

VILLAGE OF COVINGTON

**THE
VILLAGE OF
COVINGTON, OHIO

PERSONNEL POLICY
AND PROCEDURE
MANUAL**

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Expense Report
Injury/Accident Report
New Hire Reporting Form
Notice of Predisciplinary Meeting
Observable Behavior – Reasonable Cause Record
Ohio Ethics Laws and Related Statutes
Overtime Authorization Form
Payroll Change Notice
Performance Evaluation
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INTRODUCTION/DISCLAIMER

SECTION 1.01

- A. The Village of Covington is located in Miami County.
- B. Policies are the basic rules which guide administrative actions for accomplishing an organization's objectives. Comprehensive and clearly written policies are essential to the success of any organization.
- C. Written procedures provide members of the organization with administrative interpretation for the application of the organization's policies and explain the manner in which such policies are implemented.
- D. This manual contains the personnel policies and procedures of the Village of Covington, Ohio (hereinafter referred to as "employer").
- E. THIS MANUAL IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. IT MAY BE CHANGED AT ANY TIME BY THE EMPLOYER WITH OR WITHOUT NOTICE. THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT, EXPRESSED OR IMPLIED. NO REPRESENTATIVE OF THE EMPLOYER HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT WITH AN EMPLOYEE THAT IS CONTRARY TO THE POLICIES AND PROCEDURES CONTAINED HEREIN.

OBJECTIVES

SECTION 1.02

- A. The employer recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective government. The policies and procedures set forth in this manual are designed to:
 - 1. Promote high morale and foster good working relationships between the employer and employees.
 - 2. Encourage employees to give their best efforts to the organization and the public.
 - 3. Encourage that courteous and dependable service be provided to the public.
 - 4. Provide equal opportunity for qualified persons to enter and progress in their employment with the Village.
 - 5. Ensure that Village operations are conducted in an ethical and legal manner.
 - 6. Establish acceptable minimum standards of performance which are to be applied fairly and uniformly.

- B. The primary objective or mission of the employer is to provide the residents of the Village of Covington with superior services at the most reasonable cost. This is a continuing objective to which all other objectives are secondary. Village employees are a valuable resource for fulfilling the Village’s mission. Employees are expected to provide the public with courteous, friendly, and quality service at all times in as prompt, cheerful, and efficient manner as possible. For this reason, another of the Village’s objectives is to recruit, select, and retain highly qualified, professional, and courteous employees.

DEFINITIONS/ABBREVIATIONS

SECTION 1.03

Unless otherwise indicated, the following definitions and abbreviations apply to the listed terms as used in this manual.

Active Pay Status: Except as may be otherwise defined in this manual, active pay status is when an employee is eligible to receive pay directly from the employer and includes hours worked, vacation leave, sick leave, holidays, compensatory time, paid military leave, and paid court leave.

ADA: Americans with Disabilities Act, as may be amended from time to time.

BWC: Abbreviation for Ohio Bureau of Workers’ Compensation.

Compensatory Time (Comp Time): Time off work granted to non-exempt employees in lieu of paying actual cash for overtime hours worked, and granted off at the rate of one and one-half (1½) hours for each hour of overtime.

Counseling: Written documentation of a verbal counseling and instruction which is provided to the employee and placed in the employee’s personnel file to correct any misconduct and improve the employee’s conduct and performance.

Day(s): Unless otherwise specified, means calendar day(s).

Demotion: A change in position that reduces the employee's scope of responsibility and compensation.

Department: An organizational unit directed and controlled by the employer and charged with a specific public service function and mission (e.g., administration, police, street, zoning).

Department Head: A management level employee charged with the responsibility of directing a department on behalf of the employer.

Designee: Any employee authorized by a designated management official to perform a function on behalf of such management official.

Discourteous Treatment of the Public: Failure by an employee to treat any member of the general public with respect and in a polite and courteous manner.

Dishonesty: Conduct involving bad faith, a lack of integrity, or moral turpitude. Dishonesty may include, but is not limited to: failure to tell the truth; stealing; falsifying documents; or similar acts of misconduct or attempts to mislead.

Distribution: An act of distributing goods, materials, and/or written materials or literature.

Drug Abuse: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

EEO: Equal Employment Opportunity. Abbreviation for federal agency called the Equal Opportunity Commission; also, commonly referred to as the EEOC. This federal agency is responsible for enforcing federal laws prohibiting discrimination.

Employee: Any person holding a position subject to appointment, removal, promotion or demotion by any representative of the employer.

Employer: The Village of Covington or the designee of the employer, authorized by law to make appointments to positions. As context requires, employer may also mean any designee who is authorized to carry out certain duties on behalf of the employer.

Excused Absence: Absence from work with the approval of the employer (i.e., sick leave, vacation, holiday, compensatory time, approved unpaid leave of absence, etc.).

Exempt Employee: A salaried employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who therefore does not have to legally be paid the statutory minimum wage and/or be compensated, at premium rates, for additional hours worked in the work week.

Failure of Good Behavior: Failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required by the employer, or reasonably expected by the employer even in the absence of a written rule.

FLSA: Abbreviation for the Fair Labor Standards Act, as may be amended from time to time.

FMLA: Abbreviation for the Family and Medical Leave Act, as may be amended from time to time.

Immoral: Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

Immoral Conduct: Conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

Incompetency: Lack of ability, legal qualifications, or fitness to perform duties required of an employee.

Inefficiency: Quality of being incapable or indisposed to perform duties required of an employee within reasonable standards.

Insubordination: Intentional failure to perform duties required of an employee; refusal to obey an order issued by the employee's supervisor or other management official.

Intoxication: The condition of a person affected by the immediate use of intoxicating drinks or controlled substances; the state of one who is under the influence of alcohol or controlled substances. The effect produced upon the person by drinking intoxicating liquors or ingesting another intoxicating substance to such an extent that the normal condition of the individual is changed and the person's capacity for rational action and conduct is substantially lessened.

Malfeasance: The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which a person ought not to perform.

Misfeasance: The improper performance or commission of some act which a person may lawfully do.

Neglect of Duty: Omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act. A designed failure, refusal or unwillingness to perform one's duty.

Non-Exempt Employee: An employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of forty (40) in an established work week or other standard work period established in accordance with the FLSA (eighty [80] hours in a two [2] week period for law enforcement).

Nonfeasance: Nonperformance of some act which ought to be performed; the total omission to perform a required duty; or the total neglect of duty.

Non-Work Area: Those areas of the employer's property such as the employee's parking lot or other areas where no official employer business or operations are conducted.

Non-Work Time: Any time during an employee's work day where the employee is totally relieved of work duties, such as break time or lunch time. Whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.

O.A.C.: Abbreviation for the Ohio Administrative Code.

OPFPE: Abbreviation for the Ohio Police and Fire Pension Fund.

O.R.C.: Abbreviation for the Ohio Revised Code; also abbreviated as R.C. when followed by a chapter or section number.

OSHA: Abbreviation for Ohio's Occupational Safety and Health Act.

OPERS: Abbreviation for the Public Employees Retirement System.

Personnel Actions: A specific act by the employer to implement a personnel decision (e.g., hiring, promotion, demotion, suspension, removal, layoff, wage increases).

Personnel Decisions: Such decisions include, but are not limited to: (1) recruitment; (2) selection; (3) placement; (4) testing; (5) training; (6) promotions and transfers; (7) layoff and recall; (8) removal; (9) disciplinary action; (10) social and recreational programs; (11) employee benefits and compensation; and (12) tangible program services and benefits.

Position: A group of duties and responsibilities assigned or delegated by competent authority to be performed by one (1) person. Positions and the duties of a position may be revised, but the employee's classification remains the same unless the position is reclassified.

Promotion: Any change in position which results in an increase in an employee's compensation and responsibility.

R.C.: Abbreviation for Ohio Revised Code when followed by a chapter or section number.

Reduction: A change in the classification held by an employee to one having a lower base rate of pay, or any decrease in compensation of an employee.

Solicitation: An act of requesting an individual to purchase goods, materials, or services, or a plea for a financial contribution.

Supervisor: An individual who has been authorized by the employer to perform or assist in performing some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, demoting, discharging, assigning, rewarding, or disciplining employees under the direction of the employer; to responsibly direct employees; to adjust their grievances; or to effectively recommend any of these actions.

Suspension: Relief of an employee from duty without pay, usually for a short period of time, as a disciplinary measure aimed at improving the employee's conduct.

Transfer: The movement of an employee from one (1) position to another where there is no change in level of responsibility, classification or salary.

Vendor: Any individual or group engaged in or desiring to engage in the supply of goods, materials, or services (which are utilized in the conduct of public business) to the employer and/or its employees.

Work Area: Any office, room, or physical location where official employer business is transacted and/or operations of the employer are being conducted.

Working Suspension: A form of discipline whereby the employer may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions, and will have the same effect as a suspension without pay for the purpose of recording disciplinary action.

Work Time: All the time when an employee's duties require that the employee be engaged in work tasks; not including scheduled breaks and time before or after work.

Work Unit: A division under the employer's control usually directed by a supervisor and charged with a specific work function which contributes to the accomplishment of the employer's public service function.

Written Reprimand: The written record of disciplinary action, usually issued after a verbal warning has failed to improve an employee's conduct, or when the employee has committed a more serious violation, which is provided to the employee and placed in the employee's personnel file in an attempt to improve the employee's conduct and performance.

SCOPE OF COVERAGE **SECTION 1.04**

- A. The personnel policies and procedures in this manual generally apply to all Village employees. These policies do not establish tenure or contractual rights for employees not required by law. Although the employer generally subscribes to these policies, the employer may amend or abolish any policies or procedures herein without advance notification.
- B. These policies and procedures supersede all previous written and unwritten personnel policies and past personnel practices of the employer, and any current department or division policy or procedures, unless such policy or procedure is more restrictive due to operational needs of that department or division.
- C. In the event of a conflict between this manual and any applicable law, the law shall prevail.

MANAGEMENT AUTHORITY **SECTION 1.05**

The employer retains the full right and responsibility to direct the operations of the Village, to promulgate policies, rules and regulations and otherwise exercise the prerogatives of management, which more particularly include but are not limited to the following:

- A. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, or to reprimand, suspend, discharge, or otherwise discipline employees in accordance with applicable law.
- B. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed.
- C. To determine goals, objectives, programs, and services, and to utilize personnel in the manner designed to effectively meet these purposes.
- D. To determine the size and composition of the work force and the organizational structure.
- E. To determine the hours of work and work schedules required to most efficiently operate.
- F. To determine when a job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained.
- G. To determine the necessity to schedule overtime and the amount required thereof.
- H. To maintain the security of personnel and financial records and other important data or information.
- I. To maintain and improve the efficiency and effectiveness of the operations.
- J. To determine and implement necessary actions in emergency situations.

The exercise of any such right, power, authority, duty, or responsibility by the employer and the adoption of such rules, regulations, or policies, as may be deemed necessary, shall be limited only by the specific express terms of applicable law.

IMPLEMENTATION AND DISSEMINATION**SECTION 1.06**

- A. The employer has the exclusive right and authority to create, amend, and issue policies and procedures.
- B. A current copy of the Village's personnel policy and procedure manual (PPM) shall be maintained at the Village's administration office.
- C. All supervisory personnel shall become thoroughly familiar with the policies contained in the PPM. Supervisory personnel are responsible for administering the policies herein and shall ensure that subordinate personnel comply with all policies and procedures adopted by the employer.
- D. The PPM shall remain the exclusive property of the employer. Unauthorized reproduction is prohibited.

- E. The PPM and any amendments thereto shall be adopted as the employer's official policies and procedures by resolution of Village Council.
- F. Following adoption by Village Council, the effective date and applicable ordinance number shall be added to the cover page of the PPM. A copy of the new policy manual shall then be available at the Village's administration offices.
- G. The employee shall sign an acknowledgment form indicating acknowledgement of the manual and its location on the Village's website.

AMENDMENT

SECTION 1.07

Changes within the organization will necessitate changes in this manual. Policies may only be amended, revised, or deleted by resolution. Changes in procedures and non-substantive changes may be made by the Village Administrator or designee. However, if there is a conflict between a policy contained in this manual and a Village ordinance, the ordinance shall prevail.

- A. Employees, supervisors, and department heads are encouraged to review and recommend amendments, additions, or deletions to the policies contained in this manual. Such suggested changes should be reduced to writing and presented to the Village Administrator or designee. The Village Administrator shall review all suggested changes. The Village Administrator, Mayor, or designee shall thereafter present all suggested changes which he deems worthy of consideration to Village Council.
- B. All ordinances adopted by Village Council shall be reviewed by the Village Administrator or designee to determine whether the ordinance amends, adds, or deletes any section(s) of this manual.
- C. When an ordinance amends, adds or deletes a section of this manual, the Village Administrator or designee shall cause the affected manual section(s) to be rewritten.
- D. The original of the new section shall be placed in the employer's master volume of the manual.
- E. The Village Administrator or designee shall determine by what means the new or amended policy is to be communicated to employees (i.e., group meetings, posting on bulletin boards, etc.).
- F. The Village Administrator, Mayor, or designee is hereby authorized by Village Council to make any and all necessary non-substantive changes to this manual (i.e., corrections of grammar and spelling, etc.), revise the procedures in this manual to effectuate the policies contained herein, and make any changes to policies necessitated by law.

PERSONNEL ADMINISTRATION**SECTION 1.08**

The Village's personnel system shall be administered by the Village Administrator or designee. The personnel system within each department shall be administered by the department head. Each department head shall be charged with the responsibility of ensuring that these personnel policies and procedures are applied in a consistent, objective manner, and for the purpose of performing the duties and responsibilities set forth in this manual.

CONFLICT OF LAW**SECTION 1.09**

If any section or part of this manual or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any section or part of this manual is restrained by a court, the law or court decision shall prevail, but the remainder of this manual and any amendments thereto shall not be affected and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the employer's intent.

Whenever any section of this manual is amended by operation of law or by court order, the section shall be amended in accordance with Section 1.07 of this manual.

EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**SECTION 2.01**

- A. The Village of Covington is an Equal Opportunity Employer. No personnel decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, military status, veteran's status, national origin, age, disability, ancestry, sexual orientation, or genetic history.
- B. The Village Administrator is the employer's EEO/(ADA) Coordinator. The EEO/ADA Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the department head.
- C. The EEO/ADA Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant, and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.
- D. No inquiry shall be made as to religious, racial, or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the applicant is a voluntary action on the applicant's part.

AMERICANS WITH DISABILITIES ACT**SECTION 2.02**

- A. Employment: The employer supports the intent and purposes of the (ADA), as amended, and will not unlawfully discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. Reasonable Accommodation: The physical or mental limitations of an otherwise qualified applicant or employee with a disability shall be reasonably accommodated unless the accommodation would pose an undue hardship. Undue hardship, for purposes of this policy, means an action that requires significant difficulty or expense when considered in the light of other relevant factors, or would be extensive, disruptive or would fundamentally alter the nature or operation of the employer.
- C. Undue Hardship: The factors to be considered in determining whether an accommodation would create an undue hardship include the nature and the cost of the accommodation, the size of the department and its overall financial resources, the nature and structure of the operation, the effect of the accommodation on expenses and resources, conflict with state and federal law, and the impact of the accommodation on other employees. Decisions as to

whether an accommodation is reasonable shall be made on an individual case-by-case basis. Employees who believe they are in need of a reasonable accommodation should make their EEO/ADA Coordinator aware of this need.

- D. The EEO/ADA Coordinator shall be responsible for providing information about the ADA to employees and others;
- E. Complaint/Comment Procedure: Complaints, comments, or questions regarding:
 - 1. Discrimination against individuals with disabilities; or
 - 2. The Village's compliance with the ADA should be filed in accordance with Section 2.04(B).

DISCRIMINATORY HARASSMENT	SECTION 2.03
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- A. It is the policy of the Village to maintain an environment free from all forms of unlawful discriminatory harassment for all employees, including gender-based sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, coworkers, or members of the public, or whether by members of the opposite or same gender, is strictly prohibited.
- B. Discriminatory harassment includes derogatory or vulgar, oral or written communications or actions regarding a person's race, color, sex, religion, military status, veteran's status, national origin, age, disability, ancestry, sexual orientation, or genetic history.
- C. Sexual harassment, which is a form of sexual discrimination, may include, but is not limited to:
 - 1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions.
 - 2. Repeated verbal abuse of a sexual nature, or use of sexually degrading words to describe an individual.
 - 3. Graphic or degrading verbal comments about an individual, an individual's body or the individual's appearance, or the individual's sexual preference.
 - 4. Request for sexual favors.
 - 5. The display of sexually suggestive objects or pictures through any media.
 - 6. The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other

condition of employment will depend on the employee or applicant's submission to requests for sexual favors or sexual harassment in any form;

- 7. Any offensive or abusive physical contact.
 - 8. Any other conduct or behavior that may be construed as being sexually degrading or offensive.
- D. It is the policy of the Village to discipline, up to and including discharge, any employee found to have engaged in any type of discriminatory treatment, including sexual harassment.
- E. It is the responsibility of all employees to aid the employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of all employees, to immediately report any instances of discriminatory harassment to the proper authority. Any employee, who observes any conduct that may constitute discriminatory harassment of a co-worker, but fails to report same, may be subject to disciplinary action.

It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.

Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training on this policy as a part of his employee orientation.

EQUAL EMPLOYMENT OPPORTUNITY/ ANTI-DISCRIMINATION COMPLAINT PROCEDURE	SECTION 2.04
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- A. All complaints alleging illegal discrimination shall be filed on the EEO/Anti-Discrimination Complaint Form contained in this manual. Complaints shall be filed as soon as possible and no later than a reasonable period of time following the incident which gave rise to the complaint.
- B. Complaints shall be filed with the EEO/ADA Coordinator. The EEO/ADA Coordinator shall investigate all complaints and respond to the complainant as soon as the investigation is completed. If the EEO/ADA Coordinator is the subject of the discrimination complaint, the complaint may be filed with the Village Administrator.

C. Complaint Procedure.

1. Employees who believe they have been the subject of discriminatory harassment or other form of discrimination should report the alleged act immediately. All information disclosed shall be held in strictest confidence to the extent allowed by law, and otherwise will only be revealed on a need-to-know basis in order to investigate and resolve the matter.

Employees who believe they have been the subject of discriminatory harassment should report the alleged act immediately to the EEO/ADA Coordinator. If the EEO/ADA Coordinator is the subject of the complaint, or if the employee is uncomfortable reporting the act to her supervisor, the employee may report the act to the Mayor or designee or any other member of management.

The individual alleging the discriminatory harassment or form of discrimination will be asked to complete a written statement outlining the nature of the complaint. The complaint will be investigated even if the individual alleging harassment refuses to fill out a written statement.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All employees shall, to the extent possible, be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, prompt remedial action designed to stop the harassment immediately and to prevent its recurrence will be taken. Any employee who is found, after appropriate investigation, to have engaged in harassment shall be subject to disciplinary action, up to and including termination.

2. Determining whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect, requires an investigation of all facts in the matter. Given the nature of this type of discrimination, it is also recognized that false accusations of discriminatory harassment can have serious effects upon innocent individuals. All employees of the Village shall act responsibly to establish and maintain a pleasant working environment, free of discrimination, for all.
3. The same conditions and rules apply as they may relate to discriminatory harassment of a resident or citizen by an employee at the work place. Any acts of discriminatory harassment towards a resident must be reported to the shift supervisor, and documented by any witnessing employee, prior to the end of the applicable shift.

- D. Disability Discrimination - Any person may file a complaint in accordance with the above procedure if the individual believes

An employee has illegally discriminated against the individual under any state or federal anti-discrimination law, including a violation of the ADA or conduct involving sexual harassment.

- E. When reviewing employment discrimination complaints alleging a violation of the ADA, EEO/ADA Coordinator will determine whether the complainant is a "qualified person with a disability," whether the employer may have discriminated against the complainant, and if so, whether the employer can "reasonably accommodate" the complainant or otherwise resolve their complaint.
- F. Any employee who has been found by the employer, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person in their capacity as an employee at the Village, will be subject to appropriate disciplinary action, up to and including termination. Further, any person who is found to have submitted a false report of discrimination will be subject to the appropriate discipline as well.
- G. Non-employees found to have committed an act of illegal discrimination against an employee in the workplace will be dealt with appropriately as allowed by law.

