

**VILLAGE
OF
MANTUA**

**EMPLOYEE
HANDBOOK**

Ordinance 2010-24 as Enacted and Subsequently Amended

Current through 4/21/2020

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CHAPTER 1

INTRODUCTION AND GENERAL EMPLOYMENT CONDITIONS

Section 1.1 INTRODUCTION AND PURPOSE OF POLICIES

This Employee Handbook ("Handbook") contains policies for the employees of the Village of Mantua ("Village"). The Handbook is a guide to be used by the Mantua Village Council ("Council") and managerial employees to ensure uniform and nondiscriminatory application of the conditions of employment.

The Village Council reserves the right to change practices and policies, both written and unwritten, as business requires. Amendments to this document shall be by Ordinance properly considered and passed by Village Council.

The policies contained in this Handbook are subject to and in accordance with the laws of the State of Ohio. In the event there is a conflict between this Handbook and any other applicable law the applicable law or legal document will prevail. In the event that future legislation invalidates or changes any of the provisions contained herein, the balance will remain in effect.

In the event of conflict between this document and any other Handbooks, Manuals, or other policies in effect for Village employees, this document shall prevail.

Nothing in this Handbook nor any interpretive or enforcement communication should be construed to grant a guaranteed right to continued employment or benefits. This Handbook is not an employment contract. Employment with the Village is not for a fixed term or definite period and may be terminated at any time by either the employee or the Village according to law.

The policies stated and adopted within this Handbook and the communications interpreting and enforcing them supersede all previous policies and communications, written and unwritten.

Section 1.2 MANAGEMENT RIGHTS

The Village Council and/or the Mayor maintain the ultimate authority to interpret and administer policies and direct the operations of the Village.

Section 1.3 SCOPE OF COVERAGE

These policies apply to all employees of the Village. Policies do not apply to elected officials, except when explicitly stated within a specific policy.

Section 1.4 FAIR EMPLOYMENT PRACTICES

All employees are entitled to equal employment opportunities and no employee or applicant will be discriminated against in employment decisions because of race, color, religion, creed, age, sex, sexual orientation, national origin, ancestry or qualifying disability that can be reasonably accommodated.

CHAPTER 2

RECRUITMENT, SELECTION, APPOINTMENT

Section 2.1 **RECRUITMENT** *(Amended 4/21/2020, Ord. 2020-14)*

- A. Except as provided in subsection "D", below, when the Village Council approves a new position, the position will be posted in the Village Hall and all other departments for a period of (7) consecutive business days. Each job posting will specify the qualifications, essential functions of the job, pay range, application procedure and deadline for applying.
- B. When a vacancy occurs in a position which has previously been authorized by Council, such vacancy shall be filled pursuant to the appropriate procedure as set forth in Section 2.4.A, APPOINTMENT – DEPARTMENTS.
- C. Positions may be advertised in area newspapers. Management and professional positions may be advertised in newspapers with regional circulation, professional journals, newsletters and the Village's website.
- D. When a Department Head determines that a current employee of the Village should be promoted to a newly-created position, such position need not be posted as required by Section A, above, but may be transmitted directly to the Village Council for approval upon the recommendation of both the Department Head and the Mayor.

Section 2.2 **SELECTION**

- A. A current or prospective employee must complete the Village job application form in order to be considered for a position or vacancy. An applicant for a position that requires a license must present the license for verification.
- B. The Mayor and/or appropriate Department Head will review applications and interview selected candidates. A fully qualified, current employee will be given first consideration for transfer or promotion to a vacant position, provided he/she applies during the application period and meets the requirements set forth for the position. Applications submitted after that date may be considered along with outside applicants. Qualifications, not length of service, will be used to determine internal transfers or promotions.
- C. Reference checks, background checks where required by law and job related testing procedures, may be conducted. Any job-related employment tests will be administered in an objective manner. If an individual has a qualifying disability, the test will be administered in a manner that ensures the results reflect the skills, aptitude or other factors to be measured. Only job related skills will be evaluated.
- D. An applicant shall be required to demonstrate their capacity to fulfill the requirements of the job.
- E. Employment recommendations are subject to Section 2.4(A).

Section 2.3 **EMPLOYMENT ELIGIBILITY**

A. DRIVING RECORD CHECK

- 1. Driving record checks will be conducted for current employees or applicants who must operate a Village owned or personal motor vehicle as a regular function of the job. All employees and prospective employees must report any and all traffic citations carrying points.

- a. The Bureau of Motor Vehicle Report (MVR) will be requested for each current employee who drives as a regular function of the job and the MVR will be screened at least annually by the Village's motor vehicle insurance provider to confirm each employee maintains an acceptable driving record.
- b. The MVR of an applicant or current employee will be reviewed against the following criteria to determine if the individual can be permitted to operate a motor vehicle on Village business. An unacceptable driver is defined as one whom, during the previous (3) year period, while driving
 - c. either a Village vehicle or a personal vehicle for Village business, or a personal vehicle for personal purposes, has received:
 - (1) A conviction for (1) of the following:
 Drag racing; Reckless operation; Permitting an unlicensed person to drive;
 Driving while under the influence of alcohol or drugs; Vehicular homicide;
 Leaving the scene of an accident, if the accident resulted in personal injury or death; or
 Willfully eluding or fleeing a police officer after a traffic violation.
 - (2) Two or more chargeable or "at fault" accidents, the nature and severity of the accident to be taken into account.
 - (3) Suspended or cancelled license.
 - (4) Driving while license is suspended or revoked.
 - (5) Three (3) moving violations for which a total of more than (6) points were received.
 - (6) Any combination of (1) chargeable or "at fault" accident and (2) moving violations.
- c. The Village's automobile liability insurance carrier will determine that the applicant or current employee presents a liability risk for the Village. Liability risk is a factor that may be used to determine whether an employee is approved to drive Village vehicles.
- d. Current employees that have been approved to drive Village vehicles or personal vehicles on Village business, must notify the Department Head who shall notify the Village Clerk and Mayor of moving violations or "at fault" accidents within (5) working days of an offense, violation, conviction, suspension or cancellation of Driver's License.
- e. Classification as an "unacceptable driver" is grounds for disqualification of an applicant under consideration, loss of ability to drive Village vehicles, disciplinary actions including transfer or discharge of a current employee.

B. QUALIFICATION VERIFICATION

- 1. An employee in a position requiring an educational degree certification or a license will have his/her qualifications verified at the time of employment. However, any requirement for Service Department employees to obtain a Commercial Driver's License shall be left to the discretion of the Village Administrator.
- 2. Failure to maintain a current required license or certification may result in disciplinary action up to and including discharge.

3. Obtaining or renewing any license, registration or examination required by the job description for any position held is the responsibility of the employee. (*Amended 12/15/2016, Ord. 2016-57*)

C. PROOF OF LIABILITY INSURANCE

Proof of liability insurance with limits sufficient to comply with Ohio's Financial Responsibilities Law (Bodily Injury Liability: \$12,500/\$25,000 Limit; Property Damage Liability: \$7,500 Limit) must be submitted to the Department Head, who shall notify Village Clerk, by any employee who must drive his/her private vehicle as

a regular function of the job or who receives mileage reimbursement for traveling on Village business. This proof must be submitted at hire and on an ongoing basis. Failure to provide proof of liability insurance may be grounds for discharge of a current employee or disqualification of an otherwise successful applicant, if driving is an essential function of the job.

D. MANDATORY TRAINING REQUIREMENTS

An employee who holds a position that requires continuing education or training must meet such requirements in order to remain qualified for the job. (See Section 6.1 DEVELOPMENTAL TRAINING)

Section 2.4 **APPOINTMENT**

A. DEPARTMENTS (*Amended 10/21/2014, Ord. 2014-46*)

1. Service: The Village Administrator shall appoint his officers, agents, operators, clerks and assistants, provided such positions are first authorized by Council. Such appointments shall be subject to approval by the Mayor. Appointments, and the Mayor's approval thereof, shall be in writing and filed with the Village Clerk. (*Amended 4/21/2020, Ord. 2020-14*)
2. Police: Police officers, other than the Chief of Police and Auxiliary officers, are recommended by the Chief of Police, and appointed by the Mayor, subject to the confirmation of Village Council. After the probationary period, pursuant to Ohio Revised Code 737.17 the Mayor shall transmit to Village Council a record of the employee's services with recommendation to remove or finally appoint the employee. Prior to initial appointment, all such officers must submit to and pass a physical examination at the cost of the Village, pursuant to Ohio Revised Code Section 737.16.
3. Auxiliary Police: The Mayor shall make all appointments and removals of auxiliary police officers, subject to any general rules prescribed by Council. Auxiliary police officers serve no probationary period and have no statutory right to continued employment. See Village of Mantua Codified Ordinances Chapter 139.01.
4. Dispatchers Full-Time: Dispatchers are recommended by the Chief of Police, and appointed by the Mayor, subject to the confirmation of Village Council. After the probationary period, the Chief of Police shall recommend to Village Council to either remove or finally appoint the employee.

Dispatchers Part-Time: Part-time dispatchers are recommended by the Chief of Police, and appointed by the Mayor. After the probationary period, The Chief of Police shall recommend to the Mayor to either remove or finally appoint the employee.

5. Clerk/Treasurer's Office: The Clerk/Treasurer shall appoint his/her officers, agents, clerks and assistants, provided such positions are first authorized by Village Council and subject to confirmation of employee by Village Council.

6. Administrative Services Officer: The Administrative Services Officer shall be appointed upon the joint recommendation of the Village Administrator and the Village Clerk-Treasurer, and such appointment shall be subject to the written approval of the Mayor. The Administrative Services Officer is an "at will" employee, and may be terminated upon agreement of the Village Administrator and Clerk-Treasurer, or upon the recommendation of either the Village Administrator or Clerk-Treasurer with the concurrence of no less than five members of Council. The Administrative Services Officer shall be evaluated annually by the Clerk-Treasurer and the Village Administrator
7. Other Employees: Employees not otherwise provided for in this section or in the Ohio Revised Code shall only be appointed by approval of a majority of the members elected to Council.
8. Acting Department Heads: In the event of position vacancy, temporary leave or other extended absence of a Department Head (Police Chief or Village Administrator), the Mayor with the advice and consent of Council may appoint an interim or acting Department Head until such time as the current Department Head returns or the position is filled.

B. PROBATIONARY PERIOD

1. A newly appointed or promoted employee will be closely evaluated by the Department Head during the first (6) months of employment (the "probationary period").
2. During this probationary period, the Department Head will assist the employee in developing his/her job skills and determine if the employee should continue in the position.
3. The Department Head shall recommend to the Mayor retention of only those employees who meet acceptable job performance standards during the probation period.

C. APPOINTMENT OF RELATIVES (*Amended 12/16/2014, Ord. 2014-45*)

It is the Village's policy to employ the best-qualified people. However, careful consideration must be given when employing persons who are related by blood or marriage to prevent inappropriate working relationships from arising in the workplace.

The Village of Mantua may not hire individuals who have relatives who are employees of the Village of Mantua. Employees shall be defined as all full-time employees and all part-time employees, consultants, members of the Village Council, and members of council-appointed bodies having direct oversight on expenditures. Persons involved in husband/wife, parent/child, parent/child-in-law, first cousins, aunt-uncle/niece, aunt-uncle/nephew, siblings, grandparents/grandchild relationships, and members of the same household, as defined by the United States Census Bureau, shall be considered relatives for the purposes of this regulation. It shall be incumbent upon applicants to make known such relationships. The Council reserves the right to make decisions concerning the hiring of relatives on a case by case basis.

1. Exceptions:
 - a. Existing Appointments;
 - b. Appointments where neither individual involved is employed in a supervisory or management position and where neither individual involved, or the work performed, or the employment of either individual is or may be directly influenced by the other individual. The determination of such influence shall be at the discretion of the Council. To be eligible for this second exemption, employees must make application to the Council prior to any event, which would require exemption to allow continued employment. Failure to notify may result in the discharge of both parties.

D. PROMOTION

1. A current employee will be considered for promotion to a vacancy only when he/she is determined by the Department Head to be fully qualified. The Department Head shall recommend the promotion to the Mayor. The Mayor shall transmit his/her recommendation to Village Council for confirmation of appointment. See also Section 2.1.C
2. An employee who has been promoted to a higher position will serve a probation period as defined in Section 2.4 (A).
3. An employee may be returned to his/her former position and rate of pay if work performance, behavior and/or work attitude is not satisfactory.

E. TRANSFER

1. An employee is considered to have been transferred when he/she is properly trained and assigned to a different position.
2. Transfers will be made at the discretion of the Department Head.
3. The needs of the Village take precedence over the wishes of an employee.
4. The Village may initiate a transfer if the transfer would be in the best interest of the Village, or when an employee with a qualifying disability can no longer perform the essential functions of his/her current position.

F. DISABILITY RELATED REASSIGNMENT

1. When an employee with a qualifying disability becomes unable, even with reasonable accommodation, to perform the essential functions of his/her position, he/she may request in writing a reassignment to a vacancy in an appropriate position. The employee will be reasonably accommodated in the appropriate position if a vacancy exists.
2. An employee reassigned due to disability will have his/her pay adjusted to a level within the pay range of the reassigned position.

Section 2.5 **EMPLOYEE EVALUATION SYSTEM**

1. Evaluations. Each employee will be evaluated at the completion of the probationary period and, from that point further, at least once every year. Such evaluation shall be in writing and carried out by the employee's supervisor and placed permanently in his or her personnel file. All such evaluations shall be shown to the employee being rated and discussed thoroughly with him or her.
2. Performance ratings. The Council may establish a system of service ratings based upon standards of performance. Such standards shall measure the quantity of work performed, the manner in which such service is rendered, the faithfulness of the employee to their duties, and other such characteristics that may measure the value of the employee to the Village. Performance ratings shall be considered in determining salary increases and decreases within the fixed limits of the compensation plan, as a factor in determining order of layoff, and as a factor in determining the demotion or dismissal of an employee. Such service ratings shall be available for review by the employee rated.

The performance of Department Heads serving Full-time on-site shall be reviewed annually or more as needed as determined by the appropriate committee, no later than November 1st each year by the designated Council Committee representing their department (as codified in Village

of Mantua Codified Ordinances 121.03, Article XI(1), Council Rules - Committees). The Mayor shall perform a separate and distinct written evaluation of the Village Administrator and Police Chief. The Mayor shall also perform an annual written evaluation of the Zoning Inspector.

Department Heads or their delegates shall be responsible for the performance of all employees within their departments.

Section 2.6 **PERSONNEL FILES & RECORDS**

A. Pertinent Information

The appointing authority shall create, or cause to be created, a personnel file for each employee of the Village. Such file shall include the original application and the notice of appointment in addition to other information that may be pertinent. The file of each employee shall be maintained by their Department Head and shall be the official personnel file. The files of the Department Heads shall be maintained by the Village Clerk.

