

Village of Mantua, Ohio
ORDINANCE 2012-35

**AN ORDINANCE AMENDING SECTION 5.6 OF THE VILLAGE OF MANTUA
EMPLOYEE HANDBOOK TO CLARIFY THE VILLAGE'S POLICY REGARDING
PAID FUNERAL LEAVE, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council has previously passed Ordinance 2010-24, the Village of Mantua Employee Handbook which contains the Village's policies and guidelines relating to employees; and

WHEREAS, Section 5.4(a) of said Employee Handbook indicates that Funeral Leave is a permitted use of Sick Leave; and

WHEREAS, heretofore, the Clerk's Office has consistently deducted time taken for Funeral Leave from an employee's Sick Leave Balance; and

WHEREAS, it has been the intention of this Council that an employee must have accrued sufficient paid leave time in order to be granted paid Funeral Leave pursuant to Section 5.6; and.

WHEREAS, this Council wishes to amend the Village of Mantua Employee Handbook in order to clarify this policy.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Mantua, Portage County, Ohio, two-thirds or more of the members elected thereto concurring that:

SECTION 1. Existing Section 5.6 of Ordinance 2010-24, the Village of Mantua Employee Handbook, is hereby repealed.

SECTION 2. Section 5.6 of Ordinance 2010-24 is hereby enacted as follows:

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.

SECTION 3. All other provisions of Ordinance 2010-24, the Village of Mantua Employee Handbook shall remain in full force and effect.

SECTION 4. It is hereby found and determined that all formal action of this Council concerning and relating to the passage if this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in a meeting open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

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SECTION 5. This Ordinance is hereby declared an emergency measure so that the Mantua Village Employee handbook will immediately reflect the Funeral Leave Policy intended by this Council, and shall take immediate effect and be in full force from the time of its passage to further preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed as emergency, this 19th day of June, 2012

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk of Council

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio.

Jenny August, Clerk-Treasurer

Approved as to legal form:

Michele Stuck, Village Solicitor

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“EXHIBIT A”

APPENDIX P

By signing the Acknowledgment of Employee Handbook (Appendix A), you are acknowledging that the Village of Mantua has provided you information about the fraud-reporting system as described by Section 117.103(A) of the Revised Code, and that you have read and understand the information provided. You are also acknowledging you have received and read the information regarding Section 124.341 of the Revised Code and the protections you are provided if you use the fraud reporting system.

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

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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.