REQUIREMENTS FOR EMPLOYMENT**SECTION 3.01**

- A. The employer appoints, employs, disciplines, and establishes policies and procedures and other conditions of employment for its employees. The Village Council by legislation action determines compensation and other fringe benefits for employees. Employment with the employer is employment in a public agency, subject to federal, state, and local laws and the requirement that employees recognize and agree to abide by all applicable laws and all applicable policies and procedures as a condition of employment.
- B. All applicants for employment must be able to perform the essential functions of the position for which they apply with or without a reasonable accommodation and must possess or be able to obtain within a reasonable time frame, as identified by the Village, any required licensing, certification, bonding, or other employment requirements as specified in the position description.

EMPLOYEE STATUS**SECTION 3.02****A. Hours Assigned**

- **Full-Time**: An employee who works at least thirty (30) hours per week on a regularly scheduled basis or the standard full-time workweek as designated by the employer.
- **Part-Time**: An employee who works less than thirty (30) hours per week, or less than the standard full-time workweek designated by the employer, but on a regularly scheduled basis.
- **Volunteer**: An employee who volunteers to perform work under the auspices of the Village.
- **Seasonal**: An employee who works on the academic program year, or who works on a reoccurring, but temporary basis annually.

B. Duration of Appointment

- **Temporary**: An employee appointed to a non-permanent position, on a full-time, part-time basis for a specified period of time, not to exceed six (6) months.
- **Seasonal**: An employee who works on the academic program year or who works on a recurring but temporary basis annually (e.g., summer, mowing season, tax collection period, etc.). A seasonal employee may be appointed on a full-time, part-time.

- Student: An employee who is a student at an educational institution and employed by the employer in cooperation with such educational institution to provide training to the student employee.
- C. Contract service providers and/or vendors are not considered to be employees and are not eligible for benefits provided by the Village.
- D. Employees shall be informed upon appointment of their employment status. Temporary, seasonal, and student appointments should be communicated in writing to employees. The hours normally assigned to the employee should also be communicated in writing.
- E. Employees may submit a request to their department head for a change in employment status if they believe they are working more time on a regular basis than their employment status indicates.

POSITION DESCRIPTION PLAN**SECTION 3.03**

The Village Administrator or designee shall, on behalf of the employer, maintain and administer the Village plan of position descriptions, known as a "Position Description Plan." The position description plan is a compilation of the position descriptions for each employment position. A position description contains the qualifications, essential functions, other duties, equipment operated, required licenses or certifications, and the requisite knowledge, skills, and abilities of each position. The employer will create or amend position descriptions based upon an analysis of the duties, responsibilities, essential functions, and qualifications of the positions affected.

- A. As positions are changed or added, the position description plan must be revised. Factors which may necessitate a revision to the plan are:
 - 1. Addition of new employee(s);
 - 2. Promotion of current employee;
 - 3. Addition of a new duty or responsibility to a position;
 - 4. Abolishment of a current duty or responsibility from a position;
 - 5. Reassignment of current duties or responsibilities between or among positions; or
 - 6. A new or revised licensure or certification requirement as dictated by law for a position.
- B. When any of the aforementioned factors change, the department head shall submit a proposed revision to the Village Administrator or designee, who shall review the request and cause appropriate changes or additions to a position description or the position description plan.

In addition, changes to a department's table of organization shall be submitted if there is a change in reporting relationships within the department.

- C. The Village Administrator shall review all suggested changes to the position description plan and present all changes in content deemed worthy of consideration to Village Council for approval. Name changes or other changes not affecting the content of the position description may be implemented without Council approval.
- D. All changes to position descriptions, tables of organization, or other documents contained in the position description plan adopted by Council shall be incorporated in the position description plan. Copies of new document(s) resulting from changes shall be provided to:
 - 1. The appropriate department head for inclusion in the department head's position description plan; and
 - 2. Affected incumbent employee(s) in the classification(s).
- E. Any changes in a position description that are applicable to payroll, personnel, operational records, and other personnel records, if any are required, will be made by the appropriate personnel.

VACANCIES**SECTION 3.04**

Vacancies shall be filled from applications received and on file with the Village Administrator or Mayor.

- A. The Village Administrator or Mayor shall advertise positions authorized by Council to be filled by appropriate means. All announcements should specify the job title, nature of the job, required qualifications, essential functions of the position, the compensation range, the deadline for applications, and the place to file such applications.

Upon receipt of the applications, the Village Administrator or Mayor and the department head shall evaluate the candidates as provided in the "Evaluation of Applicants" section of this manual. The Village Administrator or Mayor shall interview and recommend appointment of any applicant who meets the necessary job requirements to the Village Council.

- B. Vacancies to other than entry level positions may be posted internally for four (4) work days on employee bulletin boards or by any other appropriate means.
 - 1. Current employees interested in a vacancy must submit a timely letter of interest to be considered.

2. If the employer deems no internal bidder is qualified for the vacancy, the appointing authority shall fill the vacancy through the selection of outside applicants as described in Step 1 of this policy.
3. Nothing in this section shall be construed to prevent the appointing authority from advertising for external applicants concurrently with the posting of internal vacancies.

EVALUATION OF APPLICANTS**SECTION 3.05**

Appointments to vacant positions in the Village, either by internal promotion or external selection, shall be based solely on which applicant best meets the job-related qualifications and possesses the most knowledge, skills, and ability to perform the essential functions of the position as ascertained through job-related selection methods.

- A. A review of all bid forms or applications shall first be made to determine which applicants possess the minimum job-related qualifications as stated on the classification specification (e.g., minimum licenses, certifications, experience, etc.).
- B. Upon determination of which applicants meet the minimum job-related qualifications, the applicant's knowledge, skill, and ability to perform the essential functions of the position shall be considered. Applicants may be required to submit to any or all of the following: reference checks, background checks, job-related performance tests, interviews, and other job-related procedures.
- C. Otherwise qualified applicants may be disqualified from consideration for a position if the applicant:
 1. Makes a false statement of material fact on the employment application or other hiring documents.
 2. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
 3. Is an alien not legally permitted to work.
 4. Has previously been terminated for just cause, except in unusual circumstances to be determined by the employer.
 5. Has been convicted of a felony or a crime that would prevent the individual from doing his/her job.
 6. Has a pattern of poor work habits and performance with the current or previous employer.
 7. Has been guilty of infamous or notoriously disgraceful conduct.

- D. The employer shall maintain a record keeping system reflecting the disposition of all job applicants and the reasons for hiring or not hiring an applicant. Such records shall be kept on file for at least three (3) years and shall include a completed job application, medical examination data, test results, and/or any other job-related information.

MEDICAL EXAMINATIONS - APPLICANTS AND EMPLOYEES**SECTION 3.06**

- A. A medical examination by a licensed practitioner may be required by the Village prior to appointment to evaluate selected job applicants' physiological and/or psychological condition as it relates to the applicants' ability to perform the essential duties of the positions for which they are applying.
- B. For purposes of this policy, a "licensed practitioner" is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or licensed independent social worker, who is licensed to perform the appropriate examination.
- C. All employees are required to maintain their physical fitness at a level which will permit them to efficiently perform the duties of their position and avoid endangering themselves or those they serve subject to the Americans with Disabilities Act.
- D. When a post-offer medical examination is required, such requirement shall be included in the vacancy announcement.
- E. No medical examination or drug testing will be conducted until after the employer has made the applicant a conditional offer of employment.
- F. The appointing authority shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the appointing authority, a waiver of the medical examination requirement for the following reasons:
1. Verified religious opinion or affiliation, or
 2. Reinstatement within one (1) year of separation.

Any applicant requesting to waive the examination requirement for one of the above reasons shall submit a written affidavit describing the applicant's state of health at the time of employment.

- G. After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the Village. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the essential functions of their position with or without

an accommodation. Examples include examination to certify eligibility for Family and Medical Leave or other leaves of absence, examination to assess eligibility for Workers' Compensation, examination required by PERRP, Fitness for Duty, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

- H. Police Department: An appointee to the police department shall submit to the Mayor a complete report of physical examination by a physician designated by the Village which report shall show the applicant to be physically and mentally fit to perform their duties as a member of the police department (or as required by ORC).

Prior to taking the competitive examination for new applicants to the police department, the applicants shall take and pass an examination which fairly tests the ability of the person examined to physically perform the particular duties of the position for which the appointment is made. Prior to appointment to a vacancy in the police department, the applicant shall take and pass an examination which fairly tests the ability of the person examined to mentally perform the duties of the position for which the appointment is made. A physician shall establish the mental standards for qualification and shall be the sole judge as to whether an applicant meets these standards.

- I. Any time an employee is sent to a licensed practitioner for a medical examination, the following language shall be included in the form or as an attachment.

The Genetic Information Nondiscrimination or Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically required by law. To comply with this law, we are asking that you not provide any genetic information when responding to this request. "Genetic Information" as defined by GINA, includes: an individual, family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive productive services.

ORIENTATION	SECTION 3.07
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- A. Upon appointment, all employees will have access to a copy of the Village of Covington Personnel Policy and Procedure Manual to read, which contains the general terms, conditions, benefits, policies and procedures of employment, all notices, forms, and documents. Upon completion, the employee shall return the manual and shall sign all acknowledgments, forms, and documents required by law or the employer.
- B. Upon appointment, employees will also have the policies and procedures of their department and/or position explained to them by the department head or designee.

IMMIGRATION REFORM AND CONTROL ACT**SECTION 3.08**

- A. In General: In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, the Village has adopted the policy set forth below. The Village intends to comply with any such amendments.
1. The Village shall not knowingly hire or recruit or continue employment of any alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.
 2. The Village has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986 is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien."
 3. As a condition of continued employment, the Village shall verify both the identity and the employment eligibility of all applicants considered for employment, by following the steps outlined in (B) below.
- B. Preemployment Requirement:
1. All applicants to be hired, as a condition of employment, shall be required to complete the biographical information requested by Form I-9 (refer to Form I-9).
 2. A current I-9 form and instructions are available on-line from the U.S. Citizenship and Immigration Services at www.uscis.gov.
- C. Post-Hiring Requirements:
1. Within three (3) business days after the appointment of the applicant, the Village shall physically examine the documentation presented by the new employee, ensure that the documents presented appear to be genuine and relate to the individual, then complete the remaining portions of Form I-9.
 2. The Village shall retain Form I-9 and photocopies of the supporting documentation for three (3) years after the effective date of hire or for one (1) year from the date of the employee's separation from service, whichever is later.
 3. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any Village or person other than for the purpose of complying with the requirements of the Act.

4. Should an employee be rehired or reinstated by the Village, within one (1) year of the date of separation, the Village may use the original I-9 form and supporting documentation for the purpose of complying with the Act.
 5. If an employee's authorization to work expires the Village must immediately reverify that the employee is still authorized to work, based on the employee's documentation of continuing eligibility or new authority to work. The Village must review the document, and verify on the I-9 Form, noting the document's ID number and expiration date.
- D. Anti-Discrimination Policy: It is the intention of the Village not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The employer will not unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue.

INSTRUCTIONAL PERIOD**SECTION 3.09**

- A. Newly Hired Employees: Employees shall serve an instructional period of six (6) months of continuous service beginning at the commencement of employment. This time is used for evaluating an employee's work performance, etc. It also serves as an adjustment time for them to become familiar with the work, fellow employees, policies, and procedures.

During the instructional period, the employer has the right to suspend or dismiss an employee without recourse for an appeal. Retention or continual employment beyond the instructional period does not confer any additional status or right to continued employment upon an "at-will" employer.

- B. Promoted Employees: Promoted employees shall also serve a six (6) month instructional period. If a promoted employee's performance does not merit continued employment in the position, the employee may be returned to the employee's former position at the employee's previous rate of pay. If the same or similar position is not vacant, the employee shall be treated as if the position to which the employee is being demoted had been abolished. In such case, the employee will be offered appropriate displacement rights to another position. A new instructional period is required following such a demotion. Such reduction is not disciplinary action and shall not preclude advancement to other vacant positions.
- C. Instructional Period and Final Appointment for Sworn Police Department Employees: All appointments made under sections 737.15 and 737.16 of the Revised Code shall be for an instructional period of six (6) months' continuous service, and none shall be finally made until the appointee has satisfactorily served his instructional period. At the end of the instructional period, the Mayor shall transmit to the legislative authority of the Village a record of such employee's service with his recommendations thereon and he may, with the concurrence of the legislative authority, remove or finally appoint the employee. (O.R.C. 737.17)

PERFORMANCE EVALUATIONS**SECTION 3.10**

- A. A formal performance evaluation system provides the employer with an effective mechanism to measure and communicate levels of job performance to employees. It provides the employee with documented, constructive feedback concerning current job performance. A documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotion, and retention of employees.
- B. The work performance of all employees shall be evaluated at least once during an employee's initial or promotional instructional period, and then annually prior to December 31 upon attainment of regular employment.
- C. For employees serving initial or promotional instructional periods, the first evaluation shall be completed approximately halfway through the instructional period. The second evaluation shall be completed prior to the end of the instructional period.
- D. Employees who have successfully completed instruction shall be evaluated annually by their immediate supervisor or other appropriate authority prior to December 31.
- E. A special, additional evaluation may be held if requested by the employee and approved by the employer, or at the discretion of the employer.
- F. Each supervisor shall complete a performance evaluation for each employee he supervises. Supervisors should contact the Village Administrator or designee for performance evaluation forms and instructions.
- G. Supervisors shall rate their subordinates' performances in an objective, uniform, and unbiased manner and in accordance with the procedures established herein and in the performance evaluation form. Supervisors violating these policies will be subject to disciplinary action.

PROMOTION**SECTION 3.11**

- A. When job vacancies occur, current qualified employees shall be given the opportunity to apply for such vacant positions.
- B. Factors to be considered for promotion include, but are not limited to, required training course(s), licensing or certification requirements, other minimum qualifications, annual performance evaluation ratings, and the employee's knowledge, skills, and abilities to perform the essential functions of the vacant position.

Employees interested in being considered for a posted vacancy shall submit a letter of interest to the official designated on the vacancy posting within the posting period.

DEMOTION**SECTION 3.12**

A demotion is the assignment of an employee to a position which has a lower level of responsibility, classification, and compensation. Demotions generally result from an employee's failure to perform the duties of a position at an acceptable level or as a result of discipline. Demotions may also be voluntarily requested by an employee or as an accommodation for a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but who can perform the essential functions of a lower classification with or without a reasonable accommodation. Demoted employees shall be reduced in pay to the corresponding pay for the new classification, at the discretion of the employer.

Employees who desire to be considered for a posted vacancy in a lower classification shall complete a letter of interest and submit it to the official designated on the vacancy posting within the posting period.

TRAINING**SECTION 3.13**

The employer will make reasonable efforts to ensure that employees receive on-the-job and other required training necessary to perform their job. All training must be pre-approved by the Village Administrator prior to any requests for registration. Documentation of training (awards, certificates, etc.) must be submitted to the Fiscal Officer upon completion to be placed in the employees personnel file. This information will also be shared with the Village Administrator.

- A. Employee's Responsibility for Maintaining and Upgrading Job Skills: Each employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, to meet state requirements, and for upgrading skills as necessary to meet technological changes or to seek promotion. The employer will facilitate those efforts and provide training from time to time.
- B. Independent Study/Training: An employee may pursue independent study or training but may not obligate the employer to pay expenses or compensation without specific advance permission.
- C. Training Program Evaluation: The employer will periodically examine current and proposed training programs in order to ensure the programs' relevance to both the individual employee and organizational training needs.
- D. On-the-Job Training (OJT): On-the-job training prepares employees to effectively perform the responsibilities required of their positions. It allows the employees to learn their job duties, proper procedures, and expected performance levels.

- E. Job-Related Training Programs: Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the employer assigns an employee to attend a training program or approves a specific request from an employee to attend a training program, the expense incurred shall be paid by the employer. Any training taken voluntarily by the employee which is job related shall be subject to the prior approval of the employer. The employer will not, however, pay for training when it is taken voluntarily and is not directly related to the employee's job duties in the employee's present position.
- F. Hours Worked: Time spent by FLSA non-exempt employees attending lectures, meetings, classes, and training programs is not considered hours worked when all four (4) of the following criteria are met:
1. Such time is spent outside normal working hours.
 2. Attendance by the employee is voluntary.
 3. The lecture, meeting, class, or training program is not directly job-related.
 4. The employee does not perform any productive work for the employer during the employee's attendance.

Voluntary attendance by an employee at an independent school or college outside working hours is not considered hours worked, even if the courses taken are directly job-related.

Training is directly "job-related" if it is designed to enable the employee to perform the employee's current job more effectively. Training is not job-related if it is designed to train the employee to perform a different job.

- G. Travel Time: When a FLSA non-exempt employee is required to travel to and from an approved lecture, meeting, class, training program, etc. Such time is considered compensable.

Travel time is considered work time when a FLSA non-exempt employee is required to drive a vehicle in order to travel to and from an approved lecture, meeting, class, or training program outside the Village.

- H. An employee's supervisor is responsible for informing each newly hired or promoted employee of the duties the employee is to perform and the standards to which the employee's performance will be measured. This process may be accomplished through employee orientation, training, demonstration of proper performance, performance evaluation, corrective discipline, or a combination of the above.

- A. The employer maintains the legal right to reduce the workforce through layoff or job abolishment when such a reduction is determined necessary by the employer.
- B. Whenever a reduction is necessary, the employer will determine the positions to be eliminated and the individuals to be laid off.
- C. The Village shall consider an employee's qualifications, experience, and performance when determining layoff. In applying this provision, where qualifications, experience and performance are equal, seniority shall govern.
- D. A recall list shall be established for employees affected by the layoff, listing each laid off employee in the order of layoff.
- E. An employee on layoff must keep the Village informed of the address and telephone number where he/she can be contacted. If the Village is unable to contact the employee within seven (7) calendar days, the Village's obligation to recall the employee shall cease. The Village shall have no obligation to recall an employee after he has been on continuous layoff for a period that exceeds one (1) year. Should an employee not return to work when recalled, the Village shall have no further obligation to recall him.
- F. After the positions/employees affected by the layoff have been determined, a letter of notification shall be prepared and signed by the Village Administrator or the Mayor. The letter shall be provided to each affected employee after approval of the layoff by the Village Council.
- G. The notice of layoff shall be delivered to the affected employee(s) at least fourteen (14) days prior to the effective date of the layoff.
- H. The following information must be contained in the layoff notice:
 - 1. Effective date of the layoff.
 - 2. A statement advising the employee of the employee's right to recall.
 - 3. A statement that the employee is responsible for maintaining a current address with the employer.
- I. In the event the employer decides to refill the position within one (1) year following the date of the layoff, employees shall be recalled in the inverse order of the layoff so long as they meet the minimum qualifications and can perform the duties of the job.

RESIGNATION**SECTION 3.15**

- A. Employees may voluntarily resign by submitting a written letter of resignation to their immediate supervisor. Administrative and professional personnel shall

provide at least thirty (30) days' notice, and other employees at least fourteen (14) days' notice prior to the effective date of separation. The letter shall be a signed, dated statement indicating the employee's desire to resign and the effective date of separation. Failure to give proper, timely notification may render the employee ineligible for future re-employment with the Village of Covington.

- B. An employee who resigns in good standing may be reinstated, at the discretion of the employer, to the employee's former position or a similar position within one (1) year following the employee's resignation, provided the former employee remains qualified to perform the duties of the position, the position is vacant, and reinstatement would be in the best interest of the employer.
- C. The Village Administrator or designee shall attempt to schedule an exit interview with the employee prior to the effective date of the resignation. Such interview shall be conducted prior to issuance of the employee's final pay.
- D. It is the employer's policy to provide only the following information in response to requests for employment references regarding former employees:
 - 1. Employment dates.
 - 2. Employee's classification.
 - 3. Beginning and ending pay rates.
 - 4. Employee's reason for resigning as stated in the letter of resignation.

In addition, the employer will comply with the Ohio Public Records Act pursuant to the Public Records — Inspection, Release and Retention section of this manual.