The Clerk shall keep on file all personnel wage and benefit records this shall include Holiday, Vacation, Sick leave and Comp time paid, used and/or earned. The Department Head shall furnish the Clerk accurate information to make certain that this information is correct and current. Also in this file shall be a copy of any permits, special licenses, training or any thing which entitles the employee additional income in wages or bonuses.

B. Accessing Files

Access to the personnel files shall be in accordance to the Ohio law regarding public records. Information required to be kept confidential shall be redacted in the event of a public records request. An employee whose file is the subject of a public records request shall be informed.

C. Updating File

It is the responsibility of the employee to initiate any needed changes. An employee's education, training and experience background information are important factors in the promotion procedure. These items should be reviewed by the employee periodically to be sure they are up to date. Also, the employee should notify the Department Head and Village Clerk of any changes in marital status or dependents as they may relate to insurance coverage. Any changes shall be filed on the Employee Update Form (APPENDIX N).

CHAPTER 3

CONDITIONS OF EMPLOYMENT FOR CURRENT AND NEW EMPLOYEES

Section 3.1 **EMPLOYMENT STATUS**

- A. Employees are defined as full-time, part-time, seasonal, or auxiliary.
 - 1. Full-time employees are those who are regularly scheduled to work forty (40) or more hours each week.
 - 2. Part-time employees are those who are regularly scheduled to work fewer than forty (40) hours each week.
 - 3. Seasonal employees work only during a specific portion of each year.
 - 4. Auxiliary is a patrolman in the Police Department appointed pursuant to Codified Ordinance Section 139.01 and Ohio Revised Code Section 737.161.
- B. Length of service with the Village is the length of time the employee has worked for the Village from the most recent date of hire.
- C. Paid insurance, paid vacation, sick leave, paid holidays, and longevity pay do not apply to part-time, seasonal or reserve/auxiliary employees.

Section 3.2 **HOURS OF WORK**

- A. A regular full-time employee works forty (40) hours per week or more. Employees are expected to work a flexible schedule including Saturdays, Sundays, evenings and nights as required.
- B. MEAL BREAKS: All appointed employees working shifts of five (5) or more hours shall be entitled to one (1) thirty (30) minute unpaid meal break per shift and one (1) ten (10) minute paid break. Lunch breaks for employees working "day shift" hours shall occur between the hours of 11:30 a.m. and 1:30 p.m. Other than during approved break periods, employees shall not be permitted to leave their designated work areas. The times of all meal breaks taken shall be reflected accurately in the "Comments" area of the employee's time sheet. Insofar as adherence to this section may cause a disruption of service to the public, the Police Department is exempted from the requirements stated herein. *(Adopted 6/18/2013, Ord. 2013-28)*

Section 3.3 **VILLAGE VEHICLES**

- A. An employee must have the appropriate valid Ohio Driver's License or Commercial Driver's License and have an acceptable driving record in order to operate a Village vehicle. Village vehicles may not be used for driving to or from work or on personal business.
- B. On-call Police Officers taking a cruiser home and meal breaks within the Village are considered to be an authorized use of Village Vehicles.
- C. An employee who receives a citation while driving on Village business is personally responsible for any fine, penalty or other costs and is, in addition, subject to discipline according to the progressive discipline policy. (See Section 9.1 PROGRESSIVE DISCIPLINE).

CHAPTER 4
COMPENSATION

Wages and salaries are based on Council annual review of the Village's financial condition and other factors as deemed appropriate. Wages and salaries are not guaranteed to increase with cost-of-living or by periodic increase(s).

Section 4.1 WORKWEEK

The workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. on Saturday.

A. Payment of Wages

1. Salaries and compensation will be determined by ordinance or resolution of Council. Employees will be paid bi-weekly (26 pay periods annually). Payroll will be prepared by the Village Clerk. The payroll check is based upon an eighty (80) hour period, unless part-time, seasonal or salaried. The pay period starts every other Sunday and runs for (14) calendar days.

If an employee is absent on payday, he or she should notify either the Clerk or a supervisor. He or she will determine the time and place for the employee to receive his or her check. It will not be released to anyone else, unless prior arrangements have been made.

2. Each employee shall be paid every other week on Thursday or on another day as arranged by the Clerk-Treasurer and Department Head. Employees shall be paid for the two-week period which ended the preceding Saturday at 11:59 p.m.

Section 4.2 TIME SHEETS

- A.** The Clerk shall specify the format of a time sheet to ensure proper documentation of hours worked by all employees. Employee time sheets showing hours worked, vacation, sick, and personal days, shall be filled out and signed by each employee. Department Heads may not fill in hours on time sheets except in the case(s) of vacation, sick and personal leaves.

Time sheets shall be signed by employee and approved and signed by the Department Head and/or Mayor. All properly signed and approved time sheets will be submitted to the Village Clerk. The Village Clerk shall accept no time sheets without Department Head or Mayor's signed approval.

- B.** If time sheets are not properly submitted, the Clerk's Office may withhold payment of wages until hours can be verified.

Section 4.3 RECORD KEEPING

The Village keeps an accurate, daily record of each employee's hours worked. Pay records may include:

- A. Employee name, home address (confidential for police officers), job assignment, sex and birth date
- B. Hour and day workweek begins
- C. Total hours worked on each workday and in each workweek/work period
- D. Total daily or weekly/work period straight-time earnings
- E. Regular hourly pay rate for any week when overtime is worked
- F. Total overtime pay for the workweek/work period
- G. Deductions from or additions to wages
- H. Total wages paid each pay period

I. Date of payment and pay period covered

J. Reimbursement for travel expenses

Any changes to employee payroll or status with the village shall be submitted to the Clerk/Treasurer on form Payroll/Status Change Notice form (Appendix O).

Section 4.4 **EARNING AND USE OF OVERTIME AND/OR COMP TIME**
(Amended 9/18/2012, Ord. 2012-42)

Employees shall be compensated for overtime at a rate of 1.5 hours per hour over forty (40) hours per week worked.

1. It shall be the Department Head's responsibility to see that accurate time records are kept of all hours worked. The Department Head shall use his/her best efforts to see that overtime is kept to a minimum.
2. Cash payment is the default method of pay for overtime. Employees wishing to be compensated with comp time must make specific request to Department Head prior to the close of pay period.
3. Comp time, vacation time, hours paid for being "on call" but not at workplace, leaves of absence, holidays and sick time taken shall not be considered as hours worked in calculation of overtime compensations. *(Amended 2/16/2016, Ord. 2016-7)*
4. Evening Meetings. In order to prevent unnecessary accrual of overtime and/or comp time, where an hourly employee must attend an evening meeting, such employee shall make note of the amount of time spent at the meeting, and within that pay week, shall leave early by that same amount of time as long as leaving early does not create a loss of service to the public. This shall be reflected on the employee's time sheet. The Village Clerk shall have the right to withhold pay (overtime or regular), or to refuse to credit comp time, which results from any failure to adhere to this policy.
5. All records of comp time shall be kept by the Department Head and turned in to the Village Clerk for approval/ payment at the end of each pay period. This is for all employees. No employee may accumulate more than 40 hours of comp time. Comp time in excess of 40 hours shall be paid in the employee's next paycheck.
6. Any comp time taken shall only be used with approval of the Department Head.
7. Cashing in compensatory time.
 - a. Compensatory time can be transferred into cash award to the employee at the current rate of pay at time of request. The maximum that can be paid out within any given year is 40 banked hours. All requests shall be in writing to the Department Head. The Department Head will make request to the Clerk/Treasurer for approval.
 - b. Upon retirement or any other employment termination, the employee will be paid for any compensatory time accumulated at the current hourly wage rate.

Section 4.5 **LONGEVITY PAY**

Each employee hired as full-time before the first effective date of this Ordinance shall be entitled to 0.5% of his base salary for each year of continuous service after completion of five full years of continuous service. There shall be a cap of ten percent (10%). As of the first effective date of this Ordinance, new hire employees will not receive longevity. Subsequent amendments to this document shall not be construed so as to modify the first effective date of this Ordinance.

Section 4.6 **REIMBURSEMENT OF EXPENSES**

Prior to attending a conventions, conferences, required training, and/or other necessary village business, the individual; must present a written request for attending same. An estimate of expenses for the same

shall be approved by the Department Head, Travel expenses for Department Heads must be authorized by the Mayor and presented to the Clerk/Treasurer for certification that funds are appropriated and available. If the above provisions are complied with, individual will then be permitted to attend said conventions, conferences, training, and/or other village business at the expense of the Village of Mantua. (ORC 733.79)

A. TRANSPORTATION

Council shall establish a policy as to when employees shall be paid for mileage and the rate shall be that as allowed for the U.S. Internal Revenue Code as it is amended from time to time. The Village may set limits for reimbursement.

1. Travel by air, bus or other common carrier must be at the lowest available rate. The employee is responsible for notifying the carrier of any reservation change or cancellation at the earliest possible time.
2. Mileage reimbursement for travel in privately owned vehicles will be at the amount allowed by Federal IRS regulations in effect at the time travel occurs. The mileage reimbursement will be deemed to cover all expenses incurred by use of the privately owned vehicle including oil, gasoline, tires, depreciation, insurance and all other expenses of operation. No reimbursement for mileage will be made unless an employee carries automobile/liability insurance on his/her vehicle and maintains a copy of current coverage in his/her personnel file.
3. When (2) or more employees are traveling to the same destination, they should travel together and only one may claim mileage reimbursement. Should one employee refuse to travel with another employee (where the other employee is willing to car-pool), the employee so refusing shall be deemed to have waived, and may not apply for, reimbursement for mileage.
4. Reimbursement for reasonable taxi fares, bridge, highway and tunnel tolls and parking may be claimed upon presentation of receipts.
5. Mileage will be paid for authorized errands, calculated from the Village to the destination and back. However, use of personal vehicles for such purposes is discouraged when a village vehicle is available for the errand.
6. No reimbursement will be made for travel between the employee's home and the Village.

B. LODGING (*Amended 2/21/2017, Ord. 2016-61*)

1. Expenses covering the cost of a hotel or motel room will be reimbursed in full for accommodation at the facility hosting the activity. Any accommodation other than at the hosting hotel or motel will be reimbursed up to the per diem rate established by the Federal government and maintained on the GSA.gov website. Cost exceeding that specified on the GSA.gov website may be approved by Council.
2. No reimbursement will be made for entertainment, in-room movies, restocking in-room snacks, room service, dry cleaning or laundry charges, or charges not related to the execution of Village duties.

C. MEALS (*Amended 2/21/2017, Ord. 2016-61*)

1. An employee authorized to travel on official Village business may claim reimbursement for meals including a maximum 15% gratuity up to the daily rate established by the Federal Government and maintained on the GSA.gov website.
2. The first and last calendar day of travel is calculated at 75% of the daily meal rate.

3. Alcoholic beverages and entertainment are not reimbursable.

D. REIMBURSEMENT

1. Travel Expense Reimbursement Form (Appendix H) must be signed and approved by employee's Department Head and submitted to the Village Clerk-Treasurer or the Chair of the Finance Committee for final approval.
2. Receipts for all expenditures must be attached to the reimbursement request.

Section 4.7 **UNIFORM ALLOWANCE**

- A. Each full-time employee who is required to wear a uniform shall be entitled to Four Hundred Dollars (\$400) per year as a uniform allowance.
- B. Part-time employees who are required to wear a uniform shall be entitled to Two Hundred Dollars (\$200.00) per year as a uniform allowance.
- C. After the completion of one (1) year's continuous employment with the Village, Auxiliary and Part-Time Police Officers shall be entitled to up to Two Hundred Dollars (\$200.00) per year as a uniform allowance. After five (5) years continuous employment with the Village, Auxiliary and Part-Time Police Officers shall be entitled to up to Three Hundred Dollars (\$300.00) per year as a uniform allowance. *(Amended 12/18/2012 Ord. 2012-74)*
- D. In the event of termination of employment with the Village, this allowance shall be prorated for the time the employee is employed with the Village and if over-paid shall be deducted from the final pay of such employee.
- E. The Village may furnish uniforms to village employees as designated by Council. These uniforms and all other items issued by the Village remain the property of the Village and must be returned when the employee leaves the Village's employment. The employee's final paycheck may be held until all village property has been returned.
- F. Any employee who purchases uniforms and pays for them out of their pocket shall turn invoices into the Clerk/Treasurer for reimbursement. The Village Clerk will provide a copy of the invoice to the proper Department Head for review.
- G. Uniform Allowance may be used for all uniforms and related equipment purchased for the employee's job function. Cleaning and maintenance shall be covered under the uniform allowance provided original receipts are turned in to the Clerk/Treasurer before any reimbursement is made.

Section 4.8 **ON-CALL SERVICE DEPARTMENT EMPLOYEES** *(Adopted 2/16/2016, Ord. 2016-7)*

Effective January 21, 2016, Hourly Service Department employees who are on call for the water and waste water SCADA alarms will receive one hour of straight-time pay at their regular rate for each 24-hour period on call. Salaried employees have had this time factored into their monthly rate. Only one Service Department employee will be on call at any time.

Section 4.9 **CREDIT CARD POLICY** *(Adopted 12/18/18, Ord. 2018-52)*

- A. Authorized Users of Village Credit Card. The Clerk-Treasurer, Mayor, Chief of Police, Village Administrator and Street Supervisor shall each be issued a Village Credit card imprinted with their name and Village of Mantua.
- B. Authorized expenses. The Village credit card may only be used for expenses related to Village operations, travel and meeting expenses, uniforms, equipment and maintenance.

C. Management of Credit Card Accounts.

1. Bank Credit Cards. The "Bank Credit Cards" are general spending cards issued by Middlefield Bank ("Bank") in the name of the Authorized User (Section A, above) and the Village. Each time an Authorized User is hired by the Village, the Bank is notified in writing by the appropriate Committee (Service, Safety or Finance). The Bank's credit card application form shall be signed by the Clerk-Treasurer, Mayor and the Authorized User, who shall also provide the Bank with a copy of his/her Driver's License and any other documentation the Bank may reasonably require, prior to the Bank ordering the card.

Upon separation from employment with the Village, an Authorized User shall return his/her Bank Credit Card to the Clerk-Treasurer, who shall be responsible for its cancellation and destruction.

The Authorized User retains control over, and is solely responsible for securing, the Bank Credit Card issued to them and shall immediately report a lost or stolen credit card to the Bank and the Clerk-Treasurer. The credit card shall only be re-issued upon satisfaction of Bank requirements.

2. Store Credit Cards. The Village maintains several "Store Credit Cards" issued in the name of the Village of Mantua: Staples (credit limit \$2,600), Sam's Club (credit limit \$7,000), WalMart (Credit limit \$1000). The Village Clerk-Treasurer retains general possession of the Store Credit Cards, which are signed out to Authorized Users pursuant to the following system:

The Clerk-Treasurer will complete the sign out sheet which lists the name of the person signing out the credit card, the date and time they sign it out. The Authorized User will sign that this information is correct.

When the credit card is returned, the Clerk-Treasurer will note the date and time that they return it, and the Authorized User will sign again stating that the return information is correct. This policy establishes two step verification of the time and date that the card is checked out and returned.

