vincenzo
Executive Committee
Mayor
City of St. Clairsville



BRYAN
Douglas Johnson
Executive Committee
Mayor
City of Bryan



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Mayor
City of Cuyahoga Falls



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Kevin Brooks
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Village of Edgerton



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Village Administrator
Village of New Bremen



NILES
Ralph Infante
Mayor
City of Niles



OBERLIN
Scott Broadwell
Council Member
City of Oberlin



ORRVILLE
David Handwerk
Mayor
City of Orrville



PIONEER
Ed Kidston
Mayor
Village of Pioneer



TIPP CITY
Pat Hale
Mayor
City of Tipp City



WADSWORTH
Robin Laubaugh
Mayor
City of Wadsworth



WESTERVILLE
Kathy Cocuzzi
Council Member
City of Westerville



EX-OFFICIO
Patrick McGowan
Mayor
St. Marys



EX-OFFICIO
Jolene Thompson
Executive Director
Ohio Municipal
Electric Association



Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

August 1, 2014

PJM posts results for the 2015-2016 Second Incremental Capacity Auction

By Brandon Poddany – power supply planning engineer

PJM posted the results of the 2015-2016 Second Incremental Auction (2IA) on Friday, July 25, 2014. The auction cleared with four distinct pricing regions: PJM RTO, ATSI LDA, MAAC/Eastern PJM LDAs and PS/PS North LDAs. This auction was the first to reflect an increase in a clearing price over the base residual auction (BRA) price for the same resource. This increase in price is for the Limited Resource in the PJM RTO areas (AEP, Duke, Dayton, PENELEC, PPL and METED). In the 2015-2016 BRA, Limited Demand Response cleared at \$3.61/kW-mo (\$118.54/MW-day) and in this auction it cleared at \$3.76/kW-mo (123.56/MW-day), an increase of \$0.15/kW-mo (\$5.02/MW-day). Table Below: 2015-2016 BRA, 1IA, and 2IA results for AMP Member Zones

2015-2016 RPM AUCTION RESOURCE CLEARING PRICES (\$/KW-MO)				
LDA*	Demand Response Product Type	Base Residual Auction	1st Incremental Auction	2nd Incremental Auction
PJM RTO**	Limited	\$3.61	\$1.31	\$3.76
PJM RTO	Extended	\$4.14	\$1.31	\$4.14
PJM RTO	Annual	\$4.14	\$1.31	\$4.14
MACC/EAST PJM+	Limited	\$4.56	\$3.38	\$4.29
MACC/EAST PJM	Extended	\$5.09	\$3.38	\$4.67
MACC/EAST PJM	Annual	\$5.09	\$3.38	\$4.67
ATSI (FirstEnergy)	Limited	\$9.27	\$5.12	\$6.21
ATSI	Extended	\$9.80	\$5.12	\$6.59
ATSI	Annual	\$10.86	\$5.12	\$6.59

*Locational Deliverability Area (LDA)
 **PJM RTO LDA includes the following AMP member zones: AEP, Allegheny, Duke and Dayton
 +MACC/EAST PJM LDA includes the following AMP member zones: DEMEC, PENELEC, PPL and METED

OMEA leadership attends APPA’s Policy Makers Council in Washington, D.C.

By Jolene Thompson – senior vice president/OMEA executive director

The voice of public power communities was heard in Washington, D.C., this week as part of the American Public Power Association’s (APPA) 2014 Policy Makers Council (PMC) summer meeting.

The meeting, July 28-30, was held for PMC members to meet with their congressional delegations to help APPA advocate on issues of importance to the public power community. Attendees also received a legislative, regulatory and political update from APPA staff.

Dover Mayor Richard Homrighausen, president of the OMEA Board of Directors, attended the meeting – as did Tipp City Mayor Pat Hale, member

see OMEA Page 2

AMP Rodeo is taking shape

By Michelle Palmer, PE – assistant vice president of technical services

Registration for AMP’s Lineworkers Rodeo is now closed. We are pleased with the response for our first annual event – there are 17 apprentices, five journeyman and four teams registered.

Final preparations for the field assembly at AMP headquarters will take place on Aug. 5. Anyone interested in assisting should contact Bob Rumbaugh at 614.204.8500. As a reminder, the Rodeo will be held Aug. 23.