- E. Letters of resignation shall contain the following information:
 - 1. A statement indicating the employee's intention to resign.
 - 2. The date of the letter.
 - 3. The effective date of resignation.
 - 4. The reason for resignation (optional).
 - 5. The employee's signature.
- F. The employee's supervisor shall forward the letter of resignation to the Village Administrator or designee immediately upon receipt.

- A. The Village Administrator or designee shall provide the resigning employee with an Exit Interview Form as soon as possible and request that the employee complete the form and discuss its contents at an exit interview. The exit interview shall be scheduled and held prior to presentation of the employee's last paycheck. The exit interview is for the purpose of:
 - 1. Discovering any unknown grievances or problems relating to the resigning employee's employment.
 - 2. Determining all compensation and benefits owed.
 - 3. Determining the resigning employee's availability for future employment (if applicable).
 - 4. Ensuring all employer-owned equipment has been returned.
 - 5. Obtaining the resigning employee's correct mailing address.
- B. The Village Administrator or designee shall sign, date, and place the exit interview form in the employee's personnel file.

NEW HIRE REPORTING **SECTION 3.17**

Generally: In accordance with r.c.3121.89-2131.8911, the employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits.

The employer shall forward an ODJFS New Hire Reporting Form or a copy of the employee's I.R.S. W-4 Form to the New Hire Reporting Program, P.O. Box 15309, Columbus, OH 43215-0309. Such form should be forwarded within fifteen (15) calendar days of the date of hire. (Employers who desire to submit such reports electronically should contact Technical Support at [888] 872-1490 or Fax [888] 872-1611 or www.oh-newhire.com.)

NOTICE OF PAYROLL CHANGES **SECTION 3.18**

- A. The Village Administrator or designee and/or department head shall notify the fiscal officer of all personnel actions which affect payroll. Examples of such personnel actions include but are not limited to the following:
 - 1. Hiring new employees
 - 2. Promotions

3. Demotions
 4. Pay Increases
 5. Reclassification of existing job
 6. Resignations
 7. Retirements
 8. Layoffs
 9. Recalls following layoff
 10. Discharge (removals)
- B. The employer shall complete a Payroll Change Notice each time a personnel action is implemented which affects payroll. A sample of the form is contained in this manual.
- C. The Village Administrator or designee shall approve or disapprove the change and sign and date the Payroll Change Notice only if approved.
- D. One (1) copy of the approved Payroll Change Notice shall be forwarded to the fiscal officer for processing payroll and then placed in the employee's personnel file.

NEPOTISM**SECTION 3.19**

- A. Pursuant to R.C. 2921.42, it is important to have a policy to prevent the possibility of nepotism in the workplace. Courts have generally upheld anti-nepotism policies as constitutional because the employer has a rational basis for wanting to prevent:
1. Favoritism in job assignment, job promotion, additional employment, and pay.
 2. Creation of morale problems.
 3. Reduction in productivity.
 4. Increased absenteeism.
 5. Conflicts of interest.
 6. Problems in administering discipline.

- B. "Related" employees as identified in this paragraph include those persons related to employees, public officials, or members of the Village Council through family of origin, extended family, or marital affiliation. For the purposes of this policy, the terms "related" employees and "relatives" include: spouse, child/step-child, son-in-law, daughter-in-law, parent, sibling/step-sibling, uncle, aunt, nephew, niece, grandparent, grandchild, or any other person related by blood or marriage and residing in the employee's household.
- C. This policy prohibits "related" employees from occupying positions within the same hierarchy of supervision. Furthermore, a public official/board member is prohibited from soliciting or using his authority or influence, formally or informally, to secure the employment of a "related" employee, or to otherwise act with respect to that related individual's employment. These matters include, but are not limited to, any of the following:
 - 1. Changes in compensation or benefits (vacation, sick leave, holidays, etc.) that are determined by individual working conditions.
 - 2. The assignment of duties that will change the terms of employment, evaluations, and actions involving promotions, discipline layoffs, and termination.
- D. This policy does, however, permit the hiring of "related" employees, provided that paragraph (C) is not violated.
- E. If two (2) employees of the Village marry subsequent to the adoption of this policy, all of the policy requirements shall be applicable to them.
- F. Any employees/public officials who violate this policy will be disciplined accordingly, up to and including termination.
- G. Employees/public officials must notify the Village Administrator or designee prior to any "newly formed" family relationships (marriage, adoption) between employees that will result in a violation of this policy.
- H. The Village Administrator or designee will make an effort to work with the employees who become part of any "newly formed" family relationship in order to avoid any violations of this policy.
- I. Further, this policy's application is intended for the administrative operations of the Village. Persons are not barred or precluded from employment with the Village based on a relationship with a member of the Village's legislative body.

COMPENSATION**SECTION 4.01**

- A. The compensation practices of the employer will comply with sound personnel management principles and practices and be in compliance with applicable laws and regulations. No compensation decisions shall be unlawfully based upon race, color, ancestry, religion, sex, national origin, age, military status/veteran's status, genetic information, or disability.
- B. The Village Council will establish an equitable compensation system for employees which shall be, insofar as practicable, competitive with comparable jurisdictions.
- C. The Village Council will ensure that wages:
 - 1. Are based upon a logical and unbiased method of grading the "worth" of each classification within the organization.
 - 2. Are competitively based upon consideration of rates currently paid in the local labor market for comparable jobs.
 - 3. Comply with governing laws, regulations and executive orders.
- D. General increases will be made at the discretion of the Village Council.
- E. Changes in compensation due to promotions, demotions, performance evaluations, etc., will be in accordance with the employer's compensation plan.

PAY PERIODS/PAYCHECKS**SECTION 4.02**

- A. There are generally twenty-six (26) pay periods per year consisting of two (2) weeks each. The weekly pay period begins at 12:00 a.m. Saturday and ends at 11:59 p.m. the succeeding Friday.
- B. Pay day shall be on Thursday after the ending of the two (2) week pay period. If a payday occurs on a holiday, paychecks will be issued on the preceding day, except under extenuating circumstances, in which case paychecks will be issued on the next following workday.
- C. Pay advances are not permitted.
- D. Questions regarding pay shall be addressed to the immediate supervisor.
- E. Only an employee or a previously authorized person with proper identification may obtain an employee's paycheck.

Employees must inform the fiscal officer in advance in writing of the identity of any person authorized to obtain the employee's check on the employee's behalf.

- F. The Village has the right to implement a program requiring employees to receive wages through direct deposit.

PAYROLL DEDUCTIONS**SECTION 4.03**

Deductions required by law and/or in conformity with the employer's benefit plans shall be withheld from employees' paychecks. Such deductions include Ohio Public Employees Retirement System (OPERS) contributions, Ohio Police & Fire Pension Fund (OPFPF), income taxes, Medicare tax, medical insurance premiums, etc. Other approved deductions requested by the employee may also be withheld. (It may be possible for you to authorize the Village to make additional deductions from your paycheck, such as Ohio Deferred Compensation plan). The employer may refuse to make deductions, not required by law, which the employer deems not in the employer's best interests.

- A. Income Taxes: Employees are required to complete withholding tax forms (W-4) upon initial employment and also inform the fiscal officer of any dependency change whenever such change occurs. The amount withheld varies according to law and the amount of salary and number of dependency exemptions.
- B. Health Care: All requests for health care related payroll deductions shall be presented in writing by the employee to the fiscal officer. Payroll deductions are itemized on the employee's pay statement which accompanies the employee's paycheck.
- C. OPERS & OPFPF: The state law requires that employees contribute to OPERS and OPFPF rather than Social Security. Membership in these systems is compulsory upon being employed except those persons specifically exempted under the provisions of the Ohio Revised Code.
- D. Miscellaneous: Other deductions may include wage garnishments, deferred compensation, child support, credit union, employee insurance contributions, possible Village charges for withholding, etc.
- E. Authorization: All requests for payroll deductions must be presented in writing by the employee to the fiscal officer who shall make only those deductions authorized by the Village Administrator or designee and/or required by law.

WORK SCHEDULING**SECTION 4.04**

- A. The normal work period for full-time employees shall be seven (7) days beginning on Saturday of each calendar week and ending the next succeeding Friday, as defined in Section 4.02 contained herein. No established schedule shall be construed as a guarantee of work hours or as a restriction on the employer's right to restructure the workday or workweek.

- B. Subject to the discretion of the employer, employees may be authorized to take break periods each full working day. Such breaks shall not interfere with the proper performance of the employee's work responsibilities.

Each department or office's standard workday, workweek, and starting and quitting times shall be appropriately communicated to the affected employee(s).

TIME RECORDS**SECTION 4.05**

All non-exempt employees under the FLSA are required to record all hours worked for the employer, including all times the employee started work and stopped work each workday. Time sheets and time clocks are used by the employer to document the hours worked by non-exempt employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the employer may result in disciplinary action.

Failure to properly record times, misrepresentation of time worked, the altering of any time record, or allowing a time record to be altered by another employee will result in disciplinary action up to and including termination.

Hours Recorded

An employee must record only approved types of work hours. The approved types of hours to be worked are as follows:

- A. Standard Hour
- B. Vacation Hour
- C. Sick Leave Hour
- D. Holiday Hour
- E. Compensatory Hour (only if over 40 hours in a work week)

Time Sheets

- A. For purposes of public accountability, all non-exempt employees shall be required to account for all time worked and performed for the Village by filling out time sheets. These sheets will serve as the official record of actual time worked by Village employees. Accordingly, all employees must fill in the time they arrive and are ready for duty on the time sheets. This entry should reflect the actual start time to the nearest hour and minute (e.g., 8:03 a.m., 7:57 a.m., etc.).
- B. All employees shall be required to sign out each time they are relieved of duty for more than thirty (30) consecutive minutes (e.g., taking lunch, at the end of the day, etc.). As with the procedure outlined above, this entry should reflect the actual time to the nearest hour and minute the employee is relieved of duty (e.g., 4:28 p.m., 4:32 p.m., etc.). Generally, employees are not required to sign out when taking breaks that are twenty (20) minutes or less in duration.

- C. For purposes of public accountability, all employees are expected to work a regularly scheduled week, in accordance with their schedule of compensation. (See also Section 7.01, Ethics of Public Employment.)
- D. At the end of every pay period, each employee shall review his/her time sheets for accuracy. Once the accuracy of the entries has been verified, the employee shall then sign and date the sheet and return it to their supervisor, who shall review the time sheet, approve, and forward it to the Village Administrator, Mayor, or designee.

STARTING/LUNCH/QUITTING TIMES **SECTION 4.06**

- A. Certain positions in the Village have flexible starting and quitting times while others have definite starting and quitting times. Any questions that an employee may have regarding his starting and quitting times should be directed to his immediate supervisor. Those non-exempt employees who have definite starting and quitting times are not permitted to begin work and/or sign in prior to six (6) minutes before their scheduled starting time or to continue working and/or sign out more than six (6) minutes after their scheduled quitting time without having received approval in advance from the employee's supervisor, except in emergency situations where advance approval cannot be obtained.
- B. Police department employees shall be provided a paid thirty (30) minute lunch period each workday, to be determined by the Police Chief. The lunch period is designed to be uninterrupted; however, employees are expected to provide service to customers during this period if necessary.
- C. All non-police department employees working six (6) or more consecutive hours shall be provided an uninterrupted, unpaid thirty (30) minute lunch period each workday to be determined by the Village Administrator.

OVERTIME/COMPENSATORY TIME **SECTION 4.07**

Updated Ord 26-21 (December 6,2021)

- A. In general, the term Compensatory Time shall mean Overtime.
- B. Any employee may be required to work in excess of the normal scheduled workday or workweek to meet operational demands of the Village. Non-exempt employees under the FLSA shall earn Overtime for all hours worked in excess of forty (40) in any seven (7) day work week or an eighty (80) hour pay period as defined below.
- C. Overtime shall be calculated at one and a half (1.5) times for every one (1) regular hour worked above 40 hours in a standard scheduled work week. An example would be if an employee works 44 hours within a standard scheduled work week, he/she would be paid for a 40-hour week, but the employee will also earn six (6) hours of overtime (44-40= 4, 4x1.5 = 6).

- D. Emergency Pay as defined in Section 5.07 not be counted as regular hours for the purpose of calculating Overtime.
 - E. Police officers shall utilize an eight (80) hour pay period for calculations of Overtime earned.
 - F. In general, eligibility for overtime shall be based upon hours worked by the employee. The only exception is that holidays for which the employee receives pay but does not work shall be considered in the calculation of compensatory time.
 - G. Overtime is generally discouraged and is usually performed only when the employer determines it is necessary. All overtime must be approved by the Mayor or Village Administrator in advance.
 - H. When a non-exempt employee incurs an overnight stay on Village business, such time shall not be considered time worked for purposes of calculating overtime, except to the extent that the time coincides with the employee's normal working hours, or to the extent the employee is doing actual work (i.e., driving a vehicle, attending meetings).
 - I. Hours spent by non-exempt employees at lectures, meetings, training programs, and similar activities designed to assist the employee in performing the employee's current job more effectively, are counted as working time for purposes of determining eligibility for overtime if such training is required or authorized by the employer.
 - 1. However, attendance outside of regular working hours at specialized or follow-up training which is required by law for required certification does not constitute compensable hours of work even if all or part of the costs of the training is paid by the employer. Likewise, any training courses designed to prepare an employee for advancement to another position shall not be considered compensable hours of work provided the following criteria are met:
 - a. Attendance is outside the employee's regular working hours.
 - b. Attendance is voluntary.
 - c. The employee does not perform any productive work while attending the training program.
 - J. Scheduled Overtime which is subsequently canceled for any reason shall not entitle the employee to overtime compensation.
 - K. Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the calculation of the overtime hours cannot reasonably be calculated within this time frame, such overtime pay shall be paid with the next regular pay.
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- L. The employer maintains the right to flex employee’s work schedules within the work period to reduce overtime hours.
- M. Each employee who must work overtime shall complete an Overtime Authorization Form and submit it to the employee's supervisor for approval.
- N. Below is an example of four employees per this policy:

EXAMPLE OF A WORK WEEK WITH OVERTIME

	Regular	Holiday	Vac	Sick	Emergency	Overtime	Total
Employee #1	40					4	44
Employee #2	32		8		2		42
Employee #3	24	8		8	2		42
Employee #4	32		6		2		40

- Employee #1 worked 44 hours in a seven-day period and earned 4 hours of overtime pay.
- Employee #2 worked 32 regular hours and took 8 hours of vacation but was called in per Section 5.07 and earned 2 hours of overtime pay.
- Employee #3 worked 24 regular hours, earned an 8-hour holiday, and took 8 hours of sick leave, but was called in per Section 5.07 and earned 2 hours of overtime pay.
- Employee #4 worked 32 regular hours and took 8 hours of vacation, but was called in per Section 5.07, and decided to reduce their vacation hours taken by 2 hours, not earning any overtime pay.

EXEMPT EMPLOYEES

SECTION 4.08

Salaried employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay or compensatory time as defined herein. Such employees shall not receive a reduction in pay for absences of less than one (1) day. However, absences of one (1) full day or more shall be deducted from the employee’s sick leave, vacation leave, or compensatory time accumulation if the employee has such leave accumulated. It is not the intent of the employer to make improper deductions, and if an exempt employee feels there have been any improper deductions they shall report such deductions to a supervisor. The Village will remedy improper deductions the next pay-period.

Exempt employees shall submit a Request For Leave of Absence Form to the appointing authority for approval for any absence of one (1) full day or more and designate the type of leave accrual from which the time is to be deducted. For absences of less than one (1) day, such employees shall attempt to consult with the employee’s supervisor or appointing authority to receive approval for the absence.

CELL PHONE REIMBURSEMENT

SECTION 4.09

The Village of Covington Council will reimburse Village employees for the use of their cell phones for Village Business at the following rates:

Village Administrator, Chief of Police,
Village Services Supervisor, Mayor \$60.00 per month.

Utility Department Operators,
Truck Driver Labors \$20.00 per month

SICK LEAVE**SECTION 5.01**

Updated Ord 26-21 (December 6,2021)

- A. All full-time employees will receive 4.615 hours of sick leave for each eighty (80) hours of pay received.
- B. Credit For Prior Service: Employees who previously separated from another government entity may have their unused balance of accumulated sick leave reinstated, provided the time between separation does not exceed ten (10) years and no portion of the unused balance was previously converted to cash. Employees are responsible for requesting that the employer credit such previously accrued sick leave. Employees will be allotted a maximum of eighty (80) hours credited.
- Employees must provide the Village with documentation from the prior employer showing prior service dates in order to be credited.
- C. Usage: Sick leave may be used for the following reasons:
1. Personal illness, bodily injury, pregnancy or childbirth-related conditions, exposure to contagious disease of the employee, or other exigent circumstances surrounding the pregnancy of the employee's spouse, or illness or injury occurring to the employee's immediate family, as defined in this section.
 2. Leave approved as bereavement leave for death of an immediate family member as defined in Section 5.06.
- D. Immediate Family: For purposes of this policy, "immediate family" is defined as the employee's: spouse, child (including step-child), parent, mother-in-law, or father-in-law, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or a person who stands in place of a parent of the employee or employee's spouse.
- E. Payment: Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. If requested sick leave is denied and as a result an employee is overpaid, such over payment shall be deducted from the employee's next paycheck. Sick leave shall be charged in one-quarter (1/4) hour increments.
- F. Denial: The employer maintains the right to investigate the circumstances surrounding an employee's request for sick leave. A request for sick leave shall be denied if:
1. The employee fails to comply with the procedure for proper sick leave usage.

2. The employee fails to present an acceptable required medical practitioner's statement or a properly completed request form.
 3. Investigation of the request discloses facts inconsistent with the proper use of sick leave, such as excessive occasions of sick leave usage, a pattern of using sick leave before or after regular days off, alteration of a medical practitioner's statement, or other evidence of intent to defraud.
- G. Use of Other Leave: Employees without accrued sick leave who are absent shall be considered absent without leave unless the employee requests and the department head approves the use of accrued vacation leave or compensatory time for such absence. Employees without accrued sick leave, vacation leave, or compensatory time may be granted a leave of absence without pay as provided in this manual, at the discretion of the employer.
- H. Employees who use sick leave for an unauthorized purpose or abuse sick leave will be subject to discipline in accordance with Section 7.04 of this manual.
- I. An employee requesting sick leave must notify the department head or designee of the employee's absence and reason, therefore, by no later than the employee's scheduled starting time (for police department employees: no later than two (2) hours prior to the start of the shift). All employees shall follow the applicable notification requirement each day the employee is absent, unless otherwise instructed by the department head. If an illness extends beyond one (1) day, employees should provide the department head with an expected date of return.
- J. Upon returning to work from sick leave, an employee must complete a Request for Leave of Absence Form, attach all required supporting documents, and submit the form to the employee's department head.
- K. Employees who obtain medical attention while on sick leave shall attach a medical physician's statement to the request for leave of absence which must indicate the date and nature of the illness or injury, the date of the medical practitioner's examination, and the signature of the medical practitioner or designee.
- L. If an illness or injury extends for more than two (2) consecutive work days, an employee must submit a licensed medical physician's statement with the request for leave of absence which must indicate the date and nature of the illness or injury. In cases of excessive use or a pattern of use of sick leave, an employee's department head may require a medical physician's statement that states the date(s) of the illness or injury, the nature of the illness or injury, and the date the employee is able to return to work and perform all essential functions of the employee's position. The medical physician's certificate shall be presented to the department head no later than the sixth consecutive work day after the commencement of the employee's absence, or on the third day of the employee's absence, or upon the employee's return to work.

- M. The department head shall review each completed Request for Leave of Absence Form and the circumstances surrounding the absence. A recommendation for approval or denial of the sick leave shall be made and the appropriate signature placed on the Request for Leave of Absence Form. If approved, the form shall be forwarded to the Village Administrator.
- N. The department head shall inform any employee whose sick leave request is denied of the denial, the reason(s) for the denial that the employee will not be paid for the absence and initiate necessary disciplinary action.
- O. Sick leave records shall be updated at the completion of each pay period.
- P. Sick Leave shall be considered a separate calculation for the purposes of calculating a standard scheduled work week and will not count against the forty (40) hour requirement. An example would be an employee that works 40 regular hours (8 hours on the weekend, 4 weekdays), and has 8 hours of sick leave (1 day), in the same week, would earn eight hours of overtime payout.
1. Saturday – 4 hours
 2. Sunday – 4 hours
 3. Monday – 8 hours
 4. Tuesday – 8 hours
 5. Wednesday – SICK – 8 hours
 6. Thursday – 8 hours
 7. Friday – 8 hours
 8. **Total:** 32 hours of scheduled regular pay, 8 hours of sick pay, 8 hours of overtime pay.