The Authorized User is solely responsible for securing the Store Credit Card during the time it is signed out to them, and shall immediately report a lost or stolen credit card to the Clerk-Treasurer who shall immediately report the loss to the card's issuer. The Clerk-Treasurer shall be responsible for obtaining a replacement card.

3. Credit Card Checks. The Village does not maintain or authorize the use of checks associated with the Bank or Store Credit Cards.

D. Purchase Authorization and Submission of Receipts. When a purchase is anticipated, a purchase requisition is prepared by the Authorized User making the purchase or the departmental administrative assistant. The purchase requisition must be authorized and signed by the Department Head. The purchase requisition is submitted to the Clerk-Treasurer so that a purchase order can be prepared or it can be determined that a purchase order is in place with sufficient funds.

Once the purchase has been made, the Authorized User making the purchase must submit the receipt or an online order confirmation to the Clerk-Treasurer for attachment to the purchase requisition. If a cash register receipt does not contain an itemized description of the item(s) purchased, the Authorized User shall write it on the tape prior to submission.

E. Credit Card Credit Limits. Each Bank credit card will be assigned a unique account number and

billed separately by the Bank. No duplicate credit cards will be issued to the same account except in the event of loss as set forth in Section 4.9.C.

The Bank credit cards issued to the Mayor and the Clerk-Treasurer are used for travel, conference, meeting, and other administrative expenses and each card has a \$2,000 credit limit.

The Bank credit cards issued to the Village Administrator, Chief of Police, and the Street Supervisor will each have a credit limit of \$3,000.

F. Tax Exempt Status. The Village of Mantua is exempt from Ohio sales taxes, and Authorized Users shall inform in-state suppliers of this exempt status and provide a copy of the Village's Tax Exempt Certification if necessary.

G. Misuse of Credit Card Account. The following acts or omissions constitute misuse of the Credit Card Account and may be subject to disciplinary action and/or criminal prosecution:

1. Any purchases not first authorized by the Department Head.
2. Any purchases of alcoholic beverages.
3. Purchases that are for personal use and not village business.
4. Cash Advances.
5. Use of the Credit Card to make any purchase that violates the Village Policy and State of Ohio Ethics Law prohibiting business transactions which are or may be perceived as a conflict of interest (i.e., purchases from a business in which the Authorized User, a family member or a business associate, has a financial or other interest).
6. Receipt of cash refunds or in-store credit for any returns or exchanges. Such amounts must be credited back to the credit card account. If a supplier issues a refund by check or other means, it must be submitted to the Clerk-Treasurer within five (5) days of receipt by the Authorized User.
7. The Authorized User is liable in person and upon any official bond he/she has given to the Village to reimburse the treasury any and all amounts for which the Authorized User does not provide itemized receipts in accordance with the policy described in division D. of this section.
8. The use of a credit card account for expenses beyond those authorized by Council constitutes misuse of a credit card account. An officer or employee of the Village or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the municipal corporation violates section 2913.21 of the Revised Code. Possession or use of a debit card account by a political subdivision except for law enforcement purposes is a violation of section 2913.21 of the Revised Code.

H. Review. The Mayor shall appoint a Compliance Officer, who may not be the Clerk-Treasurer or an Authorized User. On at least a quarterly basis, the Compliance Officer and Council shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

On an annual basis, the Clerk-Treasurer or her designee shall file a report with Council detailing all rewards received based on the use of the Village's credit card account.

I. As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

CHAPTER 5

BENEFITS

Section 5.1 **INSURANCE** *(Amended 12/19/2017, Ord. 2017-50)*

A. Each full-time employee, as defined in Section 3.1.A.1, is entitled to insurance benefits as provided in other ordinances. Effective January 1, 2008 all full-time employees receiving insurance benefits will pay a 5% cost sharing on the premium. Insurance benefits include:

1. Group medical insurance for employee and dependents
2. Prescription Drug Program
3. Dental Insurance
4. Term Life Insurance of not less than Ten Thousand Dollars (\$10,000).
5. Vision

For a complete description of insurance benefits, please contact the appropriate Insurance provider.

A full-time employee eligible for these benefits may choose to "opt out" of any or all of the available coverages, and in so doing shall be exempt from the 5% cost sharing for the particular benefit(s) declined.

If an employee fails to pay the cost sharing portion of a desired benefit, that coverage shall be terminated.

B. Part-time employees and elected officials who work at least 30 but less than 40 hours per week are eligible to avail themselves of the various components of the Village's insurance program, however, cost sharing of insurance premiums is not available to part-time employees and part-time elected officials. Elected officials and employees working at least thirty but less than forty hours per week desiring to obtain Village insurance benefits are required to pay 100% of the relevant monthly premium through payroll deduction.

Section 5.2 **VACATION** *(Amended 7/16/2013, Ord. 2013-57)*

A. Permanent full-time employees only shall be granted vacation leave with pay at their regular rate of pay. Vacation leave shall accrue as follows:

<u>Length of Service with the Village</u>	<u>Accrual Rate per Pay Period</u>
Up to Ten Years	3.08 hours
Ten Years or More	4.62 hours
Fifteen Years or More	6.16 hours

Additionally, full-time employees hired prior to 1995 only shall accrue additional vacation time as follows:

Twenty Years or More	7.69 hours
Twenty-Five Years or More	9.23 hours

Existing full-time employees as of July 1, 2013 will begin to accrue vacation at the above rates beginning January 1, 2014, as their full vacation award for 2013 has previously been granted.

Accrual at a higher rate shall begin with the next pay period after the employee's start date anniversary, as appropriate.

- B. The Village of Mantua does not consider employment with other State agencies when computing Length of Service for vacation accrual. Vacation leave accrual is based on full-time continuous employment with the Village. Should an employee voluntarily terminate his employment with the Village and later be re-hired, prior full-time service will not be considered. Should an employee's full-time status be reduced to part-time and later elevated to full time, or the employee be laid off and later recalled, be on an authorized leave of absence or FMLA, prior full-time service will be included.
- C. Full-time employees will be eligible to use accrued vacation leave after six months continuous full-time service with the Village and the successful completion of their probationary period.
- D. If one of the holidays specified in Section 5.3 falls within the employee's vacation week, the employee will be given holiday pay for the holiday and will be permitted to use the vacation leave at another time.
- E. No employee shall be permitted to carry over more than two hundred forty (240) hours of vacation leave from one calendar year to the next. Accrued but unused vacation time in excess of 240 hours existing as of December 31st of any year shall be forfeited except for all accumulated time accrued as of the first effective date of Ordinance 2010-24.
- F. Employees may only use vacation time to replace normally scheduled work hours. Vacation time shall not be considered "hours worked" and shall not be used to create an overtime situation. Vacation continues to accrue while the employee is on vacation, personal or sick leave, comp time, or leave of absence less than one month (section 5.9.G). All vacation time must be approved by the employee's Department Head. Vacation Leave of Department Heads must be approved by the Mayor. A vacation request must be submitted no less than two weeks in advance of the vacation leave.
- G. Upon retirement or any other employment termination, the employee will be paid for any accrued vacation at his/her current hourly rate, except that an employee who fails to complete the six-month probationary period will not be paid for accrued vacation.
- H. There will be no cash payment for accrued but unused vacation time, except as provided in Section 5.2.G, or, in individual instances, upon affirmative vote of at least two-thirds of the Village Council for good cause shown.

Section 5.3 **HOLIDAYS**

- A. Paid holidays shall be as follows: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving, the day after Thanksgiving, and Christmas Day. (See Appendix A)
- B. In the event a holiday falls on a Saturday it shall be observed on the preceding Friday and if it falls on a Sunday it shall be observed on the following Monday. When a holiday falls on Saturday or Sunday, Village employees that are regularly scheduled to work on that holiday are permitted to take the actual holiday off with the permission of their Department Head rather than the preceding Friday or following Monday. Holiday pay remains a cash payment equal to eight (8) hours of wages for all Village employees.
- C. All full-time employees shall receive eight (8) hours compensation as Holiday pay and said payment should be reflected on the appropriate time sheets. Employees who work on a Holiday will be paid at their regular hourly rate and shall be permitted to take an additional day off with pay within six (6) months.
- D. In cases where an employee is scheduled to work either or both of the days before and after a holiday, the employee must work the regularly scheduled days in order to receive the holiday pay.

- F. Holiday pay is a fringe benefit and is not to be reflected as hours worked on time sheets.
- G. Employees will not be paid for holidays which occur during a leave of absence or disciplinary action. If a holiday occurs during a period of sick leave, the employee will be regarded as having taken the holiday and will not be charged for sick leave. A holiday occurring while an employee is on vacation will be counted as a holiday and not as a vacation day.
- H. Other Special Holidays may be allowed without pay or as a vacation day upon advance request of the individual employee. Requests submitted to the department head and/or Council at least one month in advance will, as much as possible, be authorized. Reasonable effort shall be made by the department head or Council to accommodate all requests submitted after that period.

Section 5.4 **SICK LEAVE**

- A. Each regular full-time employee of the Village shall be entitled, for each completed eighty (80) hours of service, to sick leave of four and six-tenths hours with pay. Employees may use sick leave, upon approval of the responsible administrative officer of the department, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees and for illness or death in the employee's immediate family. Unused sick leave shall be cumulative.
- B. Sick leave in excess of three (3) days will not be approved unless the employee supplies written documentation signed by a physician.
- C. As of the first effective date of this Ordinance, part-time employees shall no longer accrue sick leave. Unused sick leave previously accumulated to a part-time employee's credit shall be retained by the employee until used or until separation from employment. Should a part-time employee be elevated to full time status, unused sick leave shall remain to that employee's credit.
- D. Consistent with Ohio Administrative Code section 123:1-32-10, the previously accumulated sick leave of an employee who has been separated from the public service may be placed to his credit upon his re-employment in the public service. An employee who transfers from one public agency to another shall be credited with the unused balance of his accumulated sick leave. The responsible administrative authority of the department may require the employee to furnish a satisfactory affidavit, or a certificate from a licensed physician, as to the nature of his illness or other acceptable reason for his absence as provided in this section. No sick leave may be granted to an employee after his or her retirement or termination of employment.

Section 5.5 **PERSONAL LEAVE**

Each full-time employee is authorized two personal days per year. A reason for this type of leave is not required. Department Heads will authorize personal leave in the same manner as vacation leave. Personal leave will not accumulate from year to year and can only be taken by employees who have completed the probationary period for their original appointment.

A Village "Request for Leave" form must be completed by employee for use of personal leave. Personal leave will not be approved or paid if its use results in an overtime situation for any given work week.

Section 5.6 **FUNERAL LEAVE**

Each full-time employee who has accrued sufficient paid leave time shall be entitled to three (3) days paid leave in the event of the death of an immediate family member (parent, grandparent, spouse, sibling, child, steps and in-laws, other household member or cohabitant.) Time taken for Funeral Leave will be deducted from the employee's Sick Leave balance by default, unless the employee requests that the Funeral Leave be deducted from his/her Vacation or Personal Leave balance instead. *(Amended 6/19/2012, Ord. 2012-35)*

Section 5.7 **COURT LEAVE**

Full-time employees shall be granted leave with pay to serve on a jury when required to do so, but the pay will be reduced by the amount of any compensation received for such service. Compensation for travel or other expenses will not be deducted from the employee's pay. Employee shall give his/her Department Head at least one week's notice of time off that may be needed for Jury Duty.

All employees shall be permitted, without penalty, to honor any subpoenas properly served, if honoring the subpoena requires absence during regularly scheduled work hours. Police personnel shall be governed by the Mantua Police Department's Standard Operating Procedures.

Section 5.8 **MILITARY LEAVE WITH PAY**

- A. The officer or employee of the Village shall be entitled to a leave of absence for a period of not more than thirty-one days in a calendar year for service with the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia or any other reserve component of the Armed Forces of the United States, and during such leave of absence the officer or employee of the Village shall be entitled to payment by the Village for only that difference between what he/she earns from the military pay and what the officer or employee would have received while employed for that period of time with the Village based upon his or her regular hourly rate. There is no requirement that the service be for one continuous period of time. The maximum number of hours for which payment can be made in any one calendar year is one hundred seventy-six hours.
- B. The purpose of this policy is to allow the Village to credit the military pay earned by that individual towards the pay which that individual would have earned during the leave of absence from the Village, it further being understood that the Village is only obligated to pay the difference between the military pay and that which would have been paid by the Village to that individual.

Section 5.9 **LEAVES OF ABSENCE**

- A. Any employee of the Village, who has been employed for longer than one year may be granted a leave of absence for personal reasons at the discretion of Department Head or Mayor with notification to the appropriate Council Committee.
- B. The leave of absence shall be without pay and the employee shall maintain any benefits he/she desires at his own expense unless otherwise provided in this chapter.
- C. The leave of absence shall be granted for a specific period of time not to exceed six months. An extension may be granted by Council if requested in writing fifteen days prior to the expiration date of the original leave of absence.
- D. Upon timely return from the leave of absence the employee shall be granted employment at his/her original level if it is available or at similar employment if his original position has been filled.
- E. Failure to return from a leave of absence at the specified date will be considered as a resignation.
- F. All approved leaves of absence shall be confirmed in writing to the employee by the Department Head with a copy to the employee's file.
- G. Vacation and sick leave do not accrue on a leave of absence in excess of one month. Vacation allowance is paid at the time of departure on the amount unused and accrued. Any sick days accumulated prior to the leave may be reinstated immediately upon return.
- H. UNIFORMED SERVICE LEAVE WITHOUT PAY: Uniformed Service leave shall be governed by Ohio Administrative Code Section 123:1-34-05

Section 5.10 **FAMILY AND MEDICAL LEAVE**

- A. Eligibility - An employee who has worked (1250) hours in the (12) month period prior to the date leave is to commence, and has been employed with the Village for a minimum of (12) months, is entitled to a maximum of (12) weeks leave in any calendar year, if the reason for the leave qualifies under the Family and Medical Leave Act.

- B. Family Leave
 - 1. Family leave can be taken at the birth of an employee's child or placement of a child into the employee's home for adoption or foster care.
 - 2. For purposes of family leave, the employee must take the leave within (2) months of the qualifying event.

- C. Medical Leave
 - 1. When an absence qualifies for family and medical leave, both the paid and unpaid time off from work will be charged against that entitlement.
 - 2. Medical leave can be taken to care for an immediate family member with a "serious health condition" or for the employee's own "serious health condition."
 - 3. "Serious health condition" is defined as an illness, injury or impairment that requires:
 - a. Inpatient care in a hospital, hospice or residential facility including any period of incapacity or subsequent treatment in connection with inpatient care; or
 - b. Continuing treatment by a health care provider involving any of the following:
 - (1) A period of incapacity of more than (3) consecutive calendar days that involves:
 - i. Treatment (2) or more times by a health care provider;
 - ii. (1) treatment by a health care provider that results in a regimen of continuous treatment.
 - (2) Any period of incapacity due to pregnancy or pre-natal care;
 - (3) Any period of incapacity or treatment for incapacity due to a chronic serious health condition;
 - (4) Permanent or long-term conditions for which treatment may not be effective, or
 - (5) Any period of incapacity to receive multiple treatments either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than (3) consecutive calendar days in the absence of medical intervention or treatment.
 - c. Examinations to determine if a severe health condition exists and evaluations for the condition.
 - 4. "Immediate family member" is defined in the Act as a spouse, parent, son or daughter. In-laws are not included.

