



City of Huber Heights

Personnel Manual

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ARTICLE 1 - PREFACE & AMENDMENT OF RULES

It is the purpose of these Personnel Regulations to implement the provisions of the City Charter and personnel legislation by establishing standards and procedures and to provide detail to existing personnel related Charter provisions or personnel legislation. These regulations are provided as a guideline to be followed when a situation occurs which is not specifically considered in the City Charter, or specifically modified by an applicable labor contract.

Amendments to these Personnel Regulations may be made by the City Council upon recommendation from the City Manager.

All full-time and part-time employees of the City shall be given a copy of these regulations. All newly appointed full-time and part-time employees shall be given a copy of these Regulations at the time of their appointment. Any amendment to these regulations shall be made available to ALL employees. It shall be the obligation of each employee to read and be familiar with these rules and to keep his or her copy of these regulations up to date by inserting amended pages and distributed rulings and

interpretations as may be generated by the City Manager's Office. Failure to be familiar with these rules shall not be an excuse for failure to comply with them.

This manual is provided only as a general guide to your employment. It is not a contract, nor shall it be construed as one. The City, through action of the Huber Heights City Council, reserves the right to change the contents of this manual at any time, with or without notice and retroactively or prospectively. This manual also serves as notice that no one employed by or acting on behalf of the City is authorized to make oral statements which in any way alter the terms and conditions of your employment. Anyone making such statements has acted beyond the scope of their authority so, of course, their statements should be disregarded.

The official name or class of positions for an individual position shall be known as the "Classification of the Position" or just "Position". It shall be used as applicable including and not limited to any announcement of competitive examinations. Nothing herein shall preclude the use of a generic title instead of the official name of such a classification if the City chooses to use a jointly administered selection procedure.

Council members are not covered by these Personnel Regulations except as expressly provided herein or as provided in other legislation adopted by the Council.

The Clerk of Council and Assistant Clerk of Council are covered by the Personnel Regulations except that, since they are employees hired directly by Council, the Mayor acts in place of the City Manager in administering these Personnel Regulations where the City Manager or others are otherwise stipulated herein. Where these Personnel Regulations require ministerial acts by the City Manager or others regarding the Clerk or Assistant Clerk, the Mayor shall be authorized to perform such acts. It is the intent of the Council that the Clerk and Assistant Clerk receive all the benefits given to other non-union employees of the City covered herein except as expressly modified herein or in other legislation adopted by Council.

ARTICLE 2 - MERIT SYSTEM and DEFINITIONS

Merit System

Pursuant to Article 8, Section 8.01, of the Charter, except as modified by Section 8.02, the merit system of employment shall prevail. Seniority shall be one factor in the determination of merit, but in no case shall seniority be deemed to supersede the application of merit employment principles. This principle of merit employment shall apply to hiring, promotion, salary increases, and to the continued employment of any employee. It shall also be deemed to require employees to acquire and maintain the necessary skills, abilities, and certification to fulfill properly and completely the duties of the classification in which they are employed.

Definitions

Section 2.1 - Appointing Authority

The City Manager is the Authority for the City by authority of the City Charter, Section 6.02(6).

Section 2.2 - Exempt Classifications

All positions in the administrative service of the City shall be filled pursuant to open competitive examinations except the following, which shall constitute the "exempt service" of the City. (Exempt, in this instance refers to the appointing authority under the City Charter and has no bearing as to exempt/non-exempt status as related to the Fair Labor Standards Act (FLSA).)

- 1) City Manager;
- 2) Clerk of Council and Assistant Clerk of Council;
- 3) Directors of Departments and their assistants, Division Heads, and the Director of Personnel;
- 4) Assistant City Managers and assistants to the City Manager;
- 5) Secretary to the Manager and personal secretaries to all heads of departments and divisions, or sub-units thereof, and secretaries of boards and commissions;
- 6) City Attorney, assistant or Acting City Attorneys, and the City's prosecutor and assistant prosecutors;
- 7) any office or position requiring professional or scientific skills or knowledge;
- 8) unskilled laborers, as determined by the Manager;
- 9) seasonal or part-time employees, as determined by the Manager;
- 10) all officers and employees appointed or whose appointment is approved by the Council under its Charter authority;
- 11) volunteer members of any fire department and members of any police auxiliary unit of the City, and
- 12) members of boards, commissions and other agencies, and all elected officials of the City.

Section 2.3 - Classified Employees

Same as Nonexempt Employees.

Section 2.4 - Nonexempt Classifications

Employees not specifically exempt by the Charter of the City of Huber Heights are sometimes referred to as Nonexempt Employees. Such Nonexempt classified employees shall be employed under the classified service of the City. Appointment to the classified services of the City shall be determined on the basis of open, competitive examinations except when there is only one qualified candidate. (Non-exempt, in this instance refers to the appointing authority under the City Charter and has no bearing as to exempt/non-exempt status as related to the Fair Labor Standards Act (FLSA).)

Section 2.5 - Eligibility List

A list of potential employees who are ranked by the appropriate Department/Division Head.

Original Eligibility List. A list of potential employees who are ranked by the appropriate Department/Division Head according to their scores on the employment examination.

Promotional Eligibility List. A list of employees who are ranked by the appropriate Department/Division Head according to their scores on the promotional exam for the position which the employees have applied.

Re-appointment Eligibility List. List created by the appropriate Department/ Division Head in which the employees shall be ranked in inverse order of their layoff.

Section 2.6 - Calendar Year

Twelve month period beginning January 1 and ending December 31 of each year.

Section 2.7 - Fiscal Year

Same as calendar year.

Section 2.8 - Work Year

A period of twelve consecutive months begins on the first day of employment for an individual. All benefits shall accrue from date of employment.

Section 2.9 - Probation

That period of time that begins immediately after a person is appointed by the City Manager. All full-time employees shall serve a minimum probationary period of twelve (12) months unless specified contrary in the current collective bargaining agreement. After six (6) months of employment, the employee and the supervisor shall participate in a personnel evaluation process to assess the employee's work record to date.

Section 2.10 - Personnel Appeals Board

A three-member board created by City Charter; the members of which are appointed by the City Council for the purpose of hearing appeals by City employees in the nonexempt service who are not part of a grievance procedure feeling aggrieved by an action taken by their supervisors.

Section 2.11 - Layoff

A reduction in the work force of the City as determined by the City Manager.

Section 2.12 - Leaves

An authorized paid or unpaid absence from duty for a specified period of time.

Section 2.13 - Allowances

Consist of monetary reimbursements by the City for activity that involves an extraordinary expense to the employee, e.g. meal allowance, private automobile allowance. All such allowances must be authorized by the Department/Division Head and approved by the City Manager for payment.

Section 2.14 - Retirement

To withdraw from active duty with the City of Huber Heights subject to the applicable rules, regulations, and statutes of the State of Ohio and in accordance with the rules of the Public Employees Retirement System or the Police and Fire Pension System.

Section 2.15 - Resignation

Voluntary withdrawal of employment from the City. Employees resigning from the service of the City shall not be entitled to compensation for accumulated sick leave.

Section 2.16 - Abolishment Of Position

Elimination of any particular position or classification from the personnel structure of the City, with the result that there is no job for the employees whose position or classification has been abolished.

Section 2.17 - Probationary Employee

An employee on a trial status during the initial period of employment. All newly hired City employees are on a probationary status which, unless provided otherwise by union agreement or other documents, extends for twelve (12) months from the date of hire. Probationary employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.18 - Regular Full-Time Employees

An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year. In the case of nonunion full-time fire department employees working 24-hour shifts, annual hours shall be no less than 2,704. Regular full-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.19 - Regular Part-Time Employees

An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours, per week. Regular part-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A. Part-time employees shall participate in a bona fide retirement system subject to rules by the Federal Government, State of Ohio, and/or the City. Eligibility for part-time employees to be entitled to benefits as outlined herein shall be decided by the City Manager.

Section 2.20 - Provisional Full-time Employees

An employee whose work assignment is limited in duration to eleven (11) months or less, and works a shift schedule which on an annual basis would total no less than 2,080 hours. Such Employees are to be hired in order to maintain public services for the City as deemed necessary by the City Manager. Temporary full-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.21 - Provisional Part-time Employees

An employee whose work assignment is limited in duration to six months or less, and works a shift schedule which on an annual basis would total less than 2,080 hours. Temporary part-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.22 - Hourly Employees

Employees who normally work less than forty (40) hours per week, Assuming a 2,080-hour work year, and receive wages only and no other benefits of employment.

Section 2.23 - Seasonal Employees

Employees who work a certain regular season or period of the year performing some work or activity limited to that season or period of the year. Seasonal employees are paid hourly and receive wages only and no other benefits of employment.

Section 2.24 - Student Intern Employee

An employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a full or part-time position which, in the case of post-secondary students, is related to the student's course of study, and which will continue for no longer than the then current semester or term at the student's school; provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's subsequent semester or term. Student intern employees are paid hourly and shall be afforded those benefits listed in Appendix A.

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ARTICLE 3 - EMPLOYEE SELECTION

Section 3.1 - Equal Opportunity Employer

The City of Huber Heights is an Equal Opportunity Employer which recruits, appoints, assigns, and disciplines all employees or potential employees on the basis of merit without regard to race, color, religion, sex, national origin, ethnic heritage, disability, or any factor precluded by applicable laws.

It is the policy of this City that employees engaging in discriminatory actions will be disciplined accordingly. Such disciplinary action may include discharge from employment.

Section 3.2 - Promote from Within

When a position within the City becomes vacant or is created, an internal job notice will be posted. The posting will be made at all Division or Department Headquarters in prominent areas allowing all current employees the opportunity to make application. The notice will be posted for seven (7) calendar days and will contain information pertinent to the position. Preference will be given to existing employees consistent with a "Promote From Within Policy", whenever possible, prudent, and all other factors being equal. Such preference will also be given to Huber Heights residents in the rendering of hiring and promotion decisions. Nothing in this section is to be construed as conferring automatic hiring/promotion for current employees or residents of Huber Heights.

Section 3.3 - Exempt Classifications

Exempt employees may be appointed by the City Manager without need of competitive examination, advertisement, or the creation of an eligibility list.

Section 3.4 - Announcement of Examinations

Notice of examinations shall be publicly announced by the City Manager. The notice shall be placed in at least one newspaper of general circulation, and/or by such other means deemed desirable by the City Manager. Posting of such examinations shall also be made at all Department or Division headquarters allowing all current employees the opportunity to be advised of the examination. The City Manager shall also publicize the examination in any other means as may be appropriate to comply with State, Federal, and Local Guidelines regarding hiring practices. The announcement shall specify the type, time and place of the examination. It shall also supply information regarding method and deadline for filing applications, the nature of the work to be performed, minimum qualifications, if any, and other information deemed pertinent by the City Manager.

The announcement of examination as required by these Personnel Regulations shall be posted as described above no less than ten (10) business days prior to the deadline for submission of application. Nothing herein shall prohibit the use of classified advertisement to supplement the required notice. Such notice and/or classified ad shall include the statement announcing that the City is an Equal Opportunity Employer and conducts pre-employment drug screenings.

Section 3.5 - Applications

Applications shall be made on forms prescribed by the City Manager. Such forms shall comply with City, State and Federal guidelines for employment applications and shall state that the City is an Equal Opportunity Employer. Applications shall be kept on file by the City Manager's Office for a period of two (2) years and shall be invalid two (2) years from the date of submission. Upon receipt, the City Manager's Office shall review applications for completeness and compliance with any minimum qualifications as may be predetermined. The applicants may be required to submit written proof regarding any statement made on the application form.

The City Manager may make suitable inquiry of employers, educational institutions, and character references to verify statements made on the application. In addition, the City Manager may dismiss an applicant for submitting misleading or false information. The appointing Authority may dismiss an employee if later on it is discovered that his application and/or resume contained false information.

Section 3.6 - Pre-Employment Requirements

All new permanent employees shall be required to pass a pre-employment drug screening. Dependent upon the nature of the position a new employee may be required to pass one or any combination of the following; physical examination, stress test, and/or psychological tests, prior to appointment. Such examinations shall, as necessary, comply with any Federal, State, or City laws regarding pre-employment examinations and the City shall recognize the need under those laws to make reasonable accommodations for disabled employees wherever possible.

Section 3.7 - General Examinations

As a general rule, all examinations shall be open and competitive. In case of a vacancy in the non-exempt service where exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that competition in such special case is impractical, and that the position can best be filled by the selection of a person of the recognized qualifications, the City Manager may suspend in writing these regulations requiring an examination. Examinations for non-exempt positions shall consist of a test or a series of tests approved by the City Manager or his/her designee. Such tests shall be designed to test the relative capacity and qualifications of all applicants to discharge duties of the position for which the examination is given. The City Manager or his/her designee shall determine the nature of the examination and the weight and scoring method to be attributed to each part. The City Manager or his/her designee shall grade the examinations, taking care to preserve the anonymity of the competitors in the written portion until grading is complete. If practical, the City Manager or his/her designee and the applicable Department/Division head are authorized to retain the services of a professional testing agency for the purpose of conducting employment examinations. The appropriate Department/Division Head shall be responsible for evaluation of the test results and determination of the qualifications of any applicant. Should any applicant be deemed unfit, that applicant will be informed that he or she is no longer under consideration for the position.

The appropriate Department/Division Head shall recommend and the City Manager shall assign value to the various tests used when more than one test is used. The applicant shall be made aware of the requirements for successful completion of an examination prior to taking such examination, and shall be made aware of the various values assigned to each test by written attachment to the application or at the test site.

Each person who participates in any such examination shall be given written notice at his or her last known address as to the success or failure in the completion of the examination, and shall be made aware of his or her status regarding potential employment with the City.

No person who has failed to pass an examination shall be reexamined for the same class or position within six (6) months of the date of such failure except at the discretion of the City Manager. However, if a person fails his previous examination by ten percent (10%) or more, the waiting period for reexamination shall be one (1) year, and if any applicant fails two (2) examinations, he cannot take another examination for the same position for at least two (2) years after the last one.

There may be a fee charged to take any examination. The City may choose to participate with other governments in cooperative examination procedures.

Section 3.8 - Lateral Entry

The City Manager shall have authority to determine that competitive examinations for lateral entry positions requiring previous experience and training may dispense with written examination questions, and instead, may insist on completion of an application, submission of proof of experience and training as is deemed a requirement for the position, evaluation of that prior experience and training, an oral interview, and such other matters as the City Manager may determine are appropriate.

Section 3.9 - Promotional Examinations For Non-Exempt Positions. Whenever, in the judgment of the City Manager, vacancies in non-exempt positions above the original entry level should be filled by promotion, a promotional examination shall be given. A deadline for filing an application shall be announced. Such examination may be either written, oral, psychological, or a combination of all of these. If no one applies for such tests or if less than two are qualified, promotions may be filled through outside eligibles or through opening the next lower classification.

The City Manager and the appropriate Department/Division Head shall determine eligibility for promotional examinations in all departments after consideration of qualifications and merit rating.

Section 3.10 - Eligibility Lists

There shall be three types of eligibility lists within the personnel service of the City. These lists are defined in Article 2, Section 2.5. Eligibility lists, in order to be valid, shall be certified and maintained, as deemed necessary by the City Manager or his/her designee. No eligibility lists are required for Unskilled Laborers.

All eligibility lists shall have a duration of twelve (12) months with an option on the part of the City Manager to extend such an eligibility list for one additional twelve (12) month period.

Eligibility lists shall rank in order of relative merit of each applicant for any position. Such ranking shall be made on the basis of merit as determined by competitive examinations where applicable in the case of original appointment lists and promotional eligibility lists. Eligibility lists for the purpose of reemployment shall also be based on merit as determined by prior service including seniority. Applicants for reinstatement and reemployment will also be required to pass a pre-employment drug screening and a physical examination or such other requirements as the Department/Division Head may deem appropriate. Any individual whose name appears on an eligibility list and who declines appointment when offered shall be removed from that eligibility list. When such list contains only two names, the appropriate Department/Division Head may recommend appointment of one of those two individuals or may recommend to the City Manager that the examination process for the position in question be begun again.

It is incumbent upon any applicant to make the appropriate Department/Division Head aware of any address changes during the time that any individual is on the eligibility list. In attempting to locate an individual, the appropriate Department/Division Head shall only be required to mail a certified letter to the last known address of the applicant. The applicant shall have ten (10) days from the mailing of said certified letter to contact the Department / Division Head. If such contact is not made, the applicant's name may be removed from the eligibility list.

Section 3.11 - Appointment.

After creation of an eligibility list, and in order to appoint an individual from the list to a position within the City, the appropriate Department/Division Head shall certify to the City Manager that a vacancy exists in the department of the City. Upon such certification being acknowledged by the City Manager, the appropriate Department/Division Head shall give written notice to certified eligibles. The appropriate Department/Division Head then may recommend to the City Manager that any one of the top three (3) individuals be appointed to fill that position. Such recommendation shall take into account the overall fitness of a candidate as determined through the evaluation process. The City Manager as appointing authority may select any one of the top three candidates. When the appointment is made, the City Manager shall inform the Department/Division Head in question, and the appointee. If the Department/Division Head does not receive a written acceptance of such appointment from the appointee within six (6) days of the date the City notified him of the written notice of appointment, such appointment shall be void. In this case, the Department/Division Head shall certify one additional name to the Appointing Authority. Such additional name may be taken from the remaining names on the original appointment list for the position involved.

Section 3.12 - Provisional Appointments

Whenever circumstances exist which requires that a vacancy in an exempt position, as defined by the City Charter, be filled at once in order to maintain public services, the City Manager may appoint any qualified person temporarily to perform the duties of the position. However, no such appointment shall be for a period longer than six (6) months unless the emergency is of greater duration than six (6) months, in which case the appointment may be renewed by the City Manager up to an additional six (6) months.

In the event a vacancy exists in a non-exempt position, as defined by the City Charter, for which no current eligible list has been created, the Department/Division Head shall so inform the City Manager. If the City Manager determines that the best interest of the City requires a prompt appointment to the vacancy, the Department/Division Head shall submit the application of any person or persons internal or external to the organization deemed by him to be suitable for noncompetitive examination. If, on review, the applicant is found to possess the minimum qualifications established by the Department/Division Head for the position to be filled, the City Manager may authorize his appointment as a provisional employee.

A provisional appointment shall remain in effect until an eligibility list is created by the Department / Division Head and an appointment has been made and accepted by the City Manager. The process of creating such a list shall begin within six (6) months from the existence of a vacancy and shall be completed within nine (9) months. Said provisional employee shall not be precluded from becoming a candidate for employment. Appointments from the eligibility list shall be on a competitive basis except where the Department / Division Head finds that there is an insufficient number of applicants to justify competition. In such a case, the provisional employee may be appointed as an employee on a noncompetitive basis.

ARTICLE 4 – GENERAL EMPLOYMENT POLICIES

Section 4.1 - Probation

Upon appointment by the City Manager, all appointees including both new and promoted employees shall serve a minimum probation period of twelve (12) months unless specified to the contrary in a current collective bargaining agreement. During this twelve (12) month period, the employee shall be considered a probationary appointee.

At the successful completion of the probationary period, the individual shall attain regular employee status. Such appointment shall be automatic unless the Department/Division Head, upon approval of the City Manager, extends the probationary period. The probationary period may be extended a maximum of six (6) months in addition to the original twelve (12) months.

Probationary employees may be removed, demoted, or disciplined at any time without cause during the probationary period by simple written notice to the employee by the City Manager. Such removal or demotion shall not be subject to appeal. Copies of all such notices involving removal or demotion shall be made part of the employee's personnel record.

Section 4.2 - Residency

City residency will be mandatory for the City Manager and strongly encouraged for the following administrators hired after January 1, 1995.

Director of Public Safety
Finance Director
Police Chief
Fire Chief

Director of Public Service
City Engineer
Planning & Development Manager
Streets Superintendent

Section 4.3 - Pay Schedule Plan

This plan shall be defined as salaries, remunerations, and any extra compensation as approved by the City Manager as outlined in ordinances of the City. Employees who are represented by a collective bargaining unit shall receive salary, wages and other compensation for employment as described by the appropriate collective bargaining agreement.

The City Council shall be responsible for establishing the salaries of the City Manager, the Clerk of Council, and the Assistant Clerk of Council. All other non-union employees' salaries shall be determined and authorized by the City Manager. The salary, which is established by the City Manager, shall not exceed the maximum amount established by City Council through resolution.

Increases in salary for non-union employees shall occur only after a written evaluation has been completed by the appropriate Department/Division Head and approved by the City Manager. The evaluation should include information pertaining to merit, changes in responsibilities, and any other factors pertinent in determining the basis of the increase. Any increase in salary may not exceed the maximum authorized salary as set by City Council. The above provisions do not apply to seasonal or temporary employees.

Section 4.4 - Job Description

Each position within the City shall have a job description which will describe the essential functions and responsibilities of the work, a description of the duties of the position, and a statement of the minimum qualifications a person should possess to perform the work. Each job description should state whether the position is exempt or non-exempt. Each job description is illustrative in nature and does not limit a supervisor's ability to assign or direct the employee to perform, as part of his or her job, additional tasks or duties of the same general nature or related

to or growing out of the matters discussed in the job description. Each newly appointed employee and existing employee shall be expected to read and sign their job description for their position along with their Department/Division Head and the City Manager.

Section 4.5 - Performance Evaluations

In cooperation with Department/Division Heads, the City Manager shall establish a system of service ratings based upon standards of performance which shall include at least annual reviews for each employee. Reviews may occur more frequently if deemed desirable by any City Department. Overall, the employee performance review system will emphasize open, positive communications between employees and supervisors, and will result in agreed upon performance plans for each employee to serve as an objective basis for determining performance.

Performance standards shall measure the quantity of work performed, the manner in which such service is rendered, the faithfulness of the employee to his or her duties, and other such characteristics as may measure the value of the employee to the municipal service. Service ratings shall be considered in determining salary increases and decreases within the fixed limits of the compensation plan, as a factor in determining order of layoff, and as a factor in determining the demotion or dismissal of an employee. The service ratings for each employee shall be available for review by that employee. Supervisory staff shall review & service ratings with the employee.

Upon completion of the performance review, a copy of the evaluation form shall be forwarded to the City Manager's Office for placement in the employee's personnel file.

The City Manager shall prescribe the necessary forms for reports of all personnel changes in the City service which shall be used by all supervisors.

Section 4.6 - Employee Recognition Programs

1. Employee of the Quarter / Year

It is the City's desire to identify and recognize employees who show outstanding performance and best exemplary representation of their position. The City Manager will recognize quality employees and grant Employee of the Quarter and Year awards.

2. Attendance Bonus

Non-Union full time employees who have not used more than eight (8) hours of sick leave during the calendar year, shall receive a \$75.00 bonus or at their option one (1) additional personal leave day. Such bonus or personal absence day shall be credited during the month of January following the calendar year the bonus was earned.

Section 4.7 - Outside Employment

An employee may engage in outside employment as long as the particular employment does not interfere with his/her City job. Employees are required to advise and receive approval from their Department/Division Head and in the case of Department/Division Heads, the City Manager of such outside employment. Permission may be denied or rescinded for outside employment for any of the following reasons:

- A.) It requires the employee to be late or leave early from work,
- B.) There would be a real or perceived conflict of interest,
- C.) It interferes with the employee's job performance, or
- D.) In any other way it results in a disadvantage to the City.

Employees are not permitted to use City issued uniforms and may not use City equipment while engaged in outside employment.

Section 4.8 - Political Activities

This policy ensures compliance with the City Charter and/or City Ordinances and Laws of the State of Ohio that every employee and officer of the City retains the right to:

- 1) Express personal opinions as an individual Citizen, privately and publicly, on political subjects and candidates;
- 2) Attend political rallies, fund-raising functions, or other political gatherings;
- 3) Sign a nominating or other political petition;
- 4) Make a financial contribution to any political party organization or candidate;
- 5) Display political yard signs on personal real property;
- 6) Display political bumper stickers on personal cars;
- 7) Wear political buttons, badges, or stickers when not working for the City, or serve as an election official with the approval of the City Manager.