SICK LEAVE CONVERSION**SECTION 5.02**

- A. Upon retirement, an employee shall receive payment of accrued but unused sick leave for active service with the Village; one-fourth (1/4) of accumulated sick leave up to a total value of four hundred (400) hours shall be paid.
- If an employee resigns or has his/her employment terminated, the Village employee shall forfeit all accumulated sick leave.
- B. Payment shall be based on the employee's rate of pay at the time of retirement.
- C. Payment under this policy shall eliminate all sick leave credit accrued by the employee at the time of payment.
- D. In the event of the death of an active employee of the Village, having at the time of death, ten (10) or more years of service with the Village, the estate of such employee shall be entitled to be paid in cash the appropriate percentage of his accrued but unused sick leave credit, computed by the same method and having the same limitations as set in Section 5.02.

Employees eligible to receive payment hereunder upon retirement from active service under OPERS or OPFPF shall contact the fiscal officer and complete a Sick Leave Conversion Request Form.

VACATION LEAVE **SECTION 5.03**

- A. For the purpose of vacation leave accrual, all vacation is accrued starting January 1 and ending December 31.
- B. Earning Vacation: Each full-time, non-contracted, employee hired prior to May 1, 2011 shall accrue vacation based on their anniversary date of hiring with the Village of Covington as follows:

<i>Years of Service Completed</i>	<i>Vacation Accrual</i>	<i>Vacation Earned / 80 Hours</i>
1 Year	2 Weeks	3.077
4 Years	3 Weeks	4.615
9 Years	4 Weeks	6.154
19 Years	5 Weeks	7.7

- C. Earning Vacation: Each full-time, non-contracted, employee hired after to May 1, 2011 shall accrue vacation based on their anniversary date of hiring with the Village of Covington as follows:

<i>Years of Service Completed</i>	<i>Vacation Accrual</i>	<i>Vacation Earned / 80 Hours</i>
0-7 Years	2 Weeks	3.077
8-14 Years	3 Weeks	4.615
15+ Years	4 Weeks	6.154

- D. All full-time, non-contracted, employees will receive the listed vacation hours per eighty (80) hours of pay received.
- E. Accrued Vacation leave shall not exceed the maximum earned vacation leave per year or a maximum of 160 hours, whichever is less. Hours above those limits after December 31 of the year, will be forfeited.
- F. Vacation Calendar:
 - 1. Within each department (Administration, Village Services – Public Works, Village Services - Utilities, Police) a vacation calendar shall be completed in January of each year.
 - 2. In an effort to maintain uninterrupted services in the Village, one (1) person per department will be permitted to utilize vacation time per day, unless approved by the Supervisor or Village Administrator when it will not affect services.
 - 3. The Vacation calendar shall be completed for the entire year (January 1 to December 31) and be completed generally as follows:
 - i. Starting with the most senior employee in each department, an employee will select up to one week (5 days) of vacation and

reserve it on the vacation calendar. An employee may select a single day as their priority. Each subsequent employee with the most seniority will select up to one week (5 days) of vacation and reserve it on the vacation calendar. Once all employees have had an opportunity, the most senior employee will again be given a chance to put up to one week (5 days) of vacation for reservation on the vacation calendar and again moving through seniority.

- ii. Employees are not required to put vacation leave on the calendar, but any vacation leave not on the calendar does not get priority. Any vacation leave not placed on the vacation calendar is subject to approval when it is requested.
- iii. An employee may take a maximum of two (2) weeks off in a row.
- iv. After the completion of the vacation calendar, this shall be provided to the Village Administrator and posted for all employees within the department to review.
- v. Modifications to the completed department calendar may be made by filling out a Request for Leave of Absence form to the Department Supervisor, at least five (5) days prior to the vacation days being used.
- vi. Requests for modification shall be reviewed and approved based on the ability of the Village to provide required services.
- vii. When modifications are approved by a Department Supervisor, an updated Vacation Calendar shall be made by the Department Supervisor, posted within the department, and provided to the Village Administrator.

G. Scheduling and Approval:

1. Vacation requests will be first made on the vacation calendar, and then on a first come first serve basis and depend upon operational needs. If necessary, the employer will consider seniority of employees if requests are given simultaneously.
2. All vacation requests must be submitted in writing using a Request for Leave of Absence form at least five (5) working days in advance of use.
3. The responsibilities of an employee's job may require the Village Administrator or Supervisor to restrict the scheduling of vacation during certain periods of the year.
4. Vacation shall be taken in one (1) hour increments.
5. Sick leave shall not be substituted for vacation leave if an illness occurs while an employee is on vacation.

H. Vacation Leave Payout:

1. Should an employee resign or retire the employee may be given the option of a vacation leave payout instead of being required to use the unused balance of his/her vacation time before the employee's final date. This option will be at the discretion and approval of the Village Administrator or Mayor and will be based on minimum staffing requirements.

2. The vacation time payout will be calculated on the current hourly rate of the employee at the time of his/her resignation multiplied by the number of unused vacation hours due to the employee.

HOLIDAYS**SECTION 5.04**

- A. Eligibility: Full-time employees are entitled to the paid holidays listed below.
- B. Holidays: Eligible employees are entitled to the following twelve (12) holidays, which follow the Federal Government Holiday Schedule. Any changes to the holiday schedule shall reflect the Federal Government designated holidays.
 1. New Year's Day
 2. Martin Luther King Day
 3. President's Day
 4. Memorial Day
 5. Juneteenth
 6. Independence Day
 7. Labor Day
 8. Columbus Day
 9. Veteran's Day
 10. Thanksgiving Day
 11. Day after Thanksgiving Day
 12. Christmas Day
- C. Observance:
 1. If the holiday falls on a Saturday, it will be observed the Friday before. However, if the holiday falls on a Sunday, it will be observed the following Monday.
- D. Holiday Payment:
 1. Employees not working on a Holiday will be paid out on a pro-rata basis on employees' normal hours worked during a work day with a maximum of eight (8) hours of holiday pay per holiday.
 2. Employees scheduled to work on a Holiday will be paid "Holiday Working Pay" at a rate of one and a half (1.5) times their standard rate of pay for hours worked on a holiday. For the purposes of defining "Holiday Working Pay", all holidays begin at 12:00AM and end at 11:59PM.
 3. If an employee is paid for a "Holiday Working Pay" hour, they will not be paid for any other hourly wages for that day.

PERSONAL LEAVE **SECTION 5.05**

- A. Each full-time employee of the Village of Covington will receive three (3) days of personal leave per calendar year after completing six (6) months of employment.
- B. Personal days may not be utilized adjacent to holidays unless there is prior approval from the Village Administrator or Mayor.
- C. Personal days shall not be cumulative and if not taken within the calendar year shall be forfeited upon completion of the last scheduled work day of the calendar year. Also, personal leave will be paid on a pro-rata basis based upon employees' normal hours worked during a work day with a maximum of 8 hours of personal time paid per personal day.

BEREAVEMENT LEAVE **SECTION 5.06**

Employees shall be entitled to use up to five (5) days of sick leave as bereavement leave in the event of the death of an employee's immediate family member for the purpose of making funeral arrangements, attending funeral services and the like. The term "immediate family member" shall mean the employee's: spouse, child (including step-child), parent, (including step-parent), mother-in-law, or father-in-law, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or a person who stands in place of a parent of the employee or employee's spouse. Additional leave may be granted by the Village Administrator. Also, any person who falls outside of the immediate family may be considered; however, an employee must follow up with the Village Administrator prior to taking any leave (other forms of leave such as personal, or vacation may be considered to cover; however, it will be up to the Village Administrator whether to grant such leave).

An employee requesting leave for the funeral of a family member must complete a Request for Leave of Absence Form and attach a copy of the family member's obituary, or other proof of death, and submit the request to the department head for approval.

CALL IN PAY **SECTION 5.07**

Updated Ord 26-21 (December 6,2021)

- A. All full-time non-salaried employees, who are required to be at an emergency event, such as a utility main break, snow event, or road closure, and is called in to work by a supervisor outside of scheduled work hours shall be credited with a minimum of two hours of work for "Emergency Pay".
- B. "Emergency Pay" is defined as pay that is earned when an employee works hours not scheduled in daily, weekly, or monthly schedules and is specifically called in to work for an emergency event. This does not include hours for the Utilities Department scheduled on the weekend calendar, nor does it include extended hours after regular work hours for an employee.

- C. An example of acceptable “Emergency pay” would be for a winter weather event at 2AM, or for a water main break on a Sunday at 1PM.
- D. An example of an unacceptable “emergency pay” would be if an employee worked until 5PM on an already scheduled day of work, as that would be considered regular hours until the employee worked 40 hours in a work week at which time that would be considered overtime per Section 4.07.
- E. Below is an example of four employees per this policy:

EXAMPLE OF A WORK WEEK WITH CALL IN PAY

	Regular	Holiday	Vac	Sick	Emergency	Overtime	Total
Employee #1	40					5	45
Employee #2	32		8		2		42
Employee #3	24	8		8	2		42
Employee #4	32		6		2		40

- Employee #1 worked 45 hours in a seven-day period which included working on the weekend for scheduled time and earned 5 hours of overtime pay per Section 4.07 but did not earn any call in pay for the weekend work.
 - Employee #2 worked 32 regular hours and took 8 hours of vacation but was called in per this section and earned 2 hours of call-in pay at the overtime rate.
 - Employee #3 worked 24 regular hours, earned an 8-hour holiday, and took 8 hours of sick leave, but was called in per Section 5.07 and earned 2 hours of overtime pay.
 - Employee #4 worked 32 regular hours and took 8 hours of vacation, but was called in per this section, and decided to reduce their vacation hours taken by 2 hours, not earning any overtime pay.
- F. If an employee is called in to work from a pre-determined list, that employee shall be given warning of their placement on such list, and it is expected that the employee come in to work for “emergency pay”. No pay shall be provided to employees who are on a pre-determined call-in list, only if they are called in to work and are paid “emergency pay”.
- G. If an employee is unavailable to come into work for “emergency pay” when called, and that employee was made aware of their placement on the pre-determined call-in list, that employee shall be disciplined per Section 8 of this policy manual.

JURY DUTY LEAVE

SECTION 5.08

- A. Eligibility: All employees shall be entitled to leave when subpoenaed for jury duty by the United States, the State of Ohio, or any court of record during regular working hours

- B. Payment: This section shall not apply to employees who appear in court on behalf of the Village as part of the employee’s employment. Such appearances will be compensated as hours worked. Employees eligible for jury duty leave may keep the court payment earned and will be paid the balance of the employee’s applicable daily wage for all time off jury leave.

Employees will be expected to report to work following jury duty if three (3) hours or more remain in the scheduled work day.

Employees shall complete a Request for Leave of Absence Form, attach a copy of the jury duty notice, and submit the completed form to the employee's department head as soon as they become aware of the need for such leave.

MILITARY LEAVE **SECTION 5.09**

Military leave is a complex issue that is governed by both Federal (The Uniformed Services Employment and Reemployment Rights Act or USERRA) and state law. The Village will comply with all applicable federal and state laws regarding Military Leave.

LEAVE OF ABSENCE WITHOUT PAY **SECTION 5.10**

- A. Eligibility: Any employee may request a leave of absence from employment without pay. Approval is solely at the discretion of the employer, with each request determined on its own merits. A leave of absence without pay shall not exceed six (6) months.
- B. Return From Leave: Upon returning from an approved leave of absence, the employee will be placed in the employee's original position, or another position in the same classification should the employee's original position be unavailable. Should no similar position be available, the employee will be laid off.
- C. Failure to Return or Properly Use Leave: Failure to return to work upon the expiration of an authorized leave of absence without acceptable justification will be deemed a voluntary resignation. Failure to use a leave of absence for the reasons stated in the request for leave may result in cancellation of the leave.
- D. Effect on Employment: Sick leave and holiday pay are not earned by employees while on an authorized leave of absence without pay. Vacation leave is adjusted (prorated) so that an employee does not earn vacation leave for the period of time the employee is on an authorized leave of absence without pay. A leave of absence without pay will not be considered a break in service for seniority purposes.

All requests for leaves of absence without pay shall be submitted to the Village Administrator or designee on a Request for Leave of Absence Form indicating the specific reason for the requested leave and any supporting documentation available must be attached.

WORKERS' COMPENSATION**SECTION 5.11**

- A. State law provides that all employees be covered by Workers' Compensation for injuries that arise out of or in the course of employment. The employer contributes to the Workers' Compensation insurance fund an amount determined by the fund, based on the employer's claim's experience rate.
- B. All injuries which arise out of or in the course of employment shall be reported and compensated for under this Workers' Compensation section, not under the employer's health insurance plan.
- C. Injury Reports: Whenever an employee is injured during the course of employment, the employee's supervisor and the employee shall complete an Injury/Accident Form regardless of how serious or apparent any injury may be and whether or not medical attention is required. The form shall be completed within twenty-four (24) hours of the injury or accident and to avoid possible delays in processing the claims. The supervisor or department head shall investigate the cause of the accident, review and complete the form, and forward it to the Village Administrator or designee.
- D. Application for Payment of Medical Benefits Only: When an employee's injury requires any type of medical attention, the employee's supervisor shall, in addition to the injury/accident report described above, refer the injured employee to the employer-designated MCO to file a Bureau of Workers' Compensation First Report of an Injury, Occupational Disease, or Death FROI-1 Form. The form shall be completed and signed by the employee.
- E. Return to Work: The employer must be kept informed if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to the employer their expected date of return (if known). The employee's department head shall notify the fiscal officer in writing when an employee is able to return to work.
- F. Documentation: Any documents received from the injured employee, the employee's physician, the hospital, or the state regarding Workers' Compensation claims shall be forwarded immediately to the Village Administrator.
- G. Wages on Injury Date: Employees who are injured during the course of employment who must leave work prior to completing their work day shall be paid their regular rate for the balance of time left in their scheduled work day.

- H. Simultaneous Payments: Employees are prohibited from receiving payment for sick leave while simultaneously receiving wage compensation from workers' compensation.

An employee injured in the course of employment, and who requests Workers' Compensation payments is required to use up to a total of 960 hours accrued sick leave in accordance with employer policy prior to receiving payments from the Bureau of Workers' Compensation.

- I. Light Duty: The Village of Covington will make reasonable accommodations to provide for light duty work for an employee with a physician's order.

DISABILITY - SEPARATION**SECTION 5.12**

- A. Medical Examination: The employer may require an employee to submit to a medical or psychological examination in order to determine the employee's capability to perform the essential functions of the employee's position with or without a reasonable accommodation.

1. Such examination shall be conducted by a licensed medical practitioner as determined by the employer.
2. Prior to examination, the employer will supply the examining practitioner with facts relating to the perceived disabling illness, injury, or condition and supply additional information including physical and mental requirements of the employee's position, duty statements and position description.
3. The cost of the examination shall be paid by the Village. Both the employer and the employee shall receive the results of the examination and related documents.
4. An employee's refusal to submit to the examination, an unexcused failure to appear for an examination, failure to comply with the examination, or the refusal to release the results of an examination to the employer, will result in termination of the employee's employment with the Village.

- B. Preseparation Conference: The employer shall institute preseparation proceedings when the results of a medical or psychological examination or the employee's own statements give the employer reason to believe an employee is incapable of performing the essential functions of the employee's assigned position with or without a reasonable accommodation.

1. Under such proceedings, a conference shall be scheduled and advance written notice shall be provided to the employee.
2. If the employee does not waive the right to the conference, then at the conference the employee has a right to examine the employer's evidence

of disability, to rebut such evidence and to present testimony and evidence on the employee’s own behalf.

- C. Employer’s Determination: If the employer determines, after weighing the testimony presented and evidence admitted at the preseparation conference, that the employee is capable of performing the essential functions of his/her position, then the preseparation conference shall cease and the employee shall be directed to report for work. If the employer determines, after weighing the testimony presented and the evidence admitted at the preseparation conference, that the employee is unable to perform the essential functions, even with reasonable accommodations if necessary, then the employer shall notify the employee that his employment with the Village is being terminated.

GROUP HEALTH INSURANCE	SECTION 5.13
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- A. Eligibility: All full-time employees of the Village of Covington shall be entitled to health insurance coverage approved by Council.
- B. Employees shall pay fifteen percent (15%) of the premium costs associated with the purchase of health insurance coverage. Payment of deductibles, co-pays, and any other unpaid health and medical bills shall be the full responsibility of the employee

CONTINUED GROUP HEALTH INSURANCE COVERAGE	SECTION 5.14
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Continuation of Group Health Insurance Coverage – Less Than 20 Employees

Ohio permits certain individuals under O.R.C. 3923.38 to continue coverage under their fully insured group health plan, even after they lose eligibility as a member of that group. Employees are eligible if they have had the employer’s insurance for at least the last three (3) months, be eligible for unemployment, not eligible for Medicare, and not enrolled in or eligible for other group insurance or COBRA.

Employees must apply within 10 days of losing coverage, or from the day of notification about coverage continuation, whichever is later.

Coverage continuation is not required to include: dental, vision care, prescription drugs, or any other benefits under the group plan above hospital, surgical, or major medical benefits.

Continuation of coverage may be extended to a period of six (6) months after separation of employment.

During the period of O.R.C. 3923.38 coverage, the employee shall pay 100% of the cost of continued coverage.

This is not COBRA coverage, rather coverage continuation under O.R.C. 3923.38. The Employer intends to comply with any amendments to the law.

HEALTH SAVINGS ACCOUNT

SECTION 5.15

All full-time employees of the Village of Covington have an option to participate in the Health Savings Account program if they currently participate in the health insurance plan. (Employees that participate in the PPO plan are not eligible)

Health savings account contributions approved by Council will be deposited into each eligible employee’s account on a monthly basis. Employees newly enrolled in the H.S.A program will have the first three (3) months of Village contributions deposited in their account at the time of enrollment.

LIFE INSURANCE

SECTION 5.16

The Village of Covington offers life insurance for full-time employees. Also, there is voluntary life insurance available to employees at 100% of the cost to the employee. Any employee interested in life insurance should contact the Village Administrator.

RETIREMENT

SECTION 5.17

- A. Notice: All employees are required to notify the employer of their anticipated retirement in writing at least sixty (60) days prior to the effective date of their retirement to allow the employer time to plan for any necessary replacement, and to better enable the computation of final pay and benefits due the employee.
- B. Retirement Systems: All Village employees, unless they are specifically exempted by law, are required to participate in the applicable state retirement system (OPERS and OPFPF). The employer is required to contribute to the retirement system on behalf of the employer. The employee is responsible to pay the full employee portion of the employee's contribution in the amounts set by state law.
- C. Questions regarding these retirement plans should be directed to:

Ohio Public Employees Retirement System Fund 277 E. Town Street Columbus, Ohio 43215 (614) 466-2085	Ohio Police & Fire Pension 140 E. Town Street Columbus, Ohio 43215 (614) 228-2975
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When an employee intends to retire, the employee shall submit a signed, dated letter to his department head stating his intention to retire, and the effective date of his retirement at least sixty (60) days in advance. The department head shall forward a copy of the letter immediately to the Village Administrator or designee, who will then forward a copy of the letter to the fiscal officer to allow benefits and separation payments to be determined.

FAMILY AND MEDICAL LEAVE**SECTION 5.18**

- A. The Village of Covington is a covered employer as defined under the Family and Medical Leave Act, but employees are not eligible for family and medical leave because the Village employs less than fifty (50) employees.
- B. Eligibility Requirements: Employees of an employer which employs fifty (50) or more employees who have been employed for at least twelve (12) months, and have completed at least 1,250 hours of service with the employer during the previous twelve (12) month period are eligible for Family and Medical Leave.
- (Note: The Village of Covington does not currently employ fifty [50] or more employees.)
- C. Exempt Employees: Employees not eligible for Family and Medical Leave include:
1. Elected officials.
 2. The personal staff of elected officials.
 3. Immediate legal advisors to elected officials of the legislative branch.
 4. Independent contractors.
- D. The employer shall post the required 8 inch x 11 inch Family and Medical Leave notice with all other required notices of the Fair Labor Standards Act.
- E. At such time that the Village employs fifty (50) or more employees, the Village Administrator or designee shall cause a policy to be prepared for review and passage by the Village Council to comply with all FMLA regulations.