- D. Use of family/medical leave will be recorded in minimum increments of (1/2) hour.

- E. Leave under this section must be used concurrently with the employee's previously accrued paid leave time.
1. In the case of a medical leave, the employee is required to use all accrued sick, vacation and other available paid leave prior to being placed on unpaid status.
 2. In the case of family leave, an employee is required to use all accrued vacation and other paid leave, not including sick leave, prior to being placed on unpaid status.
 3. An employee will not be required to exhaust all paid leave benefits, if he/she is required to take family/medical leave for a qualifying condition under Workers' Compensation.
 4. All medical and/or family leave not compensated under section 5(a) and 5(b) above is unpaid.
- F. Certification/Recertification
1. When an employee requests a medical leave, the employee must furnish a written statement from his/her health care provider certifying that he/she is unable to work and the expected date of return to work.
 2. When an employee requests leave to care for a family member, the employee must furnish a statement from the family member's health care provider certifying the condition, the necessity for the employee's care of the family member, and the expected duration of required care.
 3. The employee must comply with any request for certification or recertification as soon as possible, but not more than (15) days after the request, as a condition of leave approval or continuation of leave. The cost of certification or recertification will be paid by the employee.
 4. If the Mayor doubts the validity of the certification provided, the Mayor may require, at the Village's expense that the employee obtain the opinion of a second health care provider designated or approved by the Mayor. If the second opinion differs from the original certification, the Mayor may require, at the Village's expense, the opinion of a third health care provider jointly approved by the Mayor and the employee. The opinion of the third provider will be considered final and binding on both parties.
- G. When an employee requests family leave or leave for a planned medical treatment, the employee must give (30) days notice of the date the leave is expected to commence and the anticipated length of the leave. The Village requests that an employee give as much notice as is practicable so that operational needs can be met. In the case of planned medical leave, the Village requests that the treatment be scheduled so as to cause minimal disruption to services.
- H. Leave may be taken intermittently (i.e. periods of (1) hour or more over several weeks) or on a reduced schedule (i.e. less than a full-time basis) when medically necessary or if the employee is needed to care for a family member with a serious medical condition. Intermittent/reduced schedules are available subject to the following conditions:
1. The employee must make a reasonable effort to schedule time off so as not to disrupt the operations of the Village. The employee must provide not less than (30) days notice before the date the leave is to begin, unless the medical condition requires leave to begin in less than (30) days. Finally, the employee must provide his/her Department Head with the dates on which medical treatment is expected along with the expected duration of the treatment or the length of time needed to care for a family member.
 2. The Mayor may require an employee to transfer temporarily to an available alternative position offered by the Village, if the employee is qualified, the position has equivalent pay and benefits, and the position better accommodates recurring periods of leave than the employee's regular

position.

I. Health Insurance

1. The Village will contribute to health care premium for an employee who is not in active pay status, but is on a family/medical leave.
2. An employee covered under this section must continue to contribute that portion of health benefit premiums normally attributable to the employee (5%) as they become due by remitting them to the Village Clerk-Treasurer on a monthly basis.
3. An employee for whom the Village maintains health care coverage during a family/medical leave and who does not return to work at the end of the leave shall be required to repay the Village the amount it paid to maintain the coverage. (See Section 5.1 Health Insurance).

J. Return to Work

1. An employee wishing to return before the scheduled end of a leave must give at least (2) working days advance notice to his/her Department Head.
2. If the employee is on a medical leave due to a serious health condition, the employee will be required to provide a fitness-for-duty certification before the employee is permitted to return to work.
3. Upon return from a family/medical leave, an employee will be restored to the position held when leave commenced, or a position with equivalent benefits, pay, and other terms and conditions of employment.
4. All benefits accrued prior to the leave will remain intact; however, the employee will not accrue benefits (seniority, vacation and sick leave) during any unpaid portion of the leave.

K. If it is discovered that a leave of absence granted for a specific purpose is not being used for that purpose, the Mayor may cancel the leave and direct the employee to report to work and the employee may be subject to disciplinary action. (See Section 9.1)

L. An employee who fails to return to work at the expiration or cancellation of an approved family/medical leave, without satisfactory explanation to the Department Head and the Mayor, will be terminated. The employee's termination date will be established as the starting date of the formerly approved family/medical leave.

Section 5.11 **Employee Discounts**

- A. Cemetery Plots: During their employment, employees of the Village of Mantua are entitled to purchase burial plots within the Mantua Village Cemetery at the same rate as a Village resident.
- B. Park Lodge: During their employment, employees of the Village of Mantua are entitled to rent the Buchert Park Lodge at the same rental rate as a Village resident.

CHAPTER 6

EMPLOYEE DEVELOPMENT

Section 6.1 **DEVELOPMENTAL TRAINING**

- A. The Village encourages the development of all employees through continuing education and training. Employees in certain positions are required as a condition of continuing employment to take coursework and training.
- B. All Departments are budgeted funds for employee training based upon the availability of funds throughout the Village. The approval of payment and/or reimbursement of fees associated with such trainings is solely within the discretion of the Department Head.

Section 6.2 **APPROVAL OF ATTENDANCE**

The approval of absence from regularly scheduled employment duties for purposes of attendance at trainings and seminars is within the discretion of the Department Head. Such approval must be obtained a reasonable time prior to the date of any such training so as not to cause staffing and scheduling conflicts within the department.

Section 6.3 **PRORATION OF EMPLOYEE TRAINING EXPENSES**
(ADOPTED 9/19/2017, ORD. 2017-28)

In the event that an employee who has attended training(s) paid for or reimbursed by the Village voluntarily separates from employment with the Village, the employee will be required to repay a prorated portion of the training fees based upon the length of time elapsed from the date of the training and the separation from employment, according to the following schedule:

<u>Cost of Training to Village:</u>	<u>Proration Period:</u>
\$500.00 - \$999.99	One Year
\$1000.00 - \$1999.99	Two Years
\$2000.00 and above	Three Years

The default method of reimbursement to the Village shall be deduction from the employee's final paycheck. If the final paycheck is insufficient to cover the required amount, the employee shall tender the remaining amount due within sixty (60) days of separation from employment.

This policy only applies to voluntary separation from Village employment; if the employee is involuntarily terminated, he/she shall not be responsible for repayment under this section.

Costs subject to this section include but may not be limited to: tuition fees, lodging, meals, mileage, training materials, equipment and/or supplies.

The employee shall acknowledge and agree to comply with this policy in writing prior to the commencement of any training which may become subject to this section.

CHAPTER 7

EMPLOYEE CONDUCT

Section 7.1 **CODE OF ETHICS**

- A. An employee must always conscientiously perform all assigned job duties.
- B. An employee must be tactful, patient and courteous when conducting Village business.
- C. An employee may not grant special consideration to any citizen or group of citizens.
- D. An employee may not engage in any outside employment or have a financial interest that will conflict with his/her duties or be detrimental to the Village. (See Appendix C STATE OF OHIO ETHICS LAW).
- E. An employee may not request or permit the use of Village vehicles, equipment, materials or property for personal convenience or profit.
- F. An employee may not accept or ask for any gift or consideration that is granted as a result of his/her employment with the Village.
- G. An employee may not use the Village's name or tax exempt status for his/her personal advantage on any purchase.
- H. An employee may not discuss or reveal confidential Village information to anyone, under any circumstances, except within the scope of his/her job duties.

Section 7.2 **ATTENDANCE**

A. ABSENCE REPORTING (*Amended 2/16/2016, Ord. 2016-01*)

- 1. When an employee is unable to report to work, he/she must notify his/her immediate Department Head, or another designated person, before the start of his/her scheduled work hours on the first day of absence and each day thereafter. An employee requesting sick leave must notify his/her Department Head no later than one-half (½) hour prior to the start of the work period, on each day of absence, unless other arrangements have been made. Employees in the Police Department shall notify the Dispatch Center by telephone as soon as possible but no later than three (3) hours prior to the start of the shift. Clerk's Office and Service Department employees may notify their department head by telephone call or text message. The reporting procedure shall apply unless emergency conditions make it impossible or prior arrangements have been made in advance.
- 2. Employees must personally complete and sign Call-Off/Tardy form. (See Appendix D)

B. FREQUENCY OF ABSENCES

- 1. Regular attendance is expected of all employees.
- 2. An employee who develops a pattern of absences, or whose frequent absences, tardiness/early departure affects the Village's ability to provide services, will have his/her absences reviewed by Department Head for possible disciplinary action.

C. TARDINESS/EARLY DEPARTURE

- 1. Employees are expected to arrive at work promptly and remain at work until the end of the scheduled workday. An employee who will be late reporting to work must call the Department

Head by his/her scheduled start time.

2. Tardiness/early departure is defined as late arrival at the employee's work location, early departure or overstaying scheduled meal periods.
3. Time lost due to tardiness/early departure may be made up only with the permission of the Department Head and must be completed within the same work week.
4. In the event that an employee whose shift is ending is being relieved by another employee, they shall not depart until their relief has arrived.

Section 7.3 **OUTSIDE EMPLOYMENT**

- A. Outside employment for full-time employees is allowed when the following provisions are met:
 1. The interests of the second employer do not conflict with those of the Village;
 2. The second job does not have a negative impact on the employee's Village job performance; and,
 3. Employment with the Village is the employee's primary job and time conflicts are resolved in favor of the Village.
 4. Employee executes "Outside Employment Request" (Appendix J).
- B. Primary Employment for part-time employees is governed by the following provisions:
 1. The interests of the primary employer do not conflict with those of the Village;
 2. The primary job does not have a negative impact on the employee's job performance.
- C. When an employee's Department Head has reason to believe the demands of a second job are having a negative impact upon the employee's performance or availability, the employee will be advised by Department Head. If the situation is not resolved, appropriate disciplinary action may result.

Section 7.4 **DEPARTMENT EQUIPMENT**

- A. Each employee is responsible for all keys and other assigned equipment, and must return them upon termination of employment. An employee may be required to pay for lost equipment.
- B. Lost keys must be reported immediately to the Department Head.
- C. The use of Village equipment, machines and property for purposes other than Village business is strictly prohibited.
- D. Due to safety issues and Village insurance requirements, employees and/or citizens are prohibited from washing or making repairs to any personal vehicle or personal equipment on Village property or using Village equipment of any kind, violations are subject to DISCIPLINE Section 9.1.
- E. Each employee is responsible for reporting malfunctioning, damaged or defective equipment to the Department Head.
- F. Each employee is responsible for reporting misuse of Village property or equipment.
- G. Department equipment policies apply to all Village employees or volunteers that are actively working or not actively working and any citizen or elected official or committee member.

H. COMPUTER SOFTWARE AND DATA

1. It is the responsibility of each employee to ensure that software and hardware computer resources owned, leased by or licensed to the Village are properly secured and controlled.
2. No employee may misuse his/her authority over any such computer resources.
3. All computer software, data and information relating to the conduct and operation of the Village are considered proprietary information belonging to the Village and cannot be appropriated, altered, sublicensed, copied or used for other than Village business.
4. No software, data or information may be removed from the Village premises in the form of tape, diskette, print or other media, unless the removal is related to Village business.
5. Passwords are regarded as confidential and may not be given to others. Any suspected loss or misuse of passwords is to be reported immediately to the Department Head who shall also notify the Mayor. If appropriate, disciplinary procedures shall be initiated.
6. All data are public records, unless otherwise specified by law.

I. E-MAIL POLICY

1. Purpose: Electronic mail, Internet and telecommunication access are resources made available to village employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the Village.
2. Policy: The Village of Mantua Electronic Mail System (e-mail) is designed to facilitate village business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is village property and intended for village business. The system is not to be used for employee personal gain or to support or advocate for non village-related business or purposes. All data and other electronic messages within this system are the property of the Village of Mantua. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content.

In addition, the Village, through its Department Heads and supervisors, reserves the right to review the contents of employee's e-mail communications when necessary for village business purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages, without proper authorization.

The Village of Mantua, through its Department Heads, purchases, owns and administers the necessary software and licenses to provide access to e-mail and Internet services. Employees may not rent, copy or loan the software, or its documentation. The village has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the village system. Department Heads are responsible for the implementation and adherence of this policy within their departments.

3. Procedures General Information on Passwords

While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that e-mail is the

property right of the employee. The use of the e-mail system is for village business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their passwords with anyone else, other than as his or her managers may require.

4. Internet

The Internet provides the village with significant access and dissemination of information to individuals outside of the city. The use of the Internet system for access and dissemination is intended to serve village business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. E-mail messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the city, and must comply with all state and federal laws.

5. Prohibited Uses

When sending e-mail messages, appropriateness and good judgment should be used. The following are examples of e-mail uses that are prohibited:

Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening;

Communications of sexually explicit images or messages;

Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs;

Solicitation for commercial ventures, religious or political causes, outside organizations, or other non job-related solicitations; and

Any other use that may compromise the integrity of the village and its business in any way.

6. Retention of E-mail

Generally, e-mail messages are intended to be temporary communications that are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. As such, these e-mail messages are similar to printed communication and should be written with the same care. Each department head is responsible for establishing and maintaining department retention schedules for the information communicated through the e-mail system.

However, employees should be aware that when they have deleted a message from their workstation mailbox it might not have been deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that e-mail has been classified as "public" documents, i.e. available to the media, in at least one state. Keep that in mind when you create or store e-mail.

Employees should delete e-mail messages as soon as possible after reading. An accumulation of files will degrade system performance and response times.

7. Applicability to Employees, Part-Time Employees, Contractors, and Other Users

This e-mail policy applies to all public officials, employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the Village's e-mail system. Third parties should only be provided access to the e-mail system as necessary for their business purpose with the village and only if they abide by all applicable rules.

8. Employee Termination, Leave of Absence, Vacation, and Other

Employees who leave employment with the village have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors or management may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the city's business purposes.

9. Penalties

The misuse of the Internet or e-mail privileges may be considered sufficient cause for discipline in accordance with the Village of Mantua Personnel Policies and Procedures, and/or other applicable rules or laws. In addition, violations of this policy or misuse of the e-mail system may be referred for criminal prosecution.

10. Acceptance

The Village will require employees to read and signify acceptance of the terms of this policy by signing the following agreement before making electronic systems available. (Appendix I)

11. Agreement to E-mail Policy

All employees must read and sign a statement that the employee has read and agrees to abide by the E-mail Policy contained in Section 7.19 et seq. The statement shall read:

"I have read and agree to the specifics as stated in the attached E-mail Policy, which includes the following specifics.