Section 4.9 - Employee Complaint Procedure

There shall be an earnest, honest effort to settle differences and disputes promptly. If there are allegations that the City has violated any term of this Manual, such allegations shall be handled in accord with this Article:

STEP 1 The employee shall reduce the complaint to writing on forms supplied by the City for this purpose and present it to the immediate supervisor. Three copies of the complaint form shall be prepared, dated, and signed by the employee, and distribution shall be as follows: One (1) copy to the immediate supervisor; one (1) copy to the Department Head, if applicable; and one (1) copy to the City Manager. The time limit for filing a complaint shall be seven (7) days from the time the employee or City could reasonably have learned of the circumstances giving rise to the complaint. The immediate supervisor may reply in writing by the end of the third calendar day after it was presented to him. If the employee does not refer the complaint to the second step of the procedure within seven (7) calendar days after receipt of the decision rendered in the first step, it shall automatically be considered to be satisfactorily resolved. If the City fails to reply within the specified time limit, the complaint shall be automatically referred to the next step.

STEP 2 If the complaint is unresolved at the preceding step and is referred to the second step, it shall be referred in writing to the Department Head or his designated representative by the employee. After receipt of the grievance, the Department Head or his designated representative may reply to the employee in writing by the end of the third calendar day, excluding Saturdays, Sundays, and legal holidays. If the employee does not refer the complaint to the third step of the procedure within seven (7) calendar days after receipt of the decision rendered in the second step, it shall be considered to be satisfactorily resolved. If the City fails to reply within the above time limit, the complaint shall automatically be referred to the next step.

STEP 3 If the complaint is unresolved at the preceding step and is referred to the third step, it shall be referred in writing to the City Manager by the employee. After receipt of the complaint, the City Manager may reply to the employee, in by the end of the third calendar day, excluding Saturdays, Sundays, and legal holidays.

If the employee does not refer this complaint to the fourth step of the procedure within ten (10) calendar days after receipt of the City Manager's reply, it shall be considered to be satisfactorily resolved. If the City Manager fails to reply within seven (7) calendar days, the employee's sole remedy is to pursue the complaint on to the Personnel Appeals Board within the next ten (10) calendar days. By City Charter, Step 3 is the final available step for exempt employees.

STEP 4 If the grievance is unresolved at the preceding step and is referred to the fourth step, the procedure outlined in Section 8.04 (B) of the City Charter will take place.

Time limits imposed by this Article may be extended at any time by mutual written consent of the parties in that step. Likewise, any step in the complaint procedure may be eliminated by mutual written consent of the City Manager and the employee.

Section 4.10 - Public Records

MISSION STATEMENT

Openness leads to a better-informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the City of Huber Heights as custodian of Public Records for and on behalf of the people to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act

PURPOSE

The City of Huber Heights maintains, for public view, many documents and records. In accordance with Ohio law and the Public Records Commission for the City of Huber Heights, Record Retention Schedules have been established for the City. The Records Retention Schedules list all of the records maintained by the City and the period of time for which these records are maintained. These records are maintained for the operation of City departments/divisions and to provide a source of information for the public. It is the primary goal of the City that it serves the citizens of Huber Heights in a manner of trust. These records, and the ability to have access to them, are a means to provide trust between citizens and the City of Huber Heights. The underlying purpose of the Huber Heights Public Records Policy is to provide for full and prompt disclosure of public records and assure that City employees take all reasonable steps to properly comply with requests for public records.

DEFINING AND MAINTAINING PUBLIC RECORDS

Public records are documents, devices or items kept by the City that meet both of the following: (1) they are created, received by, or coming under the jurisdiction of the City of Huber Heights; and (2) they document the organization, functions, policies, decisions, procedures, operations, or other activities of the public office. Public records are available to the public unless the records are exempt from disclosure under Ohio law. All public records are organized and maintained in such a way that the records can be made available for inspection and copying. All public records shall be maintained in accordance with the Records Retention Schedules established by the City. Copies of the City's Records Retention Schedules are readily available to the public in the Clerk of Council's Office and on the City's website at www.hhoh.org as required by Section 149.43(8)(2) of the Ohio Revised Code.

Just because the City has a document does not mean it is a public record. In addition to obvious non-records such as junk mail and electronic "spam," some items in the possession of the City do not meet the definition of a public record because the record does not document the activities of a public office. An item received by a public office is not a record simply because the public office could use the item to carry out its duties and responsibilities.

CUSTODIAN OF PUBLIC RECORDS

The Police Chief is the Public Records Administrator for those public records maintained by the Police Division. The Fire Chief is the Public Records Administrator for those public records maintained by the Fire Division. The Clerk of Council is the Public Records Administrator for all of the public records maintained by the rest of the City. Department/division heads are the official *public records custodians* of all public records maintained within the departments/divisions.

In fulfilling the duties of the Public Records Administrator, the Public Records Administrator shall consult with the Law Director and City Manager as appropriate. All Public Records shall be maintained such that no release of Public Records from the custody of the City shall occur except as permitted by the Ohio Public Records Act and the Public Record Commission Retention and Destruction Schedules. *Failure to comply with the Public Record Policy of the City subjects the City to liability; thus, it is incumbent on the City, its employees and public officials and the Public Records Administrator to comply in all respects with the Public Records Law and the City Policy implementing the Public Records Act of the State of Ohio.*

RESPONSE TIMEFRAME

Public records are to be available for inspection to any person at reasonable times during regular business hours, excluding legal holidays. 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 and redaction of the records requested.

The regular business hours for City Hall are from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays. The regular business hours for the Police Division are from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays. The regular business hours for the Fire Division are from 7:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

It is the goal of the City of Huber Heights that all requests for public records should be acknowledged in writing or, if possible, satisfied within ten (10) business days following the City's receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requestor must at least identify the records requested with sufficient clarity to allow the City of Huber Heights to identify, retrieve, and review the records. If it is not clear what records are being

sought, the City of Huber Heights must contact the requestor for clarification and should assist the requestor in revising the request by informing the requestor of the manner in which the City keeps its public records.

If after contacting the requestor for clarification, the request is still ambiguous or overly broad, the request may be denied.

An ambiguous request is one that lacks the clarity a public office needs to ascertain what the requester is seeking and where to look for records that might be responsive. This often occurs when the wording of the request is subject to interpretation.

A request can be overly broad when it is so inclusive that the public office is unable to identify the records sought based on the manner in which the office routinely organizes and accesses records. The courts have also found a request overly broad when it seeks what amounts to a complete duplication of a major category of a public office's records. Examples of overly broad requests include requests for:

All records containing particular names or words; (Example: "All records regarding Fishburg Road.")

All emails sent or received by a particular email address with no subject matter and time limitation; (Example: "All emails between the City Manager and Councilmember X.")

Records regarding a specific topic, but excluding a subcategory; (Example: "All police reports for the last two weeks, but excluding those involving misdemeanor offenses.")

If a request is deemed overly broad, the City will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the City and accessed in the ordinary course.

The requestor does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. It is the City of Huber Heights' general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but ONLY (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; AND (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

Requests for public records may be written or oral. If a public records request is made orally, the City employee receiving the request will write down the request on Public Records Request Form and read it back to the requestor to make sure the request is accurate. If a public records request is made in writing, the City employee will indicate the date the request was received on the Public Records Request Form and the written request shall be attached to the Public Records Request Form. All public records requests received by a City employee shall be forwarded to the appropriate Public Records Administrator for the City for further processing and response.

In processing the request, the Public Records Administrator does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to

exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website at www.ohioattorneygeneral.gov for the purpose of keeping employees of the City of Huber Heights and the public educated as to the City's obligations under the Ohio Public Records Act and the Open Meetings Act.

The policy of the City of Huber Heights is to never duplicate requested copies of public records on the requestor's provided CDs, DVDs, flash devices, or other devices. The risks of unintended contamination of the internal computer systems of the City are too great. The City of Huber Heights will always duplicate requested copies of public records on CDs, DVDs, flash devices, or other devices provided by the City.

Requests for Inspection. All requests to inspect public records shall be forwarded to the Public Records Administrator for processing. Upon request for inspection of public records, the request shall be promptly complied with and the public records shall be made available for inspection by the City of Huber Heights at all reasonable times during regular business hours. The inspection may not be immediate if the requested record contains information that may need to be redacted. The City may require that a City employee be present during the inspection, but shall not deny an inspection if no employee is available. In processing a request for inspection of a public record, a City employee's presence with the request or during the inspection is to make certain original records are not taken or altered.

Requests for Copying. Upon request for copying of public records, the request shall be promptly complied with and the public records shall be copied by a City employee and made available within a reasonable amount of time.

Requests for Mailing. Upon request for mailing of public records, the request shall be promptly complied with and the public records mailed by a City employee within a reasonable amount of time, provided the requestor has provided the necessary mailing information.

Requests for Video and Audio. Upon request for video and audio public records, the request shall be promptly complied with and the video and audio public records shall be copied by a City employee and made available within a reasonable amount of time.

Requests for Photographs. Upon request for photographs that are public records, the request shall be promptly complied with and the photographs shall be copied by a City employee and made available within a reasonable amount of time.

Requests for Electronic Media. Upon request for electronic media of public records, the request shall be promptly complied with and the electronic media copied by a City employee and made available within a reasonable amount of time. The requestor may choose to have the public records duplicated (i) upon paper, (ii) upon the same medium upon which the City keeps the record, or (iii) on any other medium the City determines it can be reasonably duplicated as an integral part of the normal operations of the City.

ELECTRONIC RECORDS

Records in the form of email, text messaging, and instant messaging, including those sent and received via handheld communications devices are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the City of Huber Heights are required to retain their email records and other electronic records in accordance with applicable Records Retention Schedules.

DENIAL OR REDACTION OF RECORDS

Determining that requested documents or that certain information contained in requested documents is not a public record and therefore not subject to disclosure or that a public record or information contained therein is exempt from disclosure is a serious action. Accordingly, all decisions to deny a public records request or to redact information from public records, (other than routine redactions that are made on all similar documents) which is also a denial shall be executed by and signed off on by the Public Records Administrator or the City Manager. Routine redactions include but are not limited to redacting social security numbers, protected personal information, witness information from police records.

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the City of Huber Heights shall make available all of the information within the public record that is not exempt. If portions of a public record are public and other portions of a public record are exempt, the exempt portions may be redacted, and the rest of the public record released.

If it is not clear whether the public record is one that can be released, the requestor should be told that it is not clear if a public record can be released and that the City will allow inspection or provide copies to the extent permissible as soon as the Public Records Administrator in conjunction with the Law Director has had the opportunity to review the request.

Redacting information from a public record is considered a denial of a public record. When making a public record available for public inspection or copying that has had information redacted, the City shall notify the requestor of the redaction or make the redaction plainly visible.

If a public records request is ultimately denied, in part or in whole (including any redactions), the Public Records Administrator shall complete a Denial/Redaction of Public Records Request Form and which provides the requestor with a written explanation, including legal authority, the reason why the request was denied, or the information was redacted. Any denial of public records requested must include an explanation, including the legal authority for the denial of the public records. If the initial request was made in writing, the explanation must also be in writing. If the request was made orally, the requestor may be told orally why the request was denied.

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records such that the Public Records Administrator processing the request cannot reasonably identify what public records are being requested, the request may be denied, but the

denial must provide the requestor an opportunity to revise the request by informing the requestor of the manner in which records are maintained and accessed by the City of Huber Heights.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making or duplicating copies, not for labor costs. The costs for public records are outlined in the Public Records Fee Schedule.

A requestor may be required to pay in advance for costs involved in providing the copies of public records. The requestor may choose whether to have the record duplicated upon paper, on the same medium upon which the City keeps the record, or on any other medium the City determines it can reasonably be duplicated as an integral part of the normal operations of the City.

If a requestor asks that copies of public records be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for copies of public records that are emailed.

PUBLIC RECORD POLICY – LEGAL HOLD

The concept of a "Legal Hold" has been around from the advent of modern-day jurisprudence. The concept of a "Legal Hold" as applied to a municipality is triggered when a municipality has *the first reasonable suspicion* that a claim may be asserted against it or that it has a claim to assert against a third-party.

The theory is that anything and everything that could reasonably be related to the litigation must be "held" by both parties to the litigation to ensure that all evidence reasonably related to the litigation is preserved.

The theory continues that the finders of fact (the Jury) and the applier of the law to the facts (the Court) will then have all available tools at their disposal to make their decision.

A "Legal Hold" is typically called for by Legal Counsel since typically Legal Counsel will be involved in any negotiations leading up to any litigation. (However, if the litigation comes out of nowhere and is totally unexpected the "Legal Hold" would automatically apply.)

However, the triggering event, being when the City has the *first reasonable suspicion* may very easily be known by the City well in advance of the Law Director. It is imperative that the City consult with Legal Counsel when it does have the *first reasonable suspicion* that a claim may be asserted against it or that it has a claim to assert.

Once the "Legal Hold" is applied ALL records in the possession of the City reasonably related to the litigation, including electronic records (or if litigation is imminent as determined by legal counsel) shall be retained or "held" by the City until the litigation is finally resolved.

Thus, regardless of what the City's Public Records Policy is with regard to retention and destruction of records, the "Legal Hold" requires that those applicable records *must be held for the life of the litigation*.

As an example, if a record under the Public Records Retention Schedule calls for that record to be retained for five years and the litigation lasts for seven years the pertinent record **MUST BE HELD** for the full seven years.

Certain electronic records have a very limited retention period and may be destroyed immediately when the retention period has expired. Nevertheless the "Legal Hold" in the above example will require that the short-term electronic records must be held for the full seven-year life of the litigation.

Any questions with regard to the "Legal Hold" Policy should be directed to the Clerk of Council or the Law Director. *See the Legal Hold Policy of the City in the possession of the City Manager and the Clerk of Council.*

As Approved By Ordinance No. 2019-O-2391 on August 26, 2019 And Effective September 25, 2019.

Please contact the City of Huber Heights Public Records Administrator, Anthony Rodgers, Clerk of Council, at:

Address: Huber Heights City Hall
6131 Taylorsville Road, Huber Heights, Ohio 45424
Phone: (937) 233-1423
Email: arodgers@hhoh.org

Please contact the City of Huber Heights Police Division Public Records Administrator, Mark Lightner, Police Chief, at:

Address: Huber Heights Police Division
6121 Taylorsville Road, Huber Heights, Ohio 45424
Phone: (937) 233-1565
Email: mlightner@hhoh.org

Please contact the City of Huber Heights Public Records Administrator, Keith Knisley, Fire Chief, at:

Address: Huber Heights Fire Division
7008 Brandt Pike, Huber Heights, Ohio 45424
Phone: (937) 233-1564
Email: kknisley@hhoh.org

Section 4.11 – Mandatory Direct Deposit

All employees, new or current, full-time or part-time, exempt or non-exempt, are required to participate in mandatory direct deposit for paid wages received by the City. Employee pay will be electronically deposited directly into one or more checking or savings accounts designated by each employee on the Direct Deposit Form provided by the City. Should an employee fail to designate a financial institution capable of accepting the employee's direct deposit payment, the Director of Finance shall arrange for a pay card account by designating a financial institution for the employee.

ARTICLE 5 - PERSONNEL FILES

Section 5.1 - Employee May Inspect Personnel File

Each employee may inspect his/her personnel file maintained by the Employer at any reasonable time during regular business hours upon written request by the employee and approval of the Department Head. The employee shall, upon written request, receive a copy of any documents contained therein. An employee shall be entitled to have a representative of his/her choice accompany him/her during such review.

Section 5.2 - Statement of Rebuttal

If an unfavorable statement or notation is in the file, the employee shall be given the right to place a statement of rebuttal or explanation in his/her file. No anonymous material of any type shall be included in the employee's personnel file,

Section 5.3 - Removal of Documents from Personnel File

Records of oral warnings, written warnings, or unfavorable statements or notations of a non-disciplinary nature excluding at a minimum, last chance agreements and decisions of the Board of Personnel Appeals shall cease to have force and effect one (1) year from the date of issuance and shall, upon request of the employee, be removed from the personnel file provided no intervening discipline has occurred. Any record of discipline of any kind shall cease to have force and effect three (3) years from the date of issuance and shall, upon request of the employee, be removed from the personnel file provided no intervening discipline has occurred.

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ARTICLE 6 - EMPLOYEE CONDUCT

Section 6.1 - Drugs/Alcohol

The responsibility to correct unsatisfactory job performance or behavior resulting from suspected health problems rests with the employee. Failure to do so can result in disciplinary action.

An employee with mental health problems or chemical dependency adversely affecting the employee's work performance will receive the same careful consideration and offer of assistance that is presently extended to employees having other illnesses. Said assistance shall be in the form of the Employee Assistance Program as well as any eligible coverage as provided through the City's health insurance program.

Health and Sick leave benefits can be used within the limits of current benefit levels.

Section 6.2 - Fitness for Duty

In order to provide a safe working environment, to assure the public trust, and to promote the health, welfare, and safety of employees and citizens served alike, the City of Huber Heights requires its employees to report for duty in a physically and mentally fit state and free of alcohol, medication, or drug use.

The City may, at its discretion, require that employees submit to a physical and mental examination by a doctor appointed by the City, when tests and examinations are considered to be of value to the City in maintaining a capable work force, employee health and safety, etc. The City will pay the cost of such test and examinations. The City may, at its discretion, require that employees provide specific and detailed medical data from the employee's doctor, the City's doctor, and/or a personal affidavit stating the cause of the absence, for any illness or injury which resulted in lost work time.

In the event the employee reports for work in a manner unfit for duty, counseling shall be afforded the employee consistent this section.

Section 6.3 - Sexual Harassment Policy and Complaint Procedure

A) The City of Huber Heights strictly prohibits sexual harassment of employees in the workplace by any person, in any form. It is both illegal and against the policy of the City for any person, male or female, to sexually harass an employee. The City has identified four situations in which unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment:

1. When an employee must submit to such conduct as a condition of employment,
2. When decisions about an employee's job such as promotion, demotion, benefits and wages are based on submission to or rejection of such conduct,
3. When such conduct "unreasonably interferes" with job performance; and
4. When such conduct creates an "intimidating, hostile or offensive" working environment.

B) The first two categories are commonly referred to as "quid pro quo" sexual harassment, in which acquiescence to sexual advances or some type of sexual consideration is required in exchange for a tangible job benefit. The third and fourth categories prohibit sexual harassment based on a "hostile or offensive" work environment, even where there has been no conditioning of employment benefits for sexual favors. Such harassment typically involves workplace conduct

such as lewd or explicit sexual remarks, innuendos, jokes, gestures, touching; discussions of sexual activity or the display of obscene or suggestive pictures or cartoons. Sexual harassment does not include occasional compliments of a socially acceptable nature.

C) The City recognizes that the question of whether a particular action or incident is a purely personal, social interaction without a discriminatory employment effect requires a factual determination based on all the facts involved in that incident. Given the nature of this type of discrimination, the City recognizes also that false accusations of sexual harassment can have serious effects on innocent women and men.

D) Each City supervisor is responsible for maintaining a workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they need not endure insulting, degrading or exploitive sexual treatment. Further, each individual employee has a responsibility to assist in eliminating all forms of prohibited sexual harassment from the workplace, and to use the following complaint procedure as soon as possible after being the victim of any form of sexual harassment in the workplace.

E) Complaint Procedure.

1. Any person may file a complaint if they believe that another person has sexually harassed them in this workplace. All employees are required to file a complaint if they believe they have been sexually harassed in the workplace.
2. All complaints alleging sexual harassment shall be filed with the EEO Coordinator, who is the Human Resources Manager, or any other department or division head. A written form is available from any department or division head for the filing of complaints. Complaints should be filed as soon as possible after the date the alleged discrimination occurred.
3. All complaints will be investigated. The EEO Coordinator will conduct most investigations. The investigation shall be commenced within 10 working days following the filing of the complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
4. The investigator shall issue a written determination as to the validity of the complaint and a resolution of the complaint, and a written copy mailed to the complainant within three working days following the completion of the investigation.
5. A complainant may request reconsideration of such determination. The request for reconsideration shall be made within 10 working days following the date the complainant receives the determination. The request shall be made to the investigator's immediate Supervisor. The Supervisor shall review the record of said complaint and may conduct further investigation if necessary. The Supervisor shall issue a decision within 20 working days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the Supervisor is final.

6. Upon the completion of an investigation of a complaint of sexual harassment against an employee, the investigator shall provide the results of the investigation to the employee's division head. After review of such information, the division head, if appropriate, shall hold a pre-disciplinary conference as provided in this manual. Employees found in violation of this policy shall be subject to disciplinary action as provided in this manual.
7. Non-employees found to have sexually harassed an employee will be dealt with appropriately as allowed by law.

Section 6.4 - Gifts or Gratuities

Due to the nature of local government and the fact that all employees are agents of the public for the benefit of the public, employees shall not solicit nor accept personal gifts or favors from any person, business, or organization.

Section 6.5 - No Smoking or Tobacco Use

Smoking and/or the use of tobacco is prohibited in all city-owned and/or leased buildings, within 20 feet of any entrance to any city-owned and/or leased building and within 20 feet of any sidewalk leading to any entrance to any city-owned and/or leased building, and in all city owned and/or leased vehicles. No ash trays are permitted in or adjacent to city buildings. No smoking signs containing a telephone number for reporting violations shall be conspicuously posted inside and at every entrance to every city-owned and/or leased building.

Section 6.6 - Garnishment

When an employee incurs debts that are not paid, a claim can be made against the salary paid by the City. This is called a garnishment. A garnishment is a court order which requires that a certain amount be deducted from an employee's pay check in compliance with such a court order. Any employee whose wages have been garnished due to two (2) or more court orders may be subject to disciplinary measures. City employees are expected to be financially responsible citizens who take care of their debts.

Section 6.7 - Prohibiting the use of Federal Funds

It shall be the policy of the City of Huber Heights, Ohio not to use federal funds for any type of partisan political activity.

Section 6.8 - Violence in the Workplace

Acts or threats of physical or verbal violence (including intimidation and/or harassment and/or coercion) which involve or affect the City or its employees or which occur on City property will not be tolerated. Such conduct will be met with the strongest legal action by the City, up to and including termination of employment, the use of law enforcement, and the use of criminal prosecution measures.

Workplace violence includes acts or threats of violence including conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions or create a hostile, abusive, or intimidating work environment for one or more employees.

Examples include, but are not limited to, the following:

- A. All threats or acts of violence occurring on City premises, regardless of the relationship

between the City and the parties involved in the incident.

- B. All threats or acts of violence occurring off City premises involving someone who is acting in the capacity of a representative of the City.
- C. All threats or acts of violence occurring off City premises involving an employee of the City if the threats or acts affect the legitimate interests of the City.
- D. Any acts or threats resulting in the conviction of an employee or agent of the City, or of an individual performing volunteer or other service for the City on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the City.
- E. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to:
 - 1. Physical assault of an individual (hitting, shoving, kicking, throwing of objects, or otherwise having an unwelcome physical contact).
 - 2. Threatening harm to individuals, their family, friends, associates, or property, by the expression of present or future intent to cause physical or psychological harm. An expression constitutes a threat without regards to whether the party communicating the threat has the present ability to do harm and without regards to whether the expression is contingent or conditional.
 - 3. Verbal assault for the purposes of intimidation and/or coercion.
 - 4. The intentional destruction or threat of destruction of City or personal property.
 - 5. Conduct or communications of an intimidating, menacing or frightening nature, including but not limited to, unwelcome words or conduct that, while not a touching, create a hostile work environment.
- F. Deadly Weapons and Dangerous Ordnance. Unless otherwise authorized by law pursuant to Ohio Revised Code section 2923.122, employees are prohibited from knowingly possessing, having under their control, conveying, or attempting to convey a deadly weapon or dangerous ordnance (as defined in ORC 2923.11) in buildings owned or operated by the City, on City property, in City vehicles, or on City property in their own vehicle. Any employee who violates this deadly weapon and dangerous ordnance policy shall be subject to discipline, up to and including termination of employment, and/or criminal prosecution.
- G. City Property. For the purposes of this policy, the term “City property” shall include all buildings or portions of buildings and surrounding grounds owned or leased by the City of Huber Heights, including but not limited to:
 - City Hall
 - Police Station and all sub-stations
 - Fire Stations 22 and 23
 - Public Works Offices and Garage
 - Municipal Pool

- Huber Heights Senior Citizens Center
- Income Tax Office
- Neighborhood Empowerment Center
- All City parks
- All City-owned water and wastewater facilities

H. Postings. All buildings owned and operated by the city will post the following sign prominently in a conspicuous location:

Notice: Unless otherwise authorized by law pursuant to Ohio Revised Code Section 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey, a deadly weapon or dangerous ordnance onto these premises.