We are still seeking event volunteers and a few judges. Please contact Jennifer Flockerzie, technical services program coordinator, at rodeo@amppartners.org for more information.

Rooms are also still available for the discounted rate at the Crowne Plaza North, 6500 Doubletree Ave. in Columbus. Please contact the Crown Plaza directly at 614.885.1885, ext. 2 and ask for the “AMP” Rate.

Markets see another week of lower prices

By Craig Kleinhenz – manager of power supply planning

Cool summer temperatures continue to put downward pressure on energy prices. This week’s report on natural gas moved into storage came in slightly below analysts’ expectations, but that did little to change the market.

Overall for the week, prices trended downward due to low temperatures and therefore low natural gas demand. August natural gas rolled off the board on Tuesday ending at \$3.81/MMBtu, which was \$0.04/MMBtu lower than last week. September natural gas ended \$0.01/MMBtu lower than last week at \$3.84/MMBtu. 2015 on-peak electric prices fell \$0.42/MWh from last week with AD Hub closing at \$43.14/MWh.



OMEA continued from Page 1

of the OMEA Board of Directors, and myself.

Our group met with Sen. Rob Portman (R-Ohio) and Reps. Steve Chabot (R-Ohio), Bob Gibbs (R-Ohio), Bill Johnson (R-Ohio), Bob Latta (R-Ohio), Jim Renacci (R-Ohio) and Pat Tiberi (R-Ohio), as well as senior policy staff in a number of other Ohio offices.



Dover Mayor Richard Homrighausen (left) and Tipp City Mayor Pat Hale met with Ohio's congressional delegation as participants of the PMC meeting.

Homrighausen has served on the PMC as second vice chair, first vice chair, chairman and past chairman. He is one of three individuals in the history of the PMC to have been named as an emeritus member, serving in that capacity for the past two years. Hale was recently selected to join the group. Montpelier Mayor Steve Yagelski also serves as a PMC member.

Elected officials in AMP member communities interested in learning more about the PMC are encouraged to contact me (jthompson@amppartners.org), Michael Beirne at AMP (mbeirne@amppartners.org), or Amy Thomas at APPA (athomas@publicpower.org).

AFEC weekly update

By Craig Kleinhenz

Mild temperatures and prices led to a quiet week at Fremont. The plant was dispatched online last Friday and Saturday during the daytime hours. Since Saturday evening, the plant was dispatched offline due to low market prices. The plant ended the week with a capacity factor of 12 percent (based on a plant rating of 675 MW).

Sustainability Subcommittee webinar to be offered Aug. 6

By Julia Blankenship – director of energy policy & sustainability

The next Sustainability Subcommittee webinar will be offered at 2 p.m. Aug. 6. The agenda includes highlights from AMP's 2013 Report on Sustainability, discussion of customer-sited generation issues, a brief legislative/regulatory update and a members' roundtable.

Sustainability Subcommittee webinars are open to all AMP members, and log-in information will be emailed to members early next week. If you do not receive webinar log-in information for some reason and wish to participate, please contact me by close of business on Aug. 5 at 614.540.0840 or jblankenship@amppartners.org.

On Peak (16 hour) prices into AEP/Dayton Hub

Week ending Aug. 1

MON	TUE	WED	THU	FRI
\$36.50	\$33.00	\$32.00	\$34.00	\$35.50

Week ending July 25

MON	TUE	WED	THU	FRI
\$45.50	\$50.00	\$42.75	\$34.75	\$34.25

AEP/Dayton 2015 5x16 price as of Aug. 1 — \$43.14

AEP/Dayton 2015 5x16 price as of July 25 — \$43.56

2014 RP3 deadline approaches

By Michelle Palmer

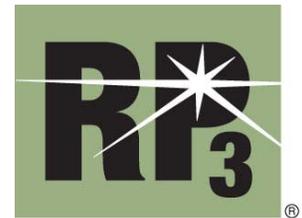
AMP is again assisting its members in achieving the American Public Power Association's (APPA) Reliable Public Power Provider (RP3) award. The deadline for 2014 RP3 applications is Sept. 30.

The RP3 designation is recognition for municipal electric systems that demonstrate proficiencies in reliability, safety, workforce development, and system improvement. Utilities who successfully meet the guidelines in each of the four areas receive tremendous value and recognition for their achievement, with AMP members receiving additional points on their credit score.

