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City of Wilmington

Employee Handbook

Revised February 2008

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Section I: Introduction

Disclaimer

The policies set forth and adopted within this Handbook supersede all previous written and unwritten City personnel policies. These policies are intended to comply with applicable laws. In the event that there is a conflict between the matters expressed in this Handbook and any applicable laws or collective bargaining agreements, the applicable law or full text of the collective bargaining agreement will prevail.

The policies and procedures set forth within this Handbook do not constitute a contract of employment and may be changed at the sole discretion of the City. Employees with questions regarding the interpretation and application of these policies should direct inquiries to their immediate supervisor first. If not resolved, contact the Human Resources Director.

Severability

It is intended that the policies and procedures contained in this Handbook shall comply with all applicable federal and state laws and civil service rules and regulations. The Handbook should be interpreted wherever possible so as to comply fully with such laws and provisions or any controlling judicial interpretation.

If any article or section of this policy and procedures Handbook, or any amendment thereto, is held invalid by operation of law or by a tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section of this Handbook is restrained by such tribunal, the remainder of this Handbook and any amendment thereto shall not be affected and shall remain in full force and effect.

The Policy Committee reserves the right to delete, modify or amend the policies and procedures contained herein and to allocate new policies and procedures as needed.

Memo from Mayor

FROM: The Office of the Mayor of the City of Wilmington

TO: All New Employees

The purpose of this Employee Handbook is to provide you with a summary of your rights, responsibilities, pay and benefit plans, and some background information concerning the City of Wilmington. We hope you will read the Handbook thoroughly and refer to it whenever questions regarding your employment with the City may arise.

As we work together, questions and problems may surface. This Handbook has been prepared to help answer those questions or solve problems by providing you with the general policies, procedures and practices under which the City operates. If you desire clarification of certain matters not fully covered in this Handbook, please feel free to consult with your supervisor or to contact me personally. You are also encouraged to refer to your department's copy of the City of Wilmington's Personnel Policies and Procedures Handbook, which will describe in more detail the policies, procedures and practices generally discussed in this Handbook.

I would like to take this opportunity to express my appreciation for the service you are and will be rendering to the citizens of the City of Wilmington, as well as express my sincere desire that you will find your employment with us to be both rewarding and satisfying. This Handbook will help you to assume the responsibilities we all have to the people of Wilmington, and in doing so will enhance your position and rewards in years to come.

My very best wishes,

A handwritten signature in black ink, appearing to read 'D. Raizk', with a stylized flourish at the end.

David L. Raizk
Mayor

Policies

Policies are defined as the basic rules that guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.

This Handbook contains a summary of policies and procedures implemented by the City of Wilmington. The Handbook and its contents apply to all City employees, except those who are members of bargaining units and whose terms and conditions of employment are governed by collective bargaining agreements. All personnel charged with the responsibility of administering policy must be thoroughly knowledgeable of the Handbook's contents. Furthermore, it is intended that these policies are administered in a systematic, fair and impartial manner.

Undoubtedly, there will be situations which require administrative interpretations of the policies set forth herein. Every effort will be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.

As conditions shift within the City's organization, it may be necessary to add, delete or revise specific policies. Updated policies will be issued to all Handbook-holders and communicated to all affected employees.

This policy Handbook is a guide to be utilized by management to ensure nondiscriminatory application of the conditions of employment. It is not a contract of employment.

Objectives

- A. The City of Wilmington recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective city government.
- B. The policies and procedures set forth in this Handbook are designed to:
 - 1. Promote high morale and foster good working relationships among City employees by providing uniform personnel policies, equal opportunities for advancement, and consideration for employee needs;
 - 2. Maintain recruitment and promotional practices which will enhance the attractiveness of a career with the City of Wilmington, and encourage each of the City's employees to give his or her best efforts to the City and the public;
 - 3. Encourage courteous and dependable service to the public;
 - 4. Provide fair and equal opportunity for qualified persons to enter and progress in city service based on merit and fitness as determined through objective and practical personnel management methods;
 - 5. Ensure that all City operations are conducted in an ethical and legal manner so as to promote the City's reputation as an efficient, progressive body in the community and the State.

History

Wilmington was founded in 1810, incorporated as a village in 1828, and became a city in 1921. The City can trace its origins as far back as 1799, when the first settlers began to arrive in this area. Many of these people were members of the Society of Friends (Quakers), relocating from southern states to protest slavery. This area was known by different names, including Clinton, Armenia, and Mt. Pleasant, until the name of Wilmington was chosen by pioneers from /Wilmington, North Carolina.

The City of Wilmington is in Clinton County, which is named after former Vice President of the United States George Clinton and founded in 1810. Ohio had become a state only seven years earlier – in 1803, it was the first state created from the Northwest Territory. Clinton County is considered a primarily agricultural area (corn, soybeans, and hog production), with a growing number of manufacturing firms located within or near the City of Wilmington. The current population of the City of Wilmington is approximately 12,000.

City Organization

The City of Wilmington is organized to provide services to the citizens who reside in and near the City and is set up with various departments providing specific services.

The Mayor-Council form of government calls for City Council to appropriate monies and pass ordinances related to promoting efficient city service operations. As the chief administrative officer of the City, the Mayor is responsible for developing and implementing policies in concurrence with and in agreement with other City officials such as the Auditor, Director of Law and Treasurer.

The Mayor, Treasurer, Auditor, and Director of Law are Appointing Authorities who have the power of appointment to or removal from positions under their control. The Mayor also is directly responsible for assignments to various boards and commissions, among which is the Civil Service Commission, whose functions are defined by Ohio Civil Service Law. Since the City of Wilmington is a statutory city, it operates under the rules and regulations set forth in Chapter 124 of the Ohio Revised Code (O.R.C.).

Your Responsibilities

As an employee of the City, you have many responsibilities to the public, as well as to your supervisor, coworkers, and other persons with whom you interact during the course of your employment. This responsibility can best be carried out by knowing the contents of this Handbook, which has been prepared to meet your informational needs. You are also encouraged to refer to the City of Wilmington Personnel Policies and Procedures Manual, which outlines the policies of the City more specifically.

Scope of Coverage

These policies do not apply to employees who are members of bargaining units and/or whose terms and conditions of employment are governed solely by collective bargaining agreements and those state and federal laws which cannot be superseded by a labor agreement. The policies and procedures in this Handbook apply to all other classified and unclassified employees except as noted herein or specifically exempted by law.

Amendments

These policies may be amended, revised or deleted by the Mayor. In the event that the Mayor proposes a change in policies affecting employees of the City Auditor or City Treasurer, or the Law Director, the Mayor must obtain the agreement of such appointing authorities prior to implementing the policy change for those affected employees.

Definition of Terms

Unless otherwise indicated in these policies, the following definitions apply.

ABSENTEEISM: Chronic absence from work. Absenteeism is regarded as excessive when an employee has six (6) or more incidents of absence within a six (6) month period and the employee has no chronic physical or mental condition documented by a licensed medical practitioner that would account for such incidents of absence.

ABSENT WITHOUT LEAVE: Failure to report for work without any authorization from the appointing authority or designee to be absent.

APPOINTING AUTHORITY: The officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, board or institution (e.g., Mayor, Treasurer, Auditor, Director of Law).

CITY: The City of Wilmington, County of Clinton, State of Ohio.

CLASSIFICATION: A group of positions involving similar duties and responsibilities and requiring similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. In some circumstances, a classification might include only a single position while in other circumstances, it might include many.

DEPARTMENT: An organizational unit directed and controlled by an appointing authority, either through direct supervision or through delegation of authority to subordinate management personnel. A department is established to accomplish and provide specific service functions and may consist of various positions, or groupings of positions, whose job duty requirements are structured to accomplish specific objectives related to overall established Departmental functions.

DEPARTMENT HEAD: A management-level employee charged with the responsibility of directing a city department or work unit (e.g., Deputy Auditor, Income Tax Commissioner, Police Chief, Fire Chief, Water Manager, Wastewater Treatment Plant Superintendent, Superintendent of Waste Department, Superintendent of Streets, Director of Transportation, Director of Human Resources, Director of Public Safety, Director of Public Service, etc.

DISHONESTY: Dishonesty or dishonest action. Examples of what is meant by dishonesty or dishonest actions are: theft, pilfering, open desks assigned to other employees without authorization, theft and pilfering from lunch boxes, tool kits, or other property of the city or other employees without authorization; making false statements to secure an excused absence or to justify an absence or tardiness; making, or causing to be made, inaccurate or false reports

concerning any absence from work. The foregoing are examples only and do not limit the terms dishonesty or dishonest action.

DRUG ABUSE: The possession or use of any controlled substance, narcotic or hallucinogen, except as prescribed by a licensed physician or dentist. "Drug abuse" also includes the intentional or negligent misuse of prescribed controlled substances.

DRUNKENNESS: The condition of a person whose mind is affected by the immediate use of intoxicating drinks, the state of one who is "drunk," the effect produced upon the mind or body by drinking intoxicating liquors to such an extent that the normal condition of the subject is changed and his or her capacity for rational action and conduct is substantially diminished.

EMPLOYEE: Any person holding a position subject to appointment, removal, promotion or reduction by an appointing authority.

EXCUSED ABSENCE: Being absent from work with the approval of the appointing authority or designee, e.g., vacation, holiday, compensatory time, unpaid leave of absence, etc.

IMMORAL: Contrary to good morals, inconsistent with the rules and principles of morality, harmful or adverse to the public welfare according to the standards of the 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 the duties and responsibilities required of an employee.

INEFFICIENCY: The quality of being incapable of or indisposed to perform the duties and responsibilities required of an employee.

INSUBORDINATION: The state of being unwilling to perform the duties and responsibilities required of an employee (e.g., refusal to obey an order issued by the employee's administrative superior/ supervisor).

MALFEASANCE: The commission or 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 of some act which a person may lawfully do.

NEGLECT: To omit or fail to do a thing that can be or is required to be done; an absence of care or attention in the doing; an omission of a given act; a failure, refusal, or unwillingness to perform one's duty.

NONFEASANCE: Nonperformance of some act which ought to be performed, omission to perform a required duty at all, total neglect of duty, total omission of an act which a person ought to do.

POSITION: Any specific employment calling for the performance and exercise of certain duties, and for the exercise of certain responsibilities by an individual. All of the positions in the organizational chart constitute positions within the department. The arrangement of positions under different supervisors, sections, or crews constitutes job assignments. Positions can be rearranged or reassigned, but an employee's classification remains the same unless reclassified.

PROBATIONARY PERIOD: The period of time served by a provisional or certified employee following an original or promotional appointment, during which the employee is responsible to learn and be tested in the proper performance of required job duties.

SENIORITY: The uninterrupted length of continuous service with the City. Separation from City employment lasting thirty (30) days or less does not constitute a break in continuous service. An authorized leave of absence also does not constitute a break in service. Seniority time (not benefit accrual) continues to accumulate during the term of an authorized leave, provided that the employee complies with the rules and regulations governing his or her leave of absence.

No employee shall acquire City seniority rights until he or she has been continuously employed by an agency of the City for six months, or upon satisfactory completion of the probationary period, whichever occurs last. Employees completing a probationary period shall retroactively acquire seniority back to their original date of hire, providing no break in service occurred.

For the purposes of layoffs, seniority is defined as continuous service with the City. Service may be transferred from one Wilmington city department to another without loss of seniority as long as no break in service occurs.

A break in service occurs if an employee is separated for any reason other than layoff and is not reemployed within thirty (30) days of the separation date. If an employee is reinstated (as opposed to reemployment) to his or her prior position within one (1) year of the separation date, continuous service will not be broken and prior service will be credited to the employee for purposes of determining seniority. Employees who are reinstated from layoff within one (1) year of the layoff date will retain previously accumulated seniority, but will not be credited with seniority for the time spent on layoff.

SICK LEAVE ABUSE: The use of sick leave for any purpose other than as provided by applicable law (e.g., calling in sick when the employee is able to work, reporting illness in the immediate family when such illness does not exist, reporting sick to participate in some other activity or take care of personal business, setting a pattern of reporting sick on certain days of the week or following regular days off over an extended period of time), failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

SUPERVISOR: An individual who has been authorized by the appointing authority or designee to oversee and direct the work of lower-level employees on a daily basis.

SUSPENSION: Relieving an employee from duty without pay, usually for a short period of time, i.e., one (1) to fifteen (15) days, as a disciplinary measure aimed at improving the employee's conduct. A suspension is usually issued after oral and written reprimands have failed to improve the employee's conduct or for a Group II offense.

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

VERBAL REPRIMAND: The discussion a supervisor holds with an employee in which the supervisor disciplines the employee for his or her conduct and impresses upon him or her the need for improvement. This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time and reason for an oral reprimand must be kept in the employee's personnel file by the appointing authority.

WORK UNIT: A division of a city department, usually directed by a supervisor or department head, and charged with a specific work function which contributes to the accomplishment of the department's public service function.

WRITTEN REPRIMAND: This is the written record of disciplinary action, usually issued after a verbal reprimand has failed to improve an employee's conduct. It is placed in the employee's personnel file and remains part of the employee's record.

Dissemination

All employees shall be notified of the existence of these policies, and each department shall keep a copy available for review by employees during non-working time. Employees may request time to review policies briefly during the work day. Supervisors may give prior authorization to review policies if the supervisors determine that work demands allow for such review at the time in question.

Section II: Employee Status & Work Scheduling

Employee Status

- A. All employees of the City shall be classified as full-time, part-time, temporary, seasonal, intermittent, or interim.
1. Full-time employee: an employee who is scheduled at least forty (40) hours per work week on a regularly scheduled basis.
 2. Part-time employee: an employee who is scheduled less than forty (40) hours per work week, but on a regularly scheduled basis.
 3. Temporary employee: an employee hired for a limited period of time, fixed by the appointing authority, for a period not to exceed thirty (30) work days.
 4. Seasonal employee: an employee who works a certain regular season or period of the year performing some work or activity limited to that season or period of the year.
 5. Intermittent employee: an employee who works an irregular schedule which is determined by the fluctuating demands of the work which is not predictable. Intermittent employees work no more than 1,040 hours per calendar year.
 6. Interim appointee: an employee hired to fill a vacancy created by the sickness or disability of a regular employee for the period of the sickness or disability.
- B. Full-time employees shall be entitled to all benefits provided by the City. Part-time, temporary, seasonal, intermittent and interim employees are entitled to benefits as specified in this Handbook.
- C. If a part-time permanent, temporary, seasonal, intermittent or part-time interim employee works forty (40) hours or more per week, for more than thirty (30) days, he or she may apply for a change of status. The decision to grant the change of status shall be left to the discretion of the appointing authority.
- D. An employee may change his or her status only with the approval of the appointing authority and only when it is in the best interests of the department.
- E. Interim appointees are to be notified in writing as a condition of employment that their appointment shall cease upon the return of the regular employee in place of whom the interim employee is working. Likewise, temporary and seasonal employees shall be notified that their employment is of a temporary and/or seasonal nature. Such notification shall also include the date of hire and anticipated date of cessation of employment.

Classified and Unclassified Employment

All employees of the City are presumed to be classified civil servants unless the position which they occupy has been exempted from the classified service by a lawful request of the appointing authority or by operation of law. After completion of the required probationary period, classified employees may only be disciplined for cause and by following the procedures set forth in Chapter 124 of the Ohio Revised Code. Classified employees may not actively participate in partisan politics (see "Political Activity" policy).

Some City employees serve in the unclassified civil service, and serve at the pleasure of the appointing authority. Unclassified employees are not prohibited from partisan political activity.

Work Scheduling

- A. There are many jobs in the City that require varying hours of work. An employee's work schedule will depend upon the work unit to which he or she is assigned, his or her shift, and his or her classification within the department. The appointing authority (or designee) shall establish the daily work schedule for his or her department in consideration of current and anticipated workload, public service needs, and any other relevant factor.
- B. Employees who wish to trade days off must have prior approval of their appointing authority (or designee).
- C. Whenever an employee is called to work at a time other than his or her posted work schedule, thereby necessitating additional travel to and from work, he or she shall be guaranteed at least two (2) hours of work. However, any work required by the appointing authority or designee prior to the start of the posted work shift and which continues into the employee's posted shift is not covered by this minimum guarantee. Likewise, time worked by an employee who is held over following his or her regular work shift shall also be exempt from this minimum guarantee.
- D. Employees shall be granted a lunch period. Lunch scheduling is subject to approval of the employee's immediate supervisor. Time for lunch will be in addition to the regularly scheduled work week.
- E. Approved lunch periods are not considered as work time. Therefore, each employee shall be completely relieved from work duty for that time period if possible.
- F. Lunch periods which are uninterrupted by calls to duty are excluded from compensable time. Lunch periods which are interrupted by authorized calls to duty must be counted as compensable time because the employee is not considered to be relieved of all duties.
- G. Employees who are completely relieved from calls to duty during their approved lunch period are not required to request permission to leave work premises during their scheduled lunch period. Such employees shall be responsible for returning to work from lunch at the designated time. Employees returning late from lunch or leaving early for lunch may be subject to disciplinary action.