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ARTICLE 7 - DISCIPLINE

Section 7.1 - General

Any actions that reflect discredit upon the City's service or is a direct hindrance to the effective performance of the City's Governmental functions is good cause for disciplinary action against any employee. The primary objective of disciplinary action shall be to correct an employee's action or behavior toward improving the overall performance, efficiency, and morale of the City's employees. The use of discipline by management staff should be administered in a positive and constructive manner. To that extent, management staff is encouraged to, wherever and whenever applicable, make use of counseling between the supervisor and subordinate, and if necessary, through the Employee Assistance Program (EAP) as well as any eligible coverage as provided through the city's health insurance program.

Every employee shall exhibit good behavior and efficient service during their tenure with the City. Any such employee may be removed or disciplined for incompetence, failure to maintain standards or certification, inefficiency, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of the ordinance of the City or the laws of the State of Ohio or the United States of America; violations of those Personnel Regulations, any other failure of good behavior, or any other acts of misfeasance, malfeasance, and/or nonfeasance. Nothing in this Article shall be construed to limit the right of the City to lay-off or separate from the service any officer or employee in the event any position becomes unnecessary or is abolished by reason of lack of funds or technological advancements.

Section 7.2 - Types of Offenses And Penalties

1. Guidelines for Determining Appropriate Disciplinary Action. In most cases, when corrective or disciplinary action is warranted, a wide variety of such actions are available ranging from recorded oral admonishment to dismissal. In choosing a disciplinary action, the supervisor must consider the circumstances involved in the particular situation, the past work history of the employee and total contribution to the City, the primary objective of disciplinary action as expressed above, the extent to which the penalty will serve as a constructive example to other employees, and any other related factors. The list of "Offenses and Penalties" found in Appendix B is not all inclusive and is not to be employed mechanically. It is a guideline or starting point to be adjusted as the facts and circumstances justify. Any offense not contained in Appendix B should be compared to those listed and a comparable penalty applied.

2. Table of Offenses and Penalties.

Appendix B is the Table of Offenses and Penalties to be used in determining disciplinary action within the City government. In determining whether or not a second or third offense has occurred, only offenses for which penalties were imposed within the three preceding years shall be considered. Where more than one offense is involved, the supervisor should consider a penalty more severe than those listed for either individual offense. A series of recorded oral admonishments can be considered as sufficient previous penalties for determining the degrees of penalty for subsequent offenses. An employee who commits a series of unrelated offenses over a period of time or who commits a combination of different offenses at relatively the same time should receive a greater penalty than one who commits a single offense. Consistency and equity should be the goal in this important evaluation process.

Section 7.3 - Tardiness and Absence without Leave (A.W.O.L.)

An incident of being tardy is defined as reporting to work after an employee's designated start time without the prior knowledge of the employee's supervisor. Corrective discipline for excessive tardiness shall be imposed as follows:

Within a twelve (12) month period

Three (3) tardies - Written warning

Five (5) tardies - One (1) day suspension

Seven (7) tardies - Three (3) day suspension

Nine (9) tardies - Discharge

An incident of absence without leave (A.W.O.L.) is defined as being absent from work on any scheduled workday, for a period equal to at least one-third of the scheduled workday up to a full work-day, without the prior approval of the employee's supervisor.

Corrective discipline for being absent without leave (A.W.O.L.) will be imposed as follows:

Within a twelve (12) month period

One (1) A.W.O.L. - Up to 10-day suspension

Two (2) A.W.O.L.s - Up to discharge

Three (3) A.W.O.L.s - Discharge

It is recognized that the City provides a varied package of services to its citizens. It is further understood that the different departments/divisions performing these services can and may be impacted in different ways by employees reporting to work tardy or being absent without leave. The City Manager is authorized to approve late policies specific to each operation of the city to allow for the most effective and fair approach to minimizing tardiness and absences without leave.

Section 7.4 - Types of Disciplinary Actions and Procedures

Disciplinary action shall consist of one or more of the following.

1. Recorded Oral Admonishment

Recorded oral admonishment is conducted with an interview between the appropriate supervisor and the employee on the subject of the employee's conduct, performance, or failure to observe a rule, regulation, or administration instruction. It is intended for and is usually the most effective means of improving the employee's performance, behavior, habits, or work methods. The recorded oral admonishment shall be documented with a memorandum being placed in the employee's personnel file outlining the infraction involved and the contents of the interview. This is the course of action to be considered first and used whenever appropriate.

The supervisor shall act as follows:

- A.) Gather all the facts concerning the infraction or deficiency.
- B.) Conduct the interview with the employee in such a way as to avoid embarrassment or humiliation (in private whenever possible and with the least amount of emotion possible).
- C.) State the reasons for the admonishment so the employee understands them.

- D.) Give the employee a chance to express any views or explain any circumstances.
- E.) Consider the employee's explanation and if it is acceptable, close the interview.
- F.) If it is not acceptable, explain why and give specific ways in which the employee is expected to improve or correct the deficiencies involved.

2. Written Reprimand

A written reprimand is a more formal disciplinary action to be used for significant misconduct, inadequate performance, or repeated lesser infractions. The procedures to be followed are the same as in recorded oral admonishments except that the written reprimand more precisely documents the employee's deficiencies and prescribes the required corrective action on the part of the employee. Also, the employee is given a copy of the reprimand and is required to acknowledge receipt thereof. All of this is made a matter of record in the employee's personnel record.

3. Suspension

A suspension is a temporarily enforced absence from duty on a non-pay status which may be imposed upon an employee as a penalty for significant misconduct or repeated lesser infractions. Periods of suspensions will be expressed in work days.

- A.) The facts are gathered under the direction of the Department Head.
- B.) A complete and documented report is provided to the City Manager along with recommendations from the Department Head.

An employee who is on a non-paid suspension shall not be eligible to accrue vacation and sick leave for those days on which the suspension is in effect.

4. Dismissal or Removal

This is the most severe type of adverse disciplinary action because it not only removes the employee from the job, but it also will likely be a bar from further employment in government service. Certain offenses, by their nature, are severe enough to require immediate discharge. The City Manager alone has the authority to dismiss or remove an employee.

Section 7.5 - Primary Responsibility for Discipline

The Department/Division Head concerned shall be primarily responsible for the discipline of employees within the department. In addition, the Department/Division Head shall be primarily responsible for disciplinary action as provided in Section 7.4-3 if that suspension entails two (2) work days or less, with the condition that the suspension must be approved in writing by the City Manager prior to it becoming final and enforceable.

Section 7.6 - Ultimate Responsibility for Disciplinary Action

The City Manager as Appointing Authority shall have the ultimate duty to take disciplinary action under all the above numbered items.

Section 7.7 - Personnel Appeals Board

In all cases of discipline, excluding probationary appeals, resulting in suspension, demotion or discharge, or any other action which the employee chooses to appeal, the Appointing Authority shall furnish such employee with a copy of the order of suspension, demotion, or dismissal together with his reasons for same. This order of suspension must be supplied prior to the effective time of the disciplinary order and copies thereof shall be filed with the City Manager and the Personnel Appeals Board. The order may be made effective immediately or from a later

time and date set forth in the order. The employee shall be given a reasonable time set forth in the order in which to make and file a written explanation of the situation. A copy of such written explanation, if any, shall be filed with the City Manager and the Personnel Appeals Board. The written explanation supplied therein with the City Manager and the Personnel Appeals Board shall be for informational purposes only, and shall be made within five (5) BUSINESS days from the employee's receipt of notice of discipline. The effective date of any such disciplinary action shall not be affected by the filing date of such written explanation.

Any officer or non-probationary employee of the non-exempt service who is not part of a grievance procedure under a labor contract feeling aggrieved by action of the City Manager or of any other Department/Division head may request a hearing thereon before the Personnel Appeals Board by written request. Such request must be filed with the Secretary of the Personnel Appeals Board or with a member of said Board within ten (10) BUSINESS days from the date when such officer or employee is given a written order of suspension, demotion, or dismissal, or within ten (10) BUSINESS days after the appearance of any other action which the employee chooses to appeal.

The Personnel Appeals Board shall promptly set a date and time for a hearing on such an appeal, and at such hearing the appellant may appear in person or by counsel, and the City Manager and/or Department/Division head may likewise appear in person or by counsel, and each may offer such evidence upon the matter as may be pertinent and relevant. Upon conclusion of the hearing, the Personnel Appeals Board may affirm, disaffirm, or modify the judgment of the Appointing Authority as to any disciplinary action involving suspension without pay for more than five (5) days, or demotion, or dismissal. As to any disciplinary action involving suspension for five (5) days or less without pay, or involving any lesser disciplinary action, the authority of the Personnel Appeals Board shall not include the power to modify, and shall be limited to the power to affirm or disaffirm the disciplinary action. The decision of the Personnel Appeals Board shall be final subject only to court action.

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ARTICLE 8 - EMPLOYEE BENEFITS

Section 8.1 - Health Insurance

The City shall provide all full-time employees health care through a High Deductible Healthcare Plan (HDHP). Coverage shall include medical, dental and vision. Eligible employees are required to apply for entrance into the health insurance programs by signing the appropriate enrollment form(s). Employees choosing not to enroll are required to complete a waiver form(s). The effective date of coverage will be the first of the month following full-time employment if enrollment forms have been properly completed.

For employees who terminate their employment with the City, there is an option available under the Consolidated Omnibus Reconciliation Act of 1980 (COBRA) for continuation of their health insurance under specified conditions.

Beginning April 1, 2008 all full-time employees covered by a High Deductible Health Plan (HDHP) are required to complete the necessary forms to activate a Health Savings Account (HSA) through the City. Once the account is open the City will fund the HSA account on a quarterly or pro-rata basis at the then-current premium contribution. The employee is responsible for the maintenance and contributions of the HSA account, not to exceed IRS guidelines. Pre-tax contributions can be made by the employee by completing an HSA contribution form.

The HSA account is owned by the employee and therefore portable. It is the employee's responsibility to follow the IRS guidelines for HSA accounts.

In the event that any full time participating HDHP member or member of his or her family whose medical expenses exceed the accumulated HSA account balance, at the time such medical expenses are incurred, the employee may apply for an emergency allowance toward the City's premium contribution, not to exceed the City's then-current premium contribution. An Advanced HSA Funding Form, to include deductible information, shall be completed and submitted to the Human Resources Director for approval.

In the event a non-bargaining employee chooses to decline medical health care coverage provided by the City of Huber Heights, the employer agrees to pay the non-participating employee a \$2,500 opt-out bonus in lieu of providing health care coverage. The employee shall provide adequate proof of private medical health care coverage. This opt-out program does not extend to dental and vision insurance. (2009-R-5082)

Beginning January 1, 2017, eligible employees which elect to participate in the group HDHP provided by the City may choose to enroll in a Health Reimbursement Arrangement (HRA) or choose to remain in a HSA. Those who are ineligible to contribute to a HSA and choose to remain enrolled with the group medical HDHP provided by the City of Huber Heights shall be enrolled in a HRA.

Employees who are participants of the HRA may use their HRA funds to purchase all qualified medical expenses, as permitted in section 213 (d) of the Internal Revenue Code and the HRA plan document. The maximum HRA benefit will be the maximum HRA benefit prorated on a quarterly basis based on the employee HRA eligibility date.

Reimbursements under the HRA can be made for the expenses of employee, spouse and dependents of the employee. HRA participants may access their entire HRA benefit anytime during the year. The unused HRA amounts at the end of the coverage year will be forfeited. Upon separation of employment during the plan year, participation in the plan will cease and any unused amounts are forfeited. These amounts may never be used for anything but reimbursements for qualified medical expenses.

Unless otherwise specified in a collective bargaining agreement, all employees enrolled in a dental and/or vision plan shall be required to contribute towards the cost of monthly premiums beginning January 10, 2006 as indicated below.

- Full time employees hired on or before January 1, 1995 shall pay five percent (5%) of the monthly premium cost for dental and/or vision coverage, not to exceed forty dollars (\$40) per pay.
- Full time employees hired after January 1, 1995 shall pay ten percent (10%) of the monthly premium cost for dental and/or vision coverage.

The City will, at the end of every calendar year, determine the cost of the health program using renewal information received from the health care administrator and/or carrier. The City's renewal information concerning rates and/or administrative costs will be the final determination for assessing the monthly co-pays.

The insurance carriers and/or method of providing the benefits referred to in this Article shall be solely at the discretion of the Employer.

Section 8.2 - Life and Accidental Death and Dismemberment Insurance

Unless otherwise modified by an applicable labor contract, term life insurance and accidental death and dismemberment insurance is provided to all full-time employees the first of the month following full-time employment if enrollment forms have been properly completed. The City will determine the amounts of the term life insurance provided to each employee unless such amounts are designated in an applicable labor contract.

Section 8.3 - Employee Assistance Program

The employer shall provide an Employee Assistance Program (EAP) designed to assist employees with personal problems that often interfere with their work.

Section 8.4 - Full Time Fire Department Employees

Full-time fire department employees working 24-hour shifts who are not members of a collective bargaining group and are not covered by a collective bargaining agreement shall receive the same accrual rates and fringe benefits as specified in the current firefighters contract with the written approval of the City Manager.

Section 8.5 - Pension Pick-Up and Sheltering

The City shall "pick-up" one percentage point of non-union regular and probationary employees' contribution to the Ohio Public Employees Retirement System and The Police and Firemen's Pension and Disability Fund. This benefit is not extended to elected officials, seasonal, student interns, provisional, hourly or temporary employees.

Unless otherwise addressed in a collective bargaining agreement the City shall shelter members

pension contributions to the Ohio Public Employees Retirement System and the Police and Firemen's Pension and Disability Fund.

Section 8.6 - Uniforms

Unless otherwise addressed in a collective bargaining agreement, the City shall provide uniforms required by personnel in the discharge of their duties. However, work boots will only be provided when required by OSHA or other federal/state standards.

Section 8.7 - Healthy Huber Heights Employees

In an effort to promote healthy living and exercise among City employees, employees are entitled to a 50% discount on individual season passes to the City pool and any other City facilities' seasonal passes. This benefit does not extend to any daily entry fees or recreation classes.

Section 8.8 - City Telephone Use

City telephones shall be used for conducting the business of the City of Huber Heights. Please make every effort to schedule personal phone calls during your break. If a personal call is made or received during working time, every effort should be made to keep it as brief as possible. City telephones shall not be used to make personal long distance phone calls.

Section 8.9 - E-mail and Internet Use

E-mail and internet access are useful research and communication resources, which are provided to City employees for uses, related to City business. E-mail and access to the internet provides capabilities for contacting outside resources and access to databases for research and informational purposes. This policy is intended to prevent the misuse of e-mail and internet access, specifically as it pertains to the following unacceptable practices:

- Improperly downloading files that contain viruses which may contaminate City information systems and databases;
- Accessing objectionable or improper material;
- Use of work time to access non-work-related information or to “surf” the internet;
- Using electronic communication systems for illegal purposes;
- Copying or downloading commercial software in violation of copyright law;
- Using the systems for financial gain or for any commercial activity unrelated to City business;
- Using the systems in such a manner as to create a security breach of the City network.

Each individual user is responsible for the appropriate use of these resources. All employees are expected to maintain the same degree of etiquette, responsibility and professionalism in electronic communications as is expected of them in their normal course of business.

Section 8.10 - E-mail

This policy applies to any and all forms of use of e-mail, and does not supersede any state or federal laws, or any other City policies regarding confidentiality, information dissemination, or standards of conduct.

A. General Guidelines

- Employees need to keep in mind that all e-mail will be recorded and stored along with the source and destination.
- Employees have no right to privacy with regard to e-mail. Management has the ability and right to monitor and view employees' e-mail with or without notice.
- Employees should be aware that when sending e-mail messages, they are the property of the City and therefore the taxpayers of the City. Thus, they are subject to the requirements of the Ohio Public Records Act and the laws applicable to state records retention.
- All e-mail messages sent by employees must contain a signature line including City name, employee name, job title, phone number, and City disclaimer.
- Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employee's words being interpreted as official City policy or opinion.

B. Restrictions

- Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited including jokes.
- E-mail shall not be used for any personal monetary interests or gain.
- Employees shall not subscribe to mailing lists or mail services strictly for personal use.
- E-mail messages and transfer of information via the internet are considered public records and are not secure.
- No employee without specific authorization shall read, alter, or delete, any other person's e-mail.

C. Personal Use

E-mail should be used only for legitimate City business; however, brief and occasional e-mail messages of a personal nature may be sent and received if the following conditions are met:

- Personal use of e-mail is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- Personal e-mail should not impede the conduct of City business.
- Employees upon receiving personal e-mail, should read it and delete it.

Section 8.11 - Internet

This policy applies to any and all forms of use of the internet, and does not supersede or limit any state or federal laws, nor any other City policies regarding, confidentiality, information dissemination, or standards of conduct.

A. General Guidelines

- Employees must read and sign a copy of this policy and applicable department policies, if any, on internet use.
- Use of the internet by City employees must be consistent with this Employee Personnel Manual regarding employee conduct and ethical standards.
- The internet must be treated as a formal communications tool like a telephone, radio, and video communications. Therefore, each individual user is responsible for complying with this and all relevant policies when using the City's resources for accessing the internet. Use of these same resources in violation of this policy or applicable departmental policies is grounds for disciplinary action as defined in this Personnel Manual.
- All use of the internet via City equipment must be in compliance with all applicable laws and policies (federal, state, and local laws, in addition to City policies). Internet access via City equipment, therefore, must not be used for illegal, improper, or illicit purposes.
- A wide variety of information is available on the internet. Some individuals may find some information on the internet offensive or otherwise objectionable. Individual users should be aware that the City has limited control over, and cannot therefore be responsible for, the content of information available on the internet.
- Employees need to keep in mind that all internet usage can be recorded and stored along with the source and destination.
- Employees have no right to privacy with regard to internet use. Management has the ability and right to view employees' usage patterns and take action to assure that City internet resources are devoted to maintaining the highest levels of productivity.
- Employees shall use anti-virus software to scan for viruses on all files that are downloaded from the internet or any other outside source.
- Employees shall report all virus outbreaks to their immediate supervisor or the designated employee.
- Each employee using the internet shall identify himself/herself honestly, accurately, and completely (including one's affiliation and function where requested) when providing such information.

B. Restrictions

- The safety and security of the City computer system and resources must be considered at all times when using the internet. Employees shall not share password(s) for any City computer with an unauthorized person, nor obtain any other user's password by any unauthorized means.
- Accessing, posting, or sharing any racist, sexist, threatening, obscene, or otherwise objectionable material is strictly prohibited.
- The City internet access shall not be used for any personal monetary interests or gain.

- Employees must not intentionally use the internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- Employees shall not create, install, or knowingly distribute a computer virus of any kind on any municipal computer, regardless of whether any demonstrable harm results.
- Resources of any kind for which there is a fee must not be accessed or downloaded without prior approval of a supervisor.
- Employees shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements. Employees are to contact their supervisor if they are unsure about the copyright or license agreement that applies to the software in question.
- Employees shall not load any software to any City owned computer or a computer that is linked to the City's network without prior approval from the I.T. Department.

C. Personal Use

Generally, internet use shall be used only for legitimate City business; however, brief and occasional personal use (i.e., surfing, browsing) is acceptable if the following conditions are met:

- Personal use of the internet is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- Personal use of the internet should not impede the conduct of City business.

D. Personal Use of Social Media

- Employees may identify themselves as employees of the City on their personal social media websites. However, if an employee chooses to do so, he/she has become a representative of the City, and is expected to favorably and professionally represent him/herself and the City. In addition, an employee must publish posts under their true identity and not misrepresent themselves.
- Employees shall be aware that identification as an employee of the City can easily be made by postings or photos regardless of intentional listing of occupation or employment; therefore, employees who do so must understand and adhere to this and other directives regarding employee conduct.
- Employees who are identified as employees of the City who publish personal posts, blogs, or opinions shall include a disclaimer that makes it clear their opinions expressed are solely that of their own opinion and do not represent the views of the City. Employees shall also keep in mind statements and certain opinions of public interest can adversely affect their effectiveness and that of the City, thereby causing potential liability and/or disciplinary action regardless of disclaimers.
- Employees shall be personally responsible for the content and effect their postings have on themselves, co-workers, and the City.
- Supervisory employees at any level must strongly consider information they publish, as postings may be misunderstood as an expression of opinion or the City. All supervisors shall assume employees will read what they write, and social networking is not to be used to communicate division business, policy, or operations.
- All employees must comply with copyright and other legal issues regarding plagiarism.

- Employees shall at all times comply with laws related to libel and defamation of character to reduce liability. A good rule of thumb is the phrase: “If you don’t have something good to say, don’t say anything at all.”
- Social networking activities shall not interfere in any way with any part of an employee’s job responsibilities. Checking the social networking sites while on duty is permitted; however, in addition to not interfering with duties, posts published shall not reflect or show the employee is abusing work time. For example, if an employee makes frequent updates on his/her social status while on duty, a reader may interpret that the employee is not actually working, just socializing.
- An employee should not use a social media tool or social networking site unless they fully understand how it works and understand the terms and conditions of its use.

Section 8.12 - Electronic/Wireless Communications

The City of Huber Heights may provide cellular telephones, electronic paging devices, and wireless personal communications devices to employees in order to improve productivity, enhance customer service to our citizens, and/or to enhance public safety services. Those employees eligible for assignment of wireless communication devices are designated by the City Manager commensurate to their job duties.

The City maintains the right to access and disclose any and all messages communicated through electronic means when City owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message.

Decisions regarding the use of City cellular telephones, electronic paging devices, and wireless personal communications devices, which are not explicitly stated herein, will be left to the discretion of the appropriate Department/Division Director as authorized by the City Manager.

Department/Division Directors are authorized to administer, provide guidance on, and assure compliance with the features of this policy.

City owned cellular telephones, electronic paging devices, and other wireless personal communications devices are intended for and expected to be used for City business. Personal usage unrelated to work assignments is permitted, as long as the personal use is reasonable, prudent, and minimal. Under no circumstances shall City owned equipment be used to conduct a business not related to the City of Huber Heights.

A. General Guidelines

- Use of a log-on or password does not imply any right to employee privacy of communication.
- Use of a deletion keystroke or process does not mean a message/document has been eliminated from a wireless communications device.
- On wireless communications devices owned by the City, the City and/or department reserves the right to monitor and record communications traffic at any time, without notice to any employee.
- Any abuse in the use of communications devices, which indicates inordinate use of those devices, will be considered misconduct and neglect of duty, resulting in possible disciplinary action up to and including termination. Any employee responsible for inordinate use of wireless communications devices may also be held responsible for the resulting usage per IRS regulations and City procedures.

B. Employee Responsibilities

- Ensure the physical security of such devices.
- Ensure that all communications on such devices are kept to the briefest duration possible.
- Keep personal communications to a minimum.
- Ensure that any personal use does not detract from the employee's availability for completion of assigned duties.
- All personal usage must be reimbursed to the City per IRS regulations and City procedures.
- Ensure appropriate use of such devices in compliance with this policy.