ADMINISTRATIVE LEAVE**SECTION 5.19**

The Village may place an employee on administrative leave with pay, but only in circumstances where the health and safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation, such leave might extend until the employer completes the predisciplinary process and takes action or decides no action is warranted. Compensation for administrative leave shall be equal to the employee's base rate of pay.

UNEMPLOYMENT COMPENSATION**SECTION 5.20**

- A. Most employees of the Village are covered by unemployment compensation subject to the regulations established by state law and the Ohio Department of Job and Family Services.
- B. In the event of a reduction in force as provided in Section 3.09 herein, the affected employees may apply for unemployment benefits by contacting the Ohio Department of Job and Family Services.

TRAVEL EXPENSE REIMBURSEMENT**SECTION 6.01**

Village employees are to receive reimbursement for allowable expenditures made for a proper public purpose that are incurred while traveling out-of-Village on official Village business. Employees are eligible for expense reimbursement only when travel has been authorized in writing prior to the trip by the appointing authority and with appropriate receipts documenting claimed expenses. Overnight travel expense reimbursement requires the advance approval of the Village Administrator or designee.

The following items are reimbursable, subject to the regulations contained herein and compliance with the procedures:

- A. Commercial air flights: Reimbursement is available for air flight expenses only when the automobile mileage reimbursement would be more costly than the air fare, or where travel time is of significance.
- B. Bus, limousine, or taxi: Employees are to use the most economical means available when traveling on Village business.
- C. Automobile: Whenever possible, the appointing authority will assign a Village vehicle for travel to and from meetings, conferences, and conventions. If no Village vehicle is available, and an employee is required to use his or her privately owned vehicle, he or she shall be reimbursed at a rate determined by the Village. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) of two (2) or more employees traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable without prior approval of the appointing authority.
- D. Meals: Expenses incurred for meals while on official business will be reimbursed at actual cost with the approval of the appointing authority. Such approval must be granted prior to the employee incurring the expense. An employee is eligible for such reimbursement only when travel has been authorized in writing by the appointing authority, and when travel extends overnight. Daily meal reimbursement should not exceed fifty dollars (\$50.00) in total excluding tips. Employees shall order reasonably priced meals while traveling at the Village's expense.

Employees will generally not be reimbursed for meals if the employee is not traveling overnight.

Any meal provided to employees that are not excluded from taxable income herein will be reported to the Clerk's office by the department as a taxable meal.

- E. Lodging: Employees will be reimbursed for reasonable and necessary lodging expenses at the single room rate. If two (2) or more employees are attending the same program and they are the same gender, they may room together. If families

accompany employees on out-of-town travel, the Village will pay the single room rate and the employee will be responsible for the difference. Employees will request the government rate and obtain a sales tax exemption certification from the Village prior to payment of the lodging.

- F. Phone Calls: Phone calls necessary for official Village business are reimbursable.
- G. Parking and Tolls: Expenses for parking, highway, bridge, and tunnel tolls are reimbursable. Parking expenses incurred within and outside of the Village are reimbursable providing the employee is on official Village business.
- H. Frequent Flier Miles/Credit Card Points.
 - 1. In accordance with the State of Ohio Ethics Commission rulings, employees may accrue frequent flyer miles from Village travel.
 - 2. These incentives must be redeemed for Village business travel only.
 - 3. It is the employee's responsibility to track accrual/usage for auditing purposes.
 - 4. Accumulation of travel incentives must be consistent with all policy requirements.

The following items are not subject to reimbursement:

- 1. Tips in excess of 15% of the meal cost.
 - 2. Alcoholic beverages.
 - 3. Entertainment.
 - 4. Laundry and dry cleaning.
 - 5. Room service charge.
 - 6. Expenses of spouse traveling with employee.
 - 7. Any allowable expense where no receipt is proved as documentation by the employee.
- I. Expense reports shall be filed by employees detailing all itemized costs with receipts attached within two (2) weeks of the accrued expense. Such detailed documentation will include the amount, date, time, place, and business purpose.

- A. This policy is for the use of any motor vehicles owned or leased by the Village, if applicable, for the use of the Village or any department, commission, board, office, or agency under its direct supervision. For the purpose of this policy, the term "employee" hereinafter means the persons comprising of the Village, any employee of any department, commission, board, office, or agency under its direct supervision or jurisdiction, using a vehicle provided by the Village.
- B. No person who is not a compensated employee of Village may operate a Village-owned or leased vehicle unless specifically authorized by the Village Administrator or designee. No employee shall use or permit the use of any vehicle or any supplies for it, except in the transaction of public business or work of the Village. Under Ohio law, however, the Village Council has the authority to determine the meaning of and the manner of which employees use vehicles owned or leased by the Village for the transaction of public business, work of the Village, or commuting.
- C. The Village recognizes that to efficiently and effectively carry out the transaction of public business or work of the Village, a reasonable amount of related use may have to be conducted in a Village-owned or leased motor vehicle for incidental but closely related business use (i.e., rest and lunch breaks); provided that the employee does not deviate from the route to the next work site.

Village-owned or leased vehicles are not provided as a means of compensation to employees.

Only passengers on official Village business shall be permitted in all Village-owned or leased vehicles except as approved and/or authorized under R.C. 1551.25, (Ride Sharing).

- D. It is the policy of the Village to provide fleet and/or pool vehicles when available, for the transaction of public business whenever an employee or department head authorizes travel by automobile.

Vehicles owned or leased shall not be used for commuting to and from work, except as permitted by the Village.

- E. Village employees operating a Village-owned or leased vehicle shall drive to a safe location and park the vehicle prior to using a mobile device. Employees shall not text or check e-mail while operating a Village-owned or leased vehicle in motion.
- F. Smoking is prohibited in all Village-owned or leased vehicles.
- G. All operators and passengers in Village-owned vehicles will comply with the following:
1. Operator's License: All operators of any Village-owned or leased vehicles must have a valid state-issued operator's license, which includes the specific class of vehicle being operated. Suspension of an employee's

operator's license will result in a suspension of any and all Village-approved driving privileges. Any employee who is authorized to use a Village-owned or leased vehicle and whose operator's license is suspended, must notify their immediate supervisor of this fact. The Village requires annual driving record abstracts on all employees operating Village vehicles.

2. Seat Belts: As required by the Ohio Revised Code, all front seat passengers of a Village-owned or leased vehicle or privately-owned vehicle, while being operated in the transaction of public business or work of the Village, shall wear safety belts at all times while the vehicle is in operation. Rear seat passengers shall also wear safety belts. The vehicle operator is responsible for insuring all passengers wear safety belts. Failure by any employee to comply with this provision must be reported to the appropriate supervisor.
3. Alcohol and other Substances: All employees and/or other persons authorized to use a Village-owned or leased vehicle shall not operate any Village-owned or leased vehicle while under the influence of any alcohol or any controlled substances. Alcoholic beverages, controlled substances, and/or illegal drugs are not to be used or transported in, or on any Village-owned or leased vehicles. Legally prescribed medications are permissible only when their use does not adversely affect the employee's driving ability.
4. Accident Reporting/Traffic Citations: In the event of an automobile accident, the vehicle operator is responsible for contacting the appropriate law enforcement agency immediately, or as soon after the accident as is practical.

All accidents shall be reported to the operator's respective supervisor as immediately as is practical. Accident reports are to be completed and submitted to the supervisor who will report the information to the Village Administrator or designee as soon as possible, but in no event beyond twenty-four (24) hours of the event or, if the event occurs on a holiday or weekend, on the next working day.

All parking, moving violations, penalties, and/or other fines received during the operation of a Village-owned or leased vehicle are the full responsibility of the operator.

Operators of any Village-owned or leased vehicle that establish poor driving records may be directed to attend a defensive driving and/or a driver training course by the Village Administrator and/or by their immediate supervisor if they are to maintain authorization to operate a Village-owned or leased vehicle. The determination of an employee to attend the above-referenced classes shall be in the sole discretion of the Village Administrator and/or designee.

5. Preventive Maintenance and Service: All Village-owned or leased vehicles

shall receive preventative maintenance according to standards established by the Village. All elected department heads who have vehicles assigned to their department are responsible for insuring required maintenance and service is scheduled. Any vehicle operators shall immediately notify their supervisor should they detect any unsafe or hazardous condition in or upon any and all Village-owned or leased vehicles. The supervisor shall, in turn, be responsible to schedule such service.

All Village-owned or leased vehicles shall be fueled in accordance with the policy set forth by the Village Administrator. Village gasoline credit cards shall be used to purchase gasoline, oil, etc. for all Village-owned or leased vehicles on official Village business only unless other arrangements have been made and approved by the Village Administrator.

All operators of any Village-owned or leased vehicle shall be responsible for the appearance (interior and exterior) of the Village vehicle they are using and/or which has been assigned to them.

6. Insurability: All employees required to drive a Village-owned vehicle, or drive their own vehicle on Village time must be insurable in the amounts required by the Village's Liability Insurance Plan. Any employee deemed uninsurable by such insurance company may be disciplined up to and including termination.

SECONDARY EMPLOYMENT

SECTION 6.03

- A. Time Conflicts: Full-time employment with the Village of Covington shall be considered an employee's primary occupation and take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours, mandatory overtime obligations, or when the demands of a secondary job prohibit an employee from receiving adequate rest or otherwise affect the employee's job performance.
- B. Interest Conflicts: No employee, regardless of employment status, shall have other employment which presents a conflict of interest with the employee's position with the employer. A conflict of interest exists when an employee engages in any secondary employment which compromises or may appear to compromise the employee's judgment, actions, or job performance, or conflicts with the policies, objectives, and operations of the employer.
- C. Uniforms and Equipment: Employees shall not use employer-owned uniforms or equipment while performing secondary job duties, unless such use is specifically authorized by the Village Administrator or the Chief of Police for police department employees.

- D. Employees shall notify the Village Administrator regarding secondary employment that an employee intends to seek. The Village Administrator will consult with the employee and any other person deemed appropriate to determine whether the secondary employment presents a conflict. The employee bears the burden of demonstrating the secondary employment does not present a conflict.
- E. If the Village Administrator determines that the secondary employment the employee intends to seek would present a conflict, the Village Administrator will advise the employee of such. If the employee still accepts the secondary employment, the employer may begin taking appropriate disciplinary action against the employee.

EMPLOYER'S TOOLS, SUPPLIES, EQUIPMENT & PROPERTY SECTION 6.04

- A. Tools, supplies and equipment necessary to perform job duties shall be properly used and maintained. All employees shall be held strictly responsible and accountable for equipment personally issued to the employee, in addition to any generally issued departmental equipment, tools, or supplies used by the employee. All employees are responsible for using and maintaining such assets in a safe and proper manner.
- B. Loss, misuse, neglect, theft, and/or abuse of employer assets is strictly prohibited and may result in discipline and/or demand for payment to the employer for the cost to replace or repair such asset(s). Accidents resulting from misuse or abuse of tools may also be cause for disciplinary action.
- C. An employee's use of Village tools, supplies, and equipment is subject to prior approval of the department head. Use of employer assets for other than work purposes is prohibited.
- D. Presence in, or use of, employer facilities (i.e., office, etc.) during non-work hours by employees is prohibited, unless authorized in advance by the Village Administrator or designee.
- E. Employees are responsible for reporting any equipment or property damages, including damages caused by the employee. Employees shall report all damages to the employer and/or department head as soon as possible by completing a Report of Property and Equipment Damage Form. Damages done to Village equipment or property shall be cause for disciplinary action.

UNIFORM ALLOWANCE SECTION 6.05

Each employee of the Utility/Street Departments will receive a uniform allowance as funding permits. This allowance will be managed by the Village Services Supervisor based on the approved budget by the Village Council.

Police in the Village of Covington will receive a uniform allowance as funding permits. This allowance will be managed by the Police Chief based on the approved budget by the Village Council.

USE OF TECHNOLOGY EQUIPMENT / DEVICES**SECTION 6.06**

The use of technology has become a valuable tool for the Village in the course of conducting business. The Village provides computers, laptops, cellular telephones, landlines, cameras, electronic mail (e-mail), internet, flash drives, scanners, printers, copiers, iPads, etc. to certain employees based upon the nature of the job position. This technology can provide an effective and efficient means to coordinate work activities, provide and/or receive needed information, deliver public services with minimal delay and assure personal and public safety. The Village Administrator expects all employees to use all Village owned technology equipment/devices in an appropriate and reasonable manner that complies with this policy. This section applies to all employees who possess and use any of the technology equipment/devices purchased and/or provided by the Village.

Assignment of Technology Equipment/Devices

1. It is the responsibility of the Village Administrator to determine who shall be assigned Village owned technology equipment/devices. Some employees based upon their job description will require access to internet-based programs. The determination as to who will be assigned and/or given access to the equipment/devices will be based on a number of criteria including input from supervisors, public safety, accessibility, responsiveness, and job requirements.

Use of Computers/Internet/Email

1. Purpose.
 - a. The use of Internet, electronic mail, and online services has great potential to enhance the productivity of Village employees. At the same time, as in the case with all Village resources made available to employees, abuse is possible.
 - b. The purpose of this policy is to establish guidelines and minimum requirements governing the acceptable usage of Village-provided Internet, electronic mail, and online services. By establishing and maintaining compliance with this policy, risks and costs to the Village as a whole can be reduced while the valuable potential of these resource tools are realized. The objectives of this policy are to assure that:

- (1) Disruptions to Village activities from inappropriate use of provided Internet, electronic mail, and online services access are avoided.
 - (2) Users are provided guidelines describing their personal responsibilities regarding confidentiality, privacy, and acceptable use of Village-owned Internet, electronic mail, and online services access.
 - c. The Village of Covington promotes Internet use that enables employees to achieve their various missions and goals, and to improve efficiency in general. These resources are intended to assist in the efficient and effective day-to-day operations of the Village.
2. Background: The Internet is the rapidly expanding world-wide networks of networks connected to each other using, primarily, the Internet Protocol (IP). The Internet provides for file transfer, remote login, electronic mail, news, and other services. Electronic Mail is the transmission of memos and messages over electronic networks, including, but not limited to the Internet. Online Services provide subscribers with a variety of reference and information exchange services which typically include connection to the Internet.
3. Scope of the Policy.
 - a. Access to the Internet, electronic mail, and online services is provided for the purpose of encouraging and promoting improved use of technology and information services in the areas of:
 - (1) Gathering information and data relevant to business.
 - (2) Communicating with other users who have related business interests.
 - (3) Increasing employee and contractor efficiency by utilizing skills which will enhance overall job performance.
 - (4) Encouraging collaboration and resource sharing among other counties, state, and federal agencies.
 - b. All Village of Covington employees are covered by this policy, as well as:
 - (1) Volunteers who are authorized to use Village resources to access the Internet, electronic mail, and online services.

- (2) Contractors who are authorized to use Village equipment and facilities.
4. Village Responsibility: The Village Administrator or designee will have the final authority in determining whether an employee requires access to the Internet, electronic mail, and online services to accomplish his/her assigned duties.
5. User Responsibility.
 - a. Users should be aware that when access to the Internet, electronic mail, and online services are accomplished using Internet addresses and domain names registered to the Village of Covington, they may be perceived by others to represent the Village. Users shall not use the Internet, electronic mail, or online services for any purpose which would reflect negatively on the Village or its employees.
 - b. Because of the security, legal, and productivity issues referenced in this policy, each user is responsible for:
 - (1) Following existing policies and procedures in his/her use of Internet, electronic mail, and online services and shall refrain from any practices which might jeopardize the Village's computer systems and data files, including, but not limited to virus attacks, when downloading files from the Internet.
 - (2) Learning about Internet, electronic mail, and online service etiquette, customs, and courtesies, including those procedures and guidelines to be followed when using remote computer services and transferring files from other computers.
 - (3) Familiarizing her or himself with any special requirements for accessing, protecting, and utilizing data, including Privacy Act materials and confidential information.
 - (4) Being careful not to duplicate, download, transmit, or use software not in compliance with software license agreements, unauthorized use of copyrighted materials, or another person's original writing.
 - (5) Conducting her or himself as a representative of the Village as a whole. This means that users shall not use the Internet, electronic mail, and online services to:
 - Distribute offensive or harassing statements, or to disparage others based on race, national origin, sex,

sexual orientation, age, disability, political, or religious beliefs.

- Distribute or solicit sexually oriented messages or images.
- Distribute or participate in chain letters.

6. Security.

- a. Electronic message systems may not be secure: Employees should be aware of potential electronic messaging security problems before transmitting private or confidential messages. Disclosure may occur intentionally or inadvertently when an unauthorized user gains access to electronic messages. Disclosure may occur when messages are forwarded to unauthorized users, directed to the wrong recipient, or printed in a common area where others can read them.
- b. Use caution when sending classified information: Always display "CONFIDENTIAL" on the subject line when sending confidential information. Confirm that encryption has been enabled before sending confidential or classified information. Be aware that even if you encrypt your data, anything you electronically transmit over the Internet, electronic mail, or online services are subject to interception, reading, and copying by other people.
- c. The Internet may not be secure: Employees should take this into account before receiving or transmitting information and messages. Employees should be aware that it is possible to identify visitors to Internet sites (i.e., all Internet browsers furnish a trail to trace all Internet site visits), and should exercise conservative judgment when accessing information on the Internet.

7. Laptop, Smartphone, iPhone, Blackberry, or Other Mobile Phone Access: The policies and procedures stated throughout this section also apply to online services accessed and electronic mail sent and received on an employer-owned laptop, smartphone, iPhone, Blackberry, or other mobile phone device.

8. Enforcement and Violations.

- a. All employees using Village equipment to access the Internet, electronic mail, and online services are subject to having activities monitored at any time by the employer or by system or security personnel. Employees enjoy no expectation of privacy with respect to these activities.

- b. Clear violation of this policy and its attachments will result in disciplinary action, including, but not limited to, termination of Internet, electronic mail, and online service privileges.

C. Use of Telephones/Cellular Phones

1. Regular Village telephones are provided for business use and shall be answered promptly and in a courteous manner. Personal telephone calls on regular Village telephones shall be kept to a minimum and shall not be permitted to adversely affect the employee's work performance. Employees will be required to pay the Village for long distance calls.
2. Cellular telephones provided by the Village shall be used for business-related calls. Personal cell phone calls on phones provided by the Village shall be kept to a minimum and/or shall not be permitted to adversely affect the employee's work performance. Employees issued a cell phone provided by the Village may be responsible for reimbursing the Village for personal calls or may be responsible for reimbursing the Village for any amount over the monthly allotment.
3. Use of personal cell phones during work hours needs to be kept to a minimum and should be placed on vibrate during regular work hours. At no time should an employee's use of their personal cell phone interfere with or disrupt work.
4. A Village telephone/cellular phone shall not be used for any of the following:
 - a. Any call made for the purpose of personal entertainment, including, but not limited to "900" numbers or other pay per call numbers;
 - b. Any call of an obscene, threatening, harassing or otherwise offensive nature that would be illegal, prohibited, or inappropriate as defined by law or which would be in violation of any other Village policy.

Excessive use of telephones for other than business purposes or other violations of the above will result in disciplinary action.

D. Use of Cameras, Camera Phones and Other Electronic Recording Equipment

1. To safeguard confidential information and to reduce opportunities for illegal harassment, the Village regulates the use of electronic equipment used to capture images such as camera phones, camera PDAs, video equipment, cameras, handheld scanners, flash drives, and another device capable of capturing or storing an image in its facilities.
2. Employees are prohibited from using any type of device capable of recording images while on Village's premises, without prior approval from

the Village Administrator or designee. These types of devices are prohibited even when not in use in areas where personal privacy is generally acknowledged, including dressing rooms, bathrooms, etc. Similarly, employees are forbidden from creating or transmitting offensive harassing, vulgar, obscene, or threatening images or communications to any other employee regardless of whether the employee is on or off duty.