Section III: Employment Opportunity, Training, & Evaluation

Equal Employment Opportunity

The City of Wilmington is an Equal Opportunity Employer. All employees and applicants for employment shall be recruited, selected, promoted, transferred, demoted, terminated, suspended, evaluated and otherwise treated in a fair and equitable manner, based solely upon merit, fitness and other bona fide occupational qualifications. No personnel decisions concerning any term or condition of employment shall be based upon race, religion, sex, national origin, age or disability except when such a factor constitutes a bona fide occupational qualification.

Each appointing authority shall be responsible for implementing, coordinating, and monitoring equal employment opportunity efforts as provided for by pertinent Municipal Civil Service Commission rules.

Vacancies, Announcement, and Application

An appointing authority wishing to fill a vacancy shall follow the procedures set forth in the “Appointments” Chapter of the Municipal Civil Service Commission Rules and the “Basis for Selection” section in this Handbook to hire the most qualified candidate for the position.

Basis for Selection/Disqualification

- A. Appointments to vacant positions, either from internal promotion or selection from outside applicants, shall be made based solely on the applicant's knowledge, skills and abilities, and other job-related qualifications as ascertained through fair and practical selection methods.
- B. An applicant shall be eliminated from consideration if he or she:
 - 1. Does not possess the knowledge, skills, and abilities necessary to effectively perform the duties of the vacant position;
 - 2. Has made a false statement on the application form or supplements thereto;
 - 3. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
 - 4. Is an alien not legally permitted to work in the United States;
 - 5. May be eliminated from consideration for other job-related reasons.
- C. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, that applicant's employment will be terminated for dishonesty, incompetence, nonfeasance, or malfeasance.

Medical Examination

A physical and/or mental examination of an applicant by a qualified physician may be required by the appointing authority. This examination may be required only after the appointing authority has made a conditional job offer to an applicant and only if the appointing authority requires all entering employees in the same job category to submit to such examination(s). The applicant may be required to take such a post-offer examination before beginning work for the City. The employee's continued employment may be conditioned on successfully completing the examination.

If an appointing authority intends to rescind the conditional offer of employment of a conditionally employed individual because the individual's post-offer examination results suggest that he or she cannot perform the essential functions of the job, the appointing authority must be prepared to demonstrate that the physical and/or mental criteria in question are consistent with business necessity and job-related. The appointing authority must also be prepared to demonstrate that no reasonable accommodations exist which would enable the applicant to perform the essential functions of the job, despite any inability to pass the examination.

Examinations required by the appointing authority shall be conducted by a licensed physician selected by the appointing authority and shall be at the cost of the City.

Transfer

A transfer may be defined as the movement of an employee from one job to another without change in level of responsibility, classification or salary. Transfers may be intra-departmental (a transfer from one position to another bearing the same classification title within the employee's department) or inter-departmental (a transfer from one position to another bearing the same classification title between the employee's department and another City department or appointing authority).

Requests for transfer will be granted based upon the needs of the department(s), availability of positions, approval of the affected department officials or appointing authorities, and the final approval of the Municipal Civil Service Commission in accordance with the Commission's rules governing transfers.

Temporary Transfers

A temporary transfer is the transfer of an employee to a classification different from his or her own that has substantially different duties than the employee would normally perform. A temporary transfer shall be affected by the appointing authority to meet the operational needs of the department due to illness, emergencies or special circumstances. A temporary transfer shall not be for the purposes of disciplining the temporarily transferred employee. Temporary transfers shall be for thirty (30) days or less. No person shall serve more than one (1) temporary transfer in any six (6) month period, nor may they serve consecutive temporary transfers, except in extraordinary circumstances.

An employee temporarily transferred to a position with a lower rate of pay shall continue to be paid at his or her normal wage.

An employee temporarily transferred to a position with a higher rate of pay for more than three consecutive working days shall receive his or her regular hourly wage plus an additional ten percent (10%), or the minimum rate of the appropriate range, whichever is more, as full compensation for the temporary higher-level responsibilities. Such additional compensation shall be for the entire period of the temporary transfer. Temporary transfers to a higher-level position shall not be used to temporarily promote employees. The temporary transfer may not be to a new position on the department organization table.

Subject to the approval of the Municipal Civil Service Commission and in accordance with the Commission's rules, an appointing authority may select for temporary service any current employee he or she deems qualified to perform the duties and responsibilities of the position left temporarily vacant.

Promotion

It is the City's policy to employ entry-level employees who have the skills and training necessary to perform the essential functions of their jobs. Wherever practical, the City endeavors to assist the development of its employees, enabling them to compete successfully for vacancies in higher-level classifications.

Factors to consider for promotion include an employee's completion of the required probationary period, certification, required training courses, performance evaluation ratings, and any other job-related, qualifying criteria.

Probation

A. Every person entering City service shall be required to successfully complete a probationary period of 180 calendar days. This excludes part-time, seasonal, or intermittent workers whose probationary periods are calculated based upon the number of hours worked on a pro rata basis to equal 180 eight-hour days.

B. City employees shall be evaluated with respect to performance twice during the employee's probationary period and once per calendar year thereafter. The first performance evaluation shall be completed within the first half of the probationary period. The second evaluation shall be completed within thirty (30) days, and no later than ten (10) days prior to completion of the probationary period. If an employee is given a probationary removal or a reduction, the final evaluation will be made at that time (removal or reduction must occur prior to the conclusion of the probationary period.) Supervisors shall recommend retention of only those employees who meet acceptable standards during the probationary period.

C. A probationary employee may be separated at any time during his or her probationary period if, in the judgment of the appointing authority, the employee's fitness and/or quality of work are not such as to merit continuation in the job. (ORC 124.27(c))

All newly-promoted employees shall be subject to a probationary period of sixty (60) days, unless the Municipal Civil Service Commission establishes a different time period. Such an employee may be returned to his or her former position at the former rate of pay within the second half of the probationary period after promotion if, in the judgment of the appointing authority, the employee's fitness and/or quality of work are not such as to merit continuation in the higher-level position. Such action shall not be considered disciplinary and shall not eliminate the employee from consideration for subsequent advancement.

Unless a probationary employee has been removed or reduced before the end of the probationary period, the appointing authority shall inform the Municipal Civil Service Commission of his or her decision either to make the appointment of the probationary appointee final or to remove the employee. If the appointing authority's decision is to remove the appointee, the appointing authority must provide a written and signed statement of the reasons for removal to both the employee and the Municipal Civil Service Commission, as provided in the rules of the Municipal Civil Service Commission.

Training

- A. Throughout an employee's probationary period, the appointing authority will monitor the employee's progress and, so long as it is practical, provide on-the-job guidance in order to assist them in performing their job duties.
- B. The appointing authority shall periodically examine current and proposed training programs to ensure that the programs serve both the employee and the organization's training needs.
- C. Employees may be required to attend job-related training programs, courses, seminars, etc. If such training is required by the appointing authority, the expenses shall be paid by the City. However, the appointing authority need not pay for such training when it is taken voluntarily by the employee, and not required by the City.
- D. An employee may request that the appointing authority provide additional job training to raise performance levels in his or her current position or in preparation for anticipated position vacancies. Such training may be considered by the appointing authority. In all cases, such additional paid training shall be subject to the approval of the appointing authority.
- E. Upon completion of required job related training programs, courses, seminars, etc. The employee must file proof of completion with Human Resources and the City Auditor's office.
- F. All training requests must be filed using the City of Wilmington approved "employee education request form".

Performance Evaluation

- A. Written performance evaluations provide the appointing authority with an effective mechanism to measure and communicate levels of job performance to departmental employees. They provide the employee with documented, constructive feedback concerning current performance. Documented performance evaluations serve as a basis for important management decisions regarding training needs, job assignments, promotion and retention of employees. The work performance of each permanent employee shall be evaluated according to established procedures.
- B. Employees serving initial or promotional probationary periods shall be evaluated twice during the course of such periods. The first shall be completed halfway through the probationary period; the second shall be completed within thirty (30) days, and no later than ten (10) days prior to the completion of probationary period. Should an employee be given a removal before the end of his or her probationary period, a final evaluation shall be made at that time.
- C. Employees not serving in probationary periods shall receive one (1) evaluation per calendar year.
- D. Special evaluations may be made if authorized by the appointing authority. Such evaluations may not be used for the purpose of influencing the order of layoffs.
- E. The Municipal Civil Service Commission or Human Resources is responsible for providing performance evaluation forms. An employee's immediate supervisor is responsible for completing the performance evaluation forms and for discussing their contents with individual employees. The supervisor shall provide a copy of the completed performance evaluation form to be retained by each employee.
- F. Supervisors shall rate their employees in an objective manner based upon a fair evaluation of the employee's performance level during the preceding rating period. Any supervisor found to be unfairly biasing the results of a performance evaluation, for whatever purpose, shall be subject to disciplinary action in accordance with provisions outlined in the Handbook, "Disciplinary Principles."
- G. Any employee dissatisfied with his or her performance evaluation may seek reconsideration through the grievance procedure specified in the "Grievances" section. Such appeal rights do not apply to employees in a new-hire probationary period.

Section IV: Compensation

Classification Plan

- A. The Municipal Civil Service Commission shall be responsible for the administration of the City's Classification Plan based upon a valid analysis of each position's duties, responsibilities and qualification requirements. The Commission shall also maintain and update the official copy of the City Classification Plan and make the Plan available to the public upon reasonable request.
- B. City appointing authorities shall provide to the Municipal Civil Service Commission current position descriptions for their departments.
- C. The Municipal Civil Service Commission shall analyze all position descriptions and allocate each position to one of the classes in the City Classification Plan. If a suitable class does not exist, the Commission shall establish a new classification and corresponding class specification for adoption by City Council.
- D. The Municipal Civil Service Commission may cause a periodic review of the classes and positions and make necessary adjustments and/or revisions to the classification plan.
- E. Official classification titles shall be used in all personnel and payroll matters.
- F. An employee may request that his or her position be audited for proper classification by submitting a written request to his or her appointing authority or by submitting such request directly to the Municipal Civil Service Commission. Likewise, an appointing authority may submit a request to the Commission for an audit of any position under his or her jurisdiction. The Commission may, at any time and on its own motion, audit City positions to ensure proper classification.

Compensation

- A. Compensation practices in the City of Wilmington comply with sound personnel management principles and practices. Efforts shall be made to compensate City workers fairly and equitably in accordance with federal and state laws and sound personnel practices.
- B. The Wilmington City Council shall establish an equitable compensation system which shall be competitive with comparable jurisdictions (as practical). Such a compensation system shall establish both a minimum and maximum rate of pay for each classification within the organization.
- C. Persons employed into City service shall be hired at a pay plan range and will begin at Step A rate of pay. In no case shall the appointing authority assign any employee to a pay range other than that designated for the employee's classification.
- D. The City Council ensures that City wages:
 - 1. Are based upon a logical and valid method of grading the "worth" of each classification within the organization;
 - 2. Are competitive based upon consideration of rates currently paid in the local labor market for comparable jobs;
 - 3. Comply with governing laws, regulations and executive orders.
- E. City Council has adopted a pay plan for all positions authorized by City Council and those classifications approved by the Municipal Civil Service Commission. Newly hired and promoted employees will be placed within an appropriate range of the pay plan for the position and classification. City Council shall establish the amount and timing of any pay increases for City employees.
- F. Changes in the Classification Plan may also necessitate the City Council or its designee to update the compensation plan. If an appointing authority establishes a new classification, Council shall assign an appropriate wage rate to the new classification based upon consideration of job evaluation results and current labor market conditions.

Overtime, Compensatory Time

- A. Salaried employees, department heads and other professional administrative or executive personnel are exempt from receiving overtime pay. Specifically, this exemption applies to the following classifications: Executive Assistant to the Mayor/Clerk of Council, Code Enforcement Official, Deputy Auditor, Assistant Fire Chief, Fire Chief, Sanitation Superintendent, Street Maintenance and Repair Superintendent, Utilities Billing Supervisor, Wastewater Plant Superintendent, Water Plant Chief Operator, Water Plant Superintendent, Police Chief, Assistant Police Chief, Income Tax Administrator, Service Director, Facility Superintendent/Construction Supervisor, Parks and Recreation Superintendent, Human Resource Director and Municipal Prosecutor and Director of Transportation.
- B. Employees of the City of Wilmington who are not exempt from overtime may elect to receive payment or compensatory time at a rate of time and one-half (1 ½) when they work more than forty (40) hours in one work week. Any comp time earned must be recorded on the time sheet associated with the overtime where the election is made. This time will be recorded into the employees master file with the Auditor's office and the accrual and use of comp time will be maintained in the same manner as vacation time.
- C. Compensatory time off shall be scheduled within 180 days after overtime is worked.
- D. For the purpose of this section, paid sick leave, paid holidays, paid vacation and personal days shall be considered time worked. Time spent traveling and time spent overnight on official City business shall not be considered time worked for purposes of calculating overtime.

Inclement Weather

The City recognizes that on certain days it may be difficult or impossible for a scheduled employee to come into work due to excessive snow, ice or other inclement weather. When severe weather conditions exist, the Administration will monitor local radio stations and contact the Clinton County Sheriff's Department to ascertain whether a Snow Emergency has been declared. If a Snow Emergency has been declared prior to the beginning of the work day, the following actions will be taken based on the severity of the Emergency:

1. Level One emergency: roadways are hazardous with blowing and drifting snow. Roads may also be icy. Drive very carefully. The City will be open for business and employees are expected to report to work. However, employees will be permitted additional ½ hour to report to work. Those employees who are no more than ½ hour late will be excused, there will be no reduction in pay nor any disciplinary action against such employees. Employees who report to work more than ½ hour late may be subject to reduction in pay and disciplinary action for tardiness pursuant to this policy manual.
2. Level Two Emergency: roadways are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the roadways. The City will be open for business, employees should come to work, if in the employee's judgment they are able to do so in a safe manner. Employees who report to work late will not be subject to loss in pay or discipline. The City, in its discretion, may dispatch a snowplow, truck or other vehicle to assist an employee in coming to work during a Level Two Emergency. However, non-essential employees who are unable to report to work shall have the option of receiving an excused day off without pay, or using time from earned but unused vacation hours, compensatory time or personal days, with approval of the appointing authority. The City reserves the right to require certain essential employees to report for work despite the Snow Emergency.
3. Level Three Emergency: All roadways are closed to non-emergency personnel. No one should be out during these conditions unless it is absolutely necessary to travel. Those traveling on the roadways may be subject to arrest. City offices will be closed for business. The City reserves the right to require certain essential employees to report for work despite the Snow emergency. If schools close early and employees are forced to leave work in order to pick up their child, such employees shall have the option of receiving excused time off without pay, or using time from earned but unused vacation hours, compensatory time or personal days and no disciplinary action will be taken.

In the event of a Snow emergency, the City's status will be determined based upon conditions in Clinton County. Employees are expected to monitor local radio to determine whether a Snow Emergency has been declared and, if necessary, are expected to report off work according to established procedures. In any event, employees are to call Dispatch to determine what the Mayor has ordered for the City.

When severe weather conditions develop during the day, the administration will monitor severe conditions as they develop. The City will send employees home early if a Level Three Emergency has been declared or is imminent based on information from the Sheriff's Department. If schools close early and employees are forced to leave work in order to pick up their child, such employees shall have the option of receiving excused time off without pay, or using time from earned but unused vacation hours, compensatory time or personal days and no disciplinary action will be taken.

Pay Period

- A. There are normally twenty-six (26) pay periods per calendar year. All employees are to be paid every other Friday. The biweekly payroll period for employees extends from 12:01 a.m. Sunday through 12:00 midnight the second Saturday.
- B. Pay will be directly deposited into the employee's bank account as specified by the employee at the time of hire. Direct deposit occurs at 12:01 a.m. every other Friday. The only exception shall be summer recreation help. These employees may be paid by City issued checks in lieu of direct deposit. These City issued checks shall be mailed to the individual employee at the address designated in his master employee file.
- C. The appointing authority is to receive any questions regarding an employee's pay and is responsible for making the necessary explanation or inquiries to resolve the matter.
- D. Pay advances of any kind are not permitted.
- E. If a holiday occurs on a Friday on which a pay day falls, paychecks will be issued on the preceding Thursday afternoon except under extenuating circumstances in which case paychecks will be issued on the following Monday.