Section 8.13 - Use of Electronic Communications Devices and Safe Driving

It shall be the policy of the City, that when operating a vehicle or piece of motorized equipment (whether city-owned or otherwise) while in the scope and course of employment, employees shall give their full attention to safe operation. Any action which distracts the employee from the safe operation of the vehicle is prohibited.

Section 8.14 - Photo Capable Wireless Devices

The City of Huber Heights is committed to maintaining a pleasant and productive work environment, while protecting personal privacy. The use of wireless communication devices with photo capabilities, both personal and City issued, should be used with caution.

In an effort to protect privacy, confidentiality and avoid complaints of sexual harassment and other unlawful harassment, photos may be taken only after consent from the subject has been obtained. Any inappropriate use of wireless devices will result in disciplinary action up to and including termination.

Section 8.15 - Cellular Telephone Stipend

The City of Huber Heights is implementing a cellular telephone stipend policy to provide stewardship of City funds used to support mobile communication devices and plans. The City recognizes cellular telephones are a valuable resource for City employees in the performance of their job duties. This policy provides employees flexibility to select cellular telephone services and features that meet personal and professional needs. Based on job responsibilities, employees may qualify for a taxable stipend to cover the business use of personal cell phones. Guidelines for the determination of employee eligibility and stipend amount are established by the City Manager.

Section 8.16 - Social Media

The City of Huber Heights is implementing a social media policy to provide procedures for maintaining city sponsored social media accounts. The City recognizes that social media accounts, when properly used, can be an excellent way to communicate with residential and business citizens. The City Manager will appoint employees (based on job responsibilities) to maintain City social media accounts. The City Manager may also adopt guidelines from time to time regarding the personal use of social media accounts by employees. All employees are expected to adhere to the guidelines. The guidelines may be changed by City Manager directive from time to time.

ARTICLE 9 - HOURS OF WORK

Section 9.1 - Attendance

Employees are required to be at work during the prescribed hours unless on authorized leave. Should employees be unable to report for work, it will be incumbent upon the employee to report

that inability to their immediate supervisor at least thirty minutes prior to the start of the regular work shift and such notice shall include when they expect to return to work. For additional requirements, see Article 10 of this Personnel Manual.

Section 9.2 – Work week

The standard work week for full-time employees, other than as provided in a current collective bargaining agreement, shall be forty (40) hours per week, eight (8) hours per day, five (5) days per week. City administrative offices generally shall be open to the public from 8:00 a.m. to 5:00 p.m. daily except Saturday, Sunday, and legal holidays as defined in section 10.1 of this Personnel Manual. Other City department heads shall establish the specific work hours and work schedules within their department.

Section 9.3 - Flex Time

The City Manager may alter the work schedule to remain in compliance with current labor agreements, Fair Labor Standards Act, other Federal or State laws, or to improve the efficient delivery of services by the City which may from time-to-time include use of "flex-time" or other innovative work schedules to address needs of both the City and non-union employees.

Section 9.4 - Overtime

It is the general policy of the City of Huber Heights that all work by non-exempt employees shall, as much as possible, be completed during the employee's normally scheduled work day or shift. In instances where a non-exempt employee must work hours in excess of the maximum hours permitted for his/her respective work period, prior approval of the immediate supervisor and/or Department Director must be obtained.

It is the responsibility of the management and supervisory staff of the City of Huber Heights to monitor the work schedules of employees under their supervision, to assure compliance with the provisions of this policy. Furthermore, it is the responsibility of employees to adhere to all policy requirements regarding overtime and compensatory time off.

When conditions arise which, by the determination of the immediate supervisor and/or Department Director that necessitates non-exempt employees to work overtime, employees will be expected to work such overtime as approved and assigned by their supervisor and/or Department Director.

For the purposes of calculating an employee's eligibility for overtime compensation, time spent on approved vacation leave or on a paid holiday, as defined in Article 10, shall be counted as actual hours worked. Overtime shall be paid at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of the maximum hours permitted for his/her respective work period. (2013-R-5910)

Section 9.5 - Compensatory Time

In lieu of receiving overtime payment, non-exempt employees may elect to receive compensatory time off. Election of compensatory time or overtime payment is at the sole discretion of the employee. Compensatory time off may be accumulated to a maximum of forty-eight (48) hours, unless otherwise specified in a Collective Bargaining Agreement. Compensatory time off must be scheduled with the approval of the Department/Division Head and shall be granted on the basis of the overtime rate applicable for each overtime hour actually worked.

Compensatory time accumulated and used is to be reported and logged into the official timekeeping system in the same manner as sick and annual leave. Off line records in the Departments/Divisions are not permitted.

Compensatory time shall be used in minimum increments of one-half (1/2) hour or more. Partial increments will be “rounded up” to the next complete half hour. (For example, forty-five minutes will be “rounded” to one hour and twenty minutes will be “rounded” to one-half hour). Overtime hours worked in excess of the maximum accumulation will be paid at one and one-half (1 ½) times the regular rate of pay.

The employee is entitled to receive cash compensation for unused accumulated compensatory time when employment is terminated

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ARTICLE 10 – LEAVES

Section 10.1 - Holidays

Except as otherwise provided in a current collective bargaining agreement, the following nine and one-half days shall be observed as legal holidays by employees of the City of Huber Heights:

New Years' Day	-	January 1
Martin Luther King Day	-	3 rd Monday in January
Presidents' Day	-	3 rd Monday in February
Memorial Day	-	Last Monday in May
Juneteenth	-	June 19
Fourth of July	-	July 4
Labor Day	-	1 st Monday in September
Veterans' Day	-	November 11
Thanksgiving Day	-	4 th Thursday in November
Day after Thanksgiving	-	4 th Friday in November
Christmas Eve - 1/2 Day	-	December 24
Christmas Day	-	December 25

If a holiday falls on Saturday, the preceding Friday will be observed as a holiday, and if a holiday falls on a Sunday, the following Monday shall be observed as a holiday unless otherwise designated by the City Manager.

In addition to the 11.5 holidays which are recognized by the City and on which City offices will be closed, non-union regular employees will be afforded one (1) "floating holiday" to be taken during the calendar year. The floating holiday must be used during the calendar year and cannot be carried over to the next calendar year. This "floating holiday" will be credited as additional personal leave (8 hours for full time employees and 4 hours for part time) at the beginning of the calendar year. Those employees who begin working for the City after January 1st shall be entitled to the "floating holiday" on a pro-rated basis. Use of the floating holiday shall require the same approval process as personal leave (reference section 10.3).

All full-time and part-time employees who attend work on the scheduled work-day prior to and the scheduled work-day immediately following the above mentioned holidays, or who are on an authorized leave with pay prior to and following the above holidays, shall be paid compensation as normally would have been earned had that employee been in attendance at work on that day.

Section 10.2 - Vacation

Accrual All regular, full-time, non-bargaining employees shall accumulate vacation leave per pay period at the accrual rates listed below (based on a 40hr work week):

Completed Years of Service	Accrual Rate	Approximate No. of Days Annually
0 years but less than 5 years	3.07 hours	10 days
5 years but less than 10 years	5.00 hours	16 days
10 years but less than 15 years	6.15 hours	20 days
15 years but less than 20 years	7.31 hours	24 days
20 years but less than 25 years	8.64 hours	28 days
25 years or more	9.97 hours	32 days

Battalion Chiefs in the Division of Fire working on a 24-hour on/48- hour off schedule shall accumulate vacation leave per pay period at the accrual rates listed below:

Completed Years of Service	Accrual Rate Per Pay Period
0 years but less than 5 years	4.62 hours
5 years but less than 10 years	6.46 hours
10 years but less than 15 years	8.30 hours
15 years but less than 20 years	10.15 hours
20 years but less than 25 years	12.00 hours
25 years or more	13.84 hours

Part-time, non-bargaining employees shall accrue vacation leave on a prorated basis for actual hours worked. Vacation time shall be accrued on the basis of complete pay periods of employment, and shall begin on the date of hire. No employee will be permitted to use vacation time they have not accrued.

Upon the recommendation of the City Manager and the approval of City Council (approval of City Council only required for Clerk of Council), persons employed in non-bargaining positions at the level of Department/Division head, Deputy City Manager, or Clerk of Council shall be granted and be permitted to use vacation as directed in writing by the City Manager and City Council (City Council only for Clerk of Council) and shall not be subject to the provisions of this policy.

Use. Employees are encouraged to take vacation in 40-hour increments. The minimum chargeable increment is one hour. Newly hired employees may request vacation leave only after completing six months of employment with the City.

Leave Requests. Vacation leave must be requested and approved in writing, in advance, on a City of Huber Heights Leave Request Form. The granting of all vacation is subject to operation demands.

Credit for service with Ohio Political Subdivisions.

Regular, non-bargaining employees shall be credited with service time earned as full-time, regular employees with any political subdivisions of the State of Ohio for the purpose of determining vacation accrual rates.

Conversion to Pay

Employees with at least five years of service for vacation accrual purposes may elect to convert up to six days of accrued vacation for equivalent pay each calendar year. Employees with at least 10 years of service for vacation accrual purposes may elect to convert up to 12 days of accrued vacation for equivalent pay each calendar year. The annual conversion option shall be elected in writing on a City of Huber Heights Leave Request Form. Upon approval of the Department/Division Head, the cash payment shall be included in the employee's next payroll check.

Vacation Carry Over. Vacation equal to the total vacation hours accrued by an employee in a

calendar year shall automatically be carried over to the next calendar year. Vacation amounts in excess of the above to an employee's credit as of December 31 shall be automatically carried over to the following calendar year, but such excess vacation is to be used by March 31 of the following year. Any excess vacation not used by March 31 shall be forfeited, unless the employee is eligible to convert vacation to pay as described above. In such case, all excess vacation as of March 31 shall be converted to cash up to the conversion limits described above. Any amounts as of March 31 that are over the conversion limits shall be forfeited.

Payment at Separation. Employees with six months or more of completed service with the City of Huber Heights, who provide at least two weeks' notice and are otherwise in good standing, shall be paid for all accrued but unused vacation leave at the employee's then current rate of pay, upon separation from service. If an employee eligible for payment hereunder dies while employed, the payment shall be paid pursuant to ORC Section 2113.04 or to the employee's estate.

Bargaining-Unit Employees. Bargaining unit employees shall accrue and use vacation according to the applicable collective bargaining agreement.

Section 10.3 - Personal Leave

All non-union permanent full time employees shall be granted two personal days (16 hours) per year. Part-time employees shall be granted 8 hours of personal leave per year. Those employees who begin working for the City after January 1st shall be entitled to personal time on a pro-rated basis.

Personal days are to be used within a calendar year and except as noted below cannot be carried over to another calendar year. The City Manager shall have the authority to extend by three (3) months into the following year the ability to take said personal time in light of extenuating circumstances. The employees shall submit a written request for an extension to the City Manager prior to December 15th, the request must contain the reason an extension is needed.

The scheduling of personal day usage shall be at the discretion of the Department / Division Head with the expectation that a 24-hour notice will be provided. It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval.

Section 10.4 - Leave without Pay

Non-Union Employees who have exhausted all available vacation and personal leave may be granted additional leave without pay for personal business at the discretion of the Department / Division Head. Such leave without pay shall not exceed five (5) work days within a calendar year, unless approved otherwise by the City Manager. Employees will only be granted leave without pay after they have utilized all available paid leave. The Department / Division Head may not extend this benefit if the employee is off due to a reason covered under the sick leave policy. It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval.

Section 10.5 - Sick Leave

The following sick leave provisions shall apply unless specifically modified by a current collective bargaining agreement. Non-Union full-time employees of the City of Huber Heights shall accumulate sick leave at a rate of 5.00 hours per pay period (based on a 40hr work week). Part-time employees shall accrue sick leave on a pro-rated basis for actual hours worked. No employee will be permitted to use sick leave that has not been accrued.

Such sick leave may be used for absence due to temporary disability caused by illness, injury, or pregnancy, or preventative examinations, or for exposure to a contagious or communicable disease which may be transmitted to fellow employees. Any such absence shall begin when the temporary disability or exposure shall be so severe as to prohibit an employee from attendance at work and shall cease when an employee is able to return to work. If deemed necessary by the City Manager, a physician advising the City shall determine the facts and duration of any sick leave usage.

Sick leave may also be used for a family illness, injury, or for the preventative examination of an employee's spouse, children, or other dependents residing in the employee's household or for persons over which the employee has been appointed legal guardian. The City Manager may also grant the use of sick leave to an employee in times of medical crisis for the employee's parents or siblings.

Employees receiving sick leave compensation are not to be receiving or earning compensation from other job sources for those hours for which the employee has taken paid sick leave from the City.

The City of Huber Heights reserves the right to investigate all usage of sick leave, and may hold full payment of sick leave until said investigation is completed. Should the City determine that an employee has not used sick leave in accordance with the above rules and regulations, payment may be denied and discipline may be meted out in accordance with the severity of any abused sick leave benefits.

The City may require an employee to submit a doctor's certificate detailing the reason and duration of any absence, or the City may require that a physician to be named by the City examine an employee.

Submission of forms

It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval. Any applicable physician notes should be attached to the leave request, these notes will be removed and placed in the employees medical file in the office of the City Manager prior to payroll being submitted to the Finance department.

Accrual Limits

Upon the passing of this resolution, the City will calculate and "bank" any sick leave hours accrued by an employee in excess of one thousand two hundred eighty five (1285) hours as of pay period ending December 19, 2009. Those hours will be banked and become payable to the employee when that employee retires. Upon retirement, that employee will then be paid a sum equal to one (1) hour worked, for every three (3) hours banked, at the employee's regular, straight time rate in effect for the pay period ending December 19, 2009.

If an employee leaves employment with the City, for any reason other than retirement, banked sick leave hours will not be paid out to the employee. However, banked sick leave hours may be transferred to another governmental entity depending upon that entity's employee hiring policies.

The City shall provide a document detailing the amount of hours banked, the rate of pay they will be paid at, and the total dollar amount they will be paid. Immediately after, the hours will be deducted from the employee's sick leave balance. A copy of this documentation is to be provided

to each affected employee and a duplicate copy is to be placed in each affected employee's personnel file.

Banked Hours at Time of Transfer or Promotion within the City

When an employee is promoted from, or is transferred from, one position to any other position within the City, that employee's sick leave bank will retain the same value as when the bank was established. In the event an employee transfers from a department which has sick leave hours capped and banked at an amount greater than one thousand two hundred eighty five (1285), and that employee has accumulated sick leave hours in excess of one thousand two hundred eighty five (1285), those hours in excess of one thousand two hundred eighty five (1285) will be banked at the pay rate earned for the previous position at the time of the transfer. This "bank" will then be treated consistently with the "banks" described in "Accrual Limits" above.

Annual Sick Leave Conversion

If, at the end of the last pay period of any calendar year, an employee has a balance of more than one thousand two hundred eighty five (1285) hours of accrued but unused sick leave, the hours in excess of one thousand two hundred eighty five (1285) will be converted into a cash payment. Each employee who has accumulated more than one thousand two hundred eighty five (1285) hours of accrued but unused sick leave will be paid sum equal to one (1) hour worked, at the employee's regular, straight time rate for every three (3) hours accumulated in excess of one thousand two hundred eighty five (1285) hours of accrued but unused sick leave.

Credit for Sick Leave Hours for New Employees

Prior to the passage of this resolution, the City accepted 100% of accumulated sick leave hours for newly hired employees coming from other Ohio political sub divisions.

For employees hired after the passing of this resolution, the City will accept no more than three hundred fifty seven (357) accumulated, uncompensated sick leave hours from other Ohio political sub divisions.

Section 10.6 -Catastrophic Illness or Injury

City employees who have suffered a catastrophic illness or injury and have depleted all other paid leave (sick, vacation, personal, and comp) may request a donation of sick leave from other City employees. A "catastrophic illness or injury" shall be defined as only those calamitous illnesses or injuries that cause a period of temporary incapacity (inability to work or perform daily activities) that extends over a period of ten (10) work days. This section cannot be applied to a work-related illness or injury that is compensated under Ohio Workers Compensation system.

An employee who is about to exhaust accumulated leave time due to a "catastrophic illness or injury" shall submit a request for donated sick leave to his/her Department/Division head. Attached to the request shall be the physician's certification of the illness or injury, estimated return to work date, and the amount of hours the employee is asking to be donated. The Department/Division head shall notify the City Manager of the request, the City Manager will determine the eligibility of the employee to receive a donation and that determination shall be final. The Department/Division head shall notify the employee of the City Manager's determination. If it is determined that an employee is eligible to receive the donation. It shall be the responsibility of the employee to make the request for donations. Any eligible employee may voluntarily elect to contribute, permanently, sick leave hours to another eligible employee.

The following criterion applies to the Catastrophic Illness or Injury policy.

A. Only regular, non-probationary, employees are eligible to donate or receive sick leave hours.

B. Donating Employee:

A full time employee may contribute in one (1) hour increments up to forty (40) hours of sick leave per calendar year, a part time employee may donate sick leave on a pro rated basis for actual hours worked. This donation is permanent and therefore cannot be returned to the donor. The donated hours will not count as an absence for the donating employee. Employees wishing to donate sick leave should fill out a Sick Leave Donation Form and forward it on to the appropriate Department/Division head who shall submit the forms with the next payroll.

C. Recipient:

A full time employee may receive no more than 320 hours of donated sick time per a twelve (12) month period*, a part time employee may receive the donation on a pro rated basis for actual hours worked. An appropriate leave request must be submitted indicating the number of hours of donated sick leave he/she will be using during the period of disability, failure to do so may result in the employee's pay being withheld until the appropriate form is received. Employees utilizing donated sick hours will not receive any holiday pay or accrue vacation or sick leave, all other benefits shall remain in tact. A physician must certify the employee's illness or disability, noting the approximate date the employee will be returned to duty. The employee is eligible to receive a donation under this policy for up to one year after he/she has exhausted all accumulated paid leave.

**Twelve month period shall be counted forward from the first day an employee utilizes the donated sick leave.*

Section 10.7 - Funeral Leave

Except as otherwise provided in a current collective bargaining agreement, upon the death of an immediate family member or a dependent in the same household, full-time employees may be granted up to three funeral days plus an additional three (3) concurrent days of sick leave for bereavement purposes. Immediate family shall be defined as Spouse, Parent, Parent-in-Law, Child, Sibling, Grandparent, and Grandchild. One (1) day of funeral leave shall be granted for the following family members; Child-in-Law, Stepchild, Aunt, Uncle or Sibling-in-Law.

It is the employee's responsibility to complete a standard leave request form and submit the request to the Department /Division Head for approval.

Section 10.8 - Injury Leave. Except as otherwise provided in a current collective bargaining agreement, any employee who becomes unable to perform duties as assigned by the Employer due to a physical injury suffered in the discharge or performance of his official duties as an employee of the City shall be eligible for injury leave. Injury leave shall be available for up to eighty-four (84) work days. These eighty-four (84) workdays are fully paid by the Employer, and are in lieu of Workers' Compensation benefits. An employee who applies for injury leave will apply to BWC for medical benefits only, and not lost income benefits. The employee may apply for lost income benefits toward the end of the injury leave if it is known that the absence will continue beyond the paid injury leave. Recurring injuries do not qualify employees to receive injury leave pay beyond the allowable 84 days

provided at the time of the initial work connected injury date. Failure to timely report a work-related injury will result in the City's refusal to certify a claim for worker's compensation benefits. It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval.

Section 10.9 - Family and Medical Leave

Statement of Policy

In accordance with the Family and Medical Leave Act of 1993, the City of Huber Heights will grant job protected unpaid family and medical leave to all eligible employees for up to 12 weeks per 12-month period.

The City complies with the federal Family and Medical Leave Act (the FMLA) and all applicable State laws related to family medical leave. This means that, in cases where the law grants you more leave than our leave policy, we will give you the leave required by law.

Eligibility

To be eligible for family/medical leave an employee must have been employed by the City of Huber Heights for at least 12 months; and have worked at least 1250 hours over the previous 12 month period.

Coverage

Unpaid FMLA leave is granted for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
- B. In order to care for an immediate family member (spouse, child, parent) of the employee if such immediate family member has a serious health condition as described in the attachment to WH-380; or
- C. The employee's own serious health conditions as described in the attachment to WH-380 that make the employee unable to perform the functions of his/her position.

Under some circumstances, FMLA leave may be taken intermittently, which means taking leaves in block of time, or by reducing your normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the approval of the City Manager.

For the purpose of FMLA the following definitions shall apply:

- A. "Spouse"- does not include unmarried domestic partners.
- B. "Child" - means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of mental or physical disability. An employee's "child" is one whom the employee has actual day-to-day responsibility for and includes a biological, adopted, foster, or stepchild.

Substitution of Paid Leave

It shall be the City's policy that an Employee's paid sick leave or injury leave must be exhausted

if the FMLA absence qualifies for sick or injury leave, and that sick or injury leave is included in the twelve (12) week total.

At the request of the employee, other types of paid leave (other than sick) may be substituted for any type of unpaid FMLA leave. An employee who uses paid leave for an FMLA qualifying event will be required to have that paid leave count against the FMLA leave allowance of twelve (12) weeks. The employee is required to notify the City if they are using paid leave for a reason covered under the FMLA.

Advance Notice Requirement

The City requires thirty (30) day advance leave notice for any FMLA leave. The request for family/medical leave should be submitted on the appropriate form (FMLA-1) to the Department or Division Head. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed up by the written form submitted within a reasonable amount of time. The Department or Division Head will advise the City Manager of the request and any pertinent information related to the request. The City shall provide the employee with the City's response to the request on the appropriate form (WH-381) and copies of both the request and the response shall be kept by the office of the City Manager in the employee's medical file. If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides notice.

Medical Certification

The City requires that an employee provide a Certification of Health Care Provider form (WH-380) to support the request for leave because of a serious health condition (employees or family members), whenever this leave is expected to extend beyond five (5) consecutive working days or will involve intermittent or part-time leave. The City of Huber Heights may require a second or third opinion at its own expense.

The City requires that the employee provide a Fitness for Duty Certification form (FMLA-2) after a medical leave that extends beyond ten (10) consecutive working days; or that involves a mental disability or substance abuse; or where the medical condition and the employee's position are such that the City believes the employee may present a serious risk of injury to themselves or others if they are not fit to return to work.

The City requires that an employee who has taken FMLA leave for more than two (2) weeks, report to his/her Department or Division head at least every two (2) weeks on their status and intent to return to work.

All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the office of the City Manager in the employee's medical file.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City of Huber Heights group health insurance plan & life insurance plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period. If the employee is normally required to contribute towards any portion of the premium the employee will be required to make those payments to the office of the City Manager by the 1st of the month while he/she is out on FMLA.

Employees who fail to make these payments or payments that are thirty (30) days overdue may cause the City to terminate the employee's coverage or upon approval by the City Manager the City may choose to pay the employee's contribution. If the City pays the contribution the employee will be required to reimburse the City for the payments made either through a one time payroll deduction (upon the employee's return) or by requesting direct payment, the City Manager shall choose the form of repayment.

An employee is not entitled to seniority, holiday pay, vacation or sick accrual during the period of unpaid leave but will not lose any benefits accrued prior to the leave. Once the employee has returned, their accrual rates for vacation and sick shall be restored. If an employee is off on unpaid FMLA at the beginning of the year (January 1) they will not receive credit for personal days until they return from unpaid FMLA, at which time their personal days shall be pro-rated based on the number of pay periods remaining in the year.

Job Protection

If the employee returns to work within 12 weeks following FMLA, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. The employee's restoration rights are the same as they would have been had the employee not been on leave.

If the employee fails to return within 12 weeks following a family/medical leave, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

Couples Employed by the City

If the City employs a married couple and one or both request leave for a birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to them as a couple for those purposes is twelve (12) weeks.

Leave Availability

FMLA is available for up to twelve (12) weeks during a twelve (12) month period. For the purpose of calculating leave availability, the twelve (12) month period is a rolling twelve (12) month period measured backwards from the date you use any FMLA leave.

Section 10.10 - Military Leave.

