

Employment Policy Manual

City of Napoleon, Ohio



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Policy 1 Preamble

The term "Manual" as used in this policy book shall be interpreted to mean the "Employment Policy Manual" unless its context clearly indicates otherwise.

Any resolution, ordinance, code or other similar instrument that refers to the "Employment Policy Manual" or "Policy Manual" when dealing with personnel issues shall be construed to mean this Manual.

This Manual will provide answers to most questions regarding the City's policies and procedures, the City's responsibilities to employees, and employee's responsibilities to the City. This Manual is not an "employment contract" nor shall it be construed as such.

This Manual is secondary to the administrative code (including the personnel code), civil service rules and any collective bargaining agreement [in any case, the collective bargaining agreement merely controls over persons covered by a certain collective bargaining agreement]. In the event of a discrepancy between the contents of this Manual and the code, civil service rules or the collective bargaining agreement, the code, civil service rules or collective bargaining agreement shall prevail in the established order of priority. In the event of a discrepancy between the contents of this Manual and an officially adopted City policy, the document, or any modification thereof, occurring latest in time shall control. Any economic or benefit policy contained in this Manual is not intended for employees covered by a collective bargaining agreement; therefore, shall not be applicable to such, unless specifically approved by the employee's Appointing Authority.

Moreover, taking into consideration hourly vs. salary employee type policies, any economic or benefit policy stated herein is deemed applicable to members of the Appointing Authority, in this context being: the City Manager, City Finance Director, City Law Director, and Assistants thereto, and Clerk of the Municipal Court; also, any economic or benefit policy shall apply to the Judge of the Municipal Court and members of Council and the Mayor when permitted by law, and when authorized by Council, except that the De Minimus Cellular Telephone Use Policy No. 7.3 shall not be applicable to members of City Council and the Judge of the Municipal Court, but shall be applicable to the Mayor when permitted by law; further, longevity pay is not applicable to the City Manager, City Finance Director, City Law Director, Mayor, Members of Council, and the Judge of the Municipal Court. When a policy places discretion or determination on the "Appointing Authority" and the policy question directly concerns the acts of the City Manager, City Finance Director, City Law Director, or Clerk of Council, for this limited purpose, City Council shall be considered the "Appointing Authority". When a policy places discretion or determination on the "Appointing Authority" and the policy question directly concerns the acts of the Clerk of Court, then the Judge of the Municipal Court shall be considered the "Appointing Authority". When a policy is a non-mandatory economic policy concerning the availability to, or extent a policy is applicable to the Mayor, members of Council, or Judge of the Municipal Court, then, to the

extent permitted by law, Council as a whole shall be the sole determining body. Reviewers of policies concerning the Mayor and/or members of Council should also consult the Rules and Regulations of City Council.

If anything is unclear, employees are encouraged to discuss the matter with their immediate supervisor or Department Head. Employees are responsible for reading and understanding this Manual, and employee performance evaluations will reflect their adherence to City policies. In addition to clarifying responsibilities, we hope this Manual also gives employees an indication of the City's interest in the welfare of all who work here. Also, any policy pertaining to probationary periods is not intended to apply to the appointing authorities, their assistants, or any unclassified employee, or to permanent part time, part time, or temporary employees. Finally, permanent part time, part time, and temporary employees are not entitled to any benefits contained herein unless clearly stated in policy or to the extent as mandated by federal, state, or local law, including the City's Personnel Code.

Compensation and personal satisfaction gained from doing a job well are only some of the reasons most people work. Most likely, many other factors count, such as: pleasant working relationships and working conditions, career development and promotion opportunities, and health benefits, to name just a few. The City of Napoleon is committed to doing its part to assure employees of a satisfying work experience.

As a member of the City of Napoleon's team, employees will be expected to contribute their talents and energies to improve the environment and quality of the City, as well as the City's services. In return, employees will be given opportunities to grow and advance in their career.

Policy 1.1 Mission Statement

To provide our citizens with the best quality services at the lowest cost possible.

To provide our employees with wages and benefits competitive with others doing similar work within the field and within the region.

Policy 1.2 Purpose Of This Manual

This Manual has been prepared to inform employees about the City of Napoleon's philosophy, employment practices, and policies, as well as the conduct expected from employees.

No Manual can answer every question, nor would we want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship.

We hope this Manual will help employees feel comfortable with us. We depend on employees, their success is our success. Employees are encouraged to ask questions and Department Heads will gladly answer them. We believe employees will enjoy their work and their fellow employees here. We also believe employees will find the City of Napoleon a good place to work.

We ask that all employees read this Manual carefully, and refer to it whenever questions arise. We also suggest that employees take it home so

family members can become familiar with the City of Napoleon and our policies.