Payroll Deductions

Certain deductions are made from an employee's paycheck as required by law, employee benefit plans, or employee request. These deductions are itemized on the employee's bi-weekly pay statement which accompanies the bi-weekly check. Deductions include:

- A. OPERS or Police and Firemen's Disability and Pension Fund: Federal law requires each employee to contribute a part of his or her income for social security benefits. The City has the power to replace the Social Security deduction with a deduction for the Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund. Employees hired after 1986 are required to contribute the Medicare portion of social security taxes.
- B. Income Taxes: The federal, state and city governments require that taxes be withheld from each salary payment. The amount of federal and state tax to be withheld is determined from tables furnished to the City Auditor by the Treasury Department and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon employment and to inform their appointing authorities of any dependency change should such change occur.
- C. Miscellaneous Deductions: Examples include garnishments, Deferred Compensation, Cancer Insurance and other approved deductions. The City may refuse to make deductions at regular intervals or below certain prescribed minimum amounts. Deductions may also be refused if the City Auditor concludes that the deduction is not in the best interest of the City.

Travel Expense Reimbursement

City employees are eligible to receive reimbursement for allowable expenses incurred while traveling out-of-city on official City business. Employees are only eligible for expense reimbursement when travel has been authorized in writing by the appointing authority and the employee can **provide receipts documenting claimed expenses**. Overnight travel expense reimbursement requires the advance approval of the appointing authority except in emergency situations as deemed acceptable by the appointing authority. Employees should remember the City is tax exempt and provide tax-exempt forms. See your supervisor for these forms.

A. The following items are reimbursable, and subject to compliance with the regulations and procedures below when traveling so as not to incur those costs:

1. Commercial Flights: Reimbursement is available for flight expenses only when the cost of the flight is less than the cost of automobile mileage, or where travel time is of significance to the City.
2. Bus, Limousine, or Taxi: Employees are to use the most economical means available when traveling on City business.
3. Automobile: Whenever possible, the appointing authority will assign a City vehicle for travel to and from meetings, conferences, and conventions. If no City vehicle is available and an employee is required to use his or her privately owned vehicle, he or she shall be reimbursed at the federal rate per mile. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one (1) of two (2) or more employees traveling on the same trip, in the same vehicle. Vehicle rental is not reimbursable without prior approval of the appointing authority.
4. Registration Fees: Whenever possible, registration fees will be paid in advance by the City upon presentation of an invoice, notice, or registration reservation form.

5. Meals: If meal expenses are included in registration fees, duplicate meals shall not be reimbursable. Expenses incurred for meals while on official City business will be reimbursed at actual cost up to the maximum limit with the approval of the appointing authority. The maximum allowable amounts including tip for meal reimbursement are:

Breakfast \$10 per employee

Lunch \$15 per employee

Dinner \$25 per employee

An employee is eligible for such reimbursement only when travel has been authorized, in writing, by the appointing authority, and when travel extends through a normal meal period.

6. Lodging: Employees will be reimbursed for reasonable and necessary lodging expenses at the single room rate.
 7. Phone Calls: Phone calls necessary for official City business are reimbursable.
 8. Parking and Tolls: Expenses for parking, highway, bridge and tunnel tolls are reimbursable. Parking expenses include parking within and outside the City, providing the employee is on official City business, and provides an appropriate receipt.
- B. The following items are not subject to reimbursement (This is not intended to be an exhaustive list.) Some expenses not on the following list are non-reimbursable. In the event that an employee has a question about an item not expressly identified as reimbursable in this policy, they should contact their appointing authority for a definitive determination prior to incurring the expense.
1. Alcoholic beverages;
 2. Entertainment;
 3. Laundry and dry cleaning;
 4. Room service charges;
 5. Expenses of spouse traveling with employee;
 6. Any allowable expense where no receipt is provided by the employee.
- C. Expense reports (with receipts attached) detailing all costs shall be filed by employees. In order to receive reimbursement, employees must submit expense reports **within thirty (30) days of incurring expenses addressed therein.**

Benefits

All full-time City employees are eligible to participate in the City's group medical, life and disability insurance plans. The City shall bear a portion of the cost of this coverage, while the participating employee is responsible for the remaining balance. City Council shall determine the percentages of cost for which the City and the employee, respectively, are responsible. Full-time employees are eligible for single or dependent medical insurance coverage. Additional medical coverage information may be obtained from the Human Resource Department.

Each full-time employee is currently eligible for \$20,000 Group Term life insurance coverage with accidental death and dismemberment insurance provisions. As with all benefits, this is subject to change by City Council. See Human Resources for additional details.

Full-time employees incurring a non-job related accident or illness are currently eligible for one hundred dollars (\$100.00) per week disability income payments beginning the first day of disability (due to an accident) and from the eighth day due to sickness. Disability payments will be paid bi-weekly, corresponding with the City's payroll schedule. Payments are processed through the City's payroll system and will withhold all appropriate taxes. These payouts will be added to the employee's W-2 at the end of that calendar year. These disability income payments are limited to a maximum of twenty-six (26) weeks for any one accident or sickness. See Human Resources for additional details.

Full-time employees may elect to purchase Cancer or other Voluntary Insurance Policies at minimal costs. Other benefits offered to full-time employees include vacation, ten (10) paid holidays, up to fifteen (15) days of sick leave per year, furnished uniforms when required, uniform maintenance, furnished safety equipment, and three (3) personal days per calendar year. Full-time employees are covered by the Workers Compensation system and participate in a retirement program.

Part-time City employees are also offered a benefit package including paid sick leave and vacation on a basis proportional to hours worked, Workers Compensation coverage, furnished uniforms when required, uniform maintenance and furnished safety equipment. Intermittent, interim and seasonal employees may be furnished uniforms when required and covered by the Workers Compensation system. Details and qualifying requirements regarding the above-mentioned benefits are addressed throughout this Handbook.

Section V: Employee Leave

Sick Leave

- A. An employee may request sick leave, provided he or she follows the "Notification of Absence" policy outlined in Subsection H of this policy. Sick leave may be requested for the following reasons:
 - 1. Illness or injury of the employee;
 - 2. Illness or injury of a member of the employee's immediate family where attention by the employee is reasonably necessary;
 - 3. Exposure of the employee or a member of his or her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
 - 4. Death of a member of the employee's immediate family;
 - 5. Medical, dental or optical examinations or treatment of employee or a member of his or her immediate family;
 - 6. Pregnancy, childbirth and/or related medical conditions.
- B. For purposes of this policy, the immediate family is defined as: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian, stepfather, stepmother, stepbrother, stepsister, stepchild, or other person who stands in the place of a parent.
- C. The appointing authority maintains the right to investigate any employee's absence.
- D. For each completed hour in active pay status, an employee earns .0575 hours of sick leave. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, and hours on paid sick leave.
- E. Part-time employees accrue sick leave on a proportionate basis to the hours paid each pay period.
- F. The amount of sick leave time any employee may accrue depends upon the number of hours worked over the course of the year, but in no event may an employee accrue sick leave in excess of fifteen (15) work days in an anniversary year.
- G. Sick leave shall be charged in minimum amounts of one (1/2) hour.
- H. Employees absent on sick leave shall be paid at the same basic hourly, daily or biweekly rate as when they are working.

- I. An employee requesting sick leave for the purpose of medical, dental or optical examination appointments shall notify the appointing authority of the fact as far in advance as possible, in order that scheduling and work priorities might be adjusted accordingly. An employee requesting sick leave for other permitted purposes shall inform the appointing authority of the fact and the reason within ten (10) minutes after the employee's scheduled starting time. In departments with twenty-four (24) hour continuous operations, the employee shall be required to notify the appointing authority at least two (2) hours prior to the start of the employee's scheduled starting time. Failure to do so may result in denial of sick leave for the period of absence. The employee will submit to any medical examination, nursing visit or other inquiry which the appointing authority deems necessary to confirm that sick leave is being used for authorized purposes. The cost of such examination, visit, or inquiry shall be borne by the City.
- J. At the employee's request and with the approval of the appointing authority, vacation leave may be used for sick leave purposes after sick leave is exhausted. Employees who have exhausted all sick leave and vacation leave credits may be granted a personal leave of absence without pay as addressed in this Handbook, "Leave of Absence Without Pay."
- K. Any employee failing to comply with sick leave rules and regulations will not be entitled to sick leave pay and may be subject to disciplinary action. Application for sick leave with intent to defraud shall result in disciplinary action and/or denial of the requested leave. Employees who engage in excessive absenteeism may be subject to discipline as well. Absenteeism is regarded as excessive when an employee has six (6) incidents of absence or more within a six (6) month period and the employee has no chronic physical and/or mental condition, documented by a licensed medical practitioner, which accounts for such absences.

- L. Employees requesting sick leave for more than three (3) consecutive work days shall be required to present a doctor's certificate stating the employee can return to full duty. Likewise, if medical attention is required, a certificate from a licensed physician stating the nature of the illness shall be required to justify the use of sick leave, regardless of the length of the sick leave request. If an employee fails to file the required physician's certificate verifying illness, he or she shall not be paid for the sick leave. If the written application for use of sick leave is denied, and as a result the employee has been overpaid, such overpayment shall be deducted from the employee's next pay. A written, signed statement may be denied by the appointing authority based upon any investigation which discloses facts inconsistent with proper use of sick leave.
- M. Altering a physician's certificate shall be grounds for immediate dismissal.
- N. Employees who transfer between City departments or from another public agency, or who are reappointed/reinstated will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years. The words "public agency" as used above include the state, counties, municipalities, and all boards of education, libraries, townships, etc. within the state.

Vacation

- A. Full-time employees are entitled to paid vacation. Employees accrue vacation leave at a rate proportionate to the number of hours in active pay status per pay period, according to the following schedule::

1/15/11

<u>VAC.</u> <u>CODE</u>	<u>YEARS</u> <u>WORKED</u>	<u>VAC EARNED</u> <u>(IN WEEKS)</u>	<u>VAC HOURS</u> <u>PER YEAR</u>	<u>FACTOR</u> <u>(PER HOUR)</u>	<u>HOURS EARNED</u> <u>PER PAY</u>	

V2	1-6	2	80	0.038462	3.077	X
V3	7-13	3	120	0.057687	4.615	X
V4	14-19	4	160	0.076925	6.154	X
V5	20	5	200	0.09615	7.692	X
V6	21	5+1 DAYS	208	0.1	8.000	X
V7	22	5+2 DAYS	216	0.10385	8.308	X
V8	23	5+3 DAYS	224	0.107687	8.615	X
V9	24	5+4 DAYS	232	0.111537	8.923	X
V10	25	5+5 DAYS	240	0.115387	9.231	X
V11	26	5+6 DAYS	248	0.119225	9.538	X
V12	27	5+7 DAYS	256	0.123075	9.846	X
V13	28	5+8 DAYS	264	0.126925	10.154	X
V14	29	5+9 DAYS	272	0.130775	10.462	X
V15	30	5+10 DAYS	280	0.134612	10.769	X
V16	31	5+11 DAYS	288	0.138461	11.077	X
V17	32	5+12 DAYS	296	0.142307	11.385	X
V18	33	5+13 DAYS	304	0.146153	11.692	
V19	34	5+14 DAYS	312	0.15	12.000	
V20	35	5+15 DAYS	320	0.153846	12.308	
V21	36	5+16 DAYS	328	0.1576923	12.615	X
V22	37	5+17 DAYS	336	0.161538	12.923	
V23	38	5+18 DAYS	344	0.165384	13.231	
V24	39	5+19 DAYS	352	0.16923	13.538	
V25	40	5+20 DAYS	360	0.173076	13.846	
V26	41	5+21 DAYS	368	0.176923	14.154	
V27	42	5+22 DAYS	376	0.180769	14.462	
V28	43	5+23 DAYS	384	0.184615	14.769	
V29	44	5+24 DAYS	392	0.188461	15.077	
V30	45	5+25 DAYS	400	0.192307	15.385	
VP	PT JANITOR-ADMIN	1	40	0.025641 (BASED ON 60 HR/PP)	1.538	X
VSP1	PT SWR #1	2	80	0.054945 (BASED ON 56 HR/PP)	3.077	X
VSP2	PT SWR #2	1	40	0.024038 (BASED ON 64 HR/PP)	1.538	X

- B. Active pay status is comprised of hours worked, paid sick leave, vacation leave, personal days and authorized paid holidays. Vacation credits are not earned while an employee is in inactive service (any kind of unpaid leave of absence, including Family and Medical Leave, disciplinary suspensions, etc.)
- C. Vacation is not earned through the accumulation of paid overtime.
- D. Vacation scheduling is subject to the approval of the appointing authority or designee.
- E. Vacation leave is to be taken in minimum units of 1/2 hour increments and in accordance with the following guidelines for advance notification:

One hour to two (2) days requested off:	One (1) calendar day
Three (3) or four (4) days requested off:	Six (6) calendar days
Five (5) or more days requested off:	Ten (10) calendar days

Employees are encouraged, but not required, to take their earned vacation leave in units of one (1) week or more.

- F. Employees who resign or retire are entitled to compensation at their current rate of pay for any earned but unused vacation leave at the time of separation.
- G. Employees whose service with the City of Wilmington exceeds fourteen (14) years as of their anniversary date may “cash in” up to two (2) weeks of vacation leave in each anniversary year of continuous service
- H. Employees of the City who have prior public service, as allowed and recorded by the Ohio public Employees’ Retirement System, shall receive credit for such prior public service, Notwithstanding the number of years of prior public service, such service shall only entitle an employee to accrue up to a maximum of one (1) additional week of vacation leave per year beyond his/her current entitlement pursuant to R.C. 9.44 and the City’s policies. For example, an employee with thirteen (13) years of prior service with another public employer and one (1) year of service with the City would be entitled to accrue at the rate of one hundred twenty (120) hours of vacation leave per year. Consideration of prior public service shall not entitle an employee to accrue beyond annual vacation leave in the amount of two hundred (200) hours per year. For example, an employee with twenty (20) years of completed service with the City and one (1) year of prior public service shall only be entitled to accrue two hundred (200) hours of vacation leave per year. Consideration of prior public service shall not entitle employees to accrue any additional hours of vacation provided by the City’s personnel policies. For example,

an employee with twenty-one (21) years or more of completed service with the City shall be entitled to only accrue an additional eight (8) hours of vacation leave for each year of completed service in excess of twenty (20) years, regardless of the amount of prior public service.

Bereavement Leave

In the event of the death of an immediate family member, any eligible employee may be granted usage of earned but unused sick leave for a maximum of three (3) working days upon the approval of the appointing authority.

For purposes of this policy, the immediate family is defined as the employee's: mother, father, sister, brother, child, step-child, spouse, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian or other person who stands in place of the employee's parent. At the discretion of the appointing authority, the maximum amount of three (3) days designated in this policy may be extended.

Civil Leave

- A. If an employee of the City is called for jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee may choose to be compensated for such time in one of the manners set forth below:
 - 1. Receive his or her regular salary or wage from the City in full for such time. In such case, the employee shall turn over to the City all moneys received by the employee as compensation for court service.
 - 2. Retain all moneys received as compensation for court service and waive his or her regular salary or wage from the City in full for such time.
 - 3. Retain all moneys received as compensation for court service, plus take an earned but unused vacation day for such time off (with the approval of the appointing authority).
- B. If the employee chooses Options 1 or 2 as specified above, he or she will be expected to report for work following jury duty if a reasonable amount of time remains during his or her scheduled workday.
- C. If an employee of the City is called for jury duty or subpoenaed to testify in a court of law outside of his or her regularly scheduled working hours, all monies received as compensation for such court service shall be retained by the employee.
- D. Employees shall not be entitled to paid civil leave for appearing in court for criminal or civil cases when the case being heard is in connection with the employee's personal matters. Such absences must be covered by properly requested leave without pay, vacation leave, or personal days, and scheduled in advance with the appointing authority.
- E. City employees who are called to testify in a court of law as part of their normal job duties and responsibilities are not eligible for receipt of court fees.
- F. The policy above applies to City employees only when the employee is called for jury duty or subpoenaed to testify, but not as a representative of their City department.

Military Leave

Military leave is governed by Chapter 5923 and Section 124.29 of the Ohio Revised Code, and Uniformed Services Employment and Reemployment Rights Act of 1994, 108 Stat. 3149 (1994), 38 U.S.C. 4301 and 4304, as amended. In accordance with Ohio Revised Code Section 5923.05(A), employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each calendar year in which they are performing service in the uniformed services. In this regard, one (1) month means twenty-two (22) eight (8) hour workdays or one hundred seventy-six (176) hours within one (1) calendar year.

All employees who are members of the Ohio National Guard, the Ohio Defensive Corps, the State and Federal Militia, or members of other reserve components of the armed forces of the United States, are entitled to a leave of absence from their respective duties. Such leave shall be without loss of pay for such time as they are in the military service for field training or active duty for periods not to exceed a total of thirty-one (31) calendar days in any one (1) calendar year (the year beginning the first of January and ending on the last day of December). However, in no event shall this compensation exceed payment for 176 hours during any one (1) calendar year.

If an employee who is entitled to the leave authorized under Ohio Revised Code Section 5923.05(A) is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the President of the United States, because of an act of Congress, or because of an order to perform duty issued by the Governor pursuant to Ohio Revised Code Section 5919.29, the City will grant such employee, during the period designated in the order or act, a leave of absence and, during each monthly pay period of that leave of absence, the payment of the lesser of:

(1) The difference between the employee's gross monthly wage or salary as an employee with the City and the sum of the employee's gross uniformed pay and allowances received that month; or

(2) Five hundred dollars (\$500.00).