A) Short Term Military Leave –

- 1.) Permanent employees who are members of reserve components of the Armed Forces of the United States shall be granted an unpaid leave of absence for a period not to exceed thirty-one (31) calendar days in any one calendar year. To qualify for the benefits provided, the employee must show military orders to his supervisor prior to reporting for training or duty. For the purpose of computing vacation, sick leave and other benefits, Short Term Military Leave will count as full service with the City of Huber Heights.

B) Extended Military Leave –

- 2.) Permanent employees who are drafted or called for active duty with the Armed Forces of the United States or one of its reserve components shall in accordance with existing laws be entitled to re-employment after separation or discharge under honorable conditions from such service. The employee must be physically and mentally able to do the work required and must report for work within ninety (90) days of discharge. The employee shall be reemployed in the same position or a similar position to the one held at the time

of entry into the Armed Forces. The employee will enjoy seniority and benefits of that seniority that would be due as though he had been actively on the payroll. However, while on extended leave the employee shall not be entitled to benefits of employment, such as, sick, vacation, personal leave days or group health and life insurance and other such coverages.

C) Military physical examinations leaves –

- 1.) An employee shall be granted permission to be absent from work in order to receive physical examination for compulsory military service in the Armed Forces in the United States. He shall be entitled to use paid sick leave for that purpose during such absence for a period not to exceed three (3) days.
- 2.) Employees wishing to enlist shall be permitted to take one (1) enlistment physical and shall receive no more than one (1) day paid sick leave for that physical.

**The Department/Division Head may require written evidence of the number of necessary days of absence.*

Section 10.11 - Jury/Witness Duty Leave

Employees shall be granted leave with pay to perform jury duty provided that any compensation received for jury duty shall be endorsed to the City of Huber Heights. In the event an employee is ordered by an Officer of the Court to appear as a witness not related to his/her employment with the city, that employee shall be granted leave with pay to fulfill said witness duties provided that any compensation received for such duty shall be endorsed to the City of Huber Heights.

Section 10.12 - Other Absence

Employees who are going to be absent from work on a non-scheduled basis shall notify their immediate supervisor at least thirty (30) minutes prior to the start of the normally scheduled work period.

Any absence from work that is not detailed in Article 10 of this Personnel Manual shall be considered an unauthorized absence from duty.

Temporary leaves of absence with or without pay for training purposes or for any other objective related to the employee's work may be granted and renewed by the City Manager for such periods of time and for such reasons as he may consider justifiable.

Leaves of absence with pay for the good of the service may be granted by the City Manager, either upon recommendation of the department head concerned, with the concurrence of the City Manager, or upon his own election provided that such affected employee signs a reimbursement form for the City records. Such leaves may be granted when it is determined that it will result in significant, positive results for the department in which that employee is assigned, and/or for the City, and/or the citizens of the community, and only when it is determined by the City Manager that such positive results are unattainable in any other existing approved manner.

Prior to allowing an employee to return to work from a leave of absence, the City Manager may, if he deems it necessary, require any employee granted a leave of absence to submit to an examination by a physician or other qualified person(s) selected by the City to determine the fitness of such employee to fulfill his duties to the City.

ARTICLE 11 - HEALTH, SAFETY, TRAINING & TRAVEL POLICIES

Section 11.1 - Life Threatening Illness Policy

The City of Huber Heights recognizes that employees with life-threatening illnesses wish to continue to lead normal lives, which includes working as long as their health permits.

Employees with AIDS or any other life-threatening illness (LTI) may continue to work as long as they are able to meet acceptable performance and attendance standards, and medical evidence indicates that their condition and actions pose no threat to themselves, other employees, or the public at-large. The City recognizes that it has the responsibility of providing a safe work environment for all of its employees. The following guidelines shall be used when dealing with LTI-related employment issues:

- 1) Treat a life-threatening illness as a handicap and we will not terminate nor refuse to hire anyone if he/she is "otherwise qualified" for the job in question.
- 2) If an employee refuses to work with a victim with a life threatening illness, the City will replace the employee who refuses and will not accommodate their refusal by arranging a transfer to a different job.
- 3) If the victim with a life-threatening illness is unable to perform the essential functions of his/her job or can perform the job but only at the risk of endangering the health or safety of fellow workers, then the City will make every attempt to effectuate a transfer to a suitable job.
- 4) The City will respect the privacy of patients with a life threatening illness. The City will do its utmost to see that information of their illness is not communicated to others.
- 5) The City will not tolerate harassment of sufferers of a life-threatening illness among its employees or any other actions which would create a hostile work environment for them.

Section 11.2 -Federal Drug Free Work Place Act of 1988

This Statement of Policy is required by regulations implementing the Drug-Free Workplace Act of 1988. The regulations published in the May 25, 1990 Federal Register requires certification by grantees, prior to award, that grantees will maintain a drug-free workplace. The statement of policy set out below is a material representation of fact upon which reliance can be placed when a federal agency determines to award a grant. False certification shall be grounds for suspension of payments, suspension/termination of grants, or government-wide suspension or debarment.

The City of Huber Heights, Ohio will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, dispensing, distribution, possession, or use of a controlled substance is prohibited in the City's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establish an ongoing drug-free awareness program to inform the employees about:

- a. The dangers of drug abuse in the workplace;
 - b. The City of Huber Heights' policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs;
 - d. Penalties that may be imposed on employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
4. Notifying the employee in the statement required by paragraph (1) that as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement;
 - b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five days after such conviction.
5. Notifying the granting agency in writing within ten calendar days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees will provide notice, including position title, to every grant office on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
6. Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (4) (b) with respect to any employee who is so convicted:
 - a. Taking appropriate action against such an employee up to and including termination, consistent with the Requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (1), (2), (3), (4), (5), and (6).

The City of Huber Heights, Ohio states that this statement of policy covers the following places of performance: All properties owned, leased, or occupied by the City of Huber Heights, including the surrounding grounds, and any location, including the immediate proximity where an employee's authorized duties may be conducted.

Section 11.2a DRUG FREE WORKPLACE

SUBSTANCE TESTING

Section 11.2 Purpose of Policy. The purpose of this policy is to assure employees are fit for duty and to protect our employees and the public from the risks posed by the use of drugs and alcohol.

The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with the objective to maintain a drug and alcohol-free workplace. To further our commitment of maintaining a drug and alcohol-free

workplace in order to provide a safe work environment for employees and safe service delivery to the public, it is our policy to:

- A. Ensure that employees are not impaired in their ability to perform their work in a safe, productive manner,
- B. Conduct pre-employment, reasonable suspicion, and post-accident drug and alcohol testing, and
- C. Encourage employees to seek professional assistance any time alcohol or drug use adversely affect their ability to perform their work assignments.

Employees Covered. This policy applies to all employees covered by this agreement.

Prohibited Conduct.

- A. “Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl (rubbing) alcohol. Employees must not consume alcohol:
 1. On the job, during hours of work, during city meal periods (paid or unpaid), or during city rest periods, or
 2. Up to four (4) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.
- B. Alcoholic beverages may be served at City-organized and hosted functions only with the express written consent of the City Manager or designee. Employees working at the function are not to consume alcoholic beverages while on duty. Employees in approved social attendance at functions where alcohol is served may consume alcoholic beverages so long as this is done in proper moderation and with decorum.
- C. “Controlled substance” means those substances identified as such in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by 21 CFR 1300.11 through 1300.15. Employees must not consume any controlled substance without a prescription from a licensed doctor of medicine or osteopathy. This includes: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine.
- D. Employees must not refuse to take a required drug or alcohol test. Refusal to take a test will be considered a positive test for purposes of this policy.
- E. Employees must not be under the influence of or in possession of alcohol or drugs while on duty and must not carry/store drugs or alcohol in any vehicle in which they are a passenger while on duty.
- F. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the City of Huber Heights workplace. An employee convicted of violating a criminal drug statute in the workplace must notify the Human Resources Director no later than five (5) working days after such conviction. The Human Resources Director will notify the U.S. Department of Commerce of the criminal violation within ten (10) working days.

Legal Drugs. The appropriate use of legally prescribed medications and non-prescription medications is not prohibited. Employees are required to notify their supervisor prior to the use of any medication which may adversely affect their ability to perform their job. In such case, the employee may be assigned to perform work that can be safely performed while using such medication or placed on paid sick or other paid or unpaid leave. If reasonable suspicion exists that an employee is under the influence of an illegal substance or alcohol, a reasonable suspicion

test will be conducted. This information should be handled in a confidential manner, the same as any other medical information.

Drug/Alcohol Testing. Drug/alcohol testing shall be conducted solely for administrative purposes and the results obtained shall not be used in criminal proceedings. Under no circumstances may the results of drug/alcohol screening or testing be released to a third party for use in a criminal prosecution against the affected employee. The City conducts the following types of drug/alcohol testing to determine if employees are in compliance with this policy and associated rules of conduct: pre-employment, reasonable suspicion, and post-accident. In addition, employees are tested prior to returning to duty after a positive drug or alcohol test and subject to follow-up testing conducted during the course of a rehabilitation program recommended by a substance abuse professional. A Medical Review Officer (MRO) reviews test results and determines which tests are positive and which are negative.

The City shall test for the following drugs: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. An initial drug screen is conducted on each specimen. For those specimens that are not negative, a confirmatory gas chromatography/mass spectrometry (GC/MS) test is performed. The test is considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40.

An alcohol concentration of .04 percent or greater is considered a positive alcohol test, and in violation of this policy.

If a drug or alcohol test produces a positive result, the City may take such actions as authorized in Section 14.6 herein. Sick leave and/or other paid leave may be used while participating in a rehabilitation program. Otherwise, the employee will be placed on leave without pay until return to work following a negative alcohol/ drug test and authorization by the SAP.

- A. **Pre-Employment Testing.** The City of Huber Heights performs drug and alcohol testing on potential employees after a conditional offer of employment.
- B. **Reasonable Suspicion Testing.** Reasonable suspicion that an employee used or is using a controlled substance or alcohol in an unlawful or abusive manner may be based upon, but not limited to:
 - 1. Observable phenomena, such as direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol;
 - 2. A pattern of abnormal conduct or erratic behavior;
 - 3. Conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug or alcohol possession, use, or trafficking. The employee is responsible for notifying the City, within five (5) working days, of any drug-related conviction;
 - 4. Information provided by reliable and/or credible sources or independently corroborated regarding an employee's substance abuse;
 - 5. Evidence that an employee had tampered with a previous drug test, and
 - 6. Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.

The City representative must make a written record of the observations leading to a drug or alcohol test within twenty-four (24) hours of the observed behavior or before the test results are reported, whichever is earlier.

Any employee who demonstrates job performance impairments consistent with reasonable suspicion characteristics shall be relieved of duty with pay pending an investigation and testing of condition. In such case the employee shall be transported by City personnel to the sample collection location and to his/her home. Employees with a negative drug test and/or alcohol test below 0.04 will be returned to duty if not otherwise in violation of this policy. Testing under this section may be for drugs or alcohol or both.

C. **Post-Accident Testing.** Post-accident testing will be conducted on employees whenever an accident occurs, regardless of whether there is an injury. An “accident” is an unplanned, unexpected or unintended event that occurs on City property, during the conduct of City business, during work hours, or which involves a City motor vehicle or motor vehicles used in conducting City business, or is within the scope of employment, and which results in any of the following:

1. A fatality of anyone involved in the accident; or
2. Bodily injury to the employee and/or another person that requires off-site medical attention away from the City’s place of employment; or
3. Vehicular damage in apparent excess of \$2,000, or
4. Non-vehicular damage in apparent excess of \$2,000.

When such an accident results in one of the situations above, any employee who may have contributed to the accident will be tested for drugs or alcohol use or both.

D. **Drug/Alcohol Testing After an Accident.** Urine specimen collection (for drugs) or breath/saliva collection (for alcohol) is to occur as quickly as possible after a need to test has been determined. At no time will a urine specimen be collected after sixteen (16) hours from the time of an employment-related accident. Breath or saliva alcohol testing will be performed as quickly as possible, but no later than four (4) hours after the accident, or it will be documented but not performed. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee grant the City the right to request that attending medical personnel obtain appropriate specimens (breath or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees grant the City access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident including a full medical report from the examining physician(s) or other health care providers. A signed consent to testing form is considered a condition of employment. Any employee involved in an accident must refrain from alcohol use for four (4) hours following the accident, or until he/she undergoes a post accident alcohol test. Any employee who leaves the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing is considered to have refused the test. The City reserves the right to determine who may have caused or contributed to an employment-related accident and may choose not to test after minor accidents if there is no violation of a safety or work rule, minor damage and/or injuries and no reasonable suspicion.

E. **Return-To-Duty Testing.** Any employee who has tested positive on a drug and/or alcohol test, and who was afforded the opportunity to return to work, must test negative for drugs and/or alcohol and be evaluated and released to duty by the Substance Abuse Professional before returning to work.

F. **Follow-Up Testing.** Any employee who has tested negative on a return-to-duty drug and/or alcohol test and been returned to duty shall be required to undergo frequent unannounced drug and alcohol testing during the period of time recommended by the

Substance Abuse Professional. A maximum of four (4) follow-up tests shall be conducted within the twelve (12) months following the violation, which period may be extended up to one (1) additional year. Employees subject to follow-up testing will continue to perform their duties if not otherwise in violation of this policy.

- G. **Who Pays for Testing.** The City shall pay for all reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol tests for employees. Employees shall reimburse the City through payroll deduction for all employee-requested confirmatory tests.
- H. **Refusal to Submit to Testing.** A refusal to comply with a request for testing, submission of false information in connection with a test, or any attempt to falsify test results through tampering, contamination, adulteration, or substitution, shall be considered a refusal to submit to testing and will be treated the same as a positive test result. Refusal shall include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Drug/Alcohol Treatment. Employees who have completed probation and who test positive for the presence of illegal drugs or alcohol will be referred to a Substance Abuse Professional (SAP) for evaluation. An SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate the employee to determine what assistance, if any, the employee needs to resolve problems associated with prohibited substance abuse or misuse of alcohol.

Under certain circumstances, including a positive drug and/or alcohol test, an employee may be required to undergo treatment for substance abuse. After the employee's return to duty after such evaluation and/or treatment, he/she must follow the rehabilitation program prescribed by the SAP, pass a return-to-duty drug and alcohol test(s), and be subject to unannounced follow-up tests for a period of at least one (1) year as determined by the SAP or as required by applicable law. Any employee who refuses treatment when required, or fails to comply with the regimen prescribed by the SAP for treatment, aftercare, or return-to-duty, shall be subject to disciplinary action, up to and including termination of employment.

Employee-Requested Confirmation Testing. An employee who questions the results of a required drug test may request that an additional test be conducted at a different USDHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The cost of the second test will be borne by the employee, unless the second test invalidates the first.

The method of collecting, storing, and testing the split sample will follow Department of Transportation guidelines. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will be accepted only if the delay was due to documentable facts that were beyond the control of the employee.

Confidentiality. Positive and confirmed laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be secured in a separate confidential medical folder in the Department of Human Resources. The reports or test results may be disclosed to the City Manager and Chief of Police and shall be disclosed to the tested employee.

The City may disclose information required to be maintained pertaining to an employee to the employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/ or controlled substance test administered under this part, or from the employer's determination that the employee engaged in prohibited conduct (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).

**Section 11.3 - Alcohol and Controlled Substance CDL Testing Program
(See Appendix D)**

Section 11.4 - Safety Policy Statement

The City of Huber Heights places the utmost importance on employee and citizen safety. The policy of the City of Huber Heights will be to provide a safe, healthy environment for all employees and citizens. The City of Huber Heights is exposed to various liability risks associated with providing services to our citizens. These risks are most evident when incidents occur involving damage to property and injuries to personnel and our citizens. Our primary interest is the welfare of the employees, citizens, and visitors to the City of Huber Heights facilities.

We fully and thoroughly review all accidents, losses, and nonconformance to safety requirements and initiate necessary corrective measures. Our responsibility is to prevent accidents in every facet of the City's operations. We will continually evaluate and improve the City's programs, activities and facilities to maintain our high standards of excellence. The principle objectives of the City of Huber Heights are to protect people and to preserve all public assets and revenues.

It is the responsibility of the City Administration, with the help of all employees to see that the City's Loss Control Program is implemented in accordance with this Policy Statement. We will meet the requirements of this policy through the education, training and involvement of every City employee and the continual promotion of safe work practices and a safe working environment

Section 11.5 - Safety and Job Performance

Each employee of the City will be responsible for performing his or her job in a safe and efficient manner. Administrative and supervisory personnel are responsible for making sure the employee has been issued the proper safety equipment and has been instructed in the use of such equipment. Employees are required to wear appropriate safety devices when performing duties where the wearing of such safety apparel is required.

Employees who are aware of unsafe equipment or operating conditions must report such conditions to their supervisors. Upon notification, the supervisor shall immediately or as soon as practical, take action to correct the unsafe equipment or condition.

Employees who are on medication for treatment of an illness or health condition are required to report to their supervisor the potential side effects of such medication which may present an unsafe condition for the employee or the public.

Section 11.6 - Training

In the event the City purchases a new piece of equipment or implements a new operating procedure, all affected employees are to receive professional training in the use and implementation of the new equipment and operating procedures.

Section 11.7 - Educational Assistance

The continuing education and development of all employees is most desirable. In order to encourage such advancement, a tuition reimbursement benefit is offered. Training and educational courses that are job related may be reimbursed by the City upon successful completion of such courses. Job related courses are defined as those courses which are directly and specifically related to an employee's present job duties.

The following conditions will apply:

1. Employee is full-time and has completed probationary period.
2. Training or Course is "job related".
3. Requests to attend training or course with expenses to be reimbursed by the City must be approved in advance of taking training or course by the Department/Division Head and the City Manager. *A purchase order must be obtained in advance.*
4. Reimbursement will be made to the employee only after receipt of evidence of satisfactory completion of the training or course. Satisfactory completion will be considered no less than a C or equivalent grade.
5. Upon successful completion of the course, the employee requesting reimbursement must submit proof of payment within thirty (30) days showing that he/she has completed the course or training.
6. Employees who terminate City employment within one year of completion of a reimbursed course or training will be required to reimburse the City for expenses incurred. The City Manager is authorized to waive this requirement under unusual and justifiable circumstances.

Section 11.8 - Car Allowance

City employees shall be encouraged to use City cars for official City business. Whenever a City employee uses his private automobile in the conduct of official City business, the employee shall be compensated at the rate currently provided for by IRS regulations. Such use must be authorized. A Mileage Reimbursement Form must be signed by the Department Head and the City Manager before being forwarded to the Finance Department. Use of all City owned vehicles shall be according to the rules for the department. The City shall not be responsible for private vehicle insurance.

Section 11.9 - Use Of City Cars

City cars shall be used exclusively for official City business.

Section 11.10 - Seat Belt Requirement

All employees, when either operating or serving as passengers in City vehicles, will be required to wear occupant-restraining devices available in those vehicles. When transporting non-city personnel, City employees will be responsible for making sure all occupant-restraining devices are used by such passengers. No City vehicle is exempt from this rule unless the vehicle does not presently contain occupant-restraining devices.

Section 11.11 - Travel Policy

The following regulations shall apply to all City employees and elected officials attending training programs, meetings, seminars or conferences related to their job duties and paid for by the City. Employees and elected officials traveling at City expense are expected to exercise the same care in incurring expenses that a prudent person would exercise traveling on personal business and expending personal funds. Excess costs, indirect travel routes, luxury accommodations and unnecessary services are not acceptable and employees and elected

officials will be held responsible for costs and additional expenses incurred for personal preference or convenience.

POLICY AND PROCEDURE

1. Attendance at meetings, conferences, seminars and training programs which require expenses covered by this policy must be approved in advance by the Department Head/Division Manager, City Manager, and/or the Mayor/Vice Mayor. A purchase order must be obtained prior to the employee registering for any meeting, conference, seminar or training, or obligating the City to any travel related expenses (lodging, airfare, etc.).
2. The City Manager must approve the travel for any overnight stay that is out-of-state by any employee of the City; all other travel is subject to the approval by the Department Head/Division Manager. Travel expenses regarding the City Manager, Clerk of Council and Assistant Clerk of Council shall be approved by the Mayor. Travel expenses regarding Council shall be approved by the Mayor, except in the case of the Mayor, which must be approved by the Vice Mayor.
3. Employees and elected officials attending the same event should arrange carpooling, if practical. Transportation cost will be paid to the owner of the vehicle.
4. When traveling more than 50 miles from City Hall, for same day travel in which lunch is not provided through registration, per diem for lunch shall be paid at the pro-rated amount of the applicable per diem allotment according to the IRS Per Diem Rates, using the high-low substantiation method for the applicable federal fiscal year. Any exceptions to the per diem allotment, for same day travel, must have specific approval of the Department Head/Division Manager or City Manager or the Mayor/Vice Mayor. Same day travel is when an employee travels to a meeting, seminar, or training and returns to work or home within the same day. Same day travel for elected officials is travel which occurs within a 20 mile radius to the City. No advancement of funds will be permitted for lunch or mileage for same day travel; however, advancement will be permitted for registration. Same day travel does not require the completion of a Travel Request and Expense Report; only an Employee Expense Statement will be required if reimbursement is requested. The Employee Expense Statement shall be approved by the Department Head/Division Manager and/or the Mayor/Vice Mayor. Employee Expense Statements may be turned in at a minimum of once a month for reimbursement.
5. The total applicable per diem allotment to be reimbursed will be pro-rated based on the IRS Per Diem Rates, using the high-low substantiation method for the applicable federal fiscal year as follows:
 - 20% for breakfast (a continental breakfast is not a meal)
 - 30% for lunch
 - 50% for dinner
6. Reimbursement of gratuity will be limited to 20% of the total meal cost. If there is a meal included with the registration, it will be paid at time of registration and no additional allotment will be provided.
7. Reimbursement for mileage (for travel of 50 miles or more, mileage will be determined from Map Quest from the starting point to destination and then to the return destination)

shall be attached to the Travel Request and Expense Report or the Employee Expense Statement.

You may use a private vehicle only if the driver is insured under a liability insurance policy that complies with the minimum requirements set by the State for owner's liability insurance, and has a valid operator's license, and with the approval of the Department Head/Division Manager. If you are involved in an accident involving your private vehicle, you must submit any claims for damages to your vehicle or third parties to your personal auto insurer and notify the Department Head/Division Manager and/or City Manager, Mayor/Vice Mayor of accident.

8. For all overnight travel, the employee shall complete and submit Travel Request and Expense Report for all necessary expenses to the Department Head/Division Manager and/or the Mayor/Vice Mayor prior to attending meeting, conference, seminar, and training programs.

Advancement of funds will be permitted for registration, airfare, rental car, per diem allotment, mileage and lodging. The per diem will be allotted according to the IRS Per Diem Rates, using the high-low substantiation method for the applicable federal fiscal year. In order to receive the per diem in a timely manner, all requests shall be approved by the Department Head/Division Manager and/or the Mayor/Vice Mayor, and submitted to the Finance Department two weeks prior to the date of the meeting, conference, seminar, and training program. Any exceptions must have specific approval of the City Manager and/or the Mayor/Vice Mayor.

9. Lodging expenses will be based on what are normal and reasonable costs for the area. Proximity to the conference, seminar, training, or meeting area will be taken into account. The final approval of lodging expense is at the discretion of the Department Head/Division Manager and/or the Mayor/Vice Mayor.

You may be reimbursed for the actual cost of gratuities for services such as porter and housekeeping up to: \$10 on your day of departure and \$10 on your day of return when traveling overnight; \$5 on each day between your departure and return days when traveling overnight. Reasonable business telephone or internet access expenses are reimbursable regardless of the length of your stay.