3. At no time should Village information be stored on any personal device without the express written consent of the Village Administrator. Personal devices includes but is not limited to personal cell phones, cameras, e-mail accounts, computers, laptops, portable hard drives, ipads, flash drives, scanners, etc. Village information includes pictures, emails, documents, employee information, records, voice mails and etc.
4. Electronic equipment on the Village's premises may not be used to defame, embarrass, or disparage the Employer, employees, visitors, or vendors.
5. Privileged or confidential materials or communications are not to be photocopied, scanned, photographed, or otherwise copied except as authorized by the Village Administrator or designee.
6. Village owned cameras, maybe used to document damage to Village property where an insurance claim or casualty loss may exist. These pictures/digital images will be retained by the Village Administrator. Any other use must have the prior approval from the Village Administrator. This section does not apply to the Security Cameras maintained by the Village.

E. Access to Online Programs

1. It is the practice of the Village to utilize online programs to facilitate with the requirements of the job. The Village will provide the appropriate training for the employees who are expected to work on such programs. The participation in these online programs is not always voluntary.
2. Each employee with access to these programs will be assigned an ID and Password. The employee is responsible for the safekeeping of this information.
3. Each employee is responsible for complying with all Federal, State and Local laws governing the use of any such program.
4. The penalties for the misuse of such programs will include the loss of access to the program and/or maybe subject to disciplinary action up to and including termination.

5. The Village Administrator or designee is responsible for determining who should have access to each of these programs. This determination will involve input from the appropriate Department Head.

F. Other Technology/Equipment

1. The Village provides other equipment such as copiers, printers, faxes, postage machines, scanners, portable hard drives, flash drives, etc. It is the intention of the Village to provide these items to assist in the course of the job. At no time should the employee assume that any of this can be used for personal business. The Village realizes that there are times that the employee needs to fax or email something that is personal. This needs to be kept to a minimum and the employee needs to realize that anything on Village equipment/property may be considered public records.
2. At no time should an employee use the postage machine to mail personal items.
3. Privileged or confidential materials or communications are not to be photocopied, scanned, photographed, or otherwise copied except as authorized by the Village Administrator or designee.

G. Compliance

1. At no time does this policy limit the rights of the Village to verify any and all usage of Village equipment whether or not it is specifically listed. Any items/programs provided and/or owned by the Village are subject to this policy.
2. Employees who are supplied with a computer/laptop have been given access to the necessary programs in order to perform their job duties. In most cases this access has been secured with an ID and password. The employee is responsible for the safekeeping of the information within the program. At any time, this information has been compromised the employee is responsible for bringing this to the attention of the Village Administrator. Failure to do so will result in disciplinary action up to and including termination of employment.
3. Employees are to immediately report any violation of this policy to their supervisor or to the Village Administrator if the violation is committed by the supervisor.
4. Any employee violation of this policy will be subjected to disciplinary action up to and including termination of employment and/or restriction or elimination of future use of Village technology/equipment.

5. Employees may be asked to reimburse the Village for any costs incurred.
6. Employees are not permitted to add features/programs to Village computers, cell phones, landlines, etc. without the approval of the Village Administrator or designee.
7. Employees will not be permitted to add additional lines to the Village owned cell phone account for the employee's personal use.
8. Employees are advised that all communications including, but not limited to voicemails, text messages, pages, and/or email communications are not confidential and are subject to review for the purpose of enforcing the policies stated herein. The Village at its discretion may at any time perform an audit of cell phones, computers, emails, internet history, etc. to verify compliance with this policy.
9. It is the responsibility of the employee to report when a cell phone, laptop, flash drive, etc. is lost or damaged. This is to be reported as soon as possible to the supervisor and/or the Village Administrator. Careless disregard of any of these items may be subject to discipline.

PERSONNEL RECORDS**SECTION 6.07**

- A. The employer maintains and is responsible for personnel records concerning employees. Personnel records contain personal information about an employee as defined in O.R.C. 1347.01(E), and may include such information as:
 1. Personal data
 2. Employment application documents
 3. References
 4. Medical reports
 5. Documentation relating to an employee's change of status
 6. Performance evaluations
 7. Communications or disciplinary actions
 8. Paid and unpaid leave records
- B. The employer shall only use the information maintained in the personnel records system in a manner consistent with O.R.C. Section 1347.01 et. seq., O.R.C. Section 149.43, or as otherwise required by law or court order.

- C. Each employee shall be allowed to review the contents of the personnel file(s) pertaining to them.
- D. Employees requesting to obtain or review information in their personnel file may be required to provide proof of identification. Representatives of employees requesting to obtain or review information shall produce a written release from the employee requesting that the representative review the record. Said release shall be placed in the employee's file.
- E. The employer will monitor the accuracy, relevance, timeliness, and completeness of its personnel records, take reasonable precautions to protect information in the system from unauthorized and unlawful modification, destruction, use, or disclosure, and shall collect, maintain, and use only that information necessary and relevant to the employer's functions.

REPORTING CHANGES IN PERSONAL INFORMATION**SECTION 6.08**

- A. Failure to report changes in personnel file information may prevent employees from obtaining or maintaining employee benefits or services. Each employee is responsible for reporting any change of personnel file information within three (3) calendar days of the occurrence of the change. Notification shall be made in writing to the Village Administrator.
- B. For purposes of this section, a change in personnel file information shall include the following:
 - 1. Name change
 - 2. Address change
 - 3. Telephone number change
 - 4. Marital status change
 - 5. Changes which may affect employee benefits (i.e., insurance and pension[s]) such as changes in dependents or beneficiaries
 - 6. Number of exemptions for tax purposes
 - 7. Citizenship
 - 8. Selective service classification
 - 9. Association with a government military service organization
 - 10. Any changes in licensure or insurability affecting the employee's job

- C. Employees shall normally report changes in personnel file information in writing to their department head within three (3) days of such change.
- D. The department head shall forward any change immediately for the approval of the Village Administrator who shall forward a copy to the fiscal officer for processing and then placed in the employee's personnel file.

PUBLIC RECORDS-- INSPECTION, RELEASE, AND RETENTION	SECTION 6.09
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- A. The Employer will prepare and make available for inspection and/or copying "public records," as defined in O.R.C. 149.43, upon request of any member of the general public.
- B. The Employer may charge a reasonable fee for each photocopy of records requested. The individual or organization requesting such copies of records must remit full payment for the copies prior to the release of the copied information. The Employer will forward copies of all records requested within a reasonable period of time from the date of the request.
- C. The Employer will make all records requested available for inspection within a reasonable period of time from the date of the request during regular business hours.
- D. The Employer may waive any or all provisions under this policy when a request to inspect or obtain copies of records is made:
 - 1. By another governmental agency;
 - 2. By an authorized representative of another governmental agency;
 - 3. By an authorized agent of the Village of Covington; or
 - 4. pursuant to a court order.
- E. The Employer will refuse to make the following confidential records available for inspection and copying:
 - 1. Medical records;
 - 2. Adoption, probation and parole records;
 - 3. Juvenile records under O.R.C. Section 2151.85 and appeals therefrom;
 - 4. Trial preparation records;
 - 5. Confidential law enforcement investigation records; and
 - 6. Records, the release of which is prohibited by state or federal law.

- F. All public records in the custody of the Employer will be retained in accordance with state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, without approval of the Village Records Committee, and in accordance with prescribed state and federal laws regarding limitations for specific classes of records.
- G. Questions of whether or not a record is a public record as defined in O.R.C. Section 149.43 should be determined by the Village Solicitor. The Employer shall request the solicitor's opinion in writing.

EMPLOYEE ACCIDENTS/EXPOSURES**SECTION 6.10**

- A. Any employee who is injured in a work-related accident or suffers an exposure to a hazardous chemical or bloodborne pathogens due to a work-related accident or incident shall immediately report the accident or exposure to the employee's immediate supervisor and complete a written accident report by the end of the employee's work shift, if possible, or not later than within twenty-four (24) hours after the accident/exposure, if approved by the employee's supervisor.
- B. Supervisors who become aware of a work-related accident or exposure shall immediately notify their department head, and after attending to any safety and/or treatment needs of any person resulting from the accident, shall investigate the cause of the accident and document all pertinent facts, including witnesses' names and addresses on the employee's injury/accident report. The supervisor should submit the report to the appropriate department head by the end of the employee's shift, or no later than twenty-four (24) hours after the accident/exposure, if approved by the department head.
- C. Any employee injured or who suffers an exposure due to a work-related accident shall complete an Injury/Accident Report and submit it to the employee's supervisor or department head. If the employee is unable to complete the report, the employee's supervisor shall assist the employee with completing the report and have the employee sign the report.
- D. The department shall forward the completed report to the Village Administrator or designee upon completion of the supervisor's report by the following business day.

SAFETY AND HEALTH**SECTION 6.11**

- A. Generally: The employer is concerned about the safety and health of every employee. The department heads, supervisors, and employees are responsible for maintaining a safe workplace.

- B. The Department Head's Responsibility: Each department head or designee is responsible for safety in the area under the department head's control and will be given the assistance, authority, and support necessary to fulfill this responsibility. Every work-related accident should be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The department head should correct unsafe conditions. The department head should ensure each employee complies with all rules and regulations, and that safe working methods are used by employees under the department head's supervision.
- C. Employee Responsibility: Employees are also responsible for maintaining a safe workplace. Employees shall obey all workplace safety rules and report all potential or evident workplace safety problems to the department head.

Employees shall acknowledge their obligation to follow and enforce all workplace safety rules and report all potential or evident workplace safety problems by signing a Workplace Safety and Illegal Activity Form upon initial employment.

BULLETIN BOARDS**SECTION 6.12**

- A. Bulletin boards are a means for providing information to employees. No material shall be posted on a Village bulletin board which contains favorable or unfavorable comments regarding a candidate for public office or any personal attack upon any employee, official, or client of the Village.
- B. Employees or others wishing to post materials on a Village bulletin board shall submit the material to the Village Administrator or designee for approval in advance of the posting.
- C. Material posted in violation of this policy shall be removed from the bulletin board. Employees in violation of this posting shall be subject to disciplinary action.

INCLEMENT WEATHER**SECTION 6.13**

- A. If a weather emergency is declared in Miami County, the following procedure shall apply:
1. Essential Personnel (defined as police, dispatch, equipment operators, department heads, and other employees designated by department heads): All essential personnel are required to report to work. When weather conditions are extremely severe, such employees should contact the employee's supervisor and arrangements may be made to pick an employee up at home, if possible. Essential personnel who report to work will be paid at their regular rate of pay up to forty or eighty (40/80) hours.
 2. Non-Essential Personnel: If the level of emergency is:

Level 3 – employees are not required to report to work and will be paid for their regular hours.

Level 2 – employees shall report for duty. Scheduled employees who are able to come to work will be paid their regular wage for the actual time worked. Employees unable to come to work may use accrued vacation leave or comp time, if available, or may receive an excused day off without pay; provided the employee follows the notification of absence policy.

- B. A weather emergency is where the Sheriff restricts travel except for emergency vehicles.
- C. An employee on sick leave or vacation status at a time of emergency closing will not be affected and will have his/her sick leave or vacation account charged accordingly.
- D. Part-time employees who are scheduled to work will be treated in the same manner as full-time employees for purposes of this section. (Hours paid will not exceed the employee’s scheduled number of work hours.)

CONCEALED WEAPONS **SECTION 6.14**

A. Policy

- 1. The safety and security of employees, visitors, contractors, and the general public are of vital importance to the Village of Covington. Therefore, the carrying of concealed handguns or firearms by an employee or anyone else on Village property is strictly prohibited except as specifically exempted in subsection 4(b). Employees found guilty of violating this policy will be terminated and may face possible criminal charges.
- 2. The purpose of this policy is to provide guidance to employees of the Village of Covington, should they encounter a situation in which they believe a person possesses a handgun and/or firearm as defined in O.R.C. 2923.11.
- 3. The Village prohibits the following:
 - a. The carrying of weapons (specifically a handgun) while on or off duty (whether or not licensed to do so) in any Village controlled or employment related area.
 - b. The carrying of weapons and/or handguns on or off duty while occupying any parking area owned, leased, or controlled by the Village.
 - c. The use or possession of a weapon or handgun on or off duty on the Employer’s premises, on a Village controlled site, or in an area that

- is associated with employment.
- d. The display of a weapon or handgun on or off duty whether on the Employer's premises, on a Village controlled site, or in any area associated with employment will be interpreted as a threat and prosecuted by the Employer.
 - e. Employees displaying an empty handgun and/or weapon holster whether on the Employer's premises, on any Village controlled site, or in any employment related area, while on or off duty.
 - f. Employees displaying weapons and/or handguns, while on or off duty, and participating in a strike and/or picket will be terminated.
 - g. Employees using and/or possessing a weapon or handgun, while in the employment and/or duty of the Village, will not be defended or indemnified by the Employer.
4. The possession or use of weapons is prohibited on Employer property, in Employer vehicles, or in any personal vehicle which is used for Employer business or is parked on Employer property, except as provided in exemption subsection 4(b).
- a. A weapon is defined as:
 - (1) A loaded or unloaded firearm; or
 - (2) A device, electronic stun device, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
 - b. Exceptions:
 - (1) Law Enforcement: Individuals may possess a weapon on Employer property if the individual is employed in the capacity of a law enforcement officer and is engaged in law enforcement activities.
 - (2) Storage of a Handgun in the Privately Owned Motor Vehicle of a Person Issued a Concealed Handgun License: An employee or other individual who has been issued a valid concealed handgun license may transport or store a firearm or ammunition within the person's privately owned motor vehicle only when both of the following conditions are met:
 - (a) Each firearm and all of the ammunition remains inside
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the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the persons privately owned motor vehicle; and

- (b) The vehicle is in a location where it is otherwise permitted to be.

A firearm that is authorized to be stored or transported as specified in this 4(b) section must be the type of firearm covered and permitted for storage and transport under O.R.C. 2923.12. Any individual, whether or not issued a valid concealed handgun license, is not permitted to store any other type of weapon, other than the firearm authorized for storage and transport by O.R.C. 2923.12, in that individual's personal vehicle or carry such weapons anywhere on Employer's property.

5. Any employee observing a person displaying or showing a strong indication that they may pose the threat of carrying a weapon, handgun, or holster shall immediately notify the Village of Covington and/or local police department.

The person who displays a weapon, handgun, or holster on the Employer's property, except as specifically exempted in subsection 4(b) shall be removed from the premises by the law enforcement agency as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include criminal prosecution of the person(s) involved.

6. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be immediately investigated by the police and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as a possible concealment of a weapon, when that display is job related, might be carried out on a Village controlled site, or is associated with Village employment.
7. All incidences of suspected or potential concealment should be reported to the Village. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
8. Supervisor Responsibilities — Supervisors and Department Heads are

responsible for follow up with the appropriate law enforcement agency (i.e., Sheriff's Office or police department) in assessing situations, making decisions on the appropriate response, and responding to reports of concealed weapons that have occurred in the workplace or that involve an employee of the Employer.

9. When any actual, potential, or suspected concealment is brought to the attention of a supervisor or the Department Head, the Department Head or designee shall evaluate the severity of the situation, immediately. If it is concluded that an actual act of carry and concealment has occurred or if there is a likelihood that violence could result, the Department Head or designee shall:
 - a. Discuss the situation with the appropriate law enforcement agency and employee(s) who witnessed the concealment.
 - b. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - (1) Assigning a different employee to the area or job.
 - (2) Talking with the disgruntled visitor and/or employee(s).
 - (3) Discussing the incident with the appointing authority and offering suggestions for appropriate actions.
 - (4) Referring the affected employee(s) to professional help or counseling.
 - (5) Termination of employment.
10. The Village shall post, in obvious locations, signage that contains the following:

“Pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person’s control, convey or attempt to convey a deadly weapon or dangerous ordnance or holster onto these premises.”
11. An employee, designated by the Employer, shall be responsible for the erection and maintenance of signage.
12. These areas shall include any Village-owned property including but not limited to the following:
 - a. All Village buildings and facilities;
 - b. All Village parking areas except as provided in subsection 4(b);

- c. All Village parks and areas of recreation.

GOOD HOUSEKEEPING**SECTION 6.15**

- A. Good work habits and a clean and orderly place to work are essential for job safety and efficiency. Employees are expected to keep their individual work space and the work areas in general, clean and well organized.
- B. Employees shall report anything that needs repair or replacement to their supervisor immediately.

POLITICAL ACTIVITIES**SECTION 6.16**

- A. The Employer endeavors to provide a workplace free of political coercion for partisan political purposes and to prohibit employees from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office (see 42 USC 4701).
- B. Therefore, it is the policy of the Village to fully comply with the federal requirements regarding the political activity of employees as outlined in the Federal Merit System Standard, 42 USC 4701, and the Hatch Act, 5 USC 1501, et seq.
- C. Activities Prohibited for Employees (see 42 USC 4701):
 - 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
- D. Activities Permitted for Employees: 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 of civic or political organizations while on their own time or property.
- E. Any employee desiring to seek or accept any public position or office should inform the Employer, who may request an opinion from the Village Solicitor.

GIFTS & GRATUITIES**SECTION 6.17**

- A. Employees of the Village are prohibited from accepting gifts, money, or any other form of gratuity from any person in exchange for services or benefits provided by the Village.

- B. Employees shall not solicit nor accept anything of value, whether in the form of service, loan, gift, gratuity, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever, in business dealings with the Village. This prohibition also applies to any person, firm, or corporation currently doing business with the Village. De minimis gifts such as holiday cookies or candy are acceptable to receive.
- C. Any employee offered a gift or gratuity as outlined above shall advise the individual to contact the Village Administrator who shall explain the Village's policy and the appropriate procedures for making a donation to the Village. The employee shall also advise the Village Administrator of the offer.

PERSONAL MAIL **SECTION 6.18**

All mail received at the Village is considered business related. Therefore, all mail will be opened and date stamped, unless the envelope indicates an employee name, in which case the outside of the envelope will be date stamped.

USE OF PERSONAL PROPERTY **SECTION 6.19**

- A. The Village assumes no liability and will not accept any responsibility for loss or damage to the personal property of an employee. The use of a radio, CD player, MP3 player, cell phone streaming music will be permitted provided it does not disturb, distract, or hamper the productivity of any employee. Personal televisions or utilizing a cell phone to stream live television are not permitted.
- B. Personal property may be placed within the work station area or office only on the desk or credenza. Pictures, certificates, or diplomas may be hung on the wall in appropriate frames.
- C. The Village Administrator or a supervisor shall be authorized to order the removal from the workplace of any personal property which they deem inappropriate.

ISSUANCE OF KEYS **SECTION 6.20**

- A. Keys for use on apartment locks (master), secured gates, doors, desks, file cabinets, vehicles, and Village equipment will be issued to those employees whose duties require them to have such keys. Employees shall, at all times, be responsible for any keys which have been issued to them.
- B. The Village Administrator or designee shall be responsible for issuing keys to individual employees, for ensuring the security of keys which have not been issued, and for maintaining the record of all Village keys.
- C. Employees shall be required to immediately return any keys which have been issued to them, upon request of their supervisor or the Village Administrator or

designee. Employees shall also be required to return any keys issued to them upon separation of employment with the Village.

SOCIAL MEDIA**SECTION 6.21****A. Purpose**

The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the Employer when using social media sites on and off duty. This policy is also intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will allow the Employer to ensure that Employer rules are followed and all employees are treated fair and consistent.

Employees shall remember they are paid by public funds and the public holds them to a high standard of professionalism. The Employer has an overriding interest and expectation in deciding what is "spoken" on behalf of the Employer. This policy is not meant to infringe on one's right to free speech, rights under R.C. 4117, or any other protected activity.

B. Scope

All employees will be subject to and held accountable for any conduct outlined in Social Media Policy. This policy works in conjunction with other related personnel policies and procedures (e.g. harassment).