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 108 Stat. 3149 (1994), 38 U.S.C. 4301 and 4304, as amended, employees who voluntarily or involuntarily enter into any of the Armed Services of the United States shall be granted a leave of absence without pay to serve in the uniformed service.

Employees returning from leave described above shall be entitled to reinstatement rights pursuant to applicable federal and state statutory law. An employee returning from uniformed service leave must apply for reinstatement. The application must be made to the Director of Human Resources, within the period set forth below.

- (1) Leave of less than thirty days: Immediately upon release from uniformed service but the City must allow for travel time and rest of eight (8) hours;
- (2) Leave of thirty-one to one hundred and eighty days: Within fourteen days of completing uniformed service requirement; or
- (3) Leave of more than one hundred and eighty days: Within ninety days of completing uniformed service requirement.

If the leave of absence was for more than ninety days, the City may require with the application evidence showing that the application is timely, provided the duration of all such leaves of absence does not exceed five years or the time to complete the initial period of obligated service and the employee's entitlement to reemployment has not terminated according to the circumstances described in the Uniformed Services Employment and Reemployment Rights Act of 1994, 108 Stat. 3149 (1994), 38 U.S.C. 4301 and 4304, as amended.

An employee's reemployment rights are terminated if the employee is:

- (a) Separated from uniformed service with a dishonorable or bad conduct discharge;
- (b) Separated from uniformed service under other than honorable conditions, as characterized by regulations of the uniformed service;
- (c) A commissioned officer dismissed by sentence of a general court-martial; in commutation of a sentence of a general court-martial; or, in time of war, by order of the President; or,
- (d) A commissioned officer dropped from the rolls due to absence without authority for at least three months; separation by reason of a sentence to confinement adjudged by a court-martial; or, a sentence to confinement in a Federal or State penitentiary or correctional institution.

If an employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of uniformed service, he or she must report to or submit an application for reemployment to the City at the end of the period necessary for recovering from the illness or injury. This period may not exceed two (2) years from the date of the completion of

uniformed service, except that it must be extended by the minimum time necessary to accommodate circumstances beyond the employee's control that make reporting within the period impossible or unreasonable. This period for recuperation and recovery extends the time period for reporting to or submitting an application for reemployment to the City, and is not applicable following reemployment.

Employees returning to previously-held positions under these provisions shall receive credit for military services in areas affecting status, rank, rating, increments, qualifications, etc., as though they had continued their City employment. Employees do not accrue vacation and sick leave during the leave period.

Employees who are members of those components listed above will be granted emergency leave for job, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. The leave will cover the official period of the emergency.

Workers Compensation

State law provides that every City employee is eligible for Workers Compensation for occupational injuries or illnesses arising in the course of his or her employment. The City contributes to the Workers Compensation Insurance Fund an amount determined by the Fund, based on the City's experience rate.

The City has implemented a salary continuance program. This program would pay salary/wage in lieu of temporary total or living maintenance compensation.

See your Human Resources Department for program details.

Leave of Absence Without Pay

Family and Medical Leave

- A. Eligible employees are entitled to take unpaid leave for a period of up to twelve workweeks during any twelve (12) month period for any of the following reasons:
 - 1. To care for the employee's child after birth of the child, or after placement of the child from adoption or foster care;
 - 2. To care for the employee's spouse, child, or parent who has a serious health condition;
 - 3. To care for the employee's own serious health condition that makes the employee unable to perform his or her job.
- B. For the purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical and/or mental condition involving:
 - 1. Any period of incapacity or treatment connected with inpatient care (i.e., overnight stay) in a hospital, hospice, or residential medical care facility;
 - 2. Any period of incapacity requiring absence of more than three (3) calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a healthcare provider;
 - 3. Continuing treatment by (or under the supervision of) a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days, and for prenatal care.
- C. For the purposes of this policy, "healthcare provider" means:
 - 1. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices;
 - 2. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law;
 - 3. Christian Science practitioners listed with the First Church of Christian Science in Boston, Massachusetts.

D. As a prerequisite to being eligible to taking unpaid Family and Medical Leave, the employee must satisfy the following requirements:

1. The employee must have worked for the City for a total of at least twelve (12) months and 1,250 hours over those months.
2. The employee must provide advance written notice of his or her intent to take Family and Medical Leave. This written notice must include documentation demonstrating that the leave is to be used for a permissible reason. The type of information that should be in the documentation depends upon the purpose of the leave as follows:
 - a. In the case of Family and Medical Leave to be used to care for a child after birth, a healthcare provider's certification indicating the date of birth, or anticipated date of birth, is adequate.
 - b. In the case of Family and Medical Leave used to care for an adopted or foster child after placement with the employee, documentation from the adoption agency or entity indicating the anticipated date of placement, or the date placement occurred, is adequate.
 - c. In the case of Family and Medical Leave used because of the serious health condition of an employee, a healthcare provider's certification identifying the patient, the date the condition began, and the nature and probable duration of the condition is adequate. Certification must also state that as a result of the condition, the employee is unable to perform the functions of his or her position.
 - d. In the case of Family and Medical Leave to care for an appropriate family member as defined above, a healthcare provider's certification identifying the patient, the date the condition began, and the nature and probable duration of the condition is adequate. Certification should also include a statement that the employee is needed to care for the family member and an estimate of how long such care is necessary.

- e. Notwithstanding any other provisions of this policy, when an employee requests Family and Medical Leave as a result of employee or appropriate family member's serious medical condition, the City may require the patient to obtain a second, City-designated healthcare provider's opinion regarding the condition at the City's expense. If the second opinion differs from the first, the City may require the patient to obtain a third, jointly-designated healthcare provider's opinion, also at the City's expense. The opinion of such third health care provider shall be binding upon the City and the employee.
 - f. The City may require the employee to provide subsequent follow-up statements from healthcare providers.
 - g. Notwithstanding any other provisions of this policy, whenever the need to take Family and Medical Leave is foreseeable to the employee, he or she must provide thirty (30) days advance notice to his or her appointing authority informing the authority of the employee's intention to take such leave.
- E. The City will grant Family and Medical Leave only if the otherwise-eligible employee has properly applied for and used any accrued vacation leave or personal days prior to becoming eligible for Family and Medical Leave. Furthermore, in the case of Family and Medical Leave used for a seriously ill employee or immediate family member of the employee's, the City will require the employee to use any accrued sick leave for such purpose. In the event that an employee uses accrued paid leave as a prerequisite for taking Family and Medical Leave as required under this provision, the paid leave will be substituted for Family and Medical Leave and will be treated as such for the purpose of determining how much Family and Medical Leave is available to the employee. In the sole discretion of the employee's department head, the employee may be permitted to apply for and use Family and Medical Leave notwithstanding the fact that the employee has not yet exhausted his or her accrued paid leave.

- F. For the duration of Family and Medical Leave, the City will continue the employee's coverage under any group health plan that covers the employee at the time the leave begins. If the employee is responsible for paying a share of health insurance premiums, the employee must make arrangements with the City to pay that share while on unpaid leave. The City will invoice the employee monthly for those payments. If the employee fails to pay this obligation, the City will offset that payment with any future payments to which the employee may be entitled. Employees on Family and Medical Leave do not earn sick or vacation leave credit during the period of the leave. Likewise, employees shall not earn holiday compensation or personal day credit while on Family and Medical leave. However, time spent on the Family and Medical Leave is to be considered in determining length of service for purposes where tenure is a factor.
- G. The City may permit the employee to take Family and Medical Leave on an intermittent basis. An employee seeking to take Family and Medical Leave on an intermittent basis must specify that fact in their application for such leave.
- H. In the event that two (2) spouses are employed by the City, and both are entitled to Family and Medical Leave, the aggregate number of workweeks of leave to which both may be entitled is limited to twelve (12) workweeks during any twelve (12) month period if the leave is taken because of child birth/care or adoption/foster placement, or to care for a sick parent.
- I. Return to Work Upon Conclusion of Family and Medical Leave:
 - 1. In the case of Family and Medical Leave used because of the employee's serious medical condition which makes the employee unable to perform his or her job, the City may require the employee to provide a physician's statement reporting the employee's fitness for duty prior to returning to work.
 - 2. Upon returning from Family and Medical Leave, the employee is to be placed in his or her original position, or another position at a similar level of responsibility with the same pay rate should the original position be abolished. Should no similar position be available, the employee will be laid off.

Other Leave of Absence Without Pay

- A. Upon the written request of a permanent employee, the appointing authority may grant the employee a leave of absence without pay.
- B. The maximum duration of a leave of absence without pay for the employee's personal reasons shall not exceed six (6) months. In the event that an employee has taken Family and Medical Leave pursuant to this policy and the Family and Medical Leave occurred in the same twelve (12) month period as the unpaid leave for personal reasons, the time spent on Family and Medical Leave will be included with the unpaid leave for personal reasons when calculating the six (6) month maximum period.
- C. The maximum duration of a leave of absence without pay for purposes of education, training or specialized experience which would benefit City service, or for other related reasons, shall not exceed two (2) years.
- D. Except in the case of Family and Medical Leave covered by this policy, the authorization of a leave of absence without pay is solely a matter of administrative discretion. Each request will be decided by the appointing authority based upon its own merits. See page 58 F other details.
- E. Upon returning from a leave of absence, the employee is to be placed in his or her original position, or another position at a similar level of responsibility with the same pay rate should the original position be abolished. Should no similar position be available, the employee will be laid off.
- F. When an employee fails to return to work upon the expiration of an authorized leave of absence without pay, that employee shall be considered as having resigned from the position.
- G. An employee who has received an authorized leave of absence without pay does not earn sick or vacation leave credit during the leave. However, time spent on the leave of absence will be considered in determining length of service for purposes where tenure is a factor. Likewise, employees shall not earn holiday compensation or personal day credit.
- H. If it is determined that an employee is abusing the leave of absence and not using the leave for the purpose specified, the appointing authority may impose discipline and cancel the leave and provide the employee with a written notice directing the employee to report for work.
- I. Requests for leaves of absence are to be submitted on the Request for Leave of Absence Form with any supporting documentation attached.

Discretionary Additional Leave Due to Illness or Injury

Qualified employees are entitled to take Family and Medical Leave in the event the employee suffers from a serious health condition which makes the employee unable to perform his or her job (in addition to other enumerated reasons). Under certain circumstances, the City may also permit ill or injured employees to take unpaid leave for periods extending beyond the maximum twelve (12) week period available for Family and Medical Leave, or, in the case of employees who are not eligible for Family and Medical Leave, in lieu of such leave. This subsection outlines the conditions under which such discretionary leave may be granted and procedures for administering its use.

- A. When an employee becomes physically or mentally unable to perform the duties of his or her position, but is still able to perform the duties of a vacant lower-level position, he or she may voluntarily request reduction to the lower level position. Such a request shall be in writing, stating the reason for the request, and if approved by the appointing authority, submitted to the Civil Service Commission.
- B. A physically or mentally incapacitated employee who has exhausted his or her accumulated sick leave and any available Family and Medical Leave, and for whom voluntary reduction is not practicable, may request up to six (6) months of unpaid personal leave. The employee may do this only if he or she can present evidence as to the probable date on which the employee will be able to return to the same or similar position. The six (6) month maximum period includes any time spent on Family and Medical Leave for the same (or a related) health condition. Such request should be in writing with supporting evidence attached. If approved by the appointing authority, a copy of the request and evidence should be submitted to the Municipal Civil Service Commission.

Holidays and Personal Days

A. All full-time employees are entitled to the following legal holidays:

New Year's Day	First day of January (1/1)
Martin Luther King Day	Third Monday in January
Memorial Day	Thirtieth day of May (5/30)
Independence Day	Fourth day of July (7/4)
Labor Day	First Monday in September
Veterans Day	Eleventh day of November (11/11)
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	Twenty-fourth day of December(12/24)
Christmas Day	Twenty-fifth day of December (12/25)
Personal Days	Three (3) days which may be taken during the course of any calendar year

1. If the holiday falls on Sunday, it will be observed the following Monday; if it falls on Saturday, it will be observed the preceding Friday.
2. If a holiday occurs while a full-time employee is on vacation or sick leave, leave for such day will not be deducted from the employee's accrued balance.
3. In observance of each authorized holiday, full-time and permanent part-time employees (except Police, Fire, Waste Department, Water Plant Operating and Wastewater Plant Operating personnel whose work demands require them to be scheduled on a holiday) shall normally be granted the day off from work.
4. However, in the event a salaried, overtime exempt employee is required to work on a scheduled holiday, such employee shall be permitted to take off on another day to "make-up" for the lost holiday time. Such time off shall be equivalent to the exact hours worked on the holiday. Salaried, exempt employees are not entitled to overtime pay for time worked on a holiday.
5. Full-time employees shall receive straight time pay for each authorized holiday. Permanent part-time employees shall receive four (4) hours of pay for each authorized holiday. Part-time employees who are not permanent, seasonal, intermittent, temporary or interim

employees shall not be granted holiday pay.

6. Personal Days. All full-time employees who are not in their probationary period of their original appointment are entitled to three (3) personal days during the course of any calendar year. Such days may be used for any reason and are not chargeable against earned vacation leave. Scheduling of such days shall be subject to the prior approval of the appointing authority. Personal days may be used in no less than one hour increments. Permanent part-time employees will not accrue personal days.

Employees who are in their probationary period of their original appointment shall accrue personal days on a pro-rated basis during their first calendar year, such that:

- Probationary employees with a start date between January 1 – April 30 shall accrue 3 personal days;
- Probationary employees with a start date between May 1 – August 31 shall accrue 2 personal days; and
- Probationary employees with a start date between September 1 – December 31 shall accrue 1 personal day.

Light Duty Policy

As a general rule, the City of Wilmington has only a limited number of light duty opportunities for employees who require temporary work modifications. Unfortunately, due to the nature of the work required in some classifications, there are no light-duty opportunities. Whether a light duty assignment may be permitted or not will depend on the entire job description for the classification. Furthermore, there are no permanent light-duty assignments. Light-duty assignments may not extend beyond 8 weeks with proper medical documentation. All requests for light-duty must be submitted to the Human Resources Director for approval by the Mayor. Each request will be evaluated on a case-by-case basis. Factors that will be considered in determining whether light-duty is available include but are not limited to the essential duties of the position, the nature of the employee's restrictions, the length of time requested and the availability of productive light-duty work. A special assignment for a very short period of time may be granted if the Mayor approves.

Section VI: Workplace Guidelines

Ethics

Employees who have any doubt regarding possible violation of the ethical standards set forth in this Handbook are advised to consult with the appointing authority prior to engaging in such questionable activity. The appointing authority may in turn wish to consult the City Law Director for a professional legal opinion.

Violations of these provisions will be subject to possible disciplinary action as outlined in of this Handbook, “Grounds for Disciplinary Actions and Penalties.”

Ethics Policy

The City of Wilmington conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws, regulations and guidelines under the Ohio Ethics Commission (ORC 102.01).

(1) The City of Wilmington is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, communities, and employees. The highest standards of ethical business conduct are required of The City of Wilmington employees in performance of their responsibilities. Employees will not engage in conduct activity that may raise questions as to the City’s honesty, impartiality or reputation or otherwise cause embarrassment to the City. Employees will avoid any action, whether or not specifically prohibited in this handbook, which might result in or reasonable be expected to create an appearance of:

- Using public office or public position for private gain.
- Giving preferential treatment to any person or entity.
- Losing impartiality.

- Adversely affecting the confidence of the public in the integrity of the City.

(2) Every employee has the responsibility to ask questions, seek guidance report suspected violations and express concerns regarding compliance with this policy. The City of Wilmington will maintain a program to communicate to employees its commitment to integrity and in compromising values. The program will inform employees of policies and procedures regarding ethical business conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who use these reporting mechanisms to raise genuine concerns will not be tolerated.

(3) The HR department, your appointing authority, and your law director are responsible for providing policy guidance and issuing procedures to assist employees in complying with The City of Wilmington and the Ohio Ethics Commission expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

Appearance

- A. The appointing authority reserves the right to prescribe appropriate dress and grooming.
- B. The appointing authority requires that an employee's clothing and overall appearance be appropriate and in good taste, and present a favorable public image.
- C. Clothing should be conducive to the safe and effective performance of required job duties.
- D. Certain City departments may require employees of specified classifications to wear regulation uniforms while conducting official City duties. In such cases, the City will provide a regulation uniform to each employee at no cost to the employee. Personnel assigned within the Public Service Department who are supplied a uniform will have the uniform rental expenses paid in full by the City.
- E. The City requires that uniforms be kept neat, clean and in good repair by the employee to whom the uniform is issued.
- F. Department-issued uniforms shall only be worn while on official City business.
- G. The following outlines in specific terms the City's uniform requirements:
 - 1. Public Service Departments: The City requires its Field Service Department employees to wear hip boots, rain suits, safety shoes and winter clothing when appropriate, and will provide such equipment at no cost to the employee.
- H. Administration Personnel shall follow business casual standards and guidelines for their dress appearance.