- a. That my use of the e-mail system is for the furthering of the business of this municipality;
- b. That I may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization;
- c. That I may not use the e-mail system for solicitation of funds, political messages, or harassing messages;
- d. That my e-mail messages and data are the property of [municipality] and may be accessed for review by supervisors; and
- e. That my e-mail will be retained according to the Village Records Retention of policy.

Section 7.5 **USE OF VILLAGE OWNED TELECOMMUNICATION EQUIPMENT**

- A. Personal use of Village telecommunication equipment (TE) (including but not limited to telephones, cell phones, radios, walkie talkies, base unit radios, pagers) is prohibited. Personal use is limited to emergency situations, and those calls approved by the employee's Department Head. Employees who have been issued or have access to a Village owned cell telephone shall be responsible for all charges accrued for all personal or private (non-business) telephone calls.
- B. Use of TE for personal use or charging personal toll calls to the Village will result in disciplinary action.
- C. Use of cell phones for any purpose while operating a Village vehicle, or personal vehicle for Village

purposes, is prohibited, other than in emergency situations.

D. Personal (Employee-Owned) Cellular Telephones

Employees may carry personal cell telephones for emergency use. No employee is to make or receive personal telephone calls while on the job. Employees may make calls when they are on break or during their lunch period.

Employees that are required or have a Village issued cell telephone may request to use their own personal cell phone instead. The employee shall submit that request to the Mayor or their designee for their approval before any compensation is made. Upon agreement, the employee shall be compensated at the lowest rate the Village pays for Village issued cell telephones.

Section 7.6 **CITIZEN COMPLAINTS OR REPORTABLE INCIDENTS (APPENDIX G)**

- A. When a citizen complaint cannot be settled by the employee to whom it is reported, the citizen should be referred to the Department Head.
- B. When an employee observes or is involved in an incident that is inconsistent with the customary activities of his/her job, he/she is to report the incident to their Department Head, in writing.
- C. The Department Head shall report the incident to the Mayor in writing, and the Mayor will determine who will be responsible for making an explanation to the citizen, correcting an error, apologizing on behalf of the Village, or following-up on the incident, as appropriate.

Section 7.7 **SEXUAL HARASSMENT**

- A. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature, when:
 - 1. Submission to the conduct is made a condition of employment;
 - 2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
 - 3. The conduct interferes with job performance or creates an intimidating, hostile or offensive work environment.
- B. The Village of Mantua neither condones nor tolerates sexual harassment in the workplace, whether committed by Department Head or non-Department Head employees or the public. No one is permitted to imply or threaten that cooperation or refusal of sexual advances will have any effect on an employee's status, advancement, assignment, career development, compensation or any other condition of employment or appointment.
- C. The responsibility for administering and complying with this policy has been delegated and communicated to all levels of management. Department Heads will ensure that all employees are aware of the policy against sexual harassment, and that adequate procedures are in place to facilitate prompt reporting, investigation and remedial action.
- D. Any Department Head or management employee who observes any behavior that could be interpreted as sexual harassment is responsible for taking prompt action to stop the behavior.
- E. SEXUAL HARASSMENT INVESTIGATION PROCEDURE: Whenever an employee believes he/she is a victim of sexual harassment, the following investigation procedure is to be followed:
 - 1. An employee who believes he/she is a victim of sexual harassment may contact any Department Head to file a complaint. Anyone who receives a complaint is required to immediately notify the

Mayor who will order a thorough investigation. The Mayor will inform the Village Council President that a complaint has been received.

2. If a Department Head is the subject of the complaint, the complaint shall be filed with the Mayor.
 3. If a Mayor is the subject of the complaint, the complaint shall be filed with the President of Council.
 4. When the individual or other appropriate individual, as identified in #2 or #3 above, is advised of alleged sexual harassment either on the basis of a written or verbal report, a thorough investigation of the situation will be made in the following manner:
 - a. The complaint will be documented either in writing or on audiotape. The report will include a factual description of the incident.
 - b. If the Solicitor, after a discussion with the complainant and such witnesses he/she deems necessary, finds that the complaint is credible and may constitute sexual harassment, the Solicitor shall discuss the findings with the Village Council.
 - d. If the Village Solicitor has reason to believe the reported acts did occur, the employee will be advised that such conduct is improper and in violation of federal and state law, and that the employee is subject to disciplinary action up to and including discharge.
 - e. If the Village Council determines that the incident did not occur or does not constitute sexual harassment, no document indicating that a complaint was filed or that an investigation was undertaken will be placed in the personnel file of either the complainant or the accused employee.
- F. Whenever an employee believes he/she is a victim of sexual harassment by a member of the public or a vendor, the incident may be reported in the following manner:
1. The employee will notify any Department Head in the vicinity of the incident.
 2. The Department Head will intervene in a manner he/she determines to be appropriate to alleviate the immediate situation.
 3. The employee will document the complaint and include a factual description of the incident.
 4. The Department Head will document his/her action and submit it along with the employee's written complaint to the Mayor.
 5. The Mayor will determine if additional action is required and file a report, including required action with the Village Council.

Section 7.8 **DRUG-FREE WORKPLACE**

- A. The use, sale, distribution, possession or manufacture of illegal drugs on the premises of the Village, in any of its vehicles or by an employee while on duty is prohibited.
- B. Employees are prohibited from being under the influence of alcohol, behavior altering legal prescription drugs or illegal drugs during work hours. Employees are also prohibited from being under the influence of these substances when they are representing the Village at meetings or in the community. Both employees and Village owned equipment and containers under their control are subject to search and surveillance at all times while on Village premises or while conducting Village business, if the occasion warrants such measures.

- C. An employee who must use prescribed drugs that could impair his/her ability to perform the job duties must report this fact to his/her Department Head along with acceptable medical documentation. A determination then will be made as to whether the employee should be able to perform his/her job safely and properly.
- D. The legal use of non-prescription drugs is permitted on the job only if it does not impair an employee's ability to perform the job and does not pose a direct threat to the safety of the employee or others in the workplace.
- E. The Village will not knowingly hire an individual who is currently using illegal drugs. Certain specific positions may require pre-employment testing for the presence of such substances. Whenever an employee or applicant for employment in one of those positions must be tested, he/she will be informed of the test requirement in writing before the test is administered.
- F. The Village may, at its option, administer random drug screening to any and all employees.

Section 7.9 **DRUG TESTING**

- A. Pre-employment testing: Each applicant for employment with the Village will be notified that he/she may be required to submit to a drug test should he/she be selected for employment. The taking and passing of this test shall be a condition of hire.
- B. Post-accident tests: Any Village employee driving a Village owned vehicle involved in a reportable OH-1 accident will be subject to a drug and alcohol test following the accident.
- C. Driver's Responsibility: A driver described under section 7.9.B must report immediately for drug and alcohol testing upon release from the scene by the responding officer. If hospitalized, driver must submit to such testing at hospital.
- D. The procedure for when an employee is reasonably suspected to be under the influence of drugs or alcohol while on duty is as follows:
 1. An employee who suspects that another employee is under the influence of drugs or alcohol should notify the employee's Department Head or the individual in charge at the time.
 2. The Department Head should not leave the presence of the suspected employee.
 3. The Department Head will observe the employee and determine through observation and questioning if the employee is ill, fatigued, under the influence of prescribed drugs, reacting to environmental substances such as smoke or fumes, or possibly under the influence of illegal drugs or alcohol. The Department Head will record his/her observations and any information gathered from the employee.
 4. When the Department Head is not available to observe the suspected employee, the supervisor may determine that there is reason to believe the employee is under the influence of alcohol or illegal drugs. If the Department Head is available to observe and question the suspected employee, the Department Head will determine that there is reason to believe the employee is under the influence of alcohol or illegal drugs.
 5. Prior to testing, the employee will be given a written statement documenting the specific objective facts leading to reasonable suspicion. The employee will be given an opportunity to read and understand the reasons for requiring a test and will have an opportunity to respond and/or provide a written statement. The employee to be tested may be accompanied by another Village employee during such an explanation.
 6. The employee will lose no straight time pay during the drug testing process. Refusal to submit to

a required test will result in disciplinary action.

7. Testing procedure:
 - a. Testing will be done by a laboratory certified by the State of Ohio as a medical and forensic laboratory that complies with the scientific and technical guidelines for drug testing programs.
 - b. The employee to be tested will be escorted to the laboratory preferably by a member of the Police Department or the Department Head.
 - c. Specimens will be collected at the laboratory or hospital where the specimen is to be tested, according to the laboratory's established procedures to ensure procedural integrity and a chain of evidence.
 - d. An employee with a positive test result may request that the laboratory conduct a confirming test, cost to be paid by the Village.
 - e. If the confirming test result shows the employee was not under the influence of drugs or alcohol while on duty, the results will be reported as negative and all documentation regarding the Department Head's observations and testing will be clearly marked with final disposition.
 - f. If the confirming test result shows the employee was under the influence of drugs or alcohol while on duty, the appropriate disciplinary action will be administered. See Section 9.1.I.3
 - g. Any such confirming test shall be made part of employee's personnel file.
- E. If the Department Head has reasonable suspicion that an employee is dependent upon controlled substances or alcohol, he/she may require that the employee be evaluated by an approved alcohol/drug rehabilitation program. The employee will be required to submit to the evaluation before his/her return to work.

The employee will be placed on paid leave during the evaluation process, so long as he/she reports for the evaluation at the appointed time. The evaluation process paid leave shall not exceed 5 working days. If the employee refuses to promptly submit to an evaluation, he/she will be placed on an unpaid leave of absence and will be subject to discipline. See Section 9.1.I.3.
- F. If an employee is found to be dependent upon controlled substances, he/she may use accrued sick leave or request an unpaid leave of absence during the treatment program and until he/she is released by his/her physician to return to work.
- G. The established treatment plan will be submitted for approval to the Mayor. Failure to fully cooperate with a Village approved and established treatment plan may result in discipline, up to and including discharge. See Section 9.1.I.3.
- H. An employee experiencing problems resulting from drug or alcohol abuse or dependency should seek counseling. Counseling will be kept confidential and will have no influence upon the employee's performance evaluation. Job performance alone will be the basis of all performance evaluations.
- I. An employee convicted of any criminal drug violation, suspension or revocation of license must report such conviction to the Department Head within (5) days. The Department Head shall report the conviction to the Mayor.

Section 7.10 **ON THE JOB INJURY**

- A. An employee who receives an injury or illness arising out of and in the course of employment must

notify his/her Department Head immediately and must submit a written report recording all pertinent and factual information about the accident. (See Appendix F). This report must be completed on each work-related injury, whether or not the employee requires medical attention. The report is to be forwarded to the Department Head and Village Clerk for certification within (1) workday of the accident. In the event of serious injury, the injured employee's Department Head shall be notified immediately so that an investigation may be initiated. A Workers' Compensation claim for an unreported injury will not be certified unless the injury required immediate medical attention and was documented by the Department Head.

- B. If an injury requires medical attention, the Village Clerk will provide the injured employee with a Worker's Compensation form, which is to be completed by the attending licensed practitioner. This completed report must be forwarded to the Village Clerk or his/her designee at the earliest possible date.
- C. The employee is responsible for notifying the Department Head of his/her expected date of return as soon as it is known, and keeping the Department Head apprised of his/her condition.
- D. An employee who is injured at work and must leave before completing the workday will be paid at his/her regular rate for the balance of time left in the scheduled workday. An injured employee is required to comply with all treatment plans prescribed by the attending licensed practitioner and return to work as soon as possible.
- E. An injured employee may elect to use accrued sick leave and/or vacation leave prior to receiving payments from Workers' Compensation. Employees are prohibited, however, from receiving payment for paid leave while simultaneously receiving payment from Workers' Compensation. The Village has the right to seek reimbursement for any salary overpayment that may have occurred.
- F. The Supervisor will immediately notify the Village M.C.O. (Managed Care Organization) as per Village contract. Currently the Village M. C. O. is Comp Management Health Systems, Inc., at 1-888-247-7799. (*Amended 6/19/2012, Ord. 2012-31*)

Section 7.11 **CONTACT WITH NEWS MEDIA AND THE PUBLIC**

- A. All official communications with the news media will be issued by the Mayor or his/her designee. When an employee is contacted by the news media, the media person making the contact shall be referred to the Mayor or his/her designee. The employee shall not offer comment to the media.
- B. When an employee is contacted by a member of the public about a Village issue, the member of the public shall be referred to the Mayor. The employee shall not offer comment to the public.

Section 7.12 **GARNISHMENTS**

- A. A court ordered legal claim served to the Village by the constituted legal authority by a creditor against the wages of an employee for non-payment of a debt is a garnishment and will be recognized and executed by the Village.
- B. Repeated or multiple garnishments of an employee's wages, not including the court mandated deduction of child support payments, may result in disciplinary action.

Section 7.13 **DRESS STANDARDS**

- A. Employees are expected to dress appropriately for their assigned duties. Clothing must be clean, neat, and in good repair. Each Department Head will determine the proper dress standards for his/her Department.
- B. Employees who do not meet the standards of this policy will be required to take corrective action,

which may include leaving the premises. Work time missed by a non-exempt employee will not be compensated.

- C. Uniforms provided by the Village, including any identification tags issued, shall be worn at all times.

Section 7.14 **GAMBLING**

The Village does not permit gambling in any form by employees during work time. For the purpose of this policy, work time includes regular work hours, meal periods and other breaks.

Section 7.15 **SOLICITATION AND DISTRIBUTION**

- A. Solicitation, distribution or selling among employees is limited to not-for-profit items and is restricted to off duty periods.
- B. Off duty periods include breaks and meal periods when the employee is free to leave the work area. The employee may be on either paid or unpaid status.
- C. Work area includes any office, building or outside location where Village work is performed by any employee.
- D. Solicitation and distribution by non-employees, in the work or non-work areas is strictly prohibited

Section 7.16 **SMOKE AND TOBACCO-FREE ENVIRONMENT**

Smoking and tobacco use is prohibited in all Village facilities and vehicles. Smoke means to burn any substance containing tobacco, including a lighted cigarette, cigar or pipe or to burn a clove cigarette. Tobacco means to chew or maintain in the mouth any substance containing tobacco, including smokeless tobacco to derive the effects of tobacco.

Section 7.17 **PUBLIC RECORDS POLICY**

- A. Introduction
We are an open government. We welcome participation by our citizens. We believe openness leads to a better informed public, which leads to more transparent government and better public policy. Citizens are entitled to access government records and the Public Records Act should be interpreted liberally in favor of disclosure. (Appendix K)
- B. Hours and Costs
You may make public records requests in any Mantua Village Government Office between the hours of 9:00AM and 4:00PM on weekdays, excluding government holidays.