10. Unless otherwise approved by the City Manager and/or the Mayor/Vice Mayor, reimbursement for cab fares, parking, and other miscellaneous travel related expenses shall only be provided if the employee submits an original receipt. No receipts are required for tolls, shuttle service, bus, boat or ferry, up to \$20 per trip.
11. The Travel Request and Expense Report and all receipts shall be submitted to the Department Head/Division Manager and/or the Mayor/Vice Mayor for approval then forwarded to the Finance Department for processing.
12. Except under extraordinary circumstances, approved in advance by the City Manager and/or the Mayor/Vice Mayor, all reimbursement requests must be submitted to the Department Head/Division Manager for approval within five working days of an employee's return to work. Elected officials shall present receipts for expenses within 30 calendar days upon their return from travel.

13. Reimbursement will occur within 14 days after all travel documentation has been finalized and submitted to the Finance Department.
14. Specifically prohibited are reimbursements for purchases of personal items, alcoholic beverages and entertainment, such as in-room movies, or a social or athletic activity not included as part of a seminar/conference registration fee. Also prohibited are reimbursements for expenses of family members who accompany an employee on a trip. In the latter case, the Travel Request and Expense Report must be prepared in such a way to reflect only those allowable expenses incurred by the employee. There shall be no personal use of discounts, bonuses, or benefits from airlines, credit cards, lodging, etc., generated from City travel. (2013-R-5871)

Section 11.12 - Motor Vehicle Record Policy

I. Introduction

This policy will be known as the Motor Vehicles Records Policy. This policy will help the City of Huber Heights identify employees who have a current and valid Ohio driver's license and employees that maintain a safe driving record. By maintaining these records, the City of Huber Heights sets forth that the City is committed to providing a safe and healthy environment for all employees and citizens as outlined in the City's Safety Policy Statement.

II. Coverage of this Policy

- A.) All employees who drive a city controlled vehicle or equipment on public streets, or any other vehicle on behalf of the city and are not covered by a current policy regarding the operation of motor vehicles within the Division they work are subject to this policy.
- B.) Employees who are currently covered by a Division's Policy regarding the operation of motor vehicles are subject to their respective Division's Policy and in no instance will this policy supersede the respective Division's Policy.

III. Driver's License

- A.) In order to drive a city controlled vehicle or any other vehicle on behalf of the city, an employee must have a current and valid driver's license as determined by the State of Ohio.
- B.) In an attempt to keep current records of valid driver's licenses, a prospective employee must show their driver's license before the date of hire and an existing employee that drives a city controlled vehicle or any other vehicle on behalf of the city, must have his/her driver's license checked for validity annually. The annual check will occur within seven (7) days after the employee's birthday.

IV. Suspended or In-Valid Driver's License

- A.) Any prospective employee or existing employee who does not have a current and valid driver's license or has a suspended driver's license is prohibited from driving a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City until such time that his/her driver's license is valid and/or no longer suspended.
- B.) Any prospective employee or existing employee who violates Section IV(A) of this policy is subject to the penalties outlined in Section VIII(A) below.

V. Motor Vehicle Records Check

- A.) All prospective employees are subject to a motor vehicle records check.

B.) Any existing employee who drives a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City is subject to a motor vehicle records check.

VI. Employee Notification of Points

A.) An existing employee must notify the City's motor vehicle Records Keeper (as appointed by the City Manager) of any traffic violation, except for a parking ticket, they receive while driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City. This notification must describe the nature of the traffic violation and how many points the driver received under the State of Ohio's Point Law.

B.) Failure to notify the City's Motor vehicle Records Keeper as outlined in Section VI(A) within one week of the traffic violation will result in a doubling of the points received for each particular traffic violation that was not reported.

C.) Any prospective employee and all existing employees must notify the City's Motor vehicle Records Keeper any time their driver's license is revoked, suspended, or not currently valid. For prospective employees, this notification must be before he/she starts employment with the City. For existing employees, this notification must be within 24 hours of the suspension, revocation, or failure to validate his/her license. Failure to notify the City as outlined in this subsection will result in disciplinary action as outlined in section VIII(B).

VII. Computation of Points

A.) All points received for traffic violations will be added together. Points will be accumulated for a period of one year-Point Collection Period. The one year Point Collection Period will start the first day of the first month that is at least 30 days after the adoption of this policy. At the end of the one year Point Collection Period, each employee's point total will be set back to zero and a new Point Collection Period will begin.

B.) Only points received as a result of a traffic violation while driving a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City will be accumulated during the Point Collection Period.

C.) The number of points accumulated in any one-year Point Collection Period will result in the following action:

- 1) An employee accumulating 4 to 6 points, within the current Point Collection Period, will receive a written warning from the City Manager.
- 2) An employee accumulating 7 to 9 points, within the current Point Collection Period, will be prohibited from driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City for a period of 30 days.
- 3) An employee accumulating 10 or 11 points, within the current Point Collection Period, will be prohibited from driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City for a period of 60 days.
- 4) An employee accumulating 12 or more points, within the current Point Collection Period, will be prohibited from driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City for a period of 180 days.

D.) Any employee who is prohibited from driving a city vehicle; city equipment on public streets; or any other vehicle on behalf of the city; as outlined in VII(C) (2), (3), (4) ; when a new

point collection period is set to begin, will not have their point total set back to zero at the end of the point collection period. Rather, their point total will be reset back to zero after they finished their driving suspension.

VIII. Discipline

A.) Any existing employee or prospective employee that drives a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City while prohibited to do so as outlined in Sections IV (A) and/or VII (C) , (2) , (3) , (4) will be subject to disciplinary action as determined by the City Manager.

B.) Any existing employee or prospective employee that fails to report to the Motor Vehicle Records Keeper that his/her license is suspended, revoked or is not currently valid as outlined in section VI (C) will be subject to disciplinary action as determined by the City Manager.

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ARTICLE 12 – SEPARATION, RETIREMENT and REINSTATEMENT

Section 12.1 - Layoff and Recall

Should a layoff or reduction in the work force of the City of Huber Heights be necessary, that layoff or reduction shall occur in the manner described as follows as approved by Council:

The City Manager shall determine those positions which shall be reduced in number. Such reduction will take place solely in those positions as determined by the City Manager and approved by Council. Employees shall be laid off at the time and in the number specified by the City Manager, in inverse order of seniority with the City. Within each effective class, all provisional employees shall be laid off before part-time employees, part-time employees shall be laid off before probationary employees, and all probationary employees before full-time employees.

The names of individuals laid off in accordance with this section shall be placed on a recall eligibility list which shall be valid for a period of one year from the effective date of the layoff. Such recall eligibility list may be extended by the City Manager for an additional six (6) month period. The order of the list shall be in inverse order of the order in which the layoff occurred.

Those employees who have been laid off shall be called back to work in the order as indicated on the re-appointment eligibility list. Should an employee be unavailable to return to work in a period of time as deemed reasonable by the City Manager, but in any case not to exceed two weeks, or refuse to return to work, that employee's name shall be removed from the reemployment eligibility list. Any such appointment shall be in accordance with the appropriate section of these Personnel Regulations.

Section 12.2 - Resignation

An employee may resign from the City at anytime in good standing by presenting a letter of resignation to his/her supervisor with a copy to the City Manager at least two (2) weeks prior to his/her departure. Employees who comply with this provision and have completed six (6) months of service with the City will be entitled to receive payment for any unused accumulated vacation on the basis of one day's pay for each day of vacation so accumulated. There shall be no compensation for sick leave or personal leave accumulated for an employee who resigns from employment with the City. The City Manager may waive the minimum notice standard in extenuating or extraordinary circumstances.

Section 12.3 - Retirement

Any non-bargaining employee of the City of Huber Heights, full time or part time, who has accumulated sick leave hours, and is retiring under applicable rules, regulations and statutes of the State of Ohio, whether by longevity or disability, shall be entitled to convert accrued but unused sick leave to cash, providing a retirement resignation letter is submitted to the City Manager at least six (6) weeks prior to the actual effective date of retirement. Any employee who so retires and then becomes re-employed with the City of Huber Heights in the future, also known as a "re-employed retiree", is not entitled to convert additional unused sick leave to cash at the end of their re-employment period. (2013-R-5910)

Sick leave conversion shall be as follows:

Number of Hours	Percentage Paid	Rate of Pay
1-357	25% (1 for every 4)	Current rate at time of retirement
358-714	33.33% (1 for every 3)	Current rate at time of retirement
715-1071	50% (1 for every 2)	Current rate at time of retirement
In excess of 1071	100% (1 for every 1)	Current rate at time of retirement

Vacation Leave Compensation at Retirement

Vacation leave accrued and unused shall be paid 100% at the current rate of pay.

Compensation Upon Death

If an employee should die during employment with the City of Huber Heights, his/her beneficiary shall be paid the value of banked sick leave hours, plus 100% of his/her accrued, unused sick and vacation leave hours at his/her current rate of pay, regardless of whether the death occurred on or off duty.

Exception

Fire department employees working 24 hour shifts who are not members of a collective bargaining unit and are not covered by a collective bargaining agreement shall receive the same accrual rates and sick and vacation leave pay-outs as specified in the current firefighters' contract by City Council; he or his beneficiary will be compensated at retirement or death.

Section 12.4 - Reinstatement

A non-probationary employee in the non-exempt and exempt services of the City may be reinstated upon approval of the City Manager, to the same or similar position with the City at any time within one (1) year from the date of resignation. A new probationary period shall be required.

All benefits to be provided to the employee will be agreed upon prior to reinstatement. A copy of the agreement, signed by the employee and the City Manager, will be placed in the employee's personnel file.

All employees being considered for reinstatement will be required to successfully pass a physical examination and any other tests deemed appropriate by the City before reinstatement. Employees terminated for cause are not eligible for re-hire.

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ARTICLE 13 – CITY OF HUBER HEIGHTS RETURN TO WORK PROGRAM:

**City of Huber Heights
Return to Work Program
Policy and Procedures Manual**

**Return to Work Program
Mission Statement**

Our employees are recognized as the City of Huber Heights most important asset. Based on this philosophy, it is the mission of the City of Huber Heights Return to Work Program to make every reasonable effort to provide temporary, alternative, productive work to any employee who is unable to perform his/her normal job duties as a consequence of any work related or non-work related accident, injury or illness. The RTW Program will utilize the rehab process to return the worker to their original position.

Basic Principles of the Return to Work (RTW) Program

1. Disability Prevention –Preventing injury and disability is an important component of the disability management concept, requiring ongoing analyses of patterns of disability, identifying and reducing job risk factors' and maintaining proper controls for a healthy and safe work environment.
2. Early Intervention –The early prevention or resolution of disabilities requires the timely utilization of internal and community-based services and interventions to facilitate the recovery of employees with restrictions, and to control the personal and economic costs of injury and disability.
3. Proactive Transitional Work Strategies (e.g., functional job analyses, physical capacity evaluations, job accommodations, ergonomic job modifications, safe work practices training, clinical monitoring, etc.) are designed to maintain the health and productivity of employees with restrictions.

Components of the RTW Program

1. The RTW Committee, which functions as a policy formulation, program monitoring, and program evaluation groups, with responsibility for the administrative aspects of the RTW Program, including the operation of a formal transitional work process.
2. A RTW Coordinator, who screens referrals to the RTW Program, initiates injury prevention and early intervention strategies, coordinates internal and external resources to address

employee needs, and coordinates transitional work activities service providers, treating physicians, and others.

3. A Management Support System ensures that the RTW Program has resources necessary for its ongoing operations, and to maintain program accountability among supervisors, managers, rehabilitation providers and others.

Return-to-Work Committee

The RTW Committee develops and implements policies and procedures related to the overall mission of the RTW Program. The Committee evaluates the effectiveness of the RTW Program and modifies policies and procedures as necessary. The Committee also serves as an advocate for the RTW Program by facilitating open communication among employees, supervisors, and managers, with respect to the purpose, goals and benefits of the RTW Program. The RTW Program Coordinator will establish an agenda and will convene meetings. Committee members may request a meeting at any time, and members will be responsible for submitting agenda items to the RTW Program Coordinator. Every effort will be made to resolve issues on an informal basis, rather than calling unnecessary meetings.

The Committee is made up of the Human Resources Manager, Police Chief, Fire Chief, Public Works Manager, and representatives from IAFF Local 2926, FOP Law Enforcement Officers, FOP Command Unit, FOP Records Technicians, FOP Communications Officer, and the Ohio Council 8, Local 101, AFSCME.

Mechanics of the RTW Program

The City of Huber Heights RTW program is to assist employees with temporary medical restrictions, whether work related or non-work related, return to work. The program is designed to safely return employees to work as soon as their physician feels they are able. For employees who are on restrictions for longer than 7 days for a work related injury and 14 days for non-work related injury or are expected to be restricted for longer than 7 days for a work related injury and 14 days for a non-work related injury , a formal referral will be made to the RTW program coordinator. This referral will help to facilitate involvement of external resources, such as case management, physical therapy, etc. that will assist the employee in safely returning to work.

RTW Program Employee Referral and Participation Process

1. Anyone may initiate a City of Huber Heights employee referral to the RTW Program.
2. A referral to the RTW Program is made to the RTW Program Coordinator or the employee's department/division head.
3. Employee participation in the RTW Program is voluntary. However, the employee remains subject to other policies and procedures related to workers' compensation regulations, benefit eligibility, safety, productivity, absenteeism and collective bargaining agreements.

RTW Program Employee Participation Criteria

For any injury requiring the employee to be off work or on restrictions the physician of record must complete a City of Huber Heights Return to Work Form. To participate in the RTW program a City of Huber Heights employee must submit the City of Huber Heights RTW form and meet any of the following criteria.

1. The employee with a work related or non-work related injury or illness has been identified as having a problem that may compromise work performance, and the employee's impairment is medically documented.
2. The employee with a work related or non-work related injury or illness requests a job accommodation due to a medically documented impairment.

Referral and Screening Steps

Anyone may recommend that an employee is referred to the RTW Program, and any employee may request consideration for referral to the RTW Program. The individual recommending (or requesting) consideration for referral to the RTW Program must make the recommendation to (or request consideration of) either the employee's department/division head or the RTW Program Coordinator. The Department/Division Head is responsible for reviewing the employee's need for RTW Program services and then referring all relevant information pertaining to the employee to the RTW Program Coordinator. The Department/division Head prior to referring the employee to the RTW Program Coordinator must complete the following steps.

1. **Communication** – Notify the employee that he/she is being referred to the City of Huber Heights RTW Program.
 - Explain to the employee the purpose and benefits of the RTW Program
 - Provide the employee with written information regarding the RTW Program
 - Encourage the employee to contact any member of the RTW Committee for additional information
 - Explain to the employee that his/her involvement in the RTW Program must meet the approval of the RTW Program Coordinator, based on eligibility criteria for the RTW Program participation
 - Explain to the employee that he/she will next be contacted by the RTW Coordinator to establish an initial meeting time.
 - Complete the RTW Program referral form
 - Submit the RTW Program referral form to the RTW Program Coordinator
2. **Screening** – The RTW Program Coordinator reviews the RTW Program Referral Form and determines employee's eligibility status for program participation.

When the employee has been determined eligible for the RTW Program participation, the RTW Program Coordinator meets with the employee and does the following:

For Work related Cases:

The RTW Program Coordinator will

- Contact the Managed Care Organization (MCO) to request a rehab referral for the injured employee.
- Explain the referral to the injured employee and let them know to expect a phone call from a Rehab Case Manager within a week. If a Rehab Case manager does not contact the injured employee within a week of the referral, they are to let the RTW Program Coordinator know so that the RTW program coordinator can follow up with the MCO.

For non-work related cases:

The RTW Program Coordinator will:

- Obtain the employee's signed consent to participate in the RTW Program
- Contact the employee's supervisor to obtain information regarding the employee's essential job functions, and temporary alternative productive work options.

Procedure for Work Related Injury

- A. The injury/accident/incident must be reported verbally to the employee's on-duty supervisor immediately. The injury/accident/incident must also be reported verbally to the Human Resources Manager within twenty-four (24) hours. The injured employee will file a written accident or injury report with their Department/Division Head or the Department/Division Head's designee within twenty-four (24) hours of the incident or as soon as the employee is physically able to do so; the accident or injury report should then be submitted to the Human Resources Manager. Failure, without good cause, of an employee to comply with this section may be grounds for the City to take disciplinary action.
- B. Any employee claiming a service-connected illness or injury, with medical evidence, under this policy, shall file a claim with the Ohio Bureau of Workers' Compensation (BWC). In the event a claim is denied by BWC, the employee shall be charged with sick leave and/or vacation for all time paid by the City.
- C. In accordance with Section 4123.54 of the Ohio Revised Code; employees who test positive for drugs or alcohol following a workplace injury, or refuse the test altogether, may not be eligible for certain workers' compensation benefits if the injury occurs while alcohol or drugs are in their system. Section 4123.54 states that a positive drug or alcohol test creates a "rebuttable presumption." Rebuttable presumption means that the burden of proof is on the employee to dispute or prove untrue the presumption that alcohol or a controlled substance not prescribed by the employee's physician is the main reason for the work-related injury.
- D. The injured employee may be required to be evaluated by a facility selected physician. When contacting the physician, we will share with him/her the results of the injury/accident investigation, if completed, the requirements of the employee's current job, and the opportunities within the RTW Program.

- E. An accident/injury investigation will be completed by the employee's supervisor. The investigation will also include a review of the injured employee's personnel file to determine if prior medical conditions were present.
- F. Before an employee can participate in the program, the employee shall be evaluated by a physician and receive approval for transitional work from their physician. Physician approval, along with restrictions, must be submitted to the Human Resources Manager.
- G. After receiving approval for transitional work from the physician, the Human Resources Manager and Department Head/Division Manager will review the employee's essential job tasks in order to develop a transitional work assignment and a Return-to-Work Agreement shall be signed. The Agreement will specify the exact report to work date and time. Should the employee not respond; that fact will be construed as a refusal of the transitional work assignment.
- H. The Human Resources Manager will contact the MCO and update them on the employee status in regard to the date of when transitional work began.
- I. Prior to the employee's start date on RTW, the employee will be scheduled to meet with the Human Resources Manager to review and sign a RTW Agreement. The Agreement will include at a minimum the following:
 - a. A specific start and stop date for the RTW Program and the specific job description while on transitional work. These dates and duties will be based, in part, on information provided by the physician relative to the nature of your injury and the anticipated recuperation time and what work is available; the granting of RTW is at the sole discretion of city management. The expected duration of transitional work is for a period of 12 weeks or less. Under no circumstances will this be deemed to be a permanent reassignment of job duties.
 - b. All of the allowed conditions of the claim.
 - c. Reporting requirements relative to the progress of prescribed treatment and the frequency of those reports.
 - d. Specific treatment modalities ordered by physician
 - e. Written instructions established by the physician which may include, but are not limited to:
 - i. Limit in the number of hours per day the employee can work;
 - ii. Climbing limitations (ladders, steps, etc.);
 - iii. Limitations in the use of equipment;
 - iv. Walking and/or standing limitations;
 - v. Stooping and/or twisting limitations;
 - vi. Lifting limitations for weight and height, as well as frequency; and
 - vii. Pushing and/or pulling limitations
 - viii. Duration of the amount of time for sitting
 - f. Specific steps developed in conjunction with the physician to "condition" the employee so that he/she can return to regular work as quickly as possible. An

example of a conditional objective may be to gradually increase the number of hours per day an injured employee works or gradually increase the number of days per week the injured employee participates in normal job duties instead of transitional work.

- g. While the employee is on Transitional Work, the employee will:
 - i. Not be required to used paid leave for medical appointments related to the on-the-job injury;
 - ii. Not be eligible for overtime;
 - iii. May be permitted to respond to emergencies within the limitations of the employee's medical release, and;
 - iv. Be assigned to a day off schedule and hours of work as determined by the Department/Division Head.
- J. Should an employee refuse approved transitional work, your Third Party Administrator (TPA) and Medical Care Organization (MCO) will be notified immediately, and may file the appropriate request with the Bureau of Workers' Compensation to deny compensation based on refusal of suitable employment within the employee's physical restrictions. At the City's discretion, disciplinary action may be taken.
- K. If the attending physician will not authorize the transitional work, your TPA and MCO will be notified immediately in order to take appropriate action.

Procedure for Non-Work Related Injury/Illness

- A. The employee must be evaluated by a physician and must receive approval for transitional work from their physician. Physician approval, along with restrictions, must be submitted to the Human Resources Manager.
- B. After receiving approval for transitional work from the physician, the Human Resources Manager and Department Head/Division Manager will review the employee's essential job tasks in order to develop a transitional work assignment and a Return-to-Work Agreement shall be signed. The RTW Agreement will specify the exact report to work date and time.
- C. Prior to the employee's start date on transitional work, the employee will be scheduled to meet with the Human Resources Manager to review and sign a RTW Agreement. The Agreement will include at a minimum the following:
 - a. A specific start and stop date for the RTW Program and the specific job description while on transitional work. These dates and duties will be based, in part, on information provided by the physician relative to the nature of your injury and the anticipated recuperation time and what work is available; the granting of RTW is at the sole discretion of city management. The expected duration of transitional work is for a period of 12 weeks or less. Under no circumstances will this be deemed to be a permanent reassignment of job duties.
 - b. Reporting requirements relative to the progress of prescribed treatment and the frequency of those reports.
 - c. Specific treatment modalities ordered by physician

- d. Written instructions established by the physician which may include, but are not limited to:
 - i. Limit in the number of hours per day the employee can work;
 - ii. Climbing limitations (ladders, steps, etc.);
 - iii. Limitations in the use of equipment;
 - iv. Walking and/or standing limitations;
 - v. Stooping and/or twisting limitations;
 - vi. Lifting limitations for weight and height, as well as frequency; and
 - vii. Pushing and/or pulling limitations
 - viii. Duration of amount of time for sitting
- e. Specific steps developed in conjunction with the physician to “condition” the employee so that he/she can return to regular work as quickly as possible. An example of a conditional objective may be to gradually increase the number of hours per day an injured employee works or gradually increase the number of days per week the injured employee participates in normal job duties instead of transitional work.
- f. While the employee is on Transitional Work, the employee will:
 - i. Be required to use paid leave for all medical appointments related to the injury or illness.
 - ii. Not be eligible for overtime or special duty (except court duty for sworn personnel)
 - iii. May be permitted to respond to emergencies, drive marked safety vehicles or (for sworn police) wear any part of the uniform of the day.
 - iv. Be assigned to a day off schedule and hours of work as determined by the Department/Division Head.

Monitoring of employees in Transitional Work

The supervisor and the transitional work therapist will monitor the employee’s job performance and progress during participation in transitional work activities. The supervisor and/or the transitional work therapist will report on the employee’s progress (or lack of progress) to the RTW Program Coordinator.

Transitional Work: Operational Definition

A Key component of the City of Huber Heights RTW Program is transitional work. Transitional work is not an occupational goal. It is an interim step in the physical recovery and conditioning of an employee with restrictions. Transitional work represents an opportunity for the City of Huber Heights to maintain the safe and productive employment of employees with restrictions, while reducing disability costs related to wage replacement benefits, lost productivity, and unnecessary lost time. Transitional work will include any job, task function or combination of tasks or functions and therapeutic activities that an employee with work restrictions may perform safely, for pay and without risk of re-injury to the employee or risk to other employees.

Placement of Employees in Permanent Alternative Work

In the event the employee is unable to return to the original job (full-Duty) after having reached a maximum level of function (as determined by the employee's supervisor and the transitional work therapist), the RTW Program Coordinator/Case Manager will facilitate the employee's efforts to identify alternate compatible work at the City of Huber Heights. If an alternative job is not available the RTW Program Coordinator will meet with the employee to explain to them their vocational/retirement options.