Dress Code

Appearance plays an important role in portraying the professionalism of our City Government. Employees of City Hall shall have a neat and professional appearance that reflects well upon the City of Wilmington. Employees working in City Hall are expected and encouraged to exercise discretion and good taste in their manner of dress. City hall employees' attire, grooming and personal hygiene should be appropriate to their work situation and project a positive image to the public.

To help meet these goals, we have adopted a "Business Casual Dress Policy" as our standard Monday through Thursday. This policy invites employees to wear business casual attire to the office. Normal customary business attire still may be worn, (i.e., dress pants, ties, dress, skirts, etc.)

The following guidelines will help define acceptable business casual attire for Monday through Thursday:

Business Casual Clothing

Slacks—all materials except jeans, spandex, nylon or sweatpants style fabrics

Skirts and dresses (appropriate length)

Shirts with a collar

Turtlenecks

Sweaters

Twin sets

Blazers

Dress t-shirts (professional style)

Note: Employees who are required to perform functions at outlying locations on a regular daily basis must be neat in appearance but may dress appropriately to their work situation, i.e., shorts, jeans.

We ask that you do not wear the following:

Tank tops or muscle shirts

Halter tops or "bra-style" tops

Shorts with less than a 10-inch inseam

Spandex and or other form fitting pants

One shoulder strap tops

Camisoles (unless under another shirt) baby doll tops

Jeans

Sweat suits or jogging suits

Beachwear

T-shirts (casual style)

Any clothing item with sexually-related references, foul language or the promotion of alcohol or illegal drugs.

Friday dress code: The same guidelines for Monday through Thursday shall apply with the exception that professional-looking jeans, sweatshirts and tops may be worn.

Managers and appointing authorities are responsible for interpreting along with enforcing dress and grooming standards in their area of responsibilities. This includes counseling employees whose appearance is inappropriate and unprofessional. Repeat violators who disregard the guidelines set forth may be subject to disciplinary action up to and including termination of employment.

Tardiness

- A. Tardiness on a regular basis is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after his or her scheduled starting time. Whenever an employee is tardy, that employee may be subject to a reduction in pay or appropriate disciplinary action corresponding to the amount of time he or she was late. This reduction and/or discipline may be waived if the employee offers to the supervisor a written reason for tardiness which is deemed acceptable by the supervisor.
- B. Employees shall be responsible for reporting to work at the place designated by their immediate supervisor.
- C. Employees shall not leave their work area or stop working prior to their scheduled quitting time. Violation of this policy may subject the employee to disciplinary action.

No Fault Absence Provision

- A. An employee receives eight (8) points per month for perfect attendance during the month. Maximum accrual is one hundred (100) points.
- B. For each absence due to illness or injury to the employee or employee's immediate family, the employee is deducted one (1) point for each hour of leave taken. One to three (1 - 3) days of consecutive absence for the same illness/injury will be counted as one (1) occurrence and a deduction of only eight (8) points will occur. Absences of more than three (3) consecutive work days shall be deducted at the rate of eight (8) points per day. Deductions will cease if an employee eligible for FMLA leave applies and is approved for FMLA leave.

Any sick leave used for the same illness/injury, even if the usage is not on consecutive days, will count as one occurrence. For example, an employee who is bitten by a dog may receive rabies shots on a series of days over several weeks. In this instance, each of these sick days would be part of a single occurrence for purposes of this section.
- C. Points will not be deducted for vacation leave, personal days, jury duty, compensatory leave or FMLA leave.
- D. Tardiness will be treated in fifteen (15) minute intervals for deduction purposes (i.e., 1 - 15 minutes tardy will result in a loss of 0.25 points; 16 - 30 minutes tardy will result in a loss of 0.5 points.)
- E. Leaving the job before the end of a shift will be treated in the same fifteen (15) minute intervals as tardiness.

PENALTIES: Should an employee attain any of the totals below, he or she will be disciplined as follows:

- 30 points total: job counseling
- 40 points total: written reprimand
- 60 points total: three (3) day suspension
- 80 points total: five (5) day suspension
- 100 points total: termination

Two (2) penalties of the same type within one calendar year automatically result in at least the next step on the third occurrence.

Point totals will be calculated at the time of utilization. Example: If an employee has -35 points on June 15th and utilizes eight (8) hours of sick leave on June 16th, the employee then has -43 points and will receive a written reprimand.

Political Activity

This section lists the specific political activities permitted and prohibited to all classified City employees, including classified employees on authorized leave of absence from their positions. Violation of this section may result in disciplinary measures up to and including termination.

The City encourages its employees to exercise their constitutional rights to vote.

A. The following activities are permitted to classified employees:

1. Registering and voting;
2. Expressing opinions, either verbally or in writing;
3. Voluntarily contributing financially to political candidates or organizations;
4. Circulating petitions on non-partisan issues or on legislation;
5. Attending political rallies open to the general public;
6. Signing nominating petitions in support of individuals;
7. Displaying political material in their homes or on their real property;
8. Wearing badges and buttons, and/or displaying political stickers on their private vehicles.

B. The following activities are prohibited to classified employees:

1. Participating in a partisan election as a candidate for office;
2. Declaring candidacy for an elected office which is filled by partisan election;
3. Circulating official nominating petitions for any candidate;
4. Holding an elected or appointed office in any political organization;
5. Accepting appointment to any office normally filled by partisan election;
6. Campaigning by writing for publications, distributing political material or making speeches on behalf of a candidate for elected office;
7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription for any party or candidate;
8. Soliciting the sale of or selling political party tickets, materials or other political matter;
9. Engaging in partisan activities at the political polls (soliciting votes, assisting voters to mark ballots, transporting or helping get out the voters on Election Day, etc.);

10. Acting as recorder, checker, watcher, challenger, judge or board of election poll-worker for any party or partisan committee;
11. Engaging in partisan political caucuses;
12. Participating in a political action committee which supports partisan activity.

Solicitation and Distribution

This policy is designed to protect the interests of the citizens of Wilmington by ensuring that only official City business is transacted in City work areas during employee work time.

- A. There shall be no solicitation or distribution of materials by non-employees at any time on City property or in any work area. This does not apply to vendors as defined in this Handbook, "Definitions" (see below.)
- B. Employees shall not solicit other employees or non-employees during working time. Employees may solicit other employees during non-working time in both work and non-work areas.
- C. There shall be no distribution of materials during working or non-working time in work areas. Employees may distribute goods and written materials during non-working time in non-working areas.
- D. Definitions:

CITY: The City of Wilmington, County of Clinton, State of Ohio

DISTRIBUTION: An act of giving out goods, materials and/or written materials

EMPLOYEE: Any person in the employ of the City in any status

NON-WORK AREA: Any area, on or off City property, not designated as a work area. Multi-purpose areas used as both work and non-work areas shall be considered work areas only when City work is being performed in such areas.

NON-WORK TIME: Time during an employee's work day when the employee is totally relieved of work duties, such as break time and lunch time. Whether an employee is in paid or unpaid status during these times is immaterial to the designation of non-work time.

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

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

WORK AREA: Any office, building, or physical location where official City business is transacted and/or operations of the City are being conducted. This includes any public or private area where employees are engaged in work activities.

WORK TIME: All the time when an employee's duties require that he or she be engaged in work tasks. This does not include an employee's own time, such as meal periods, scheduled breaks, and time before or after a work shift.

Use of City Vehicles

This policy supersedes any previous “Use of Vehicle” policy pertaining to the City of Wilmington.

To perform job functions more efficiently and to provide a greater level of service to residents, the City of Wilmington has assigned certain employees City-owned vehicles or permit employees to use a personal vehicle for City business on an expense reimbursement basis. Employees using City vehicles as a condition of employment or employees using personal vehicles on City business must comply with all rules and guidelines of this policy.

- This policy applies to all employees and agents of the City of Wilmington, whether full-time, part-time, intermittent or volunteer.
- Use or assignment of a City vehicle must be authorized in writing by the appointing authority. No person other than an authorized City employee may drive a City vehicle.
- Employees shall not use or permit the use of a City vehicle for any purpose other than official City business.
- Use of a City-owned vehicle is a privilege and employees are a constant, visible, official representative of the City. Employees are expected to show every driving courtesy possible and to conduct themselves in a professional manner.
- Employees who are required to operate a motor vehicle as part of their job duties must maintain the appropriate licenses as a condition of their employment. Furthermore, employees are responsible for maintaining a satisfactory driving record to allow the City to obtain insurance in order to protect the City from liability stemming from the employee’s operation of a motor vehicle during City service. If the required licenses of an employee who drives a City vehicle as a condition of employment become suspended or if the employee’s driving record contains convictions or judgments that, in the administration’s determination, would cause the City’s insurance costs, ability to defend claims, or insurance status to become less favorable, the City reserves the right to take disciplinary action against such employee, including termination, demotion, and/or transfer. Traffic fines and arrests for illegal use of City-owned vehicle are the sole responsibility of the employee, and may subject the employee to appropriate disciplinary action. Any change in driving privilege

status must be reported to their supervisor immediately and to the Director of Human Resources. The City reserves the right to allow or disallow an employee operating privileges based on the employee's individual circumstance.

- Employees who drive City-owned vehicles are prohibited from carrying passengers who are not on official business unless authorized in advance by his or her supervisor. The City may require waivers of liability to be signed by non-employee passengers.
- All City vehicles are tobacco-free. Smoking and chewing tobacco products are not permitted in City vehicles.
- Employees will not operate vehicles while under the influence of alcohol, or illegal drugs. If an employee is currently taking prescription drugs that may affect their ability to drive a vehicle, the employee must notify Human Resources.
- The Human Resources Department will do an annual driver's license check in or about January and shall maintain a list of driver's license numbers for employees operating City vehicles or driving personal vehicle on City business. Human Resources may also do periodical random driving record checks in addition to the annual driver's license check.
- Except according to established department policy or law (e.g., certain police investigation/apprehension situations), all operators must obey all traffic laws while driving City vehicles.
- All operators are responsible for the interior and exterior cleanliness and appearance of City vehicles.
- All City vehicles are to be easily recognizable as a City vehicle (i.e., decals, paintings, etc.), with the City of Wilmington logo located on the drive/passenger doors as directed by the City Service Director. Exception: unmarked police vehicles.
- City vehicles should not be used to commute to and from work. Exceptions are emergency personnel who are required to respond from their residence. Examples: Fire Chief, Assistant Fire Chief, Police Chief, and the Canine unit. Detective vehicle usage will be determined by the Police Chief, Safety Director, and the Mayor. Exceptions could also be made due to inclement weather. All other exceptions would be based on the number of emergency call-ins in a twelve-month period and would be with the written approval of the appointing authority. Authorized vehicle usage to and from work would require the issuance of a W-2 and would become part of the assignee's obligation. Calculations to

determine the W-2 amount would be based on the applicable federal rate.

- Accident Procedure. In the event of an accident while operating a City vehicle, employees should do the following:
 - A. Call 911 if necessary and if able.
 - B. Call appropriate law enforcement; do not leave the scene until instructed by law enforcement.
 - C. Call your supervisor or appointing authority immediately after A and B.
 - D. If you are able, document all facts pertaining to what took place:
 - 1. Other driver's name, address, phone number, plate number, his/her insurance company.
 - 2. Name of any other parties in accident; i.e., address, phone, etc.
 - 3. Name of any witness/witnesses; i.e., address, phone, etc.
 - 4. Exchange pertinent information with the other party, i.e., name address, etc.
 - 5. If you have a camera, take pictures of the scene and the vehicle(s) involved.
 - E. Insurance. The City maintains insurance coverage for City-owned vehicles and employee drivers while the employee is on City business. Under no circumstances may any City employee rely on this insurance as protection for their off-duty or unauthorized use of vehicles. For employees driving their own vehicles on City business, the City's insurance may be secondary to the employee's personal vehicle insurance.
- When an accident occurs, employees should make statements of facts to police officers or supervisors investigating accidents involving City vehicles or involving employees driving personal vehicles for City business. Employees should refrain from stating his or her opinion about who was at fault in an accident.
- If the City has established a workplace safety committee, the committee will review the facts pertaining to accidents to assure proper safety practices were followed and to make suggestions for improvement in safety practices.
- Performance of routine repair or vehicle maintenance shall be reported to the department supervisor immediately. The workplace safety committee may perform periodic inspections.

- Emergency road services. Except for written department policies setting forth a different procedure, emergency road services, towing and repair charges for vehicles that are on business away from the City, and directly chargeable to the operator of the vehicle, are reimbursable to the employee after the employee:
 1. Provides appropriate receipts.
 2. Submits a request for reimbursement
 3. Submits 1 and 2 within thirty days of the incurred expense.
- Any violation of any part(s) of this policy may result in disciplinary action up to and including termination.

Tools, Supplies, and Equipment

- A. Tools, supplies and equipment needed to perform job duties shall be properly used and maintained. An employee shall be held strictly accountable for equipment personally issued to him or her, in addition to any generally issued departmental equipment, tools or supplies used by the employee.
- B. Misuse, neglect, theft and/or abuse of tools, supplies or equipment is prohibited and may subject an employee to appropriate disciplinary action. Accidents involving misuse or abuse of tools are also cause for disciplinary action.
- C. At the discretion of the appointing authority, loss of tools, supplies or equipment may require payment by the employee for those items lost or damaged.
- D. All tools, supplies and equipment utilized by an employee in the performance his or her job are subject to the prior approval of the appointing authority.
- E. Certain City employees may be required as a condition of employment to furnish their personally-owned tools for use in performing required job duties and responsibilities.

Bulletin Boards

- A. It is the policy of the City to provide and maintain City bulletin boards as a means of communicating information to employees. All material that is to appear on City bulletin boards shall be posted and removed only by the Mayor or his or her designee.
- B. All City notices, Federal- and State-required notices and legal notices shall be posted in an area visible to all employees for a period not to exceed five (5) work days except as otherwise designated by law. Information of a general public interest may be posted by the Mayor or designee only in the area so designated for such purposes in the front entrance of the City Hall Building, provided the material to be posted does not contain:
 - 1. Personal attacks upon any City employee or public official;
 - 2. Scandalous or derogatory attacks upon any City employee, public official or governmental unit or agency;
 - 3. Attacks on and/or unfavorable comments regarding a candidate for public office;
 - 4. Attacks on any organization or group.
- C. Employees and non-employees wishing to have material posted on a City bulletin board shall submit the material to be posted to the Mayor (or designee) for prior approval. The material to be posted shall be signed by the person making the request. Material posted in violation of this policy shall be removed from the City bulletin board. Employees who violate this posting policy shall be subject to disciplinary action.

Use of Telephones

Employees who wish to make a personal telephone call on a City telephone must receive prior approval from their supervisor. Likewise, employees are requested to ask friends, relatives and others not to call at work for personal reasons except in emergencies. Use of telephones for other than business purposes may result in prosecution and/or disciplinary action.

Cellular Phone Policy

This policy supersedes any previous cell phone policies related to the City of Wilmington. The City of Wilmington, based on a business need, has issued cell phones to certain employees. The purpose of a City issued phone is for official city business. The City of Wilmington recognizes that cellular phones have become a valuable tool for certain employees that will enhance their productivity as well as efficiency. City cell phone users must comply with this policy, any applicable user manuals, applicable department/division policies and any other directives or policies involving City cell phones. Any infraction of this policy, including any action that has brought or may bring public embarrassment or discredit to the City may subject the violator to disciplinary action. There will be no tolerance of any behavior such as sending or attempted sending of any communication or message that is harassing, obscene, and/or threatening to the recipient.

City of Wilmington issued cell phones are to be used for official city business as follows:

- a. Normal daily communication of work related business issues with supervisors, peers, vendors, etc.
- b. Calls of a personal nature should not be made during your hours of work.
- c. Always think safety when using your cell phone. You should avoid driving a motor vehicle of any type while talking on a cell phone; except according to established departmental policy of law (e.g., certain police investigation/apprehension situations, certain fire situations). Your supervisor will evaluate the need for a cell phone. In the case an employee terminates employment, all cell phones and related

materials shall be returned to your supervisor.

- d. Supervisors authorizing cell phone usage must deliver all billings promptly to the City Auditor's office after each billing period for validation and policy compliance.
- e. Some employees may have a personal cell phone. Personal calls made on a personal cell phone should only be made during authorized break periods or lunch periods. Employees electing to carry a personally owned cell phone must obtain approval from their immediate supervisor and provide him or her with the telephone number. Use of personal cell phones are governed by the same safety restrictions as provided City issued cell phones.