For copies of public records on 8.5 x 11 inch one sided paper in black ink, the copy cost is five cents per page. We may require you to pay the estimated copy costs before copies are made. All other copies (photos, disks, etc.) will be provided at actual cost. If records are mailed to you, we may charge you, in advance, postage and the cost of mailing materials.
- C. How To Make A Public Records Request
We will provide prompt inspection of public records and copies of public records in a reasonable period of time. When you make a request, we will ask you to complete a "Public Records Request Form RC 100, (Appendix L)" which will help us locate the records and expedite your request. You are not legally required to fill out the form, identify yourself, or give the purpose of your request. If the records cannot be provided while you wait, we will contact you when the records are available. Public Record Request Form RC 101, (Appendix M), shall be filled out by Village on all record request.
- D. Definition Of Public Records

Under Ohio law, public records are those items that meet all of the following elements:

1. Any document, device, or item, regardless of physical form or characteristic, including an electronic record;
2. That is created or received by, or coming under the jurisdiction of a public office; and
3. That documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. This does not include records kept for our administrative convenience.

You may ask for a copy of our records retention schedule, which will familiarize you with the types of records available.

E. Records That Will Not Be Released

Under Ohio law, some records that meet the above three elements will still be withheld from release because state or federal law makes the record confidential. Some commonly-requested records that are confidential include:

1. Attorney-client privileged information and trial preparation records
2. Social Security numbers
3. Records of ongoing investigations
4. Medical records
5. BMV records
6. Records that a judge ordered to be sealed per a statute

Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (R.C. 149.43(A)(7));

F. Limitations

We may limit to ten the number of public records mailed to you, unless you certify in writing that you do not intend to use the records for commercial purposes.

We will not provide copies of public records that we create or receive after your original request is completed.

G. Questions or Concerns

If you have questions or concerns about Ohio Public Records law, please contact your state legislator. You can find contact information at www.Ohio.gov.

Section 7.18 **Work Place Firearms, Deadly Weapons**

A. Purpose

The purpose of this policy is to ensure a safe work environment, free of intimidation and threat of physical harm. Carrying a firearm is not permitted unless required within the scope and course of job responsibility of Village employment.

Unless otherwise authorized by law, no employee shall knowingly possess, have under his/her control, convey or attempt to convey a deadly weapon or dangerous firearm onto Village property; and no person shall carry or attempt to carry a firearm into a Village building.

B. Definitions

1. Firearm- means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm and any firearm that is inoperable but that can readily be rendered operable. Firearms include, but are not limited to handguns, pistols, rifles, shotguns, automatic and semi-automatic weapons and zip-guns.
2. Deadly Weapon- means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
3. Village Property- means the vehicles, facilities, offices and land owned, leased or under the primary control of the Village of Mantua, including areas under construction.
4. Visitor- means any person who is on village property, who is not an employee of the Village of Mantua acting in the course and scope of their employment. In terms of the application of this work rule, unless a certified law enforcement or security officer, visitors are not authorized to carry firearms or concealed weapons within any Village building.
5. Employee- includes all personnel, full or part time, which are paid by the Village, or are appointed in an official or quasi-official capacity, whether paid or unpaid. This also includes all personnel who work within Village facilities under separate service contracts, warranties or agreements.
6. Replica Firearm- is either of the following;
 - a. An object that is indistinguishable from a firearm, whether or not the object is capable of being fired.
 - b. An object that the person possesses and indicates that it is a firearm, or the person knowing display or brandishes the object and implies that it is a firearm.

C. Policy

No person is permitted to carry or possess a firearm on Village property except as provided in this policy.

1. Prohibitions

- a. Employees - are prohibited from possessing or carrying a firearm or replica firearm while acting in the course and scope of their employment, either on or off Village property, regardless whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.
- b. Visitors – are prohibited from possessing or carrying a firearm while in Village buildings, regardless whether the visitor has a permit to carry a firearm, except as otherwise provided in this policy. Signs will be posted on all Village building to notify all persons entering of this restriction.

2. Exceptions

- a. Certified Law Enforcement Officers – The prohibitions in section A above do not apply to employees who are commissioned Law Enforcement Officers under Ohio law, when

assigned by the Village to public safety duties and acting within the scope of their duties. It also includes duly authorized security officers when meeting Ohio Revised Code standards, and when the contracting agreement with the Village specifies that the person be armed.

- b. Parking Areas – This policy does not prohibit the lawful transportation or storage of firearms in a Village parking area as provided by the Ohio Revised Code.
 - c. Other Authorized Uses
 - Lawful possessions or carry related to use at the Village shooting range or other such law enforcement programs, approved in writing by the Chief of Police
 - Other authorized possession, storage or use as approved in writing by the Mayor of the Village of Mantua.
3. Firearms Storage

No vehicle owned, leased, or otherwise under the control of the Village shall be used to store or carry a firearm, unless authorized for law enforcement purposes, by job description, or by written approval of the Mayor of the Village of Mantua.

Nothing in this policy requires the Village to provide storage facilities for employees' firearms.

The Village has the right to inspect any person or any personal property on Village property for firearms, including, but not limited to, lockers, furniture, containers, desk drawers, equipment or other facilities, lunch boxes, briefcases, personal bags, personal tool boxes or tool kits and Village vehicles.

D. Violations

- 1. Use of Firearms – Violation of this policy by an employee while on duty is grounds for immediate discharge. An employee who is found in violation of this policy while on duty will not be defended or indemnified by the Village of Mantua. Furthermore, the Village will refer suspected violations of law to appropriate law enforcement authorities and will provide access to investigative or other data as permitted by law.
- 2. Display of Firearms or Holsters – Display of a firearm while on or off duty, whether on Village property or in the parking lot, is considered a threat. This is grounds for immediate discharge and will be prosecuted by the Village

An Employee, who displays replica firearms or empty holster or ammunition while on duty or on Village property, creates a physically intimidating and hostile work environment and will be subject to disciplinary action up to and including termination of employment.

- 3. Reporting Responsibility – An employee with a reasonable basis for believing an individual is in possession of or carrying a firearm in violation of this policy has a duty to report the suspected act in a timely manner, unless doing so would subject the employee or others to physical harm.

Reports should be made to the department head or supervisor. This policy requires prompt notification of appropriate law enforcement authorities when an immediate threat to personal safety exists.

Employees who make reports of a suspected violation knowing they are false or in reckless disregard of the truth are subject to disciplinary action up to and including termination of employment.

E. Limitations

In the event any other Village policy or procedure is found to be in conflict with this policy, the terms of this policy shall govern.

To the extent any federal, state or local law, rule or regulation limits or prohibits the application of any provision of this policy, then to the minimum extent necessary and only for that geographical area, this policy is deemed to be amended to be in compliance.

Section 7.19 **Political Activity**

A. Employees May Not

1. Use official authority or influence for the purpose of interfering with an election or nomination to office, or affecting the results thereof; or
2. Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary or compensation or anything of value to any party or committee, organization, agency, or person for political purposes; or
3. Circulate official nominating petitions for any candidate while on village time or property, or
4. Campaign by writing for publications, by distributing political material or by making speeches on behalf of (or against) a candidate for elective office while on village time or property.
5. Soliciting the sale of or selling political party tickets (e.g. raffles or special functions) while on village time or property.

B. Employees May

Employees may join or affiliate with civic organizations of a partisan or political nature, give financial contributions to political candidates and organizations, circulate petitions on legislation relating to their employment, attend political meetings, and advocate or support the principles or policies of civic or political organizations while on their own time or property.

Section 7.20 **Acceptance of Gifts and Gratuities**

An employee may not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with which he/she has official relationships of business with the Village. These limitations are not intended to prohibit employees from accepting articles of negligible value, which are widely distributed to the general public nor from accepting social courtesies, which promote good public relations. It is particularly important that village employees guard against relationships, which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. The securing of a loan by an employee from a financial institution doing business with the Village does not constitute a conflict of interest.

CHAPTER 8

COMPLAINT PROCEDURE

Section 8.1 **EMPLOYEE COMPLAINT PROCEDURE**

- A. A complaint is any disagreement with management about the employment relationship. A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written complaint to his/her Department Head.
- B. Complaints are to be settled at the earliest possible step of the procedure. The employee must proceed through each step of the complaint procedure in proper order and within the prescribed time limits. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint will be sent to the Solicitor's office for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Village Solicitor is received. A complaint regarding alleged violations of Civil Rights (discrimination on the basis of race, age, religion, sex, sexual orientation, national origin or disability) should be brought to the attention of the Department Head.
- C. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.
- D. A complainant may be accompanied by (1) other Village employee during any meetings held to resolve the complaint.
- E. A written complaint must state the reason for the complaint and the requested resolution.
- F. Complaints will not be made a part of an employee's personnel file.
- G. The following procedure will be followed in processing a complaint:
 - 1. Informal Resolution: Within (5) workdays of the event prompting the complaint, the employee must meet with his/her Department Head to try to resolve the issue.
 - 2. Level One: If the issue is not successfully resolved through the informal resolution step, the employee may, within (5) workdays of the informal resolution meeting file a written complaint with his/her Department Head. The Department Head will reply in writing to the written complaint within (5) workdays of its receipt.
 - 3. Level Two: If the Level One response is not acceptable, the employee may, within (5) workdays of its receipt, appeal in writing to the Mayor. The Mayor will respond in writing within (5) workdays of receipt of the appeal.
 - 4. Level Three: The decision of the Mayor may be appealed to the Village Council within (5) work days of receipt by the employee. The Village Council will review the written documentation and responses and conduct a further investigation, if necessary. The Village Council will submit their written decision within (30) workdays following the conclusion of the investigation. The decision of the Village Council will be final.
- H. When management does not respond within the established time limits, the employee may appeal the complaint to the next level. When an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response.

Section 8.2 **COMPLAINTS OF EMPLOYEE MISCONDUCT**

- A. Whenever a complaint is filed by a citizen, employee or Village official against a specific employee or Department, the complaint will be referred to the Department Head, who shall notify the Mayor. If the Department Head is the subject of the complaint, the complaint shall be filed with the Mayor, if the Mayor is the subject of the complaint, the complaint shall be filed with the President of Council. (Complaint Form: Appendix G)
- B. All complaints will be investigated.
- C. The Mayor will notify the Village Council whenever a citizen complaint is filed and keep them informed of the progress of the investigation and disposition of the complaint. The Mayor may assign an individual to investigate the complaint.
- D. The individual conducting the investigation may include the following in his/her investigation:
 - 1. Documentation of the date and time of the complaint and the complainant's name, if available.
 - 2. Documentation of an interview with the complainant, if conducted.
 - 3. An interview with the accused employee. The employee may be required to prepare a written, signed statement.
 - 4. An interview with each witness or other person involved in an incident, with written, signed statements, if appropriate.
 - 5. Compilation of all written and material documentation or evidence of the allegation.
- E. The individual conducting the investigation shall prepare a written report of the findings of the investigation.
 - 1. If the alleged conduct is found to have occurred, the report is to include the recommended charge and appropriate disciplinary action pursuant to Section 9.1. The report and all documentation are to be submitted to the Mayor.
 - 2. If the alleged conduct is found not to have occurred, or not to be in violation of Village policies and procedures, the report should recommend that the employee be cleared of any misconduct.
- F. Based upon the final recommendation, the employee's Department Head will notify the employee that he/she has been cleared of misconduct or initiate appropriate disciplinary action pursuant to Section 9.1.
- H. Any misconduct found to have occurred shall be made a part of the employee's personnel file.
- I. Should any statement against an employee prove to have been false or untrue, the employee has the right to file a civil suit against the complainant making such statement. Any employee of the Village who knowingly files a false complaint shall be subject to disciplinary action up to and including, if deemed appropriate, termination of employment.

CHAPTER 9

DISCIPLINE

Section 9.1 **PROGRESSIVE DISCIPLINE**

- A. Employees are hereby advised of expected job behavior, the types of conduct that are unacceptable and the penalties for unacceptable behavior.
- B. Department Heads are to follow an established system of progressive discipline when correcting job behavior. Each offense is to be documented and dealt with objectively.
- C. The progressive discipline policy is established as a guide for Department Heads to use in administering discipline in a uniform manner. The discipline policy in no way alters the at will status of employees.
- D. This policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide.
- E. The standard penalties provided in this policy do not prevent the application of a greater or less severe penalty for a given infraction when circumstances warrant. In instances where a penalty deviates from the recommended standard penalty, the reason for deviation should be noted.
- F. Different offenses within the same group and related offenses within different groups will be disciplined progressively (that is, each incident will be disciplined at the next higher level).
- G. Unrelated offenses in different groups will be considered individually.
- H. A disciplinary action will remain active in the progression of discipline for (24) months. After (24) months the disciplinary action will become inactive in the progression of discipline (i.e., treated as if it didn't happen), if there has been no subsequent disciplinary action. Each time an employee is disciplined, the (24) month period will begin again and all active disciplinary action will continue to be counted during the ensuing (24) month period.
- I. **PROGRESSIVE DISCIPLINE**

1. **GROUP 1 OFFENSES**

Group 1 offenses are minor in nature and cause minimal disruption.

Group 1 offenses include, but are not limited to:

- Failure to call in an absence
- Excessive absences that disrupt service or other employees
- Unexcused absence from a mandatory meeting
- Excessive tardiness
- Starting late, or leaving early, without following the established procedures
- Making preparations to quit work before the appointed break or quitting time
- Leaving the assigned work area without authorization
- Interfering with the work of others
- Malicious mischief, horseplay, wrestling, or other misconduct
- Inappropriate shouting or disruption
- Use of profane or abusive language
- Neglect of work
- Unsatisfactory work or failure to maintain required standard of performance
- Failure to work cooperatively with other employees
- Careless use of Village property or equipment

- Poor housekeeping in work area
- Contributing to or creating unsafe or unsanitary conditions
- Failure to follow safety rules and procedures
- Failure to observe Village rules, policies, or procedures
- Unauthorized personal use of telecommunication equipment (TE)
- Prohibited use of Village computers and/or software
- Gambling during work hours
- Excessive garnishments
- Unauthorized posting or removal of notices or signs from bulletin boards

Appropriate disciplinary actions for Group 1 offenses include:

First Offense: Verbal instruction and warning

Second Offense: Written reprimand

Third Offense: Written documentation, (1) to (15) day suspension without pay, demotion or pay reduction

Fourth Offense: Discharge

2. GROUP 2 OFFENSES

Group 2 offenses are of a more serious nature than Group I offenses and if left undisciplined, may cause a serious and lasting disruption to the operation of the Village.

Group 2 offenses include, but are not limited to:

- Unauthorized absence from work
- Disobeying orders of a Department Head
- Failure to report for scheduled overtime
- Disorderly conduct
- Use of abusive or threatening language toward Department Heads or other employees
- Discourteous treatment of the public
- Reporting for work or working while unfit for duty
- Sleeping during work hours
- Repeated failure to provide required documentation of absences
- Willful disregard of Village rules, regulations, policies, or procedures
- Willful failure to make required reports
- Unauthorized use of Village property or equipment
- Performing private work on Village time
- Solicitation or distribution for profit on Village property
- Obligating the Village for any expense or service without authorization
- Failure to report an accident, injury, or equipment damage
- Refusing to give testimony in an accident or incident investigation
- Making or publishing a false, vicious or malicious statement about Village employees or Village operations

Appropriate disciplinary actions for Group 2 offenses include:

First Offense: Written documentation and up to (3) day suspension without pay

Second Offense: Written documentation and a (5) to (15) day suspension without pay, demotion or pay reduction

Third Offense: Discharge

3. GROUP 3 OFFENSES

Group 3 offenses are of a very serious or possibly criminal in nature and cause critical disruption to the operation of the Village.