C. Social Media refers to the use of websites such as, but not limited to, Facebook, Twitter, Instagram, LinkedIn. For purposes of this policy, Blogs and other internet forums of shall also be covered. Nothing in this policy is meant to prohibit access to any social media website or Blog which may be work-related.**D. Policy**

1. On Duty Conduct – While at work, an employee may only access social media websites, Blogs and/or other internet forums of communication during their lunch or breaks. This includes access from a personal cellular device (e.g., Smartphone, iPhone, etc.) during an employee's compensated hours of work.
2. On and Off Duty Conduct – An employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to a social media website, Blog, or other similar internet forum of communication. Although information may be posted to a "private" webpage, the employee should be aware this information can still be accessed by the public and other sources in a number of ways. Because of this, an employee needs to use "common-sense" when posting comments, photos, opinions, or any other information related to his or her employment. Any social media activity which portrays the Employer in a

negative light will be evaluated and may result in disciplinary action up to and including termination. Examples of prohibited conduct include, but are not limited, to:

- a. Posting one's photograph while wearing the Employer's uniform (or other similar attire, which could be misidentified as the official uniform);
 - b. Posting pictures, videos, or comments that are insubordinate with respect to the employee's employment;
 - c. Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior;
 - d. Knowingly or recklessly posting false information about the Employer, supervisors, coworkers, public officials, or those who have a relationship with the Employer. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above.
 - e. Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor.
 - f. Posting pictures, videos, or comments that are sexual, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the Employer or individual's employment.
3. Employees shall not imply they are speaking on behalf of the Employer unless authorized to do so. Should an employee speak on matters of employment, the employee shall include a disclaimer.
 4. Confidential Information – An employee shall not disclose any work-related confidential or proprietary information on any social media website, Blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
 5. Employees are encouraged to follow the internal complaint procedure and not take to the internet to voice work-related complaints.
 6. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
 7. Any deviation from the above policy shall be approved by the Employer in writing.

8. Any questions regarding the policy should be directed to the employee's immediate supervisor.
9. Employees shall take note of the following: DELETE DOES NOT MEAN DELETE. Once something is posted into cyberspace it remains there.

FRAUD REPORTING**SECTION 6.22**

Complaints or any matter that alleges mismanagement of Village resources or misuse of public money can be made to the Auditor of the State of Ohio through the Ohio fraud-reporting system.

Complaints made to the Auditor of the State of Ohio through the Ohio fraud-reporting system are anonymous. Complaints may be made in three ways:

- A. File a written complaint by U.S. Mail at:
Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
- B. Call the Fraud Hotline:
1-866-FRAUD OH (1-866-372-8364)
- C. Online:
<http://www.auditor.gov>

ETHICS OF PUBLIC EMPLOYMENT**SECTION 7.01**

- A. All employees shall maintain the highest ethical and moral standards and perform their duties within the parameters of the laws of the State of Ohio and other rules and regulations that may be set forth by the employer. Employees should remember that their compensation is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, effective, and professional manner. Discourtesy or rudeness to the public will not be tolerated.
- B. No employee shall:
1. Use their position for personal gain or engage in any transaction which may be in conflict with the proper discharge of the employee's official duties.
 2. Use or disclose confidential or proprietary information concerning the property, government, or affairs of the Village without proper legal authorization.
 3. Solicit or accept anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation interested directly or indirectly in conducting business dealings with the Village.
 4. Accept from any person, firm, or corporation doing business with the Village any material or service for the private use or benefit of the employee.
 5. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties, or would tend to impair independent judgment or action in the performance of the employee's official duties.
 6. While an employee, or for one (1) year thereafter, represent another person before a public agency on any matter in which the employee personally participated as an employee through decision, approval, disapproval, etc.
 7. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the Village except as provided in O.R.C. Section 102.04.
 8. Have a personal interest in a contract with the Village or use his position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or a business associate has an interest.
 9. Use his position or authority to secure approval of the employment of a member of the employee's family or a business associate, or to obtain a

pay increase, fringe benefit improvement, or promotion of such individual(s).

- C. Any employee who is in doubt as to the application of this policy or other ethics laws or regulations may seek the advice of the Village Administrator or designee, who may seek the advice of the Village Solicitor, who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.
- D. Employees will be provided with a copy of Ohio's ethics laws, R.C. Section 102, and R.C. Section 2921.42, within fifteen (15) days of hire, and the employer will require employees to acknowledge receipt in writing.

TARDINESS	SECTION 7.02
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- A. Habitual tardiness is inexcusable and will not be tolerated. Tardiness is defined as any time an employee reports to work after the employee's scheduled starting time and the employee's lateness is not excused. Employees tardy by eight (8) minutes or more shall not be paid for the period of time the employee is tardy. Pay will be deducted for this purpose to the whole quarter (1/4) of an hour (i.e., eight [8] to fifteen [15] minutes '1/4 hour deduction; sixteen [16] minutes to thirty [30] minutes '1/2 hour deduction, etc.).
- B. In addition, a tardy employee, including those tardy by less than eight (8) minutes, shall be subject to progressive disciplinary action as follows:

<u>Event</u>	<u>Discipline</u>
1 time tardy.....	Verbal warning and instruction
2 times tardy.....	Verbal warning
3 times tardy.....	Written reprimand
4 times tardy.....	One (1) day suspension without pay
5 times tardy.....	Three (3) day suspension without pay
6 times tardy.....	Up to and including termination

- C. The employer will consider the employee's tardiness record over the previous twelve (12) months from the date of the most recent occurrence in applying this policy.
- D. Verbal warnings generally will be given by an employee's supervisor. A Record of Verbal Warning Form shall be given to the employee and a copy placed in the employee's personnel file. Written reprimands will also be issued by the employee's supervisor and a Record of Written Reprimand Form shall be given to the employee and a copy placed in the employee's personnel file.
- E. The Village Administrator and Police Chief may suspend or recommend termination of any of their respective employees should tardiness continue.

ABSENTEEISM AND NOTIFICATION OF ABSENCE

SECTION 7.03

A. Absenteeism increases the workload of other employees and affects the quality of public services delivered. An employee is considered absent for purposes of this section if they fail to report to work for an entire workday or leave work prior to the scheduled quitting time, and such absence has not been properly approved in advance, or for which the payment of sick leave, as defined in this manual, has been denied. In addition to not being paid for the time absent, employees shall be subject to progressive discipline for accrued unexcused absences as follows unless the employee has also committed an offense subjecting the employee to discipline pursuant to the Grounds for Disciplinary Action and Penalties Section of this manual.

<u>Absences</u>	<u>Discipline</u>
One (1) time absent.....	Written reprimand
Two (2) times absent.....	Three (3) day suspension without pay, fine, or working suspension
Three (3) times absent	Five (5) day suspension without pay, or working suspension
Four (4) times absent	Up to and including removal

B. Employees may be excused for absences due to legitimate reasons if proper notification procedures contained in this manual are met. The employer reserves the right to deny approval for employees who demonstrate a pattern of such absences.

C. Voluntary Resignation: Employees who are absent for three (3) or more consecutive workdays who fail to provide proper notification will be considered to have voluntarily resigned their position.

D. Notification: Absent employees shall contact their supervisor or a designee by their scheduled starting time each day they are absent to report such absence. Police department employees shall contact their supervisor at least four (4) hours before their scheduled starting time. Upon returning to work, any employee who is absent for more than two (2) days shall report to the employee's department head to explain the reason for the absence and to provide all documentation required to substantiate the absence.

E. Application of Discipline

1. Each full day of unexcused absence shall count as a separate absence (i.e., an employee absent for two (2) consecutive days is charged with two (2) unexcused absences).

2. The employer will consider only those absences which have occurred over the previous twenty-four (24) months from the date of the most recent occurrence when applying this policy for disciplinary purposes.
 3. Written reprimands generally will be issued by an employee's supervisor and a Record of Written Reprimand Form shall be given to the employee and a copy placed in the employee's personnel file.
 4. The Village Administrator maintains the authority to suspend or terminate an employee, except police department employees. The Chief of Police shall have the authority to suspend police department employees for up to three (3) days. Suspensions of more than three (3) days, or terminations are to be executed by the Village Administrator pursuant to prevailing standards in the Ohio Revised Code.
- F. Voluntary Resignation Procedure: For employees who remain absent without leave for three (3) or more consecutive workdays, the employer will attempt to contact the employee at their last known address and notify the employee that failure to return to work will be deemed a voluntary resignation. If the employer cannot locate the employee, or if the employee fails to return to work after notification, the employer will consider the employee to have voluntarily resigned and will remove the employee from the payroll.

SICK LEAVE ABUSE**SECTION 7.04**

- A. The purpose of this policy is to establish and outline the discipline and corrective action for the inappropriate use of sick leave. The policy is intended to provide for the equitable treatment of employees without being arbitrary and capricious, while allowing management the ability to exercise its administrative discretion fairly and consistently.
- B. It is the policy of the employer to grant sick leave to employees when requested in accordance with Section 5.01 of this manual. It is also the policy of the employer to take corrective action for the unauthorized use of sick leave and/or abuse of sick leave. It is further the policy of the employer that when corrective and/or disciplinary action is taken, it will be applied progressively and consistently.

It is the intent of the employer that when discipline is applied it shall serve the purpose of correcting the performance of the employee.

- C. Definitions:
1. Sick Leave: An absence granted for medical reasons or as otherwise defined in Section 5.01 of this manual.
 2. Unauthorized Use of Sick Leave:

- a. Failure to notify the supervisor of an absence.
 - b. Failure to complete the standard request for sick leave form.
 - c. Failure to provide the physician's verification when required.
 - d. Fraudulent physician verification.
3. Misuse of Sick Leave: Use of sick leave for that which it was not intended or provided.
4. Pattern of Abuse: Consistent periods of sick leave usage, for example:
- a. Before and/or after holidays
 - b. Before and/or after weekends or regular scheduled days off
 - c. After pay days
 - d. Any one specific day
 - e. Absence following overtime worked
 - f. Half days
 - g. Continued pattern of maintaining zero or near zero leave balances
 - h. Excessive absenteeism
- D. Physician's Verification: At a department head's discretion, an employee who has little sick leave balance may be required to provide a statement from a physician who has examined the employee or the member of the employee's immediate family for all future illnesses. This requirement shall be in effect until such time as the employee has accrued a reasonable sick leave balance. However, if the department head or designee finds mitigating or extenuating circumstances surrounding the employee's use of sick leave, the physician's verification need not be required and may be revoked by the department head.

Should a department head or designee find it necessary to require an employee to provide a physician's verification for future illnesses, the order shall be made in writing on a "Physician's Verification" form with a copy provided to the employee and a copy to the employee's personnel file.

Employees who have been required to provide a physician's verification for illnesses will be considered for approval of sick leave only if the physician's verification is provided within three (3) days after the employee returns to work.

- E. Unauthorized Use or Abuse of Sick Leave: When the unauthorized use of or abuse of sick leave by an employee is substantiated, the employee’s department head or designee shall begin corrective and progressive discipline, keeping in mind any extenuation or mitigating circumstances.

When progressive discipline reaches the first suspension under this policy, a corrective counseling session will be conducted with the employee. The employee’s department head or designee will jointly explain the serious consequences of continued unauthorized use of or abuse of sick leave.

- F. The use of sick leave or other paid leave in lieu of sick leave on six (6) or more occasions in any twelve (12) month period, except for six (6) or less pre-scheduled medical appointments for which leave has been requested at least one (1) week in advance, shall cause the disciplinary action according to the following schedule (subject to the ADA):

Six (6) times.....	Oral reprimand
Seven (7) times	Written reprimand
Eight (8) times	One (1) to three (3) day suspension*, or working suspension
Nine (9) times	Five (5) to fifteen (15) day suspension
Ten (10) times	Fifteen (15) day suspension
Eleven (11) times.....	Termination

* Five (5) day suspension or up to five (5) day vacation reduction for administrative, supervisory, and professional employees exempt from overtime who cannot be given disciplinary time off in less than one (1) week increments.

1. An "occasion", for purposes of this section, shall mean an individual utilization of sick leave or other paid leave in lieu of sick leave regardless of the number of hours involved (e.g., one [1] hour, one [1] day or five [5] consecutive work days are all one [1] occasion of sick leave). Any time an employee reports back to work from sick leave or other paid leave in lieu of sick leave and begins working ends an occasion of sick leave.
2. Oral and written reprimands under this section are not subject to the grievance procedure except for the miscounting of the number of occasions to determine the appropriate level of discipline. In such cases a grievance may be processed through Step 2.
3. Discipline involving a suspension under this section is grievable through Step 2 of the grievance procedure set forth in Section 8.05 of this manual.
4. Discipline may be waived upon showing of error in the application of this provision or satisfactory evidence that the occasion was a result of a bona fide, unpredictable, and recurring medical condition necessitating the employee’s absence.

- G. Pattern Abuse: If an employee abuses sick leave in a pattern as noted in the examples cited, but not limited to those in definitions, the employee's department head or designee may reasonably suspect pattern abuse. If it is suspected, the department head or designee shall notify the employee in writing that a pattern of abuse is suspected. The notice will invite the employee to explain, rebut, or refute the pattern of abuse claim. Use of sick leave for valid reasons shall not be considered a pattern of abuse.

An "occasion", for purposes of this section, shall mean an individual utilization:

If a suspected pattern of abuse is due to more than six (6) pre-scheduled medical appointments, the employer reserves the right to require the employee to submit to a medical examination from a licensed physician selected by the employer to determine whether the employee is able to perform the essential functions of the employee's position, either with or without a reasonable accommodation.

SOLICITATION AND DISTRIBUTION

SECTION 7.05

- A. Generally: This policy is intended to protect the interests of the citizens of the Village of Covington by ensuring that only official employer business is transacted in the employer's work areas during work time.
- B. Non-Employee Solicitation and Distribution: There shall be no solicitation or distribution by non-employees at any time on any employer property or in any work area. This section does not apply to vendors transacting business with the employer.
- C. Employee No Solicitation Rule: There shall be no solicitation by employees of other employees or non-employees during work time. Employees may solicit other employees during non-work time in non-work areas provided both employees are on non-work time.
- D. Employee No Distribution Rule: There shall be no distribution by employees during work or non-work time in the work area. Employees may distribute goods and written materials during non-work time in non-work areas only.
- E. Miscellaneous: The terms "distribution," "solicitation," "vendor," "work time," "non-work time," "work areas" and "non-work areas" are defined in the definitions section of this manual. This policy shall be clearly posted on the employer's premises. Any deviations from this policy shall be approved as to content and form by the Village Solicitor.
- F. Employee Compliance: Employee compliance with this policy is required. Employee violations of this policy will result in appropriate disciplinary action.

- G. Employer's Responsibility: The employer shall determine work time and non-work time, and work areas and non-work areas.

PERSONAL APPEARANCE**SECTION 7.06**

- A. The employer reserves the right to prescribe appropriate dress and grooming and to set standards that are deemed to be in the best interest of the Village.
- B. The employer requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, presents a favorable public image, and be in conformity with regulations established by the employer.
- C. Clothing shall be conducive to the safe and effective performance of required job duties.

ALCOHOL AND DRUG ABUSE APPLICANTS AND EMPLOYEES**SECTION 7.07**

A. Drug Testing Policy:

1. Pre-employment tests to determine current use of illegal drugs which may affect an applicant's ability to perform the job duties of the position may be conducted prior to extending a conditional offer of employment.
2. Drug and alcohol testing may be conducted on employees when the employer has reasonable suspicion of drug or alcohol use. Reasonable suspicion that an employee used or is using a controlled substance or alcohol in an unlawful or abusive manner may be based upon, but not limited to:
 - a. Observable phenomena such as direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol.
 - b. A pattern of abnormal conduct or erratic behavior, including abnormal leave patterns.
 - c. Arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug or alcohol possession, use, or trafficking.
 - d. Information provided either by reliable and credible sources or independently corroborated.
 - e. Evidence that an employee has tampered with a previous drug test.
 - f. Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.

3. Safety-sensitive Testing: CDL drivers and other employees who perform safety-sensitive job duties will be subject to additional testing in accordance with federal regulations.

*Post-accident drug testing is required for accidents with reportable injuries or with property damage over one thousand dollars (\$1,000.00).

B. Drug Free Workplace Policy:

1. General: The employer is concerned with the effects drug abuse can have on employees, employee's families and the ability of employees to perform their work safely and efficiently. The employer believes that it is important, to be a leader in the community in the war against drugs by establishing a policy prohibiting the manufacture, distribution, dispersal, possession or use of controlled substances in the workplace. The following policy is intended to meet these objectives and to comply with the provisions of the Drug Free Workplace Act of 1988.

2. Notice Upon Hiring:

- a. As a condition of employment, all prospective employees will be provided a copy of the employer's Drug Free Workplace statement and policy and will be required to sign an Acknowledgment of Receipt of Documents Form which will become a permanent part of the employee's personnel file.
- b. All prospective employees will be required to acknowledge that they are aware of the employer's Drug Free Workplace policy and understand that it is a condition of employment.

C. Definitions: For purposes of this policy:

Employee: means any person (i.e., management, supervisory or non-supervisory), who is paid in whole or in part by the employer.

Controlled Substance: means any controlled substance contained in schedules I through V of section 202 of the Controlled Substances Act (21 USC 812); or as defined in O.R.C. Section 3719.01. For information on controlled substances contained in Schedules I through V, employees should see the Village Administrator or designee.

Conviction: for the purpose of the Village of Covington's Alcohol and Drug Abuse Policy, conviction means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any court of record charged with the responsibility to hear violations of the federal, state, or municipal criminal drug statutes.

Criminal Drug Statute: means a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy, all definitions are considered consistent to O.R.C. Section 3719.01 et seq. and O.R.C. Section 2925.01 et seq.

Unlawful/Illegal: is not conforming to, permitted by, or recognized by Federal or State law. Should a substance be considered prohibited, unlawful, or illegal at the federal level, it is considered unlawful for the purposes of this manual. (In accordance with O.R.C. 3796.28, the Village is not required to permit or accommodate an employee's use, possession, and distribution of medical marijuana and has a right to refuse to hire, discharge, discipline, or take an adverse employment action against a person because of that person's use, possession, or distribution of medical marijuana. Employees of the Village of Covington are strictly prohibited from use, possessing or distribution of medical marijuana.)

- D. Distribution of Information: Each employee will be provided annually an information package containing:
1. Information concerning the dangers of drug abuse in the workplace.
 2. A current copy of the employer's posted/published statement.
 3. A current copy of the employer's Drug Free Workplace policy.
 4. Information concerning any available drug counseling, rehabilitation and employee assistance programs.
 5. Information concerning the penalties that will be imposed for a breach of the employer's Drug Free Workplace policy.
 6. Notice to the employee that any work-related conviction of any federal, state, or municipal criminal drug statute shall be reported in writing by the employee to the employer within five (5) calendar days after such conviction.
- E. Regulations: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that occurs in whole or in part in the employer's workplace is strictly prohibited, and will result in criminal prosecution and discipline of the employee up to and including termination from employment.
- F. Notification of Conviction: Any employee convicted of any federal, state, or municipal criminal drug statute for a workplace-related drug offense shall notify the employer of such conviction within five (5) calendar days of the conviction.

- G. Employer Action: The employer will, within thirty (30) days after receiving notice of a conviction from an employee, or upon concluding that an employee has violated the Village Alcohol and Drug Policy:
1. Take appropriate disciplinary action against such employee, up to and including termination; or
 2. Require the employee to satisfactorily participate in a drug rehabilitation program as provided herein.
- H. Failure to Report: Any employee who fails to report a workplace-related drug conviction may be:
1. Disciplined, up to and including termination.
 2. Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.
- I. Alcohol and Drug Rehabilitation Policy:
1. Any employee who is referred to a drug rehabilitation program who fails to satisfactorily participate in the program will be terminated from employment.
 2. Referral to a rehabilitation program is intended for those employees who appear to have a treatable condition, not to protect those who manufacture, distribute, or dispense drugs in the workplace.
 3. Prior to appointment, the employer may require prospective employees to pass a physical examination which may include blood or urine or similar testing to detect the use of illegal drugs.
 4. The employer recognizes alcoholism and drug addiction as illnesses which are treatable, and encourages employees who may have an alcohol or drug problem to seek professional treatment or assistance on their own initiative.
 5. For purposes of this policy, a drinking or drug abuse problem exists when an employee's alcohol consumption or drug abuse interferes with the employee's job performance, or presents a threat to the safety of persons or property, or presents an unfavorable image to the public.
 6. This policy is intended to ensure that no employee with a drinking problem will have his job security or promotional opportunities jeopardized by requesting treatment. A request for treatment will not exonerate an employee from discipline when the employer has initiated disciplinary action for manufacturing, distributing, dispensing, possessing, or using drugs or

alcohol in the workplace, or for violations of other employer policies. An employee who seeks treatment on the employee's own initiative will be viewed more favorably than one who brings up a drinking or drug problem for the first time during a disciplinary hearing.