Personal or City issued cell phones should not be used if they are disruptive to others. Cell phones should not be a distraction. Any time the use of a cell phone would unnecessarily or unreasonably divert the attention of an employee from work duties and/or cause a potentially hazardous situation is prohibited. Photo messaging or downloading is prohibited unless they can be clearly linked to the conduct of official business.

- f. Failure to comply with this policy may result in disciplinary action unto and including termination in the loss of cellular telephone usage.

Gambling

The City does not permit gambling in any form by City employees during work days. For the purpose of this policy, “work day” means scheduled working hours, lunch periods, cleanup time, and other breaks. Violation of this policy will be cause for disciplinary action as prescribed in “Disciplinary Principles,” through “Appeals.”

Workplace Safety

The City of Wilmington is committed to employee safety.

The health, safety and welfare of all our City employees (full-time, part-time, and seasonal) is of utmost importance to the City of Wilmington. The City is committed to making everyone's job safe in all respects and, therefore, safety is of utmost importance to every employee. It is the responsibility of each department head to ensure all employees receive proper training in safety practices and procedures for their given area. It is the employee's responsibility to work in a safe manner always and to report any perceived unsafe practice to their supervisor.

Guidelines:

The following is a list of general safety rules and regulations. Additional safety operating procedures and practices for your specific work area may be provided by your department head.

1. Learn the right way to do your job. Never hesitate to ask questions about things you do not understand.
2. Use and maintain in a safe condition the correct equipment and tools to do your job.
3. Read and thoroughly understand safety rules for your area.
4. Keep your work area clean and free of clutter. Cluttered floors, aisles, storage areas and vehicles make your job more difficult as well as more dangerous.
5. Avoid horseplay and practical jokes.
6. Respect moving machinery and equipment. Never remove a guard from any piece of equipment.
7. Wear protective equipment and proper clothing where required.
8. Use ladders instead of chairs, boxes, and other unstable platforms.
9. Access to fire extinguishers, electrical boxes, valves and alarm boxes must be available at all times. Nothing should obstruct prompt access.
10. When lifting, do not bend over and lift with your back, but squat and lift with your legs.
11. All accidents and/or injuries are to be reported to your supervisor immediately.

12. Under no circumstances should any employee take unnecessary risks.
13. Pay attention to danger signs and then abide by them.
14. Make sure all energy sources are locked out before any repair work is done on any piece of equipment or energy source.

This list of general safety guidelines is not intended to be all inclusive, but to give you a few general expectations. When an employee disobeys safety rules and continues to commit acts that endanger their own well being or the well being of others, prompt disciplinary action will be taken.

Sexual Harassment

The City strictly prohibits sexual harassment of its employees in the workplace by any person and in any form. This policy is consistent with the City's continuing affirmative action efforts and pursuant to guidelines on sexual discrimination issued by the Equal Employment Opportunity Commission. This policy shall also be read in conjunction with the City's Anti-Harassment Policy set forth below.

Specifically, it is both illegal and against City policies for any employee, male or female, to sexually harass another employee by making unwelcome sexual flirtations, advances or propositions or by creating an intimidating, hostile, or offensive working environment through verbal abuse or physical conduct of a sexual nature. Furthermore, no supervisor shall threaten or insinuate, either implicitly or explicitly, that an employee's refusal to submit to sexual advances will adversely affect that employee's job, evaluation, compensation, advancement, assigned duties, shifts or any other condition of employment or career development.

Any supervisor or other employee who has been found after appropriate investigation to have sexually harassed another employee or job applicant, or made a false accusation of sexual harassment against another employee, will be subject to appropriate disciplinary action consistent with the provisions outlined in this Handbook, up to and including termination.

The City recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based upon all pertinent evidence. Given the nature of this type of discrimination, the City also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. The City trusts that all employees will act responsibly to establish a pleasant working environment free of harassment.

Sexual Harassment Procedure

Any employee or applicant who believes he or she has been the subject of sexual harassment should report the alleged act immediately (within 48 hours after the alleged act occurs) to his or her supervisor, appointing authority or the Human Resources Director. If an employee is unable to, or does not want to, contact any of these individuals, the employee shall contact any other member of the City's management structure. An investigation of any and all complaints will be undertaken immediately. Any supervisor or employee who has been found through this investigation to have sexually harassed another employee or to have made a patently false accusation of sexual harassment will be disciplined in an appropriate manner consistent with the disciplinary policies outlined in this Handbook.

The appointing authority should periodically distribute the City's sexual harassment policy and Anti-harassment in memo form to his or her supervisors and employees. This will serve to remind both supervisory and non-supervisory personnel of the seriousness of such an offense and may assist in protecting the City in the event of alleged discrimination due to sexual harassment.

Sexual Misconduct

The City will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another adult or toward a child. For the purposes of this policy, "Sexual Misconduct" means any actual or attempted criminal sexual contact, sexual assault, sexual abuse, sexual exploitation, indecent or sexual solicitation, public indecency or other criminal conduct of a sexual nature as defined under Ohio law. "Sexual Misconduct" does not include "sexual harassment." Nothing contained in this policy shall be deemed to conflict, contradict or supersede the reporting requirements contained in any existing local, state or federal law.

Reporting Procedures and Designated Point of Contact:

It is the express policy of the City to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The City has a Designated Point of Contact (Human Resources Director) who shall remain accountable for the implementation and monitoring of this policy. The identity of the Designated Point of Contact shall remain on file with the City. In order to conduct an immediate investigation, any incident of Sexual Misconduct must be reported as quickly as possible, in confidence, as follows:

1. Employees and Volunteers: Employees are required to report any known or suspected incidents of sexual misconduct to the appropriate authority pursuant to applicable state, local or federal law. Employees must also report to their direct supervisor, the City's human resources director or their appointing authority. If the report is made to the supervisor or human resources director, that individual shall notify the Appointing authority. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervisor.
2. Parents and Guardians: Each year, parents or legal guardians of children participating in City-sponsored functions shall be advised of the contents of this sexual misconduct Policy and be instructed to report any incident of known or suspected sexual misconduct in accordance with applicable state, local or federal law. The City also encourages parents or legal guardians to report any incident of known or suspect sexual misconduct to the Designated Point of Contact, unless the allegations involve that person. If the allegations involve the Appointing Authority, the report should be made to the City's human resources director, who will immediately follow all applicable state law reporting requirements.

Investigation and Confidentiality

All complaints of sexual misconduct will be promptly investigated and reported in accordance with applicable state, local or federal law. During such investigation, while every effort will be made to protect the privacy concerns of all parties, confidentiality cannot be guaranteed.

Discipline

Upon completion of its investigation, the City will assess disciplinary action up to and including termination, against any employee that the City finds to have engaged in sexual misconduct in violation of this policy. False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action, up to and including termination.

Child Abuse

Sexual abuse of a minor is a crime.

Any case of known or suspected child abuse must be reported immediately in accordance with applicable state, local or federal law. In addition, any case of known or suspected child abuse must be immediately reported to the Designated Point of Contact.

In the event the Designated Point of Contact is the first person notified in an incident of known or suspected child abuse, the Designated Point of Contact shall immediately notify the child's parent or legal guardian, as the case may be, and the appropriate legal authorities as required by state, local or federal law.

Any employee involved in a reported incident of sexual misconduct or child abuse shall, at the City's discretion, either be immediately relieved of responsibilities that involve interaction with minors or be suspended (with or without pay) pending the results of the City's investigation of the matter. Employees identified in an allegation of child abuse shall be reinstated to duties involving interaction with minors only after the City's investigation is complete and only if reinstatement is warranted.

Anti-discrimination & Anti-Harassment

Anti-discrimination

Equal opportunity for employment and/or promotion is open to any person who possesses the requisite qualifications for an open position. The City policy is that there shall be no discrimination on the basis of age, sex, race, color, religion, pregnancy, marital status, ethnic origin, disability, veteran status, or other protected group status with regard to employment, job assignment, promotion or other terms or conditions of employment. Any employee who in good faith brings a complaint of discrimination will not be adversely affected with respect to the terms or conditions of his/her employment because of having made such a complaint. Any employee who is deemed to have retaliated against an individual for bringing a complaint will be subject to discipline, up to and including termination.

Anti-harassment

1. Policy Statement: The City is committed to maintaining a work environment where people are treated with respect. To fulfill this commitment, the City prohibits harassment of its employees or applicants based on a person's age, disability, gender, national origin, race, color, religion, veteran status, or other protected group status, by anyone, including a supervisor, co-worker or other person.
2. Definition of Harassment: Harassment consists of unwelcome conduct, whether verbal, non-verbal, or physical, that is based on the person's age, disability, gender, national origin, race color, religion, sexual orientation, veteran status, or other protected group status, and that affects and individual's employment or creates an intimidating, hostile, or offensive work environment. A hostile work environment exists where conduct is sufficiently severe or pervasive as to alter the terms or conditions of employment and creates an abusive working environment.
3. Definition of Sexual Harassment: The U.S. Equal Employment Opportunity Commission provides that unwelcome sexual advances (verbal and/or physical), requests for favors and other verbal and/or physical conduct of a sexual nature, constitute sexual harassment when:
 - a. Submission to such conduct is either an explicit or implicit term or condition of employment (such as job promotion, job assignment, overtime opportunity, wage increase, etc.); or
 - b. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
 - c. The conduct has the purpose or the effect of substantially interfering with the individual's performance or creating a hostile or offensive work environment.
4. Examples of Sexual Harassment: Sexual harassment under the above definition may include, but is not limited to:
 - a. Verbal: sexual innuendo, suggestive comments, insults, threats, jokes about

personal or physical traits, jokes of a sexual or demeaning nature, or sexual propositions;

- b. Nonverbal: suggestive or insulting noises, leering, whistling, obscene gestures, threatening gestures, and the posting or possession at the workplace of literature, calendars or pictures that are suggestive, revealing, demeaning or pornographic; or
 - c. Physical: unwelcome touching, pinching, brushing, rubbing, or groping of the body, unnecessary closeness, threatening or intimidating actions, coercing sexual activity, and assault.
5. Reporting a Problem: Using and insisting upon good manners, behavior and the exercise of good sense will go a long way in avoiding and preventing the inappropriate conduct prohibited by this policy. It is every employee's responsibility to help maintain a work environment free from harassment. Employees who believe they have experienced or observed harassment must report the harassment immediately to either the employee's direct supervisor, the employee's appointing authority, or the City's human resources director. If the employee is unable to, or does not want to, contact any of these individuals, the employee shall contact any other member of the City's management structure.
6. Retaliation Prohibited. The City encourages employees to raise questions or concerns regarding harassment and will not permit any form of retaliation against employees who have made a claim or report of harassment, or against any employee who has provided information to the City during the investigation of the claim or report of harassment. An employee who believes that he/she has been retaliated against should immediately contact his/her direct supervisor, the employee's appointing authority, the City's human resource director, or any other member of City management.
7. Investigation and Disciplinary Action. Every allegation of harassment under this policy will be the subject of a prompt investigation by the City. Upon receiving a complaint of alleged harassment, the City's human resources director shall promptly initiate an investigation into the matter. After the investigation has been completed, a determination will be made by the City regarding the resolution of the matter. If, following the investigation, the City concludes that the harassment occurred, prompt disciplinary action will be taken, up to and including termination.

Drug-Free Workplace and Substance Abuse Testing

- A. It is a policy of the City to maintain a safe and productive drug-free workplace for its employees, in which employees are prohibited from engaging in the unlawful manufacture, distribution, sale, possession or use of a controlled substance. This drug-free workplace policy shall apply to all employees as well as to all applicants for employment.
1. The unlawful manufacture, distribution, sale, possession or use of a controlled substance by any employee which takes place in whole or in part at the workplace is strictly prohibited and will result in criminal prosecution and employee discipline, which may include dismissal.
 2. Any employee convicted of any federal or state criminal drug statute must notify the City of that fact within five (5) calendar days of the conviction. The mere fact that an employee has provided this notice to the City does not excuse the employee from possible disciplinary sanctions, including termination of employment, in accordance with the sections of this Handbook addressing discipline. Any employee who fails to notify the City within five (5) calendar days of the conviction will be terminated from employment, forever barred from future employment with the City, and liable to the City for the full extent of federal funds lost by the City as a result of the employee's failure to notify the City of the conviction.
 3. Any employee who reports for duty in an altered or impaired condition entirely or partially due to the employee's illegal use of a controlled substance or intoxicating consumption of alcohol will be subject to disciplinary action. Any decision to take disciplinary action may be held in abeyance pending the employee's completion of a drug rehabilitation program approved by the City. If the City decides to hold disciplinary action in abeyance while an employee participates in a drug rehabilitation program, the employee's participation will remain confidential to the extent permitted by law and will not be noted in the employee's personnel file. An employee who is determined to be eligible for participation in a rehabilitation program as an alternative to disciplinary sanction will be eligible only if he or she signs a release authorizing the employer to verify the employee's treatment and progress in the rehabilitation program.

These releases must satisfy all pertinent federal and state confidentiality laws.

B. The City shall give all prospective employees a copy of the City's Drug-Free Workplace Policy prior to their employment by the City. As a condition of employment, prospective employees must sign both a receipt for this Policy and a written statement regarding the Policy. These documents will become a permanent part of the employee's personnel file. The signed statement regarding the Policy will verify the following:

1. The employee understands and supports the City's Drug-Free Workplace Policy;
2. The employee agrees to refrain from violating the Policy while employed by the City;
3. The employee understands that the penalty for violating the Policy can be discharge and agrees that this penalty is appropriate when supported by evidence;
4. The employee has been advised that drug testing of employees will be conducted in accordance with the City's Substance Abuse Testing Policy.

All current employees will also receive a copy of the City's Drug-Free Workplace Statement, Drug-Free Workplace Policy and Substance Abuse Testing Policy and will be required to sign a receipt for those documents which will become a permanent part of their personnel file. They will be asked to voluntarily sign a statement supporting the strict enforcement of the Drug-Free Workplace Policy. All employees will be given notice that the City reserves the right to order employees to submit to substance abuse testing if there is reasonable suspicion that such testing is necessary.

- C. The City reserves the right to require newly-hired employees to submit to a post-employment medical examination shortly after being employed by the City. The examination will be performed by a physician chosen by the City. As part of this medical examination, the employee may be required to submit blood or urine samples which may be subjected to tests for illegal drug use, alcohol abuse, or substance abuse. The City shall discharge any newly-hired employee who fails one of these tests.
- D. The City reserves the right to require an incumbent employee to submit to a urinalysis, blood, or breath substance abuse test in the event that a supervisor or other management-level official has reasonable suspicion that the employee is under the influence of a controlled substance at a time when the employee is working for the City or is present at his or her City workplace (regardless of whether the employee is on- or off-duty).

1. For the purposes of this Handbook, “reasonable suspicion” means suspicion based upon specific facts which, taken together with rational inferences from those facts, reasonably warrant substance abuse testing under the circumstances.
2. Examples of facts that give rise to a reasonable suspicion of substance abuse include, but are not limited to, the following:
 - a. An employee’s possession, or close proximity to alcohol, a controlled substance, or related paraphernalia;
 - b. The presence of a detectable odor of alcohol or a controlled substance about an employee;
 - c. Observations by supervisory employees who have received training regarding indicators of substance abuse (increased absences, decreased ability to perform tasks, changes in relationships with supervisors and co-workers, etc.) that the employee appeared to be drug- or alcohol-impaired at work;
 - d. Information provided by reliable informants, including (but not limited to) co-employees;
 - e. Involvement in an accident under circumstances suggesting unusual impairment of the employee.

E. The City recognizes alcoholism and drug addiction as treatable diseases. While the City reserves the right to discipline employees for violating the Drug-Free Workplace Policy set forth above, the City encourages employees who suspect that they may have a drinking or drug problem to seek professional treatment. Hopefully, such treatment can control these problems before they place the employee’s job and other pursuits in jeopardy. The City, which does not presently maintain its own formal Employee Assistance Plan, recognizes that a number of health care practitioners and treatment centers in the surrounding community may be able to provide useful treatment to City employees. Any referrals for treatment made by representatives of the City will be to one or more of these non-City entities.

1. For the purpose of this policy, a drinking or drug abuse problem exists when an employee’s alcohol consumption or drug abuse begins to interfere with his or her job performance.

2. This policy is intended to assure that no employee with a drinking or drug-abuse problem will have his or her job security or promotional opportunities jeopardized merely by the employee's request for treatment. However, please note that an employee will not avoid discipline for violation of the Drug-Free Workplace Policy above by making a request for treatment after the City has already initiated disciplinary actions.
3. In the event of a request for treatment, the individual's rights to confidentiality and privacy are recognized to the extent permitted by law. The pertinent information and records of employees with drinking or drug problems will be preserved in the same manner as all other medical records.
4. It will be the responsibility of the employee to comply with the appointing authority'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 for all other illnesses when job performance continues to be adversely affected.
5. Implementation of this policy will not require or result in any special regulations, privileges or exemptions from the standard administrative practices applicable to job performance.