2014 is the 10th year of the RP3 program and several changes have been made to the application this year, including extending the designation cycle. The designation for RP3 now runs for a term of three years. The application is available [here](#). For members who would like assistance with the RP3 application, please contact Jennifer Flockerzie, technical services program coordinator, by Sept. 1 at jflockerzie@amppartners.org or 614.540.0853. There are currently 21 AMP members with the RP3 designation.

APPA recently released its first [RP3 Application Data Report](#). The report shows utility responses, in aggregate, to each application question and demonstrates overall trends in RP3-designated utility practices by illustrating their strength in areas like reliability statistics tracking, physical security measures and OSHA training.

APPA is also accepting nominations through Aug. 8 for an opening as the small system representative on the RP3 Review Panel. Nominees should be employees of an APPA member utility with less than 5,000 customers. The 18-member RP3 Review Panel guides APPA staff in implementation of the RP3 program and provides expert peer review of public power utilities' applications for RP3 recognition. Nomination forms are posted online [here](#). For questions or more information on panel nominations, email to RP3@publicpower.org.



Reliable Public Power Provider

Newton Falls seeks lineman

The City of Newton Falls is accepting applications for a qualified Electrical Lineman. Candidates must have a valid Journeyman card from an accredited union or comparable lineman training, valid State of Ohio commercial Driver's License and five years experience in the electrical trade.

Resumes will be accepted until 2 p.m. Aug. 15, 2014 at the City Manager's Office, 19 N. Canal St., Newton Falls, Ohio 44444 or by email to cityclerk@ci.newtonfalls.oh.us.

Monroeville accepts electrical distribution supervisor applications

The Village of Monroeville is seeking qualified applicants for the part-time position of supervisor of Monroeville's 12kV electric distribution system. The successful candidate must be a certified journeyman lineman and have experience in three-phase metering and substation maintenance. This is an ideal position for a retired lineman with supervisory skills for a three-man department servicing over 900 customers. Competitive wage commensurate with experience.

Requires residency within 30 miles of Monroeville's corporate limits within one year of employment. Interested parties should submit a resume, salary history and three professional references to the Village Administrative Offices, P.O. Box 156, Monroeville, OH 44847 by Aug. 12, 2014. Monroeville is an E.O.E.

AMP looks to fill three positions

American Municipal Power, Inc. is accepting applications for the following positions. For more information and complete job descriptions, please visit the "Careers" section of the AMP [website](http://www.amppartners.org) or email to Teri Tucker at ttucker@amppartners.org.

• **Senior Vice President of Generation Services and Operations** – Reporting to the president/CEO, this position will oversee all functions of the Power Generation Group, including all generation resources, and provide the overall executive oversight and strategic planning of the organization's generation portfolio.

Qualifications include: a minimum of four-year degree in a business-related field such as engineering, accounting, and business management; 15 years of management experience with multi-departmental organization, five of which must have been in power generation field; must have strong knowledge and experience with public power business model; knowledge of electrical engineering and power generation operations, maintenance procedures and practices, alternatives to resources, applicable rules and regulations and effective team building techniques and positive public relation methods; demonstrates the ability to direct and manage various projects, administer policies and procedures, and prepare comprehensive strategic plans and reports.

• **Vice President of Business Operations** – Reporting to the president/CEO, the vice president of business

operations oversees all AMP-owned properties, vehicles and equipment. Responsible for the budgets of all phases of these business operations. Will oversee the Forestry Program and AMPO Inc., and assist the president in strategic planning and program/project development.

Qualifications include: a minimum of a four-year business-related degree is required; five years of high level management experience is required and previous work experience with public power related activity is preferred; ability to identify risk hazards and direct program activities to minimize exposure; knowledgeable in decision analysis techniques and comfortable with handling issues involving risk and uncertainty.

• **Circuit Rider** – This position serves as a trainer and technical adviser to member communities for the Circuit Rider program, safety programs and special projects, and assists with the centralized administration of the Mutual Aid program.

Successful candidates must have a high school diploma (two-year technical degree desirable), be a journeyman lineworker, have a minimum of two years management experience, have a CDL license, be willing to travel approximately 75 to 80 percent of the time, have a working knowledge of OSHA regulations, be CPR certified, have public speaking experience, and domiciled in the Northwest Ohio area. Experience in a municipal environment is strongly preferred.

Calendar

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