7. An individual's rights to confidentiality and privacy are recognized. All pertinent information and records regarding employees with alcohol or drug problems will be preserved in the same confidential manner as all other medical records.
 8. It is the responsibility of the employee to comply with the employer's referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment or failure to respond to treatment will be handled in the same manner as all other illnesses when job performance continues to be adversely affected. Refusal to accept diagnosis, treatment, or to sign a release to allow the employer to inquire whether the employee is keeping appointments for diagnosis or treatment, as recommended by a health professional, will be considered insubordination.
 9. Implementation of this policy does not require or result in any special regulations, privileges, or exemptions from the standard administrative practices relating to job performance.
- J. In the case where the employer has reasonable suspicion to believe that the employee has violated the alcohol or controlled substances prohibitions stated in this policy, the following procedure will be followed:
1. A trained supervisor shall be required to document the employee's conduct. If possible, witnesses shall also complete a signed statement documenting the employee's conduct. The written record detailing the observations leading to a reasonable suspicion test shall be completed as soon as possible.
 2. Reasonable suspicion tests must be performed within eight (8) hours of the observation.
 3. Any employee who has been ordered to undergo a drug and alcohol test shall be accompanied to the testing site by the employer or designee.
 4. A refusal to comply with the drug and alcohol testing will constitute insubordination and a presumption of impairment, and may result in discharge.
 5. Any employee tested in accordance with the above procedure may request, if the test results are positive, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.

6. The employer shall inform the employee that he/she is immediately relieved of duty with pay pending the results of the drug and alcohol test. The employer shall accompany the employee home or ensure that a family member or friend accompanies the employee home.
7. The employer is required to notify the employee if the controlled substance test results were positive and which substances actually tested positive.
8. If the above test fails to disclose a positive concentration of controlled substance, the reasonable suspicion documentation form will be expunged.
9. A positive test shall result in discipline up to and including termination. Refer to "Guidelines For Disciplinary Action and Penalties" in Section 8.03 of this manual for information on the discipline process.

GAMBLING**SECTION 7.08**

- A. The employer does not permit the organizing and/or running of games of chance for the individual profit of the organizer (gambling) by employees during workdays or on employer property. For purposes of this policy, the work day includes regular working hours, lunch periods, clean-up time and other breaks. Violation of this policy will be cause for disciplinary action.
- B. All charitable events shall have prior recommendation from the Village solicitor, including prior approval from the Village Council. All charitable contributions shall be reported to the Village Council specifying what the contributions shall be used for.

GARNISHMENTS**SECTION 7.09**

- A. A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt, served by legal authority, is a garnishment and shall be recognized and executed by the employer. Repeated garnishments on the wages of an employee may result in disciplinary action.
- B. No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve the employee's financial problems.
- C. Upon receipt of a garnishment for an employee, the following procedure of notification will apply:
 1. The fiscal officer will notify the Village Administrator or designee of the garnishment order and whether the employee has had any previous garnishment(s) of wages.

- 2. The Village Administrator or designee will schedule a conference with the employee and the fiscal officer to discuss the garnishment.
- D. The following procedure will apply for the first garnishment received for an employee.
 - 1. The employee will be informed by the Village Administrator or designee of the consequences of further garnishments.
 - 2. The employee will be counseled or referred to an appropriate agency by the Village Administrator or designee in order to assist the employee in working out the employee's financial difficulties.
- E. For second or subsequent garnishments received for an employee:
 - 1. A meeting will be arranged between the employee and the Village Administrator or designee to discuss the continuing problem.
 - 2. Depending on the circumstances, the employee may be subject to disciplinary action.
- F. Repeated garnishments may be cause for further disciplinary action.
 - 1. Employees will not be disciplined for garnishments if they have demonstrated a willingness and effort to resolve their financial problems.

WORKPLACE VIOLENCE

SECTION 7.10

- A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the Village of Covington. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.
- B. The purpose of this policy is to provide guidance to employees of the Village of Covington should they encounter a situation that they believe is or could result in an act of violence.
- C. The word "violence" in this policy shall mean an act or behavior that:
 - 1. Is physically assaultive.
 - 2. A reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property).

3. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another.
 4. Would be interpreted by a reasonable person as carrying a potential for physical harm to the person.
 5. A reasonable person would perceive as intimidating or menacing.
 6. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening.
 7. Consists of a communicated or reasonably perceived threat to destroy property.
- D. The employer prohibits the following:
1. Any act or threat of violence by an employee against another person's life, health, well-being, or property.
 2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.
 3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
 4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
 5. Use or possession of a weapon on the employer's premises, on a Village controlled site, or an area that is associated with Village employment except as allowed by law and/or required in the line of duty (i.e., law enforcement).
- E. The most common situations where workplace violence is likely to occur are as follows:
1. Dealing with the Public: Violent situations could occur in employee contact with the public. While the employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.
 2. On-the-Job: Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.
 3. Off-the-Job: An employee could become involved in a personal non-criminal dispute with a co-worker, family member, or neighbor during the employee's non-working hours. The employer prohibits any act of violence by an employee towards any other employee while off duty. If the situation

escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee's place of residence in the order.

- F. The possession of a weapon or firearm in any building owned, leased, or controlled by the employer is prohibited except as hereinafter provided.
1. A dangerous weapon is defined as:
 - a. a loaded or unloaded firearm.
 - b. a weapon, device, electronic stun weapon, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
 2. Exceptions: See Section 6.14 (A), subsection 4(b).
- G. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
- H. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on a Village controlled site, or is associated with Village employment.
- I. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the department head. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
- J. Supervisor Responsibilities: Supervisors and department heads are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involve an employee of the employer.

- K. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report Form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the department head or designee shall:
1. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
 2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - a. Assigning a different employee to the area or job.
 - b. Talking with the disgruntled client or employee(s).
 - c. Discussing the incident and offering suggestions for appropriate actions.
 - d. Referring the affected employee(s) to professional help or counseling.
 - e. Disciplining the employee(s), up to and including termination of employment.
- L. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

USE OF TOBACCO/E-CIGARETTES**SECTION 7.11**

The use of tobacco products including the use of e-cigarettes shall be prohibited in all Village-owned property and vehicles, with the exception of designated smoking areas as established by the Village Council.

Any employee violating this policy shall be given a counseling upon the first infraction. Further violations shall be subject to further disciplinary proceedings.

ANTI-FRATERNIZATION**SECTION 7.12**

All Village employees are strongly discouraged from dating, becoming romantically involved with one another, having sexual relations and/or exchanging affections or gifts,

when, in the sole opinion of the Village, their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale. However, the Village does not intend for this policy to otherwise discourage friendship or social activities with Village employees.

The Village recognizes that the question of whether a relationship constitutes romantic or simply a social relationship is a very personal issue. However, because of the potential for inappropriate conduct, you are encouraged to bring any questions you may have regarding such involvement to the attention of the Village Administrator or designee.

Employees becoming romantically involved with one another must immediately notify the Village Administrator. Employees may not work on the same shift, in the same department where the employee is romantically involved with another employee of the same department. If an actual, perceived, or potential conflict exists, the Village may take whatever action it deems appropriate according to circumstances.

All employees should remember that the Village maintains a strict policy against unlawful harassment of any kind, including sexual harassment. The Village will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

DISCIPLINARY PRINCIPLES**SECTION 8.01**

- A. All employees of the Village, except police department employees, serve at the will of the employer. However, to provide for professional and consistent delivery of services, the employer has adopted the following general principles to administer disciplinary actions of employees:
1. Employees should be advised of expected job behavior, the types of conduct that the employer has determined to be unacceptable, and the normal penalties for unacceptable behavior. Of course, some infractions are so obvious they will warrant discipline or removal even without a specific rule.
 2. Immediate attention shall be given to policy infractions, unless special circumstances warrant further investigation or delay.
 3. Deviations from standard procedure should be clearly justified and documented.
 4. Each offense should be dealt with objectively.
 5. Discipline for minor offenses, as determined by the employer, should be progressively applied.
 6. Serious offenses, depending on the severity, may proceed immediately to suspension or termination. Each department head shall be responsible for administering discipline (i.e., verbal warnings and written reprimands) and for making recommendations to the Village Administrator regarding more serious infractions.
 - a. The Village Administrator will make final determinations regarding demotions, suspensions, or terminations of employment for all employees, with council's concurrence, except police department employees.
 - b. The Mayor will have final authority regarding demotions, suspensions, or terminations of police department employees after making inquiry into suspensions imposed by the Chief of Police, as prescribed by law.

PROGRESSIVE DISCIPLINE**SECTION 8.02**

- A. The employer has adopted this discipline policy as a guide for uniformly administering discipline. However, this policy shall not be interpreted as a delegation of, or a limitation upon, the employer's statutory rights and/or obligations set forth in the O.R.C.

- B. This policy provides discipline guidelines for specific offenses. The specific examples of offenses listed in any grouping are not totally inclusive and serve only as a non-binding guide.
- C. The guidelines provided in this policy do not preclude the application of a more or less severe penalty for any infraction when specific circumstances warrant such deviation.
- D. All records of discipline shall be maintained in the employee's personnel file.
- E. Supervisors may issue verbal and written warnings. Forms for issuing and recording disciplinary actions are contained in Section 8.03 of this manual. The forms shall be completed and signed by the supervisor responsible for administering discipline, delivered to the employee, signed by the employee (if applicable), and placed in the employee's personnel file.
- F. The Village Administrator or designee, has authority to temporarily reassign or reduce an employee's classification or pay, suspend, or terminate an employee with Council's concurrence.
- G. The Chief of Police has exclusive authority to suspend police department employees. When an employee is suspended, the chief shall certify to the Village Administrator in writing that the employee is suspended and for what cause. The Village Administrator shall inquire into the cause of the suspension within five (5) days and may uphold, modify, or dismiss the suspension.
- H. Police employees suspended for more than three (3) days, reduced in rank or pay, or dismissed by the Mayor, may appeal the action to the legislative authority of the Village within five (5) days from the date of the Mayor's judgment.
 - 1. The legislative authority shall hear the appeal at its next regularly scheduled meeting. The employee may appear in person and/or by counsel, examine all witnesses, and answer all charges.
 - 2. The legislative authority may dismiss the charges, uphold the Mayor's decision, or modify the judgment to one of suspension for not more than sixty (60) days, reduction in rank, or removal from the department. The legislative authority must agree by a two-thirds (2/3) majority to suspend or discharge the employee.
 - 3. In case of removal from the police department, the employee may appeal on questions of law and fact the decision of the legislative authority to the Court of Common Pleas of Miami County. The person shall make such appeal within ten (10) days from the date of the finding of the legislative authority.

GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES**SECTION 8.03**

- A. The following forms of misconduct shall be the basis for when a reduction, suspension, or removal of the Village Marshal (Chief of Police) may be taken: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any acts of misfeasance, malfeasance, or non-feasance. (R.C. 737.171)
- B. The Chief of Police has the exclusive right to suspend any of the deputies, officers, or employees in the Village police department who are under the management and control of the Chief of Police for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other reasonable or just cause. (R.C. 737.19)
- C. The Mayor shall terminate the employment of the Chief of Police, deputy marshal, police officer, night watch person, special police officer, or auxiliary police officer who does either of the following:
1. Pleads guilty to a felony.
 2. Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement in which the employee agrees to surrender the certificate awarded to that person.

In addition, those officers found guilty of domestic violence will not be able to lawfully possess or receive firearms or ammunition for any purpose.

- D. The Mayor shall suspend from employment the above mentioned employees who are convicted, after trial, of a felony. If a conviction is upheld by the highest court upon an appeal, or if an appeal is not filed timely, the Mayor shall terminate that person's employment. Should an appeal result in the person's acquittal of the felony charge against that person, the Mayor shall reinstate that person.

An employee who is reinstated under this sub-section (D) shall not receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed due to insufficient evidence.

- E. All remaining employees of the Village, except those mentioned above, shall serve at the will of the employer. However, to provide for professional and consistent delivery of services, the employer has adopted the following principles to administer discipline of employees.
- F. The offenses set forth in Groups I, II, III below are examples of the misconduct and guidelines for determining the appropriate level of discipline for any employee. The examples of specific offenses are not all inclusive, and the examples of disciplinary actions are a general guideline only.

- G. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature, and which cause only a minimal disruption to productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
- H. Group II offenses may be defined as infractions which are more serious in nature than Group I offenses and which, in turn, cause a more serious, longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II offenses, if left undisciplined, can cause serious, longer lasting impact upon the organization than Group I offenses.
- I. Group III offenses are defined as infractions which are very serious or possibly criminal in nature and/or which cause critical disruptions to the organization in terms of decreased productivity, efficiency, and/or morale. Group III offenses, if left undisciplined, may have a long lasting and serious adverse impact on the organization.
- J. The following groups of offenses for discipline are examples only and shall not be binding on the employer:

GROUP OFFENSES

Examples of Group I Offenses:

1. Failure to "report off" work for any absence.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
3. Leaving the job or work area during the regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Leaving post of continuous operations position prior to being relieved by employee of incoming shift.
6. Neglect or carelessness in signing in or out.
7. Unauthorized absence from work (except job abandonment, which is a constructive resignation and/or grounds for removal).
8. Creating or contributing to less than serious unsanitary or unsafe conditions or poor housekeeping. More serious violations carry more severe penalties.

9. Distracting the attention of others, unnecessary shouting demonstration, or otherwise causing disruption on the job.
10. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
11. Use of abusive language toward other employees.
12. Failure to cooperate with other employees as required by job duties.
13. Failure to use reasonable care of Village property or equipment.
14. Use or possession of another employee's working equipment without authorization.
15. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices. Wanton or willful neglect carries more severe penalties. See Group III.
16. Failure to observe department rules.
17. Obliging the Village for any expense, service, or performance without authorization.
18. Failure to report minor accidents, injury, or equipment damage.
19. Disregarding job duties by neglect of work or reading for pleasure during working hours.
20. Unsatisfactory work or failure to maintain required standard of performance.
21. Unauthorized use of telephone or personal computer for other than Village business purposes.
22. Excessive garnishments.

Examples of Group II Offenses:

1. Sleeping during working hours.
2. Reporting for work or working while unfit for duty (may be a Group III Offense for CDL holders).
3. Conduct violating morality or common decency.
4. Unauthorized use of Village property or equipment.

5. Willful failure to sign in or out when required.
6. Willful failure to make required reports.
7. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
8. Solicitation on Village premises without authorization.
9. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the Village, or its operations.
10. Refusing to give testimony when accidents are being investigated.
11. Giving false testimony during a complaint or grievance investigation or hearing.
12. Unauthorized posting or removal of notices or signs from official bulletin boards.
13. Distributing or posting written or printed matter of any description on Village premises unless authorized.
14. Unauthorized presence on Village property.
15. Willful disregard of department rules.
16. Use of abusive language toward supervisors.
17. Discourteous treatment of the public.
18. Misuse of two-way radio or related equipment, abusive language over the airways, or interference with business-related transmission.

Examples of Group III Offenses:

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any Village property or equipment.
2. Abuse, or deliberate destruction in any manner, of Village property, tools, or equipment, or the property of employees, in any manner.
3. Without authorization, possession of any equipment, tools, implements, or other property belonging to the Village.

4. Signing or altering other employees' time cards, tampering with other employees' time cards, or unauthorized altering of own time card.
5. Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any Village records including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
6. Making false claims or misrepresentation in an attempt to obtain any Village benefit.
7. Performing private work on Village time or using Village property or equipment for private gain.
8. Gambling during working hours.
9. Stealing or similar misconduct, including destroying, damaging, or concealing of any property of the Village or of other employees.
10. The manufacturing, distributing, possessing, or using alcohol or controlled substances (without a properly reported prescription) in the workplace.
11. Fighting or attempting to injure other employees, supervisors, or persons.
12. Carrying or possession of firearms, explosives, or weapons on Village property at any time without prior authorization.
13. Knowingly concealing a communicable disease such as TB which may endanger other employees.
14. Misusing or removing Village records of information without prior authorization.
15. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the Village's work stations.
16. Dishonesty or any dishonest action.
17. Insubordination, e.g., refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
18. Committing safety violations.
19. Threatening, intimidating, or coercing employees or supervisors.
20. Engaging in unauthorized political activity.

21. Engaging in discriminatory harassment.
 22. Failure to report a workplace accident or illness.
 23. Committing a breach of confidentiality.
 24. Failure to report violation of the computer/internet/electronic mail policy.
 25. Violation of social media policy.
 26. Failure to maintain insurability under the Village's vehicle insurance policy.
- K. Multiple minor infractions will normally be dealt with by following the progressive discipline procedure set forth below:
1. Multiple offenses which are unrelated should be progressively disciplined in the groups in which the offenses are outlined in these guidelines; and
 2. Multiple offenses which are related should be progressively disciplined regardless of the groups in which the offenses are outlined in these guidelines and regardless of the order in which the offenses occurred;
 3. Multiple offenses which are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the normal severity for separate offenses.

PREDISCIPLINARY MEETING

Prior to the imposition of a suspension or termination, the department head will notify the employee concerning the allegations of misconduct and meet with the employee to provide an opportunity for the employee to respond to said allegations. Other procedural requirements may apply for police employees.

COMPLAINT PROCEDURE

SECTION 8.04

- A. Employee questions and complaints arising from the application of policies, procedures, and work rules, or other problems that affect employees from conditions of employment shall be promptly reviewed and corrective action taken, when appropriate, pursuant to this complaint procedure.
- B. All employees, including employees who are in their instructional period, have the right to file a complaint without prejudice. No employee will be disciplined, harassed, or dealt with unfairly as a result of filing a complaint or testifying in a complaint hearing.

- C. Complaints regarding illegal discrimination shall be filed and resolved pursuant to the complaint procedure contained in the Equal Employment Opportunity/Anti-Discrimination Section 2 of this manual, not this complaint procedure.
1. Step One: Immediate Supervisor:
 - a. Any employee, with a complaint, shall first discuss the matter with the employee's immediate supervisor within five (5) working days of the incident giving rise to the complaint. The supervisor shall make every reasonable effort to resolve the complaint.
 - b. If the employee is not satisfied with the supervisor's response, the employee may proceed to step two.
 2. Step Two: Village Administrator/Mayor:
 - a. The employee shall reduce the complaint to writing on the prescribed complaint form and deliver the form within five (5) working days of receipt of the response of the supervisor as follows:
 - (1) police employees to the Mayor;
 - (2) all other employees to the Village Administrator.
 - b. The Village Administrator or Mayor will schedule a hearing with the employee within a reasonable time of receiving the complaint and will issue a decision within a reasonable time following the hearing.
 - c. The decision of the above listed authorities shall be final and binding on all parties, except for police employees who may appeal suspension of three (3) or more days or reductions to the legislative authority.
- D. General Procedures for Hearings:
1. Complaints citing issues of law shall be forwarded to the Village Solicitor for an opinion before proceeding. In such cases, time limits shall be waived until the opinion is received.
 2. The employer may extend time limits by mutual written agreement with the employee.
 3. A complainant may have witnesses present at any hearing. A complainant may have an employee representative or witnesses present at any hearing. Employees, employee representatives, and employee witnesses shall not lose pay or benefits for time spent in hearings if held during the employee's normal working hours. Prior notice of any employee participating in any

complaint hearing shall be provided to the employer representative to allow the employee to be released from duty.

4. Hearings shall be informal, and the rules of evidence customarily applicable in court shall not apply.

CONVICTION OF A FELONY**SECTION 8.05**

- A. The Mayor shall not appoint a Chief of Police, a deputy marshal, a police officer, a night watch person, a special police officer, or an auxiliary police officer on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.
- B. Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.
- C. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
- D. As used in this policy, "felony" means any of the following:
 1. A felony that is an offense of violence as defined in Section 2901.01 of the revised code.
 2. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the revised code.
 3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude.
 4. A felony involving dishonesty, fraud, or theft.
 5. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the revised code.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick and vacation leave as authorized by policy. If subsequently re-

employed in the public sector, such person shall qualify for and accrue sick and vacation leave in the manner specified by Village policy for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.