Group 3 offenses include, but are not limited to:

- Creating a hostile work environment, including sexual harassment
- Conviction for breaking a law that would result in a negative image of the Village
- Failure to maintain required licenses or registrations, due to employee's negligence
- Absence from duty without leave
- Insubordination by refusing to perform assigned work or comply with a written or verbal instruction from a Department Head
- Conduct violating morality or common decency, including sexual harassment
- Wanton or willful neglect of duties
- Instigating, leading or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work, or other concerted curtailment, restriction or interference with work
- Possessing, selling or being under the influence of illegal drugs
- Being under the influence of alcohol or illicit drugs during work hours
- Carrying or possessing unauthorized firearms, explosives or weapons on Village property
- Fighting or attempting to injure another employee, Department Head, or the public
- Threatening, intimidating, coercing, or interfering with other employees
- Abuse or deliberate destruction of Village property or equipment, or of the property or equipment of other employees
- Stealing, destroying, damaging or concealing property of the Village or of another employee
- Dishonesty or dishonest action such as theft, pilfering, making false statements, making inaccurate or false reports concerning absences, etc.
- Giving false information or withholding pertinent information requested in an employment application
- Knowingly concealing a communicable disease that constitutes a direct threat to others in the workplace
- Unauthorized alteration of a time sheet/time card
- Making a false claim or misrepresentation in an attempt to obtain a Village benefit
- Giving false testimony during an investigation
- Falsifying, assisting in falsifying, or destroying Village records
- Misusing or removing Village records or information without authorization

Appropriate disciplinary actions for Group 3 offenses include:

First Offense: From (15) day suspension up to discharge, demotion or pay reduction

Second Offense: Discharge

Section 9.2 **POLYGRAPH OR COMPUTERIZED VOICE STRESS ANALYSIS EXAMINATION**

- A. If the Mayor suspects that a Village employee may be disciplined and/or terminated for an offense that may involve a criminal offense as it relates to their employment, he may request that the employee undergo a polygraph or computerized voice stress analysis (CVSA) examination.
- B. If the Police Chief suspects that a Police Department employee may be disciplined and/or terminated for an offense that may involve a criminal offense as it relates to their employment, the Chief may request that the employee undergo a polygraph or (CVSA) examination.
- C. The polygraph or (CVSA) examination shall consist of only those questions that are specifically and narrowly directed towards the particular incident. The questions shall relate directly, specifically, and

narrowly to the individual's specific duties.

- D. A polygraph or (CVSA) examination shall only be conducted where there is a reasonable suspicion that the individual is involved in an activity of a criminal nature.
- E. No Department Head shall authorize a polygraph or (CVSA) examination without first consulting with the Mayor, who shall consult with the Solicitor.

Section 9.3 **PRE-SUSPENSION OR DISCHARGE PROCEDURE**
(All Village employees other than those specified in Section 9.4)

- A. Village employees are at will employees and may be discharged without cause for any non-discriminatory reason. In order to ensure that all sides of a disciplinary issue are reviewed before discipline is administered; the following procedure will be followed unless circumstances make the process unnecessary. This procedure is not intended to limit the at will status of Village employees.
- B. When an employee allegedly commits an offense that could result in a suspension or discharge, the following procedure will be followed:
 - 1. The employee will be provided by his/her Department Head with a written notice advising him/her of the nature of the charges.
 - 2. The employee will be given an opportunity to give his/her version of events leading to the inquiry. The employee may be accompanied by (1) other employee or a non-employee representative during the meeting.
 - 3. At the option of the employee or Department Head, the pre-suspension or discharge procedure may be recorded.
 - 4. Should the Department Head decide that a disciplinary suspension or discharge is warranted, the employee will be provided a written statement affirming the charges and imposing discipline.
 - 5. When an employee's behavior requires immediate removal from the premises, the employee may be suspended with pay for the remainder of the workday. The employee must report to work the next workday, or at a time established by the Department Head and the procedure as set forth in section 9.3 will be followed.

Section 9.4 **PRE-SUSPENSION OR DISCHARGE PROCEDURE** (Police Personnel)

- A. POLICE OFFICERS AND EMPLOYEES
 - 1. The Village Police Chief has the exclusive right to suspend any of the officers or employees in the Village Police Department who are under his control for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by the proper authority, or for any other reasonable or just cause.
 - 2. If an employee is suspended under this section, the Police Chief immediately shall certify this fact in writing, together with the cause for suspension, to the mayor of the village and immediately shall serve a true copy of the charges upon the person against whom they are made.
 - 3. Within (5) days of receiving this certification, the Mayor shall inquire into the cause of the suspension and shall render a judgment on it. If the Mayor sustains the charges, the judgment of the Mayor may be for the person's suspension, reduction in rank, or removal from the department.
 - 4. Suspensions of more than (3) days, reduction in rank, or removal from the Department may be appealed to the Village Council within five days from the Mayor's decision. Appeals shall be in

writing and submitted to the Village Clerk.

5. The Village Council will hear the appeal at the next regular public meeting of the Village Council. The Mayor and employee will be notified of the time and location of the hearing.
6. Testimony at the hearing will be recorded. A responding employee may also record the proceedings.
7. The Mayor or his/her representative will present the Village's evidence to the Village Council. The employee may appear in person and by counsel at the hearing, and will be permitted to question any witnesses presented by the Village.
8. The employee, or his/her representative, may present evidence on his/her behalf. The Department Head, or his/her representative, may question the employee and any witnesses he/she presents.
9. The Council will prepare a written report which sets forth the findings of fact.
10. By a two-thirds vote of the Village Council, the accused may be suspended for no more than (60) days, reduced in rank, or removed from the Department.
11. Should the Village Council decide that a disciplinary suspension or discharge is warranted, the employee will be provided a written statement affirming the charges and imposing discipline.
12. In the case of removal from the department, such removal may be appealed as provided in Section 9.5.

B. POLICE CHIEF

Should the Mayor have reason to believe that the Police Chief has been guilty of misfeasance, malfeasance, nonfeasance, or any other act warranting discipline, the procedure set forth in Ohio Revised Code section 737.171 shall be followed.

C. CRIMINAL CONVICTION

Notwithstanding the procedure set forth in the above sections, the Mayor shall terminate the employment of the Police Chief, Police Officer, Reserve Officer, or employee of the Police department, upon occurrence of any of the following events:

1. Plea to or conviction of a felony;
2. Guilty plea to a misdemeanor in which the officer agrees to surrender the certificate awarded to that person under Ohio Revised Code Section 109.77.
3. In the event that the officer should appeal a felony conviction resulting in discharge under this section, the procedure set forth in Ohio Revised Code Section 737.162(b) shall be followed.

Section 9.5 **APPEAL TO COURT OF COMMON PLEAS**

- A. Any Police Officer, who has been removed from the department pursuant to sections 9.4.A or 9.4.B herein, may appeal the action to the Portage County Court of Common Pleas within (10) days of the date of the decision of the Village Council.

CHAPTER 10

SEPARATION FROM EMPLOYMENT

Section 10.1 VOLUNTARY SEPARATION

A. RESIGNATION

1. Resignation in good standing requires a minimum of (2) weeks' notice.
2. Resignation must be in writing and submitted to the Village Clerk and Department Head.
3. An employee who does not resign in good standing is not eligible for future employment with the Village.

B. ABANDONMENT

1. An employee who is absent from duty without leave for (3) consecutive days is deemed to have resigned his/her position.
2. An employee who has abandoned his/her position is not eligible for future employment with the Village.

C. RETIREMENT

1. An employee should inform their Department Head and the Village Clerk of his/her intention of retiring as soon as possible so that paperwork can be processed to ensure a smooth transition. In no case should notice be less than six months.
2. An employee who wishes to retire should contact the retirement system directly for information.

Section 10.2 INVOLUNTARY TERMINATION

A. LAYOFF

1. A layoff of employees may become necessary due to a change in finances or work load, elimination of a position, or a reorganization of job responsibilities. Should a reduction in the work force of the Village of Mantua be necessary, that reduction shall occur in the manner prescribed as follows. The Council shall determine those positions which shall be reduced in number. Such reduction will take place solely in those positions as determined by the Council. Employees may be laid off at the time and in the number specified by the Council, in inverse order of their relative merit as established by employee performance evaluations. All part-time employees may be laid off before full-time probationary employees and all full-time probationary employees before full-time employees.
2. An employee will be notified at least (2) weeks before the effective date of a layoff.
3. The order of layoff will be determined on the basis of performance and Village needs.
4. Recall Eligibility List, the names of individuals laid off in accordance with this section shall be placed on a recall eligibility list for a period of 12 months at which time the list be declared invalid. The order of that list shall be in inverse order of the order in which the layoff occurred.
5. Recall to Work, when situations so warrant, those employees who have been laid off shall be called back to work in the order as indicated on the recall eligibility list. Should an employee be unavailable to return to work in a period of time as deemed reasonable by the Council, or refuse

to return to work, that employee's name shall be removed from the re-employment list. Any such employee shall be eligible to apply for original appointment in accordance with the appropriate section of these Personnel Rules and Regulations.

Section 10.3 **TERMINATION BENEFITS**

A. HEALTH CARE BENEFITS CONTINUATION (COBRA)

In certain instances, employees and their families have the right to temporarily extend their health care benefits at group rates.

1. An employee covered by the Village's health care plan has a right to choose this continuation coverage if he/she would lose group coverage because of:
 - a. A reduction in hours of work below the minimum required for eligibility under the plan, or;
 - b. Termination of employment for any reason other than gross misconduct.
2. An employee's spouse and dependent children covered by the Village's health care plan have the right to continuation of coverage if group health care coverage under the Village's plan would be lost due to a "qualifying event" such as:
 - a. Death of the employee,
 - b. Termination of the employee's employment for any reason other than gross misconduct,
 - c. Reduction in the employee's hours of work below the minimum required for eligibility under the plan,
 - d. Divorce or legal separation,
 - e. Employee becoming entitled to Medicare, or
 - f. Dependent child ceasing to be a "dependent child" under the terms of the Village's health care plan.
3. Any person who is covered under the employee's plan on the day before a qualifying event, and who will lose coverage, will be considered a "qualified beneficiary."
4. If the qualified beneficiary does not choose continuation coverage, group health care coverage will end.
5. Qualified beneficiaries need not show they are insurable in order to qualify for continuation coverage.
6. Qualified beneficiaries must pay the Village's COBRA administrator the full premium at applicable rates. Late payments may result in loss of coverage.
7. Questions about this policy may be directed to the Village Clerk.
8. Employees are responsible for notifying the Village Clerk of any change in status including, for example, marital status, dependent status or residence.
9. The following procedure will be used for notifying employees of COBRA rights:
 - a. Each employee will be notified of his/her COBRA rights at the time he/she begins coverage

under the Village's health care plan.

- b. Spouses of all covered employees will be notified of this policy and its provisions at the time family or spouse coverage begins under the Village's health care plan.
 - c. Notification of an employee's spouse will be deemed to serve notice on all dependent children.
 - d. Within (30) days, the Village Clerk will notify the Plan Administrator of any of the following "qualifying events":
 - Employee's death,
 - Employee's termination,
 - Employee's reduction in hours, making him/her ineligible for benefits,
 - Employee's eligibility for Medicare.
 - e. Within (60) days, a qualified beneficiary is responsible for notifying the Plan Administrator of any of the following "qualifying events":
 - Divorce,
 - Legal separation,
 - Loss of dependent eligibility under the plan requirements (age or student status).
 - f. The employee/beneficiary/dependent must notify the Plan Administrator of his/her decision to extend benefits within (60) days of the qualifying event or the date of eligibility notice, whichever is longer.
- B. Under certain circumstances, an employee or his/her beneficiaries may be entitled to disability or survivor benefits. Eligibility, benefits and procedures are available directly from the retirement systems.
- C. SICK LEAVE CONVERSION UPON RETIREMENT

An employee who retires from the service of the Village, under OPERS or PFDPF, after ten years of cumulative employment with the State, any political subdivisions, or any combination thereof, may choose to be paid in cash for one-fourth the value of his/her earned but unused sick leave credit. The maximum payment for unused sick leave may not exceed (30) days or an amount of not less than one-fourth of the value of unused sick leave, up to a maximum of 30 days pay. Payment will be at the employee's current rate of pay and will eliminate any sick leave balance.

- D. Upon separation from employment, an employee must meet with the Department Head to process paperwork.
- E. The Department Head will inform the employee of all termination benefits, verify forwarding addresses for the employee and any dependents and get necessary signatures.
- F. The employee will relinquish all identification cards, equipment and keys and account for all Village property under his/her authority. The final paycheck will be issued after this process has been completed.
- G. If the separation is voluntary, the employee may be asked to participate in an exit interview and discuss his/her Village employment experience during the exit interview. Information gathered in

exit interviews will be used to evaluate Village practices and identify areas requiring action to make the Village a more attractive employer.

Appendix A

**ACKNOWLEDGEMENT OF
Mantua Village Employee Handbook**

I hereby acknowledge that I have received a copy of, and fully read, the Village of Mantua Employee Handbook. I also understand that a copy of the Handbook is available in each Department Head's office and the Clerk's office, and that I may review the Handbook during work time subject to Department Head's approval. It is my responsibility to ask my Department Head for clarification of any policy that is unclear.

In consideration of my employment, I agree to conform to the rules and regulations of the Village of Mantua. I understand that my employment status is at will and I may be terminated with or without cause for any non-discriminatory reason, and with or without notice, at any time, at the option of either the Village or myself. I understand that no individual Council Member, Department Head, or representative of the Village has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to this document. Authority lies with the Village Council, as a whole, through official action.

This acknowledgement is not an employment contract.

EMPLOYEE SIGNATURE

DATE

PRINT NAME

ISSUING SIGNATURE

DATE

ACKNOWLEDGEMENT RECEIVED BY CLERK

DATE

APPENDIX B

(Amended 8/17/2013, Ord. 2013-41)

To be Reviewed Annually by Council

Dates of paid holidays will be specified in the Annual Ordinance adopted by Council

Paid Holidays

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day

- Life insurance.....included in health insurance
- Health Insurance.....per plan currently in effect
- Prescription Drugper plan currently in effect
- Dentalper plan currently in effect
- Visionper plan currently in effect

SCHEDULES

OHIO PUBLIC EMPLOYEES' RETIREMENT SYSTEM (OPERS)

Contributions to OPERS are as follows:

- Employer contribution.....14% of gross pay for employees
- Employee contribution..... 10% of gross pay for employees

POLICE AND FIREMEN'S DISABILITY AND PENSION FUND (PFDPF)

- Employer contribution. 19.5% of gross pay for police officers
- Employee Contribution Rate Schedule for PFDPF (percentage of gross pay)

Salary Earned in Pay Periods Beginning Date	Salary Earned in Pay Periods Ending Date	Member Contribution Rate
until 7/24/2013	7/24/2013	10.00%
7/25/2013	7/24/2014	10.75%
7/25/2014	7/24/2015	11.50%
7/25/2015	and thereafter	12.25%

MEDICARE TAX

Each employee hired on or after April 1, 1986, will have Medicare taxes in the amount of 1.45% of the employee's gross earnings deducted from his/her pay. An employee who was employed before April 1, 1986, then quits, and is re-employed on or after April 1, 1986, will have Medicare taxes deducted.