Responsibilities of RTW Program Participants

RETURN TO WORK PROGRAM COORDINATOR RESPONSIBILITIES

- Screen RTW Program referrals to ensure that the employee meets criteria for acceptance into the program.
- Communicate in a timely fashion with the Managed Care Organization (MCO) to facilitate the employee's referral for rehabilitation services and assignment to the vocational rehabilitation case manager to begin the transitional work planning process.
- Communicate with the department/division head and other worksite representatives when the employee with restrictions is being referred for rehabilitation services.
- Coordinate with the vocational rehabilitation case manager, transitional work therapist, the employee, and the supervisor, the ergonomic safety assessments of job and functional capacity evaluations of employees
- Facilitate communications at the worksite among the supervisor, employee with restrictions, case manager, and transitional work therapist during the initial development phase of the employee's transitional work program.
- Support the employee with restrictions and provide assistance to the supervisors throughout the employee's transitional work assignment.
- Monitor the employee's progress during participation in the RTW Program.
- Monitor services provided by the Managed Care Organization (MCO), the vocational rehabilitation case manager and the on-site transitional work therapist.
- Monitor transitional work assignments to ensure compliance with the RTW Program mission, policies, procedures, and goals.
- Coordinate program evaluation activities with the RTW Program Committee and all relevant RTW Program participants.
- Serve as Chairperson of the RTW Program Committee, establishing meeting agenda and convening meetings, as necessary.

- Facilitate the modification of RTW Program policies and procedures, as necessary to enhance the operation of the program.
- Coordinate educational programs/awareness sessions for labor and management representatives to support the RTW program

MANAGED CARE ORGANIZATION RESPONSIBILITIES

- Support the City of Huber Heights RTW Program by coordinating the timely rehabilitation eligibility process and referrals of qualified employees with restrictions to the vocational rehabilitation case manager to develop the employee's transitional work (rehabilitation) plan.
- Provide timely approval of the vocational rehabilitation case manager's rehabilitation plans, in order to ensure early rehabilitation intervention and expedited transitional work services.
- Communicate directly with the City of Huber Heights RTW Program Coordinator throughout all phases of the employee's transitional work process.
- Provide program evaluation data to the RTW Program Coordinator as requested, in order to help assess RTW Program outcomes.

VOCATIONAL REHABILITATION CASE MANAGER RESPONSIBILITIES

- Provide case management services to employees with restrictions in order to assist such employees in their rehabilitation and return to work plans, goals and objectives.
- Consult with treating physicians, medical treatment specialists and allied health Professionals in an interdisciplinary fashion, in order to facilitate rehabilitation and return to work plans, goals and objectives.
- Develop and submit to the Managed Care Organization rehabilitation plans for employees with restriction, or obtain approval for functional capacity evaluations, ergonomic-safety assessments of jobs and on-site transitional work services.
- Coordinate approved plans for functional capacity evaluations, ergonomic-safety assessments of jobs and on-site transitional work services with the transitional work therapist, the RTW Program Coordinator, the employee with restrictions, and the employee's supervisor.
- Coordinate rehabilitation and return to work interventions with labor and management representatives at the worksite, in collaboration with the RTW Program Coordinator.
- Provide timely case management services to employees with restrictions, in order to prevent any unnecessary delays in the overall case management, rehabilitation planning and the return to work process.

- Submit timely progress reports to the RTW Program Coordinator and all other relevant parties involved in the City of Huber Heights Return to Work Program, in order to maintain optimal communications regarding the status of employees with restrictions.
- Participate at scheduled RTW Program Committee meetings, as requested by the RTW Program Coordinator, as is customary, necessary and reasonable in the effective delivery of Case management services.
- Participate actively in all program evaluation efforts that will contribute to the continuous improvement of case management services and the RTW Program.
- Perform all other duties as are reasonable, necessary and customary in the provision of case management services, with the City of Huber Heights RTW Program, in collaboration with the RTW Program Coordinator and the RTW Program Committee.

TRANSITIONAL WORK THERAPIST RESPONSIBILITIES

- Perform clinic-based or on-site functional capacity evaluations, as needed, on a timely basis and provide written documentation to the vocational rehabilitation case manager, the supervisor, the RTW program coordinator, the treating physician, union representatives and other relevant parties, as required.
- Perform ergonomic safety assessment of jobs, as needed, on a timely basis and provide written documentation to the vocational rehabilitation case manager, the supervisor, the RTW Program coordinator, union representatives, and other relevant parties, as required.
- Develop transitional work plans for employees with restrictions, in collaboration with the employee, the supervisor, any designated union representative, the RTW Program Coordinator, the treating physician and others. Provide written copies of transitional work plans to those requesting them, in order to facilitate the implementation of the employee's transitional work process.
- Serve as an advocate to the employee with restrictions, ensuring the employee's safe work practices during transitional work program involvement, and facilitating the supervisor's understanding of the employee's work restrictions.
- Provide for periodic assessments of the employee's progress in the RTW Program, and report on progress to others, as necessary.
- Participate actively in transitional work planning meetings, as coordinated by the vocational rehabilitation case manager and the RTW Program Coordinator; and communicate goals and objectives of transitional work activities with the employee with restrictions, the supervisor and others.
- Monitor employee progress during RTW Program involvement, and provide for effective and timely communications with the treating physician.
- Participate in program evaluation activities to enhance the RTW Program, by providing outcome date as may be requested.

EMPLOYEE RESPONSIBILITIES

- Attend scheduled medical appointments as suggested, and provide supervisor, case managers and therapist with updated RTW Forms.
- Communicate medical issues and concerns with the case manager, the on-site transitional work therapist and the treating physician.
- Participate in the design of the transitional work program, identification of accommodations, and temporary work assignments, as well as any necessary job modifications.
- Communicate concerns with performing transitional work assignments with the supervisor, RTW Program Coordinator, on-site transitional work therapist, and case manager.
- Provide case manager, on-site transitional work therapist, and supervisor with written information from the treating physician regarding medical progress and physical work capabilities.
- Adhere to the medical restrictions at work and away from work.
- Notify case manager, on-site transitional work therapist, and supervisor if symptoms worsen during transitional work assignment.

SUPERVISOR RESPONSIBILITIES

- Provide early intervention to employees with restrictions, by initiating appropriate referrals of employees to the RTW Program Coordinator in a timely fashion.
- Assist the transitional work specialist in performing ergonomic safety assessments of jobs.
- Coordinate with the transitional work therapist the development of transitional work assignments that are meaningful and provide productive work in order to serve both the employee and department's goals.
- Support the employee with restrictions during involvement in the RTW Program, and provide reasonable accommodations, as required, and a safe and healthy working environment.
- Monitor employee's progress/work status on a regular basis by reviewing written work restrictions and progress reports of the on-site transitional work specialist, making necessary changes to the transitional work assignment in coordination with the therapist.
- Communicate closely with the RTW Program Coordinate, the employee with restrictions, the case manager, and the on-site transitional work specialist throughout the employee's involvement in transitional work activities.

UNION RESPONSIBILITIES

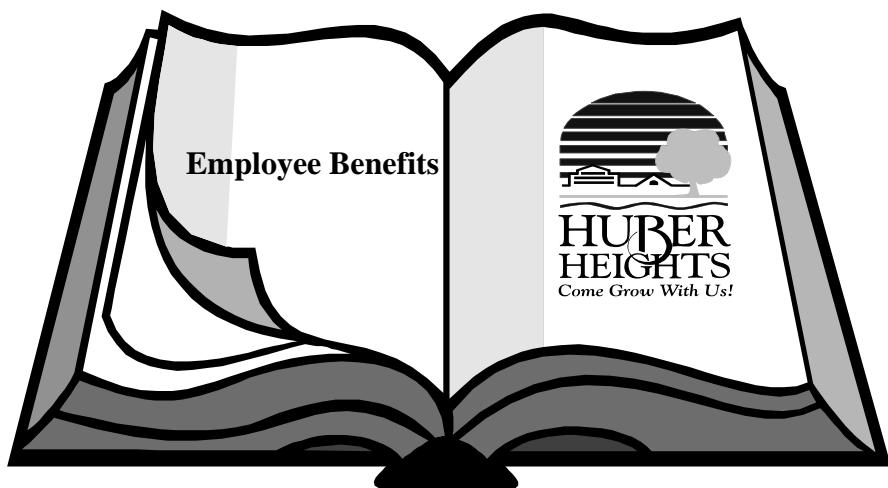
- Support the mission of the RTW Program through representation on the RTW Program Committee.
- Encourage qualified employees with restrictions to participate in the RTW Program, and serve as an employee advocate throughout the transitional work process.
- Effectively communicate the mission, goals and objectives of the RTW Program, as a benefit to protect the employability of employees with restrictions.
- Participate actively in the development of return to work plans by attending planning meetings, as requested, with the employee with restrictions, the supervisor, the vocational rehabilitation case manager, the RTW Program Coordinator, and the on-site transitional work therapist.
- Participate actively in program evaluation and policy and procedure development/modification, as related to the RTW Program.

DISPUTE RESOLUTION

In the event that the injured worker has a dispute with the care or coordination of his transitional work program, written complaints will go in writing to the RTW program coordinator. The RTW program coordinator will investigate the complaint and try to resolve the problem. If the RTW program coordinator cannot solve the problem, it will be brought before the RTW Program Committee for resolution. If the RTW Program Committee is unable to reach a resolution to the problem the injured worker will forward his problem through the city's grievance procedure.
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Employee Benefits Matrix



APPENDIX A

City of Huber Heights Benefits Matrix

The following benefits schedule shall apply to all City Personnel unless otherwise dictated in a recognized labor agreement.

"X" - Eligible

"—" - Not Eligible

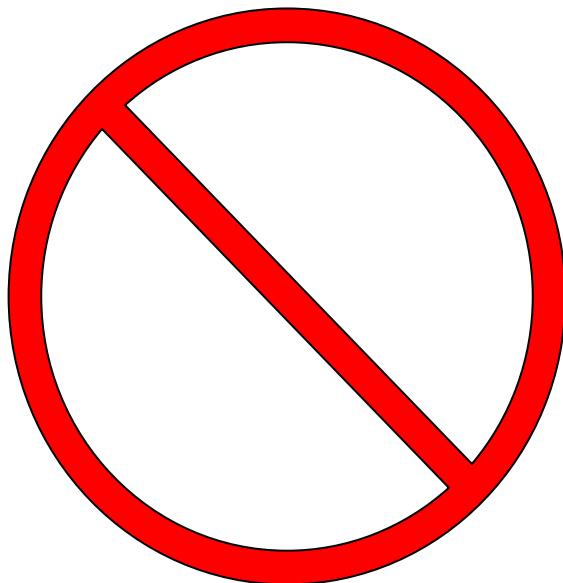
	Probationary				Regular				Provisional				Student Interns
	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Hourly Employees	Seasonal Employees	
City-Financed Benefits	X	—	X	—	X	—	X	—	X	—	—	—	
Medical Coverage §	X	—	X	—	X	—	X	—	X	—	—	—	
Prescription Coverage	X	—	X	—	X	—	X	—	X	—	—	—	
Dental Plan —	X	—	X	—	X	—	X	—	X	—	—	—	
Vision Plan	X	—	X	—	X	—	X	—	X	—	—	—	
\$30,000 Life Insurance	X	—	X	—	X	—	X	—	X	—	—	—	
Pension Plan Coverage	X	—	X	—	X	—	X	—	X	—	—	—	
1% Pension Plan Pickup	X	—	X	—	X	—	X	—	X	—	—	—	
Employee Assistance Program (EAP)	X	—	X	—	X	—	X	—	X	—	—	—	
Workers' Compensation Coverage	X	—	X	—	X	—	X	—	X	—	—	—	
Employee-Financed Benefits											—	—	
\$30,000 Optional Life Insurance	X	—	X	—	X	—	X	—	X	—	—	—	
Aetna Deferred Compensation Plan	X	—	X	—	X	—	X	—	X	—	—	—	
Ohio Public Emp. Def. Comp. Plan	X	—	X	—	X	—	X	—	X	—	—	—	
AFLAC Cancer Care Coverage	X	—	X	—	X	—	X	—	X	—	—	—	
Paid Time Off Benefits											—	—	
Vacation Leave Accrual *	X	—	X	—	X	—	X	—	X	—	—	—	
Sick Leave Accrual *	X	—	X	—	X	—	X	—	X	—	—	—	
Personal Days *	X	—	X	—	X	—	X	—	X	—	—	—	
Holiday Pay †	X	—	X	—	X	—	X	—	X	—	—	—	

§ - Premium co-payment provisions exist for employees hired on or after January 1, 1995, unless specified otherwise in an applicable labor agreement.

* - Paid Time Off Benefits are accrued on a pro-rated basis for part-time personnel, based on actual hours worked.

† - Part-time personnel will receive payment for a holiday provided it was a regularly scheduled workday.

Table of Offenses and Penalties



APPENDIX B

TABLE OF OFFENSES AND PENALTIES

OFFENSE	EXPLANATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1. <u>Failure to carry out an assignment/insubordination</u>				
Minor	Deliberate delay or failure to carry out assigned work or instructions in a reasonable manner	Unrecorded oral admonishment to written reprimand	Written reprimand to 5 days suspension	Written reprimand to dismissal
Major	Refusal to obey legitimate orders, disrespect, insolence, and like behavior	Written reprimand to 10 days suspension	Written reprimand to dismissal.	Dismissal
2. <u>Absence without leave</u>				
Minor	Unauthorized absence of one-third of a to one full working day, tardiness, leaving the job without permission.	Recorded oral admonishment to written reprimand	Written reprimand to 5 days suspension	Written reprimand to dismissal
Major	Unauthorized absence of more than on working day. (If misrepresentation is involved, see #8)	Written reprimand to 10 days suspension	Written reprimand to dismissal	Dismissal
3. <u>Neglect of Duty</u>				
Minor	Unauthorized participation in activities during working hours which are outside of regularly assigned duties. The offense is usually considered "minor" when danger of safety to persons or property is not acute or injury or loss is not involved.	Unrecorded oral admonishment to written reprimand	Written reprimand to 5 days suspension	Written reprimand to dismissal

APPENDIX B

TABLE OF OFFENSES AND PENALTIES

OFFENSE	EXPLANATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
4. <u>Careless workmanship or negligence</u>				
Major	The offense is usually considered major when danger to safety of persons or property is acute or injury or loss is involved.	Written reprimand to dismissal	Dismissal	Written reprimand to 5 days suspension
Minor	When spoilage or waste of materials or delay in production is of significant value	Recorded oral admonishment to written reprimand	Written reprimand to dismissal	Written reprimand to 5 days suspension
	When spoilage or waste of materials or delay in production is extensive and costly; covering up or attempting to conceal defective work	Written reprimand to dismissal	Dismissal	Written reprimand to 5 days suspension
5. <u>Violations of safety practice and regulations</u>				
Minor	Failure to observe safety practices and regulations and danger to safety of persons or property is not acute.	Unrecorded oral admonishment to written reprimand	Dismissal	Written reprimand to 5 days suspension
Major	Failure to observe safety practices and regulations and danger to safety of persons or property is acute	Written reprimand to dismissal	Dismissal	Written reprimand to 5 days suspension
6. <u>Loss of, damage to, unauthorized use, destruction of City property, records, or information</u>				
Minor	When loss or damage is of small value and such loss or damage is not knowingly perpetrated	Unrecorded oral admonishment to written reprimand	Dismissal	Written reprimand to 5 days suspension
Major	When loss of damage is of high value and/or is knowingly perpetrated	Written reprimand to dismissal	Dismissal	Written reprimand to 5 days suspension

APPENDIX B

TABLE OF OFFENSES AND PENALTIES

OFFENSE	EXPLANATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
7. <u>Theft, actual or attempted, in taking and carrying away City property or property of others</u>				
Minor	Penalty will be determined in part by value of property	Written reprimand to dismissal	Dismissal	Dismissal
8. <u>False statements, misrepresentations</u>				
Minor	When falsification, concealment, or misrepresentation has occurred, however it has not necessarily been done deliberately	Written reprimand to 10 days suspension	Dismissal	Dismissal
Major	Deliberate misrepresentation, falsification, exaggeration, or concealment of a material fact, especially in connection with matters under official investigation	Written reprimand to dismissal	Dismissal	Dismissal
9. <u>Disorderly conduct</u>				
Minor	Rude, boisterous play which adversely affects production, discipline, or morale, use of disrespectful, abusive, or offensive language; quarreling or inciting to quarrel	Recorded oral admonishment to 5 days suspension	Written reprimand to dismissal	Dismissal
Major	Fighting; threatening or inflicting bodily harm to another; physical resistance to competent authority; any violent act or language which adversely affects morale, production, or maintenance of discipline; indecent or immoral conduct	Written reprimand to dismissal	Dismissal	Dismissal
10. <u>Gambling</u>	Participation in gambling during working hours	Recorded oral admonishment to written reprimand	Written reprimand to dismissal	Dismissal

TABLE OF OFFENSES AND PENALTIES

OFFENSE	EXPLANATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Major	Promotion of or assisting in the operation of organized gambling	Written reprimand to dismissal	Dismissal	
<u>11. Use of drugs and intoxicants</u>				
Minor	Drinking or selling drugs or intoxicants on duty or on City premises. Reporting for duty impaired by drugs or intoxicants	Written reprimand to 5 days suspension	Written reprimand to dismissal	Dismissal
Major	Being on duty so intoxicated as to be unable to properly perform assigned duties or to be a hazard to self or other	Written reprimand to dismissal	Dismissal	
<u>12. Misconduct off duty</u>				
Minor	Misconduct which adversely affects the reputation of the employee or reflects unfavorably on the City	Recorded oral admonishment to dismissal	Written reprimand to dismissal	Dismissal
<u>13. Failure to honor valid debts</u>				
Minor	Garnishment of an employee's wages by an appropriate court order	Unrecorded oral admonishment	Recorded oral admonishment to written reprimand	Written reprimand
<u>14. Discrimination</u>				
Minor	Any action or failure to take action based upon age, sex, race, color, religion, or national origin of an employee, former employee, or applicant which affects his rights, privileges, benefits, dignity, and equality of economic opportunity	Written reprimand	Written reprimand to 5 days suspension	Written reprimand to dismissal
Major	If the discriminatory practice was deliberate	Written reprimand to 20 days suspension	20 days suspension to dismissal	Dismissal

APPENDIX B

TABLE OF OFFENSES AND PENALTIES

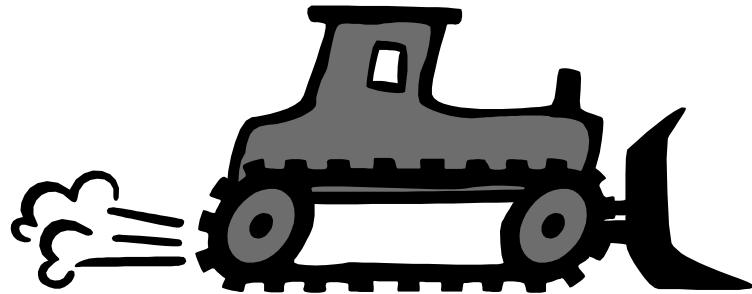
OFFENSE	EXPLANATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
15. <u>Compromise or discredit of merit examination materials or process</u>	Compromise resulting from discussion of specific question(s) or content of an examination with other employee(s) based on experience in the examination when there is no deliberate effort or intent to compromise the examination materials or process	Written reprimand	Written reprimand to 10 days suspension	Dismissal
Minor				
Major	Compromise of an examination through unauthorized possession, use, or furnishing to other, examination information or materials		10 days suspension to dismissal	Dismissal

APPENDIX B

TABLE OF OFFENSES AND PENALTIES

OFFENSE	EXPLANATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
16. <u>Abuse of approved time off (i.e. sick or funeral leave, personal or injury leave, etc.)</u>				
Minor	Abuse of provisions of time off duty when such abuse is minor or unintentional	Unrecorded oral admonishment to recorded oral admonishment	Recorded oral admonishment to written reprimand	10 days suspension
Major	Abuse of provisions of time off duty when such abuse is major or intentional	10 days suspension to dismissal	Dismissal	
17. <u>Violation of prohibited political activities/unethical conduct</u>				
Minor	Violations of any of the applicable provisions of Article 27 of the Personnel Manual	Written reprimand to dismissal	Dismissal	
18. <u>Violation of City Personnel Manual or Department Rules and Regulations not already covered above</u>				
Minor	Violation of a rule or regulation which has little adverse effect on production, employee morale, maintenance of discipline, and/or the reputation of the City	Unrecorded oral admonishment to written reprimand	Written reprimand to 20 days suspension	Written reprimand to dismissal
Major	Violation of a rule or regulation which adversely affects production, employee morale, maintenance of discipline and/or the reputation of the City in a direct way	Written reprimand to dismissal	5 days suspension to dismissal	Dismissal

Alcohol and Controlled Substance CDL Testing Program



CITY OF HUBER HEIGHTS
ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM
FOR CDL DRIVERS

BASIS

The Federal Highway Administration (FHWA) alcohol and controlled substance testing program requirements extend to any operator of a commercial motor vehicle that is subject to a Commercial Drivers' License (CDL) requirement. This alcohol and controlled substances testing program is adopted by the City of Huber Heights in order to comply with the FHWA regulations. It supplements, but does not replace or change, all existing City of Huber Heights policies and agreements concerning the use of and testing for alcohol and controlled substances.

RESPONSIBILITY

The City Manager, is responsible for this program and is authorized to take the necessary steps to ensure compliance with the FHWA regulations as found in 49 CFR.

CONTENTS OF THE CITY OF HUBER HEIGHT PROGRAM

1. Introduction
2. Prohibitions
3. Testing
4. Record Keeping
5. Record Retention
6. Disclosure
7. Employee Information
8. Supervisor Training
9. Referral, Evaluation and Treatment
10. Management Information System Reporting

1. Introduction: The new Department of Transportation (DOT) rules prohibit alcohol and controlled substances misuse that could affect performance of a safety related function such as driving. This prohibition extends to

Use of alcohol on the job.

Use of alcohol during the four hours (in most cases) before the performance of a safety-sensitive function (must be below 0.02 blood alcohol during performance of function).

Having prohibited concentrations of alcohol or controlled

substances in the system while performing safety-sensitive functions.

- Exhibiting behavior and/or appearance characteristic of alcohol or controlled substances misuse or an adverse effect on the employee's ability to perform due to alcohol misuse while performing safety-sensitive functions.
- Use of alcohol for a specified period following an accident involving a covered employee or until the covered employee undergoes a post-accident test.
- Refusal to submit to a required test.

Under the new rules, alcohol includes any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. Any consumption or preparation including alcohol (e.g., beverages or medicines) is considered alcohol use. Controlled substances shall mean all substances/drugs regulated by law.

2. Prohibitions:

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater, nor shall the employer if aware of such cases allow said employee to remain on duty.
- No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of the shipment.
- No driver shall use alcohol while performing safety sensitive functions.
- No driver shall perform safety sensitive functions within four hours after using alcohol.
- No driver shall use alcohol for eight hours following an accident, or until the driver undergoes a post-accident alcohol test, which ever occurs first.
- No driver shall refuse to submit to a post-accident, a reasonable suspicion or a follow-up alcohol or controlled substances test.
- No driver shall report for duty or remain on duty requiring the performance of safety-related functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed physician who has advised

the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

- For purposes of this program, performing a safety-sensitive function includes all of the following:
 1. All time waiting to be dispatched;
 2. All time inspecting, servicing or conditioning any commercial motor vehicle;
 3. All driving time;
 4. All other time spent in or on any commercial motor vehicle;
 5. All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 6. All time spent dealing with a motor vehicle accident;
 7. All time repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.
- For purpose of this program, alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- For purposes of this program, a commercial motor vehicle means any vehicle which: (a) has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, (b) is designed to transport 16 or more passengers, including the driver; or (c) is used to transport hazardous materials.

3. Tests: The following tests are required under this program. In each type of test the specific requires are set forth.

Prior to administering such tests as required by this policy, the City must inform the employee, in writing that the test is required by 49 CFR Part 382. Such notice will be done by utilizing the "Breath Alcohol Testing and Drug Testing Custody and Control" forms. (Appendix A)

A. Post-Offer/Pre-Employment/Pre-Duty Testing
Prior to the first time a driver performs a safety-sensitive function for the City, he or she must undergo testing for alcohol and controlled substances. The City is

prohibited from allowing a driver to perform a safety-sensitive function unless the driver has undergone an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substance test result from a Medical Review Officer (MRO) indicating a verified negative result.