F. The Employer reserves the right to administer random drug and/or alcohol testing. All City Employees will have equal probability of being selected for testing, but testing will be conducted through a citywide, multiple-pool system.

The Employer agrees that all city full time employees, part-time employees, intermittent Employees will be included in the random testing pool.

Outside Employment

- A. Under no circumstances shall a City employee have other employment that conflicts with the policies, objectives and operations of his or her department. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the City.
- B. Employment conflicts as addressed in this policy occur when a second job impairs the employee's ability to perform the duties of his or her position with the City.
- C. Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. Prior to accepting outside employment, an employee shall notify his or her appointing authority in writing of his or her intention to be employed in a secondary job. The appointing authority shall confer with the employee to determine whether the secondary job presents a conflict with City policies, objectives, interests and/or operations.
- E. Outside employment, or "moonlighting," shall be a concern to the appointing authority only if it adversely affects the performance of the employee's City job, constitutes a violation of state or local ethics laws, or poses an "incompatibility of office" problem as defined by opinions of the Attorney General of Ohio.
- F. Two common employment conflicts which may arise are:
 - 1. Time conflict: The working hours required of a secondary job directly conflict with the scheduled working hours of an employee's job with the City, or, when the demands of a secondary job prohibit adequate rest, adversely affecting the employee's job performance with the City.
 - 2. Interest conflict: An employee engaging in outside employment which tends to compromise his or her judgment, actions, and/or job performance with the City.

- G. Should the appointing authority feel that an employee's outside employment is adversely affecting the employee's job performance with the City, the appointing authority may recommend, but may not demand (except in the case of ethics or compatibility of office violations), that the employee refrain from such activity. However, any conflict policy infraction or other specific offense which is the direct or indirect result of an employee's participation in outside employment shall be disciplined in a manner consistent with the policy set forth in this Handbook.
- H. No employee shall use City-owned equipment or uniforms in performing job duties and responsibilities of any outside employment. This prohibition does not apply to law enforcement employees who are engaged in authorized special duty in accordance with departmental rules.

Donations Policy and Procedure

For the purposes of this policy and procedure, donations, gifts, contributions and bequests shall be identified simply as donations.

The Auditor, Treasurer, and Council of the City of Wilmington may receive any donation of money or other personal property on behalf of the City for any City use, unless otherwise directed in the donation or bequest. It is important that donors be aware of exactly where their donation is going and that it fits the criteria intended. Donations made to a subsidiary of the City, such as a fund-raising group for Parks & Recreation or volunteer firefighters, must be made out to that specific organization. Any donations made specifically to the City of Wilmington, or any of its departments, must be deposited with the auditor's office and must be accepted by resolution by the Council of the City of Wilmington. All donations must be delivered to the City Auditor and the City Treasurer within 24 hours of receipt. In the case of a directed donation or bequest, the City of Wilmington will hold the donation in trust for the use and benefit of the City of Wilmington and administer it as directed.

In the case of donations to a subsidiary of the City of Wilmington (i.e. volunteer firefighters, park board support groups, or any other fund-raising organization using the City of Wilmington as its benefactor), the contributions and the procedures for receiving them, are solely the responsibilities of the organization. Subsequent contributions from these organizations to the City will follow the procedure in the paragraph above. The City, however, reserves the right to request and inspect documents, books, ledgers and checking account statements associated with donations and fund raising made to a subsidiary organization for the benefit of the City. Any misrepresentation made by a subsidiary organization in the solicitation or collection of donations will not be tolerated. If misrepresentation is suspected, the Director of Law will be notified to investigate the matter.

Statement about ADA

The City is in compliance with all regulations as set forth in the Americans with Disabilities Act (“ADA”) and all applicable state and local laws. The City prohibits discrimination against qualified individuals with a disability with regard to employment, job assignment, promotion or other terms of conditions of employment. If you, as an employee of the City, have a disability (as defined under applicable state and/or federal law) and need a reasonable accommodation (as defined under applicable state and/or federal law), it is your responsibility to let your supervisor know both about the disability and the accommodation you need to perform your job. The City will provide a qualified individual with a disability with a reasonable accommodation, except where such accommodation would create an undue hardship on the City.

Although the city may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and may ask the applicant to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions, the City will not require a medical examination (as defined under ADA) until after extending a conditional offer of employment. Information obtained by the City regarding the medical history or condition of any employee shall be collected and maintained on separate forms and in separate medical files and shall be treated as a confidential medical record, except as otherwise provided under the ADA.

Internal and External Electronic Communication

The City provides employees with a number of communication and data management systems. These communications and data management systems include, but are not limited to, paper files, electronic files (i.e., data stored and/or saved by electronic means on computer hard drives, floppy disks, zip drives, etc.), telephones, e-mail, voice mail, fax machines, modems, servers, computers, cell phones, pagers, internet access and other network tools. These systems, as well as the equipment and data stored thereon, are owned and/or controlled by the City systems, and remain at all times the property of the City of Wilmington. Accordingly, all messages and files created, sent, received or stored shall be related to the City of Wilmington business. The City expressly reserves the right to monitor employees' use of the above systems and to access these systems and any information or data saved or stored therein at any time, with or without notice. Employees have no expectation that any communication or other information made with, or stored on, these systems is private.

When using e-mail or any other electronic communication tool, etiquette is very important. The following is a list of procedures and guidelines for using the internal and external communication systems of the City of Wilmington.

- When e-mailing, keep your messages short and to the point.
- Think carefully before using electronic communication to determine if this is the best way to communicate.
- Any and all electronic communication must be directly related to the City of Wilmington business.
- Offensive or harassing statements or language including disparagement of others, based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs is strictly prohibited.
- Sending or soliciting sexually oriented messages or images is strictly prohibited.
- Use of electronic communication tools for gambling purposes is strictly prohibited.
- You should delete e-mails regularly, stored e-mails take up valuable computer storage space (however, e-mail deletions are subject to retention laws which are governed by State and Federal Laws).
- Employee access to an internet service (using City hardware or personal equipment) is at the sole discretion of the department managers and based on departmental needs (visits to inappropriate sites are strictly prohibited)

- Department managers are responsible for compliance of this policy.
- Any violation of this policy may result in disciplinary action. Any disciplinary action given will be based on the severity of the offense up to suspension or termination.

Workplace Violence

1. Policy Statement

The City is committed to providing a safe, secure work environment for its employees and to preventing violence, threats or intimidating actions by or against any employee, citizen, vendor, customer or visitor on or off City property.

2. Zero Tolerance for Workplace Violence

It is the City's policy to maintain a zero tolerance for workplace violence. Zero tolerance for workplace violence means that an act of violence shall be deemed unacceptable in any form. Those who engage in such behavior will be held accountable and dealt with in a manner consistent with maintaining a violence-free workplace which may include discipline, up to and including termination. Alleged violations of this policy will be reviewed on a case-by-case basis.

3. Definition of Workplace Violence

Workplace violence is defined as any behavior that is intended or likely to be perceived as intending to create a fear of bodily harm, actual physical injury, or damage to City property. Examples of workplace violence include, but are not limited to: homicide, assault with a weapon, rape, assault under the guise of an accident, hostage taking, armed robbery, hostile destruction of property, abusive conduct, and verbal, written, or implied threats or intimidation.

4. Complaint and Investigation Procedure

In order to promote the prevention of threats and violent acts, the City requires employees to immediately report all threats and overt acts of violence to their direct supervisor. In addition, the City encourages employees to report other behavior that may indicate the potential for a violent act. Upon learning of a threat or other violent act, supervisors are required to

immediately report the threat or other violent act to the City's human resources director who will promptly initiate an investigation into the matter. Employees are required to fully cooperate during the investigation of such an incident. Failure to cooperate in such an investigation may lead to discipline, up to and including termination.

5. Discipline

Upon completion of its investigation, the city will assess disciplinary action, up to and including termination, against any employee that the City finds to have committed or threatened an act of violence or otherwise violated this policy. In addition, the City will pursue its right to criminally prosecute any person who commits, or threatens, an act of violence in violation of federal, state or local ordinances.

6. Pre-Employment Criminal Background Checks

In keeping with the City's commitment to providing a safe, secure working environment for its employees, vendors, suppliers, visitors and citizens, the City shall require that all applicants consent to a criminal background check as a condition of employment.

7. Review of Communications, Files and Other Data Management Systems

The City provides employees with a number of communications and data management systems. These communications and data management systems include, but are not limited to, paper files, electronic files (i.e., data stored and/or saved by electronic means on computer hard drives, floppy disks, zip drives, etc.), telephones, e-mail, voice mail, fax machines, modems, servers, computers, cell phones, pagers, internet access and other network tools. These systems, as well the equipment and data stored thereon, are owned and/or controlled by the City systems, and remain at all times the property of the City of Wilmington. Accordingly, all messages and files created, sent, received or stored shall be related to the City of Wilmington business. Employees shall have no expectation that any communication or other information made with, or stored on, these systems is private. Accordingly, in the interest of preventing workplace violence and enforcing this policy, the City expressly reserves its right to monitor employees' use of the above systems and to access these systems and any information or data saved or stored therein at any time, with or without notice.

8. Emergency Procedures

In the event of an emergency, defined as a situation involving imminent death or serious bodily injury to a person, employees should immediately attend to their own safety by departing the area and reporting the situation to their direct supervisor or, in that person's absence, the human resources director or any other member of City management. In the event an employee reports the emergency to his/her supervisor or another member of City management (other than the human resources director), that individual will immediately report the matter to the City's human resources director. The human resources director will immediately notify the appropriate law enforcement agency.

Public Records Policy

City of Wilmington
Adopted September 20, 2007

I. Purpose

The City of Wilmington maintains many records that are used in the administration and operation of the City. In accordance with State law, the City of Wilmington Records Commission has adopted a schedule of records retention and disposition that identify these records and this schedule is available in the Mayor's office. This schedule lists generally the types of records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the City and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City. The records maintained by the City and the ability to access them are means to provide trust between the public and the City.

II. Custodian of Public Records; When available

The Clerk of Council is the official Public Records Custodian of all records which are centrally maintained by the City. Department heads are the official custodians of all records maintained within their departments. Public records requests may be made directly to Department heads or through the Public Records Custodian. Requests for records from the police department may be made directly to the police records clerk on the first floor of the City Building.

Public records requests will be accommodated during regular business hours when offices maintaining said records are open for business. Public records requests will not be accepted on weekends or holidays.

III. General Provisions

Section 1. Public records

Public records include the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Wilmington are public unless they are specifically exempt from disclosure under the Ohio Revised Code or Federal law.

Section 1.1

It is the policy of the City of Wilmington that records will be organized and maintained so that they are readily available for inspection and copying.

Section 2. Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the Public Records Custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

The Public Records Custodian may ask the requester to put a verbal request in writing, may ask for the requester to give identifying information, or may inquire about the intended use of the information; but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, providing such information would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested. Some Departments have forms that the requester has the option of using in making the request.

Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise transmitted to the requester.

Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

- a. Request to view public records. The requester may make a request to view public records. The Public Records Custodian shall prepare the public records for inspection "promptly," as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records, the manner kept or the volume of records requested).
- b. Copies of public records. The requester may make a request to the Public Records Custodian to have copies of public records made.
- c. Transmitting copies of public records. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records. The cost of transmission must be paid by the requester before the public records will be provided. While the City is under no obligation to provide records in electronic format, it is the policy of the City to provide information to the

public in the most practical and convenient manner, considering all of the circumstances. Therefore, if the City receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a determination as to whether such information will be generated and released in an electronic format.

Section 2.3

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

Section 2.4

All requests for public records must either be satisfied or be acknowledged in writing by the public office within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 2.4a – An estimated number of business days it will take to satisfy the request.

Section 2.4b – An estimated cost if copies are requested.

Section 2.4c – Any items within the request that may be exempt from disclosure.

Section 2.5

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Fees and Payment

Those seeking public records will be charged only the actual cost of making copies or printing pictures and shall also pay the actual cost (e.g. postage) of delivery and other supplies used in mailing, delivery or transmission of the public record. Payment for public records requests may be required prior to the actual copying or printing of records.

Copies made on letter or legal size paper are \$0.05 per page. If the Public Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be "at cost," without taking into account employee time spent preparing the copies. (For example, public records in electronic format

placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be satisfied at the discretion of the Public Records Custodian.

Individual departments may adopt a policy that if fewer than 10 pages of copies are requested, no fee will be charged. All requests exceeding 10 pages will be charged a fee of \$0.05 per page for all pages copied. No receipt will be required to be issued for payments received of less than \$1.00.

Ohio law may provide for specific fees to be charged for certain records (e.g. police accident reports \$4.00 each, with photographs at an additional cost, pursuant to R.C. §5502.12).

Section 4. Denial of a Public Records Request

Under certain circumstances, records are not defined as "public records" under Ohio law or are exempt from disclosure under federal law. In these situations, the public record request will be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for verbal public records requests. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, unless federal or state law authorized or requires the redaction.

The Ohio Revised Code regards certain actions as being "denials" of public record requests. These situations are handled as follows:

- a. Redaction. The Ohio Revised Code defines a "redaction" as "obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a 'record' in section 149.011 of the Revised Code." Examples of redaction are "blacking out" or "whiting out" or "cutting out" portions of a document.

When a public record contains information that is not within the definition of a "public record" as defined by law, or is exempt by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a "public record." The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requester. The requester will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.

- b. Requests that are ambiguous, overly broad, or are difficult to identify the public records requested. At times, a requester may make a public records request from which the Public Records Custodian cannot determine which public records are being sought. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied, but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian will inform the requester of the manner that the public records of the office under discussion are maintained and accessed. The requester may then submit a public records request that more accurately reflects the actual organization of the public records sought.

Section 5. Compliance

The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to allow the City to comply with laws regarding the release of certain records.

Section 6. Failure to respond to a public records request

The City of Wilmington recognizes the legal and non-legal consequences of failure to properly respond to a public records request. A public office's failure to comply with a request may result in remedies and damages according to R.C. 149.43.

Section VII: Discipline

Disciplinary Principles

The City of Wilmington believes that a clearly written discipline policy serves to promote fairness and equality in the workplace, and minimizes potential misunderstandings among employees in disciplinary matters. Furthermore, the City believes that certain basic principles, set forth below, must be applied consistently in order to correct unsatisfactory job behavior in a fair and effective manner.

- A. Employees shall be advised of expected job behavior, the types of conduct that the appointing authority has determined to be unacceptable, and the penalties for such unacceptable behavior.
- B. Immediate attention shall be given to policy infractions.
- C. Discipline shall be applied uniformly and consistently throughout the City. Any deviation from standard procedure must be well-documented.
- D. Each offense shall be dealt with as objectively as possible.
- E. Discipline shall be progressive as outlined in this Handbook.
- F. An employee's immediate supervisor and/or appointing authority shall be responsible for administering discipline.
- G. Vacation, personal day or comp time will not be considered an option to use for a suspension without pay in a disciplinary action.

Progressive Discipline

Department supervisors and City appointing authorities follow an established system of progressive discipline when correcting employee misconduct. The City has adopted this discipline policy as a guide for the uniform administration of discipline. It is not to be construed as a delegation of or limitation upon the statutory rights of each department as set forth in the Ohio Revised Code. Although the City's discipline policy provides standard penalties for specific offenses, the examples of specific offenses given in any grouping are not all-inclusive but merely serve as a guide. The standard penalties outlined in this policy do not preclude the application of a more (or less) severe penalty for a given infraction when specific circumstances exist that warrant a different penalty than specified herein. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation must be noted in writing by the supervisor or appointing authority who administers the discipline.

Records of verbal warnings and written documentation shall be effective and remain in effect for twelve (12) months after their issuance, provided no intervening discipline occurs. If intervening discipline does occur, the warning or reprimand shall remain in effect until twenty-four (24) months have elapsed, provided that all records and disciplinary proceedings involving incidents of moral turpitude on the part of the employee shall remain in effect during the entire period of employment with the City. Records of suspension shall remain in effect for twenty-four (24) months after issuance. All records of discipline shall remain in the employee's personnel file even though they may not currently be in effect. All multiple policy infractions shall be dealt with by following the system of progressive discipline set forth below:

- A. Multiple unrelated offenses are progressively disciplined in the groups in which the offenses are classified.
- B. Multiple related offenses are progressively disciplined regardless of the groups in which the offenses are classified and regardless of the order in which the offenses occurred.