APPENDIX C

A. STATE OF OHIO ETHICS LAW

1. No public employee shall knowingly authorize or use his/her authority or influence to (a) secure a public contract for himself/herself, his/her family or his/her business associates; or (b) secure the investment of public money in any security in which he/she, his/her family or his/her business associates has an interest; or for which he/she, his/her family or his/her business associates act as an underwriter or receive brokerage, origination, or servicing fee. No public employee shall knowingly profit, during his/her term of office or for (1) year after, from the execution of a public contract authorized by himself/herself or by a legislative body, commission or board for which he/she was a member when the contract was authorized, if the contract was not competitively bid or the contract was not with the lowest and best bidder.
2. No public employee shall knowingly have an interest in the profits or benefits of a public contract. Employment with a public office is considered to be a contract with the public office. Therefore the use of one's position to obtain employment for a family member is prohibited by law.

B. CONFLICTS OF INTEREST

1. No public employee shall participate as a public official in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation or association in which he/she or his/her immediate family owns or controls more than five percent, or any business which he/she or his/her immediate family has sold goods or services of more than one thousand dollars during the preceding year.
2. No public employee shall use or authorize the use of the authority or influence of employment to secure anything of value or the offer or promise thereof that is of such a character as to influence his/her duties.
3. No public employee shall solicit or accept anything of value that is of such a character as to influence his/her duties.

Contact Information

US Department of Labor Occupational Safety & Health Administration
Region 5 - Cleveland Area Office
Federal Office Building
1240 East 9th Street, Room 899
Cleveland, Ohio 44199
(216) 615- 4266
(216) 615-4234 FAX

APPENDIX D

REQUEST FOR LEAVE

Village of Mantua

REQUEST FOR LEAVE

DEPARTMENT _____	Date _____
Employee's Name _____	SSN _____

I request leave beginning _____ day of _____ 20____ at _____ AM/PM
Ending on _____ day of _____ 20____ at _____ AM/PM

For the following Check one:

____ Medical, Dental, or Optical Examination or Treatment
____ Personal Illness or Injury _____
____ Serious Illness or Injury in Immediate Family _____
____ Death of _____ on _____
____ Vacation _____ Holiday _____ Comp Time _____
____ Court _____ Court Duty, _____ Jury Duty. Subpoena issued by _____ Court On _____
____ Military _____ With Pay _____ Without Pay
____ Leave Without Pay _____
____ Other _____

Total Number of Paid Hours Requested Off _____ Number of days _____
Signature of Employee _____ Date _____

PHYSICIAN'S STATEMENT

As a duly qualified practitioner of medicine I certify that the use of Sick Leave described above is justified in my opinion. The person involved was under my professional care for the above stated period, and is medically capable to return to work.

Date _____ Signature of Physician _____
Address _____
City _____ State _____ Zip _____

ADMINISTRATIVE ACTION

____ Approved with pay ____ Approved without pay ____ Not Approval
Department Head _____ Date _____
____ Approved with pay ____ Approved without pay ____ Not Approval
Mayor _____ Date _____

REMARKS _____

TOTAL HOURS _____ From _____ Vacation _____ Sick _____ Comp Time _____
____ Personal _____ Funeral _____ Other _____

APPENDIX F
Accident/Injury Report
Village of Mantua

Name _____ Date of Accident _____

Time of Accident _____

Type of Injury and/or Accident: _____

Where did the accident occur? _____

Cause of the accident: _____

Emergency procedure followed: _____

Employee Signature _____

Date _____

Witness Signature _____

Date _____

cc: Supervisor, Clerk, Mayor

APPENDIX G

**Complaint Form
Village of Mantua**

Date of Report: _____, 20____

Nature of Complaint: _____

Date & Time of Incident: _____

Location of Incident: _____

Complainant's Name: _____

Address: _____

Home Phone _____ Cell Phone _____

Substance of Complaint: _____

NOTE: SHOULD ANY STATEMENT AGAINST A MANTUA EMPLOYEE PROVE TO HAVE BEEN FALSE OR UNTRUE, THE EMPLOYEE HAS THE RIGHT TO FILE A CIVIL SUIT AGAINST THE COMPLAINANT MAKING SUCH STATEMENT AND/OR CRIMINAL CHARGES.

I, the undersigned, swear the above to be true and correct to the best of my knowledge.

Complainant Signature

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public, State of Ohio

APPENDIX H
Village of Mantua
Expense Reimbursement Form

Date _____ PO Number _____

In accordance with the provisions of Section 733.79 of the Ohio Revised Code, I hereby request your authorization to attend at Village expense, a function relating to municipal affairs.

Name _____ Department _____

Function Attending _____

Location _____

Date(s) _____ to _____

The following is an itemized of estimated expenses which may incurred during the function noted above.

Registration Fees _____

Dues _____

Hotel Charge _____

Meals _____

Transportation _____

Auto Mileage _____

Other _____

Estimated Total _____

I am requesting a check in advance to cover certain fixed expenses at itemized above. Upon return I will submit receipts for the total expenses incurred.

Yes _____ No _____ Amount \$ _____

Payable to _____

I am requesting to be reimbursed for the above expenses. Receipts attached.

Yes _____ No _____ Amount \$ _____

Signed _____ Title _____ Date _____

Authorized _____ Not Authorized _____

Department Head _____ Date _____

Mayor _____ Date _____

APPENDIX I

Village of Mantua

**E-MAIL POLICY AGREEMENT
EMPLOYEE ACKNOWLEDGEMENT FORM**

In accordance to Section 7.4.I, Agreement to the E-mail Policy, in the Village of Mantua, Personnel Handbook. All Employees must read and sign a statement that the employee has read and agrees to abide by the E-mail policy contained in Section 7.4.I et seq.

By initialing the boxes and by signing below the employee asserts that: He/she has read and agrees to the specifics as stated in the policy, which includes the following specifics.

- He/she may use of the e-mail system is for the furthering of the business of this municipality;
- He/she may not intentional intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization;
- He/she may not use the e-mail system for solicitation of funds, political messages, or harassing messages;
- That he/she e-mail messages and data are the property of the Village of Mantua and may be accessed for review by supervisors; and
- That he/she e-mail will be retained according to the attached Retention of E-mail policy.

Employee Signature

Date

Issuing Signature

Date

Title

APPENDIX K

Village of Mantua Public Records Request

Public Records Requests

The Village of Mantua Government belongs to the citizens of Mantua Village. We conduct our government activities in the open, and we are proud of our strong commitment to this important principle of democracy.

If you would like to request public records, you can make a request in writing any time. A written request is not mandatory, but it will help us provide the public records you are requesting in a more timely fashion. You may also keep your identity private if you prefer. The employee handling the request will figure the total cost for you. If you want to inspect a record there is no charge, but it must be done on Village property when the record is available.

If you would like ten or less copies there will be no charge. If your request is more than ten copies the cost will be \$.05 per page. If you are requesting another type of medium, the cost will be for that type of medium such as cassette or floppy disc etc. The employee handling the request will figure the total cost for you. Our hours for records will be 9:00AM to 4:00PM, Monday through Friday. Payment for the cost of the supplies may be asked before the records are released.

We will do everything possible to make copies in a reasonable amount of time. If the request is an older record or a large request it may take a little time to locate and get ready for pick up. If you would like to have the request mailed, there will also be postage cost. If you need more details on our records policy, just ask, and we will be happy to show you or answer questions.

APPENDIX L

**Public Records Request
Form RC100**

Donna L. Hawkins
Mayor

Jenny August
Clerk-Treasurer
Tax Administrator

VILLAGE OF

MANTUA

4650 WEST HIGH STREET P.O. Box 775
MANTUA, OHIO 44255
PHONE (330) 274-8776 FAX (330) 274-2884

R. Edward Trego
Village Administrator

Michele Stuck
Village Solicitor

Mantua Village Government Center
Public Records Request
Form RC 100

The Mantua Village Government Center belongs to the citizens of Mantua Village. We conduct our government activities in the open, and we are proud of our strong commitment to this important principle of democracy.

While not mandatory, if you fill out this form it will help us provide the public records you are requesting in a more timely fashion.

Name Of Requester	
Street Address	City, State, Zip
Phone Number	Today's Date
With as much specificity as possible, please describe what record you want to review. PLEASE PRINT	
<p>Mantua Village provides photocopies of public records according to the following schedule: 10 copies or less - no charge. If request is more than 10 copies - five cents each for 8 1/2 X 11. If you request another type of medium the charge will be for that medium, just ask for a total cost. All requests require advanced payment. Mailing charges are assessed at actual cost. There is no charge to inspect records while in Mantua Village buildings. Please check your preference below.</p> <p><input type="checkbox"/> I would like to inspect these records in the building when they are ready.</p> <p><input type="checkbox"/> I would like these records copied, and I will pick them up when they are ready.</p> <p><input type="checkbox"/> I would like these records copied and mailed to me at the address on this form.</p>	
Name of Mantua Village employee handling request	Date request was completed

APPENDIX M

**Public Records Request
Form RC101**

Donna Hawkins
Mayor

Jenny August
Clerk/Treasurer

VILLAGE OF
MANTUA
4650 HIGH ST., P.O. BOX 775, MANTUA, OHIO
44255
PHONE (330) 274-8776 / FAX (330) 274-8875

R. Edward Trego
Village Administrator

Public Records Request
Form RC 101

The Village of Mantua government belongs to the citizens of Mantua Village. We conduct our government activities in the open, and we are proud of our strong commitment to this important principle of democracy.

Person requesting ten (10) or more copies will be required to pay a fee of five cents per copy for 8 1/2 X 11. If you request another type of medium cost will be for that medium. Prepayment is required.

Name of requester- see RC 100	
Number of copies requested _____ @ \$.05 per page	Total fee: \$ _____
Copies of other materials (video tape, cassette, CD, or DVD) See attached schedule for application fees.	Total fee: \$ _____
Receipt number _____	Total fee: \$ _____
<p>Record(s) not available: Record has never been maintained by the Village of Mantua <input type="checkbox"/> Record is no longer maintained or has been disposed of or transferred pursuant to RC-2 <input type="checkbox"/> Record has been disposed pursuant to an application of One-Time Records Disposal RC-1 <input type="checkbox"/> Record is prohibited from release due to an applicable state or federal law. <input type="checkbox"/> (State the applicable state or federal law) _____</p> <p>Record provided is not in the form of a paper document <input type="checkbox"/> Cassette tape <input type="checkbox"/> Video tape <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/></p> <p>Record is prohibited or exempt by law: Record has been forwarded to legal counsel for research / review <input type="checkbox"/> Record has been reviewed and release has been denied by legal counsel <input type="checkbox"/> Record has been reviewed by legal counsel and records are to be released <input type="checkbox"/></p> <p>Record has been reviewed and contained non-releasable material <input type="checkbox"/> Upon review, non-releasable material has been redacted <input type="checkbox"/> Releasing employee has noted the date, initials, and name of requester on a copy of the reproduced page <input type="checkbox"/></p>	
Name of Mantua Village employee handling request	Date request was completed

**APPENDIX N
Employee Update Form**

Village of Mantua

EMPLOYEE UPDATE FORM

PERSONAL INFORMATION:

Name: _____ SSN: _____
Address: _____
Home Phone: _____ DOB: _____
Emergency Contact Person: _____
Home Phone: _____ Relationship: _____
Work Phone: _____

EMPLOYMENT INFORMATION:

Department: _____ Date Hire: _____
Employment Status: (check all that apply) _____ F/T _____ P/T _____ Active _____ Temp
Hire Source: _____ Newspaper Ad _____ Employment Agency _____ Employee Referral
(check one) _____ Internal _____ Resume Sent _____ Walk In _____ Other
Shift: (Check one) _____ Day _____ Afternoon _____ Midnight _____ Rotating

SPOUSE INFORMATION:

Name: _____
Marital Status: _____ SSN: _____
Date of Marriage: _____ DOB: _____
Employer: _____ Phone: _____
Address: _____
Insurance Company: _____ Policy No. _____
Address: _____ Policy Type: _____

DEPENDENT INFORMATION:

Name: _____ DOB: _____ SSN: _____
Name: _____ DOB: _____ SSN: _____
Name: _____ DOB: _____ SSN: _____
Name: _____ DOB: _____ SSN: _____

NAME OF BENEFICIARY OF YOUR LIFE INSURANCE THROUGH THE VILLAGE OF MANTUA:

Current as of: _____ Employee Signature: _____

APPENDIX O
Payroll / Status Change Notice

Village of Mantua

PAYROLL / STATUS CHANGE NOTICE

ROUTING: _____ Payroll _____ Department Head _____ Other _____
--

EFFECTIVE DATE: _____ EMPLOYEE: _____
SSN: _____ DEPT: _____

CHANGE (S)		
_____ Dept	To: _____	Per _____
_____ Job Title	To: _____	Per _____
_____ Promotion	To: _____	Per _____
_____ Sal/Wage	To: _____	Per _____
_____ Longevity	To: _____	Per _____
_____ Other _____	To: _____	Per _____

REASON FOR CHANGE:		
_____ Demotion	_____ Merit Increase	_____ Probation Completed
_____ Dismissal	_____ Promotion	_____ Re-Evaluation of Existing Job
_____ Hired	_____ Longevity	_____ Length of Service Increase
_____ Layoff	_____ Transfer	_____ Wage Agreement
_____ Re-Hired	_____ Resignation	_____ Retirement
_____ Other,		

LEAVE OF ABSENCE:		
_____ Educational	_____ Medical	_____ Personal
_____ Maternity	_____ Military	_____ Other

COMMENTS: _____

Changes Authorized By: _____ Date: _____
Changes Approved By: _____ Date: _____

APPENDIX P

Information regarding the Auditor of State's fraud reporting system

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or through the United States mail.

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215

Web: www.ohioauditor.gov

124.341 [Effective 5/4/2012] Violation or misuse – whistleblower protection

(A) If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal auditing created under section 126.45 of the Revised Code or file a complaint with the auditor of state's fraud-reporting system under section 117.103 of the Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal auditing, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as

authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
 - (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
 - (3) Transferring or reassigning the employee;
 - (4) Denying the employee promotion that otherwise would have been received;
 - (5) Reducing the employee in pay or position.
- (C) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.
- (D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Revised Code.
- (E) As used in this section:
- (1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code.
 - (2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.
 - (3) "Inspector general" means the inspector general appointed under section 121.48 of the Revised Code.

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