B. Post-Accident Testing

As soon as practicable following an accident, the City is required to test each surviving driver for alcohol (within 2 hours) and controlled substances (within 32 hours) if:

1. The driver was performing a safety-sensitive function with respect to the vehicle, and the accident resulted in the loss of a human life (whether or not the driver caused the accident) or,
2. The employee receives a citation under state or local law for a moving violation arising out of the accident.

A covered driver subject to testing, under this requirement, who leaves the scene of an accident before a required test is administered may be deemed by the city to have refused to submit to testing. The test does not have to be conducted at the scene of the accident, but the driver shall be escorted to the City's Testing facility by supervisor or investigating City of Huber Heights Police Officer.

The City will inform each employee with the necessary/required post-accident information, procedures and instructions prior to the first time the employee performs a safety-sensitive function for the city.

C. Random Testing

The City will randomly select at various times, covered employees for unannounced alcohol and controlled substance testing. The rate for such selection will meet the requirement of 25% of the covered employees for alcohol random testing and 50% for controlled substances. The test period will be over a 12 month cycle or testing period. The employees will be selected on a basis of Social Security numbers utilizing a computer based random number generator and such selection will assure all employees have an equal chance of being tested.

D. Reasonable Suspicion Testing

The City, where there is reasonable suspicion that a covered employee has violated the rules as they pertain to the use of alcohol or an controlled substances, must test that employee. The mere possession of alcohol does not meet the reasonable suspicion conditions. Reasonable suspicion is based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the

employee. Such observations having been made just preceding, or immediately after the period of the work day that the employee is performing a safety-sensitive function. The observation and determination that a reasonable suspicion exists, must be made by a supervisor trained in detecting the symptoms of alcohol misuse or controlled substances use. The observing supervisor may not conduct the testing.

E. Return-to-duty Testing

The City will ensure that any covered employee who has violated the alcohol misuse or controlled substances rules undergoes a Return-to-duty Alcohol or Controlled Substances Testing. Such testing will be conducted to the standards of a Post-Offer/Pre-Employment Test.

F. Follow-up Testing

Each covered employee who has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving problems with alcohol misuse or with controlled substances and has returned to duty is subject to a minimum of six (6) follow-up alcohol or controlled substances test administered by the City over the first twelve (12) months following the return to duty. The SAP may require the employee to undergo additional alcohol or controlled substances testing for up to sixty (60) months.

4. Record Keeping: Records required to be maintained:

- Collection Process Records
 - 1. Collection log books (where applicable)
 - 2. Documents relating to the random selection process, breath alcohol technician training, decisions to administer reasonable suspicion testing, decisions on post-accident testing
 - 3. Calibration documentation for EBTs
 - 4. Documents verifying the existence of a medical explanation of the inability of an employee to provide adequate breath urine sample for testing
- Records of Test Results
 - 1. The City's copy of the test forms, including results
 - 2. Documents related to an employee's refusal to submit to a required test
 - 3. Documents presented by an employee to dispute the result of a required test
- Education and Training Records
 - 1. A copy of the City's policy on alcohol and controlled substances misuse and materials on misuse awareness
 - 2. Documentation of the City's compliance with the requirement that it adopt a policy on alcohol and

controlled substances misuse; distribute the policy and educational materials to employees; and provide written notice to each covered employee and representative of the applicable unions regarding the availability of such information

3. Documentation of training provided to supervisors with respect to their qualification to make a determination that reasonable suspicion exists to require the administration of the required test
4. Certification that any required training is (or was) conducted in accordance with the DOT rules governing the training

- Other Records and Reports

1. Records related to other violations of the alcohol and controlled substances misuse rules
2. Records related to evaluations
3. Records related to a determination by an SAP with respect to an employee's need for assistance, including records concerning the employee's compliance with the recommendation of the SAP
4. Copies of the annual Management Information System report submitted to each DOT agency

5. Record Retention: The City will maintain records of its alcohol and controlled substances program in a secure location with controlled access. Such location will be in the Personnel Office. The retention of records is as follows:

Five-Year Retention

- Records of any employee alcohol test results indicating an alcohol concentration of 0.02 or greater;
- Documentation of refusals to take required alcohol tests or controlled substances test;
- Equipment calibration documentation (if appropriate);
- Documentation of employee evaluations and referrals;
- Records of an employee's verified positive controlled substances test results, including the City's copy of the custody and control form and documents presented by a covered employee to dispute the result of the required controlled substances test;
- Records related to:
 1. The referral and evaluation of covered employees.
 2. A determination by a substance abuse professional

concerning a covered employee's need for referral for assistance in resolving problems associated with the controlled substances.

3. A covered employee's entry into and completion of the program of treatment recommended by the substance abuse professional.
4. Any required Return-to-duty and Follow-up controlled substances testing results.

Two-Year Retention:

- Records related to the collection process (except calibration of Evidential Breath Testing (EBTs) and training;
 1. Collection log books (if used)
 2. Documents relating to the random selection process
 3. Documents generated in connection with decisions to administer Reasonable Suspicion
 4. Documents generated in connection with decisions on post-accident controlled substance testing
 5. MRO documents verifying the existence of a medical explanation of the inability of a covered employee to provide adequate urine sample
- All records related to supervisor training and, where applicable, employee training as follows:
 1. Training materials on controlled substances use awareness, including a copy of the City's policy on prohibited controlled substances use
 2. The names of covered employees attending training on prohibited controlled substances use and the dates and times of such training
 3. Documentation of training provided to supervisors for the purpose of qualifying them to make determination concerning the need for controlled substances testing based on reasonable suspicion
 4. Certification that any training conducted under the rules of any DOT Operating Administrations (OA) complies with such training requirements

One-Year Retention:

- Records of negative and cancelled controlled substances test results;
- Records of all test results indicating an alcohol concentration of less than 0.02;

6. Disclosure: The City will maintain all controlled substances and alcohol testing records in accordance with Section 4 of this program to prevent disclosure of information to unauthorized

persons. The City will not release employee information to unauthorized individuals and will only release such as is required by law or if authorized or required by DOT program requirements.

- **Employee Access**
Upon written request from the employee, the City will release records pertaining to the employee's use of controlled substances or alcohol (including records pertaining to his/her test) to the employee, to subsequent employer or to any person identified by the employee. (e.g. his attorney or other representative)
- **Authorization Restricted**
The City shall permit access to (1) all facilities used in complying with the program requirements; (2) the copies of name-specific test results, records, and reports; and (3) all information pertaining to the Secretary of Transportation, and to any State of Ohio agency with regulatory authority over the City.
- **Lawsuits, Grievances, and Other Proceedings**
The City will disclose any information that is required to be maintained regarding an employee under the DOT rules
 - 1. To the employee
 - 2. To the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee that arises out of (1) the results of a test administered under this program or (2) a determination by the City that the employee engaged in conduct prohibited by this program or a DOT agency program rule.

7. Employee Information:

- **Misuse Information**
The City will provide specific educational materials that explain the requirements of the new rules and the City's Program, policies and procedures. At a minimum these materials will include the following:
 - 1. The identity of the person designated by the City to answer questions concerning the materials.
 - 2. The categories of employees who are subject to the DOT Alcohol and Controlled Substances Testing Rules/Program.
 - 3. Sufficient information about the safety-sensitive functions performed by the employee.
 - 4. Specific information concerning employee conduct that is prohibited by the rules and applicable policies.
 - 5. The circumstances under which the employee tested for alcohol or controlled substances under the rules are applicable.

6. The procedures that will be used to test for the presence of alcohol or controlled substances, to protect the employee and the integrity of the testing processes, to safeguard the validity of the test results, and to ensure that those results are attributed to the correct employee.
7. The requirement that an employee submit to the alcohol tests administered in accordance with the rule(s) applicable to that employee.
8. The consequences for employees found to have violated the alcohol prohibition, including the requirement that the employee be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment.
9. The consequences for an employee found to have a alcohol concentration of 0.02 or greater but less than 0.04.
10. Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or control substances problem.
11. Available methods of intervention when an alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

Optional Provision

The materials supplied to employees may also include information on additional City policies governing the use or possession of alcohol, including consequences, so long as they are clearly and obviously described as being based on the City's authority independent of the DOT rules.

Written Notice and Certificate of Receipt

Written notice of the availability of this information must be provided to every covered employee, and employee organizations must be apprised of its availability. The City will generally ensure that each covered employee is required to sign a statement certifying that he or she has received a copy of the required materials. In addition to maintaining the original of the signed certificate, the locality may provide a copy to the employee.

8. Supervisor Training:

A supervisor responsible for determining whether reasonable suspicion exists for administration of an alcohol test or controlled substances test must receive at least 120 minutes of training on the physical, behavioral, speech, and performance indicators of probable misuse. (Half on Alcohol-Half on Substances)

9. Referral, Evaluation and Treatment:

The City will advise an employee who has engaged in conduct prohibited by this program and other city policies, of the available resources for evaluation and treatment of alcohol and controlled substances problems, including names, addresses, and telephone numbers of SAPs, counseling centers, and treatment programs.

The referral, evaluation and treatment requirements do not apply in any way to an applicant or employee who refuses to submit to a required Post-offer/pre-employment test or who has failed to meet the standard for either the alcohol or controlled substances test.

Each employee who engages in prohibited conduct involving alcohol or controlled substances must be evaluated by a SAP who is responsible for determining what assistance, if any, is needed to resolve problems associated with the misuse. Such SAP shall be selected by the employer. (See below under Choice of SAP)

The employee is required to be evaluated by a qualified SAP who must be a licensed physician or a licensed or certified psychologist, social worker, EAP, or addition counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, with knowledge of and clinical experience in the diagnosis and treatment disorders related to alcohol and controlled substances.

Choice of SAP

The SAP will be employed by the City and the City will be responsible for the cost/fees for all evaluations ordered by the City. If the employee chooses to be re-evaluated they must do so at their own expense. If such re-evaluation challenges the City's SAP evaluation, a third evaluation will be conducted and their evaluation shall be final. The cost of the third evaluation shall be shared equally by both the City and the employee.

Treatment shall be performed at a licensed facility, accredited to perform the required treatment, but shall not be associated to the referring SAP's private practice or organization to which the referring SAP has a financial interest.

10. Management Information System Reporting: The City will on March 15 of each year submit information summarizing the results of this program. In some instances (i.e., under the rules of the FHWA), the annual report must be submitted directly to the DOT OA with regulatory authority over the City's program. In other instances the City may report information to the State of Ohio, which will file the annual report with DOT. (Based on ODOT's final

ruling)

The City is responsible for ensuring the accuracy and timeliness of each report submitted by or on behalf of the City.

The Report will contain at a minimum the following (Controlled Substances):

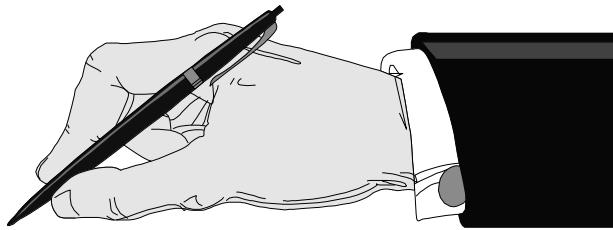
1. Number of employees by category covered by this program
2. Number of covered employees subject to testing under the alcohol misuse or controlled substances use rules of more than one DOT agency, identified by agency
3. Number of test by type of test (i.e., Post-Offer/Pre-Employment, Reasonable suspicion, random, etc.) and employee category
4. Number of positive test results verified by an MRO by type of test, type of substance and employee category
5. Number of negative test results verified by an MRO by type of test and employee category
6. Number of persons denied a position as a covered employee following a verified positive controlled substance test
7. Number of covered employees verified positive by an MRO for multiple controlled substances
8. Number of covered employees who refused to submit to a controlled substances test or alcohol test
9. Number of supervisors who received required alcohol and controlled substances training during the reporting period
10. Number of screening alcohol test by type of test and number of confirmation test, by type of test
11. Number of confirmation alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04, by type of test
12. Number of confirmation alcohol test indicating a concentration of 0.04 or greater by type of test
13. Number of employees who were returned to duty, having complied with the recommendations of a substance abuse professional, who previously tested positive during a controlled substance test
14. Number of employees who were administered alcohol and drug test at the same time, with both verified positive drug and a alcohol concentration of 0.04 or greater
15. Number of employees who were found to have violated any non-testing prohibitions of this program

In the event all controlled substances and alcohol tests were negative during the reporting period, the locality's report must contain the following information:

1. Number of covered employees
2. Number of employees subject to testing under the alcohol misuse or controlled substances use rules of more than one DOT agency, identified by agency
3. Number of specimens collected and verified negative by type of test and employee category
4. Number of covered employees verified negative by an MRO
5. Number of employees who refused to submit to a controlled substances or alcohol test
6. Number of supervisors who have received required controlled substances and alcohol training
7. Number of screen alcohol test by type
8. Number of covered employees who were returned to duty having complied with the recommendations of a substance abuse professional as required by this program

Driver-T

Rulings and Interpretations from the City Manager's Office



CITY OF HUBER HEIGHTS

6131 Taylorsville Road, Huber Heights, Ohio 45424 Telephone: 233-1423

OFFICE: City Manager

Memorandum

August 21, 1997

To: Department/Division Heads
From: Theresa L. Rushlow, Personnel Insurance Tech. *TR*

RE: Administrative Policy

Effective immediately the office of the City Manager has established a policy concerning the usage of City Vehicles. Attached are copies of this policy for each employee to add to Appendix G of the Personnel Manual. As per the State Auditor's requirement employees must sign off stating that they have received this update, I have included a sign off sheet for each employee to initial. If you could assist me with obtaining their initials and return the form to me it would be greatly appreciated.

Thank you for your assistance in handing out the attached.

Administrative Policy on City Vehicle Usage

Identification:

On all motor vehicles owned and operated by the City, there shall be painted for the purpose of identification, the words "City of Huber Heights" or graphic design representing the City of Huber Heights or agency thereof in clearly visible letters or symbols on each side of the vehicle. A department/division head may exempt any motor vehicle from the aforesaid provision for good cause.

City owned vehicles for City use only:

No motor vehicle owned or operated by the City shall be used or operated for any other purpose than in the service of the City. No such vehicle shall be used or operated for the purpose of transporting any City employee to and from work unless one or both of the following conditions apply: The operator of the vehicle is on 24-hour call to meet valid emergency situations, or the head of the department/division to which the vehicle is assigned can demonstrate that such take-home use is in the best financial interest of the City. Use of City-owned vehicles for carpooling to and from work shall be deemed in the service of the City and a public purpose, provided one or both of the above conditions have been met.

Personal nonliability:

Any claim or suit brought against any City employee, arising from or because of any use or operation of any motor vehicle by such employee acting within the scope of his assigned employment, and subsequent to the effective date hereof, shall be defended by the City Attorney until the final termination of the proceedings therein. The City shall hold such employee harmless from personal liability or any judgment resulting from such claim or suit taken up by the City's insurer.

City Vehicle Assignment:

Individuals may be assigned the use of a City vehicle by a department/division head subject to City Manager approval. This does not preclude the sharing of a vehicle within a department/division when the need to conduct City business arises.

Assignment and Usage of City Vehicles

The following shall serve as general guidelines for the operation of City vehicles accompanied by departmental/division rules and policies where those may be more restrictive.

1. The following individuals may use the City vehicles for commuting on a regular basis as approved by the City Manager subject to income inclusion where applicable.
 - A. City Manager
 - B. Police Chief
 - Deputy Chief
 - Administrative Lieutenant
 - Investigations Lieutenant
 - Patrol Lieutenant
 - Duty Detective (rotated weekly)
 - K-9 Vehicles (2 patrol vehicles)
- C. Fire Chief
- Battalion Chief
- D. City Engineer
- E. Streets Division Superintendent
- F. City MIS Director
2. Vehicles may be temporarily assigned by the Department or Division Head for an employee to drive home after work when City Business dictates such usage.
3. Personal use of City vehicles, except for commuting, shall not be permitted except for de minimis use such as stopping for lunch or for attending to personal medical appointments such as doctor or dentist visits. In no event, however, shall City vehicles be utilized in the performance of personal errands.
4. City vehicles not in use or authorized for commuting must be kept on City property.
5. City vehicles shall be used only to perform services provided by the City to the community and general public or for City business which clearly benefits the City (except as provided for under Section 3 above) with the shortest possible route taken for completion of the trip.
6. City vehicles shall be operated only by City employees or contractors employed by the City who have obtained the approval of the City Manager for such action.
7. No passengers, other than City employees, should be carried except in connection with City business, unless specifically authorized by the City Manager. This is specified for liability and insurance purposes.
8. A City vehicle should be used whenever possible for local City business trips.

9. All City vehicles shall be operated not in violation of law and in a safe manner that follows the guidelines per personnel rules and regulations and in accordance with specific departmental/division rules.
10. Damage to vehicles, no matter how minor, shall be immediately reported to the department/division supervisor.
11. If an employee is involved in an accident while operating a City vehicle, no matter how minor, the employee shall immediately report it to the proper police authority and their supervisor for investigation.

MEMORANDUM

To: All City Staff
From: Eric Keck, Assistant to the City Manager *Eric Keck*

Date: 8 July 1997

Subject: Administrative Order on Submission of Sick Leave Request Forms

The attached administrative order on the submission of sick leave requests is designed to provide guidance and instruction concerning Section 10, Article 5 of the Personnel Manual. In an effort to create a functional manual, we are recommending that City Personnel place this and all other subsequent administrative orders in Appendix G, Rulings and Interpretations from the City Manager's Office, of their Personnel Manual.

If you should have any questions concerning this Administrative Order or sick leave, please do not hesitate to contact either myself or Theresa Rushlow. Thank you for your attention to this matter.

ADMINISTRATIVE ORDER

SUBJECT: SUBMISSION OF SICK LEAVE REQUEST FORMS

The following order shall supplement Section 10, Article 5 of the City's Personnel Manual regarding the submission of sick leave request forms:

1. Employees who submit sick leave request forms for an illness of their own shall only be required to indicate on the form that they were sick and do not have to specify the specific nature of their illness. This shall not preclude, however, an immediate supervisor's right to inquire as to the nature of the illness if deemed appropriate by the supervisor. Said form shall be completed with all appropriate signatures and dates. These forms must be forwarded to the Personnel/ Insurance Technician for review not later than the due date for the affected pay period and then forwarded to the Finance Department for processing.
2. Employees who submit sick leave request forms for an illness of their family members as described in Section 10, Article 5 of the Personnel Manual, shall only be required to indicate on the form that they were attending to the illness of said family member (i.e., spouse, children, dependents residing in same household or individual for whom employee has legal guardianship). This shall not preclude, however, an immediate supervisor's right to inquire as to the nature of the illness if deemed appropriate by the supervisor. Said form shall be completed with all appropriate signatures and dates. These forms must be forwarded to the Personnel/ Insurance Technician for review not later than the due date for the affected pay period and then forwarded to the Finance Department for processing.
3. Employees who submit sick leave request forms for an illness of their parents or siblings must attach to the form a general explanation as to the nature of the illness and secure approval from the City Manager. The form itself, which shall include the City Manager's approval, shall be completed with all appropriate signatures and dates, and then shall be forwarded to the Personnel/Insurance Technician for review not later than the due date for the affected pay period. (The attachment to the form shall be retained in the office of the Personnel Technician.) The form without the attachment shall be forwarded to the Finance Department for processing.
4. Any personnel involved in the compilation and/or review of sick leave request forms shall be expected and required to maintain strict confidentiality regarding the requests being made. This includes not discussing the sick leave request with any other employee other than an immediate supervisor regarding a possible discrepancy or issue pertaining to the request itself. Employees who violate this confidentiality requirement shall be subject to disciplinary action, a record of which will be placed in the employee's personnel file.

City Credit Card Usage Policy

The following policy will outline the usage of the City Credit Card.

Usage:

The City Credit Card will only be used for the following:

1. Hotel/Motel reservations for City sanctioned travel
2. Rental car reservations for City sanctioned travel
3. Registration for America On Line for City owned computers
4. Procurement of goods and/or services which are imperative for the operation of a department/division from a vendor that is sole source and does not accept purchase orders. In this instance, prior authorization from the City Manager must be obtained before the purchase is made

Under NO circumstances will the City Credit Card be utilized for actual purchases or cash advances except for in the instances as noted above.

Procedure for Usage:

The City Manager's Secretary shall be in charge of the use of the City Credit Card. Therefore, all departments/divisions wishing to utilize the card will need to go through the Office of the City Manager.

For activation of America On Line accounts, authorization must be obtained from the City Manager to initiate an on line account. Once this authorization is obtained, the City Manager's Secretary will coordinate with the Manager for Information Services to activate the account utilizing the City Credit Card.

For use in making hotel/motel and rental card reservations, the Department/Division desiring to travel will first need to obtain a purchase order for these services and warrant to the City Manager's Secretary that funds have been encumbered. The Department/Division will then provide the City Manager's Secretary with the details of the proposed travel. The City Manager's Secretary will then take care of those reservations requiring usage of the City Credit Card. Employees who wish to obtain a travel advance should see the travel policy and procedures in Appendix A of the Employee Personnel Manual.

Penalties for Misuse:

Employees who are found misusing the City Credit Card by making actual purchases or obtaining cash advances will be charged under Offense 7 (Theft) of the Personnel Manual and would therefore be subject to the penalties outlined in the Personnel Manual. These penalties would include restitution of expenses either directly or indirectly through garnishment of wages and possible termination of employment.

Use of City Logo/City Resources by Third Parties

PURPOSE: To provide maximum flexibility to the city to offer support of projects and causes that are important and beneficial to the city and its residents, and at the same time protect and enhance the goodwill existing in the City of Huber Heights name, logo, seal, and motto.

POLICY: Third parties regularly request permission to identify themselves and/or their organization with the City of Huber Heights by one or more of the following means:

- requesting permission to display the city name, logo, seal, or motto on their letterhead, on a poster or other advertisement of a special project or event,
- requesting the city assist with a project or cause by endorsing such effort in writing on city letterhead, or
- requesting a city employee support a project or cause by endorsing such effort in writing on behalf of the city in their official public capacity.

Most of these requests come from non-profit agencies such as the United Way, the YMCA, churches, schools, etc. Other requests come from private companies or individuals who are interested in providing a service or selling a product to the residents of the city and request the city's assistance in that process.

The city recognizes the importance of supporting special projects which will benefit the residents of the City of Huber Heights. At the same time the use of the city logo and name and the endorsement by the city of any project or cause must be closely monitored and regulated to ensure that the value of the city's image and name are maintained.

PROCEDURE: Accordingly, any requests directed to any city employee by a third party desiring to use the City of Huber Heights name, logo, seal, motto, or other property of the city in conjunction with its project/cause, or a request to any city employee that the city, or the employee in his/her official capacity, support a project/cause by written endorsement on city letterhead or other documentation on behalf of the city, shall be referred to the Human Resources Director. The Human Resources Director, in conjunction with the City Manager and, if necessary, with input from the Administration Committee of City Council, shall determine the city's response to all such requests. In the event the city is being asked to support a third party project/cause with a letter of support, and the decision is made to approve such request, the content of the letter shall be reviewed and approved by the Human Resources Director.

FORMS

City of Huber Heights EEO Complaint Form

Eff. Date: 6/18/03

Form 001

Employees who feel they have been discriminated against on the basis of race, color, religion, sex, national origin, age, or disability, or have been sexually harassed by an employee of the City or while working for the City may file a complaint by completing this form and submitting it to the Equal Opportunity (EEO) Coordinator (currently the HR Manager) or any other department or division head.

Name of Complainant: _____

Position (if employee): _____

Address (if non-employee): _____

Form 001 - CONTINUED

Date(s) of incident(s): _____

What resolution do you
request?

Date

Signature of Complainant

Original: EEO Coordinator
Copy: Employee