Pre-Disciplinary Conference

- A. Whenever an appointing authority (or designee) determines that an employee may be disciplined for cause resulting in a loss of pay, a pre-disciplinary conference will be scheduled to give the employee an opportunity to explain the alleged conduct.
- B. Not less than two (2) hours prior to the scheduled starting time of the conference, the appointing authority will provide the employee with a written outline of the charges which may be the basis for disciplinary action. The employee must choose to:
 - 1. Appear at the conference to present an oral or written statement in his or her defense;
 - 2. Appear at the conference and have a chosen representative present an oral or written statement in the employee's defense;
 - 3. Elect in writing to waive the opportunity to have a pre-disciplinary conference.
- C. At the pre-disciplinary conference, the appointing authority will ask the employee (or his or her representative) to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or to respond truthfully may result in further disciplinary action.
- D. At the conference, the employee may present any testimony or documents which explain whether or not the alleged conduct occurred. The employee may be represented by any person he or she chooses, whether such individual is a City employee or not. However, no conference will be delayed more than twenty-four (24) hours to enable an employee representative to attend.
- E. Neither the employee nor his or her representative will be permitted to confront or cross-examine witnesses. A written report will be prepared by the appointing authority determining whether or not the alleged conduct occurred, and deciding what discipline is appropriate, if any. A copy of this report will be provided to the employee within five (5) days following its preparation.
- F. Pre-disciplinary conferences will be held by a neutral agency supervisor selected by the appointing authority (or designee) from those supervisors not directly in the chain of command of the employee.

Grounds for Disciplinary Action and Penalties

The examples of Group I, II and III Offenses set forth below are characteristic of those offenses which have been historically judged to have a nature warranting those penalties established for the group.

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 the organization in terms of a slight yet significant decrease in organizational productivity, efficiency and/or morale. If left undisciplined by the proper authority, Group I Offenses will usually cause only a temporary or minor impact against the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. If left undisciplined by the proper authority, Group II Offenses can cause a serious and longer lasting minor impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. If left undisciplined by the proper authority, Group III Offenses may cause long lasting and serious impact upon the organization.

Group I Punishment Scale:

First Offense	Instruction & Cautioning
Second Offense	Written Reprimand
Third Offense	Three (3) day suspension without pay
Fourth Offense	Ten (10) day suspension without pay
Fifth Offense	Termination

Examples of Group I Offenses (Not Exhaustive):

1. Treating the public discourteously.
2. Failing to report off work for any absence.
3. Failing to commence duties at the beginning of the work period, or leaving work before the end of the work period.
4. Leaving the job or work area during regular working hours without authorization.

5. Preparing to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
6. Leaving post of continuous operations position prior to being relieved by employee of incoming shift.
7. Showing neglect or carelessness in signing in or out.
8. Being absent from work without authorization.
9. Creating or contributing to unsanitary or unsafe conditions and/or poor housekeeping.
10. Distracting the attention of others, shouting unnecessarily, demonstrating or creating other disruption on the job.
11. Engaging in malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
12. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
13. Failing to cooperate with other employees as required by job duties.
14. Failing to use reasonable care with City property or equipment.
15. Using or possessing another employee's working equipment without authorization.
16. Neglecting to observe official safety rules, or disregarding common safety practices.
17. Failing to observe departmental rules.
18. Obliging the City for any expense, service or performance without authorization.
19. Failing to report accidents, injury or equipment damage.
20. Disregarding job duties by neglecting work; reading for pleasure during working hours.
21. Performing unsatisfactory work or failing to maintain required standards of performance.
22. Using the telephone for non-business purposes without authorization.
23. Causing excessive garnishments.
24. Violating departmental uniform regulations.

Group II Punishment Scale

First Offense	Instruction and two (2) or three (3) day suspension without pay
Second Offense	Ten (10) day suspension without pay
Third Offense	Termination

Examples of Group II Offenses (Not Exhaustive)

1. Sleeping during working hours.
2. Reporting for work or working while unfit for duty.
3. Possessing and/or drinking alcoholic beverages while on the job.

4. Behaving in a way that violates morality or common decency (e.g., engaging in sexual activity during working hours).
5. Using City property or equipment without authorization.
6. Performing private work on City time.
7. Failing (purposefully) to sign in or out when required.
8. Failing to report for overtime work without good reason after being scheduled to do so according to overtime policy.
9. Failing (purposefully) to make required reports.
10. Soliciting on City premises without authorization.
11. Making or publishing false, vicious or malicious statements concerning employees, supervisors, the City or its operations.
12. Refusing to provide testimony in court, or before the Municipal Civil Service Commission, during an accident investigation or any type of public hearing.
13. Giving false testimony during a complaint or grievance investigation or hearing.
14. Posting or removing notices or signs from City or departmental bulletin boards without authorization.
15. Distributing or posting written or printed matter of any description on City premises without authorization.
16. Being present on City property without authorization.
17. Disregarding (purposefully) departmental rules.
18. Using abusive or threatening language toward supervisors or members of the public.
19. Participating in political activity without authorization.

Group III Punishment Scale

First Offense From ten (10) day suspension to termination

Examples of Group III Offenses (Not Exhaustive)

1. Neglecting (purposefully) the performance of assigned duties or the care, use or custody of any City property or equipment.
2. Abusing or deliberately destroying City property, tools, equipment, or the property of employees, in any manner.

3. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any City records, including work performance reports; giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentations in an attempt to obtain any City benefit.
5. Gambling during working hours.
6. Stealing or similar conduct, including destroying, damaging or concealing any property of the City or of other employees.
7. Using or selling narcotics, except where authorized by law and a physician's prescription, and where the use of narcotics does not interfere with the employee's ability to perform the essential functions of his or her job safely.
8. Fighting or attempting to injure other employees, supervisors, or other persons.
9. Carrying or possessing firearms on City property at any time without proper authorization.
10. Concealing (purposefully) a disease which is communicable during normal activities carried on in the workplace and thereby endangering other employees (i.e., tuberculosis/TB).
11. Misusing or removing City records or information without prior authorization.
12. 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, restricting or interfering with work in or about the City's work stations except as authorized.
13. Acting dishonestly (i.e., stealing; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes, tool kits, or other property of the City or other employees without authorization; inserting slugs in vending machines without paying the proper charge therein; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work; etc.) The foregoing are examples only and do not limit the term "acting dishonestly."
14. Refusing to perform assigned work or to comply with written or oral instruction of supervisors.
15. Committing any act constituting a felony during working hours.
16. Violating the Sexual Harassment Policy and Drug-Free Workplace Policy.

Appeals

- A. Personnel actions such as dismissals, suspensions of over three (3) days, demotions and layoffs may be appealed by affected employees to the Municipal Civil Service Commission. Due process for suspensions of three (3) days or less shall be provided by utilization of the internal grievance hearing procedure only.
- B. Appeals from dismissal, demotion or suspension must be filed to the Municipal Civil Service Commission within ten (10) days of receipt of the order. Appeals from layoffs must be made within ten (10) days after the receipt of notice or the date of displacement.
- C. The Municipal Civil Service Commission maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Commission may affirm, disaffirm, or modify personnel decisions made by the appointing authority.

Grievances

It is the policy of the City to ensure that employees' questions, grievances and complaints that arise from misunderstandings and the application of policies, procedures and work rules are promptly heard and answered, and that action is taken appropriate to the particular situation. All employees, including probationary employees, have the right to file grievances or complaints without prejudice. No employee shall be disciplined, harassed or dealt with in any unfair manner as a result of filing a grievance or testifying in a grievance hearing.

Grievance

A grievance is defined as a disagreement between an employee and management regarding the interpretation or application of official City policies and procedures or departmental rules and regulations.

Election of Remedy

Nothing in this policy is intended to prevent employees from initiating proceedings in other forums having proper jurisdiction to address violations of law. For example, employees may appeal to the Municipal Civil Service Commission where that body has jurisdiction over an employment action, or pursue actions before the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, once an employee elects as his or her remedy the provisions or procedures of any of the above named Commissions or courts, he or she is denied the remedy of the Grievance Procedure provided herein.

Notification of Employees

A schematic diagram of the grievance procedure clearly stating the steps, time limits and individual management personnel involved at each step shall be conspicuously posted in all departments. All employees shall sign a statement that they have seen and have knowledge of the grievance procedure.

Settlement

Grievances are to be settled at the earliest possible step of the procedure. The employee must proceed through all steps of the grievance procedure in proper order and within the prescribed time limits, except as otherwise noted.

Group Grievances

Where a group of employees desires to file a grievance involving a situation affecting each employee in the same manner, one employee selected by such group will process the grievance on behalf of all involved employees. However, all employees who wish to participate in the group grievance must sign the original grievance.

Exceptions to Procedure

Where a grievance cites issues of law that the respondent (the individual hearing the grievance) is unable to address, the respondent shall forward the grievance to the Law Director for an opinion before proceeding. All time limits set forth in this procedure shall be held in abeyance until a response from the Law Director is received. Time limits set forth in the procedure may also be extended by a written mutual agreement of the parties.

Representation

A grievant may have a representative (employee or non-employee) of his or her choosing present at any step of the procedure except Step 1. Employees and employee representatives shall not lose pay or benefits for time spent in grievance hearings. The expense of any witnesses shall be borne by the party calling them (witnesses may be called by both parties.) Management maintains the right to schedule witnesses for hearings.

Forms

All grievances filed under this departmental procedure shall be written on the City grievance form.

Health & Safety Grievances or Complaints

In the case of grievances relating to issues of health and/or safety, the participants to the grievance procedure are to use all reasonable efforts to move through the procedure expeditiously.

Grievance Procedure

Step 1: Immediate Supervisor

An employee having a grievance shall file a written grievance with his or her immediate supervisor as outlined in the schematic procedures for his or her work unit. In order for the grievance to be recognized, it must be filed within five (5) calendar days from the date of the incident giving rise to the alleged grievance. The immediate supervisor shall investigate the grievance and shall provide a solution or explanation of the grievance form within three (3) calendar days following the date on which the grievance was submitted.

Step 2: Department Head

If the grievant is not satisfied with the response received from Step 1, the individual may pursue the matter by presenting the original copy of the grievance to the proper department head within three (3) calendar days of receipt of the Step 1 answer. The department head shall schedule a hearing within three (3) calendar days of receipt. The employee may be accompanied by a representative of his or her choosing. If an employee representative is chosen, the aggrieved must notify that employee's department head in advance of the hearing so that the employee representative may be relieved from duty to attend the hearing. The department head, after review and investigation of all matters of fact relative to the grievance, shall issue his or her decision on the grievance form within five (5) calendar days following the hearing.

Step 3: Appointing Authority

Where the grievant is not satisfied with the Step 2 response, the aggrieved may submit the original grievance to the appointing authority within three (3) calendar days of the receipt of the Step 2 answer. The appointing authority will review the grievance and all responses within ten (10) calendar days following the day he or she received the grievance. If the appointing authority determines that responses were adequate and proper, he or she will so inform the grievant by letter. The appointing authority's decision shall be final and binding on the parties. If the appointing authority determines the responses to be inadequate or improper, or that sufficient evidence does not appear on its face to warrant a response, he or she may exercise the following options:

1. Conduct a hearing within twelve (12) calendar days of receipt of the grievance, with all involved parties in attendance and available for questioning;

2. Appoint, within ten (10) calendar days of receipt of the grievance, a fact finder or fact-finding panel to hear, investigate and produce facts relative to the grievance. A hearing shall be held within fourteen (14) calendar days of appointment of the fact finder or fact-finding panel. The fact finder or fact-finding panel shall issue a written report of the facts within fourteen (14) calendar days from the date of hearing to the appointing authority.

Following the execution of Options 1 or 2, the appointing authority shall issue his or her decision in writing within seven (7) calendar days of the hearing (Option 1) or receipt of the fact finder's report (Option 2). A court reporter or transcription of the proceedings under Options 1 or 2 above is permitted. The expenses of a court reporter or transcription of the proceedings shall be borne by the party requesting the reporter or transcription. The Mayor maintains an open door policy for any City employee but encourages each employee with a justified grievance to file such through the grievance procedure as outlined herein.

Section VIII: Resignation, Retirement, & Layoff

Resignation

- A. Employees who plan to voluntarily resign shall notify their immediate supervisor in writing at least two (2) weeks in advance of the effective date of termination.
- B. Any employee who resigns is encouraged to give his or her reasons for resigning and discuss with his or her supervisor any working conditions which he or she feels to be unsatisfactory.
- C. A formal letter of resignation shall be required by the appointing authority.
- D. Failure to give proper notification shall result in ineligibility for reinstatement.
- E. A person who resigned in good standing may be reinstated, at the discretion of the appointing authority, into his or her former type of position within one (1) year following resignation. Reinstatement is upon the conditions that the person remains qualified to perform the duties of the position and that such reinstatement would be in the best interests of the City.

Retirement

Employees are requested to notify the appointing authority at least sixty (60) days prior to the effective date of their anticipated retirement.

Retirement Plan

All employees of the City (except police officers and firefighters) are required by law to participate in the Ohio Public Employees Retirement System (OPERS).

As members of one of these retirement systems, a percentage of each employee's gross salary is deducted from each of their paychecks and paid into a retirement fund. The amount deposited by each employee is matched or exceeded by the City's contribution. The amount of these contributions is determined by the administrative body controlling the retirement system, in accordance with state law. The City does not determine the contribution amount.

These plans are entirely independent of the Federal Social Security System. Employees may obtain basic information regarding these retirement plans by contacting their appointing authorities or the City Auditor's office. If employees should have any further questions regarding the benefits available under these plans, they may contact the retirement systems' administrative bodies:

- Public Employees Retirement System
277 East Town Street
Columbus, OH 43215
(614) 466-2085

Sick Leave Conversion Upon Retirement

- A. At the time of retirement from active service with the City as approved by OPERS, a City employee shall be entitled to receive payment for sick leave accumulated as of the time of retirement as follows:
 - 1. In an amount equal to three-fourths ($\frac{3}{4}$) hours of such accumulated sick leave in "Accumulated Sick Leave Bank I" at the rate equivalent to such employee's daily pay on the date of retirement.
 - 2. In an amount equal to one-fourth ($\frac{1}{4}$) the number of hours of such accumulated sick leave in "Accumulated Sick Leave Bank II" at the rate equivalent to such employee's daily pay on the date of retirement, provided that payment for such shall be limited. The maximum payment which may be made from accumulated sick leave in "Accumulated Sick Leave Bank II" shall be for one-fourth ($\frac{1}{4}$) of one thousand, two hundred (1,200) hours.
- B. To qualify for such payment, the employee shall have had ten (10) or more years of service with the City, County, State, or any of its political subdivisions prior to the date of retirement.
- C. Payment shall be based on the employee's rate of pay at the time of retirement.
- D. Payment shall be made only once and shall eliminate all sick leave credit accrued by the employee.
- E. Eligible City employees retiring from active service shall complete a Sick Leave Payment Upon Retirement Letter to initiate the payment process.
- F. Employees who die shall be eligible for such sick leave payment for which they would otherwise have qualified as of the date of their death. Such payment shall be made in accordance with O.R.C. Section 2113.04 or paid to the employee's estate.

Layoff

The appointing authority maintains the legal right to lay off from his or her workforce whenever a reduction in force is necessary due to:

1. Lack of work
2. Lack of funds
3. Job abolishment

Layoffs shall comply with the requirements specified by law and the provisions of the Municipal Civil Service Commission Rules.

Section IX: Records

Personnel Files

The Human Resources Department shall maintain official personnel files on all City employees covered by this Handbook. Such files shall include, but may not be limited to: individual employment data; payroll information; work time schedules; records of additional deductions paid; application forms; records pertaining to hiring, promotion, demotion, transfer, layoff and termination, discipline, etc. As a general rule, most of the contents of personnel files are treated as public records under Ohio law and are thus subject to mandatory disclosure upon request by members of the public. To the extent provided by law, however, the City shall treat records which are exempt from public disclosure (such as certain medical records, confidential law enforcement investigatory records, trial preparation records, records pertaining to adoption, probation and parole proceedings) with confidentiality.

An employee shall have a right of reasonable inspection of his or her official personnel file upon advance request. All records in the personnel files governed by law as inaccessible to the employee (adoption records, parole records, etc.) are to be removed prior to inspection by the employee. The employee shall be permitted to copy any document in his or her file and to attach letters of explanation to documents where the employee feels an explanation to be necessary. The appointing authority need not permit the inclusion of explanations that are defamatory or scurrilous attacks upon any employee, supervisor or the appointing authority.

Employees must advise the Human Resources Department of any change in: name, address, marital status, telephone number, number of exemptions for tax purposes, citizenship, selective service classification, or association with any government military service organization. The appointing authority or designee shall then update the employee's personnel file. In cases of changes in number of exemptions, the W-4 form will be forwarded to the Auditor's Office from the Human Resources office.

Employee Acknowledgment

I have been given a copy of the City of Wilmington's Employee Handbook. This document may have a significant impact on my employment with the City. I have read it carefully and understand the obligations imposed upon me as an employee of the City, but not limited to, the policies related to use of City vehicles, Drug Free Workplace, Sexual Harassment, and Anti-Discrimination and Anti-Harassment. If I have questions regarding any aspect of the handbook, I will ask my supervisor to explain the material to me. My signature on this receipt is intended for the sole purpose of indicating that I have received the document as noted above and that I have been advised to read and understand this document, and I have done so.

Print (your name)

Date

Employee's Signature

Date