The policies in this Manual are to be considered as guidelines. Due to changing circumstances, the City of Napoleon, at its option, may change, delete, suspend, or discontinue any part or parts of the policies in this Manual at any time. Any such action shall apply to existing as well as future employees with continued employment being the consideration between the City and its employees. When changes are made, every effort will be made to keep employees informed through suitable lines of communication, including postings on City bulletin boards and/or notices sent directly to employees in-house.

No one other than the City Manager, Finance Director and Law Director acting jointly, who are the three appointing authorities established in the City's personnel code, may alter or modify any of the policies in this Manual; however, nothing in this Manual shall be construed as limiting the authority of any Appointing Authority or Department Head to establish additional work rules and policies not inconsistent with this Manual without necessity of Council approval; moreover, nothing in this Manual shall be construed as limiting the Judge of the Municipal Court from establishing other policies or from varying from policies contained herein as it relates to his/her employees. No statement or promise by a supervisor or Department Head may be interpreted as a change in policy nor will it constitute an agreement with an employee.

Should any provision in this Manual be found to be unenforceable and invalid, such finding does not invalidate the entire Manual, but only that provision.

This Manual is an important document intended to help employees become acquainted with the City of Napoleon. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Policy 1.3 How Employees Are Selected

We carefully select our employees through written application, personal interview, reference checks, and when applicable, written examinations. After all available information is carefully considered and evaluated; an employee is selected to become a member of our team based on fitness and merit.

This careful selection process helps the City of Napoleon to find and employ people who are concerned with their own personal success and the success of the City of Napoleon, people who want to do a job well and who can carry on their work with skill and ability, and people who are comfortable with the City of Napoleon and who can work well with our team.

Policy 1.4 Employee Relations Policy

The City of Napoleon's established employee relations policy is to:

- Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religious persuasion, marital status, political

belief, or disability that does not prohibit performance of essential job functions;

- Pay all employees according to their effort and contribution to the success of our operations;
- Review wages, employee benefits and working conditions periodically with the objective of providing appropriate benefits in these areas, consistent with sound business practices;
- Provide paid vacations and holidays to all eligible employees;
- Provide eligible employees with medical, disability, retirement, and other benefits;
- Dedicate ourselves to constant and never ending improvement;
- Develop competent people who understand and meet our objectives, and who accept with open minds the ideas, suggestions, and constructive criticisms of fellow employees;
- Assure employees, after talking with their Department Head, an opportunity to discuss any problem with the applicable appointing authorities of the City of Napoleon;
- Make prompt and fair adjustment of any complaints which may arise in the everyday conduct of our business, to the extent that is practicable;
- Respect individual rights, and treat all employees with courtesy and consideration;
- Maintain mutual respect in our working relationship;
- Provide buildings and offices that are attractive, comfortable, orderly, and safe;
- Promote employees on the basis of their fitness and merit;
- Make promotions or fill vacancies from within the City of Napoleon whenever practical;
- Keep all employees informed of the progress of the City of Napoleon, as well as the City's overall aims and objectives;

Policy 1.5 Employee Responsibilities

An employee's first responsibility is to know their own duties and how to do them promptly, correctly, and pleasantly. Secondly, employees are expected to cooperate with management and their fellow employees and maintain a good team attitude.

How employees interact with fellow employees and those whom the City of Napoleon serves, and how employees accept direction can affect the success of a department. In turn, the performance of one department can impact the entire service offered by the City of Napoleon. Consequently, whatever position, employees have an important assignment; perform every task to the very best of their ability. The result will be better performance for the City overall and personal satisfaction for the employee.

Employees are encouraged to grasp opportunities for personal development that are offered to them.

We strongly believe employees should have the right to make their own choices in matters that concern and control their life. We believe in direct access to management. We are dedicated to making the City a place where employees can approach their Department Head, or any member of management, to discuss any problem or question; however, we do respect the chain of command as well and expect all employees to address issues with their supervisors first. We expect employees to voice their opinions and contribute their suggestions to improve the quality of the City. We're all human, so employees are encouraged to communicate with each other and with management.

Remember, employees help create the healthful, pleasant, and safe working conditions. An employee's dignity and that of fellow employees, as well as that of our citizens, is important. The City of Napoleon needs an employee's help in making each working day enjoyable and rewarding.

Policy 2.1 **Personnel File**

Keeping an employee's personnel file up-to-date is important to the employee as well as the City of Napoleon with regard to pay, deductions, benefits, and other matters. If an employee has a change in any of the following items, the employee is responsible to, and shall notify their Department Head or payroll personnel as soon as possible:

- Legal name;
- Home address;
- Home telephone number;
- Person to call in case of emergency;
- Number of dependents;
- Marital status;
- Change of beneficiary;
- Driving record or status of driver's license, if an employee operates any City of Napoleon vehicles;
- Military or draft status;
- Exemptions on the W-4 tax form.

Coverage or benefits that an employee and their family may receive under the City of Napoleon's benefits package could be negatively affected if the information in the personnel file is incorrect.

Since the City of Napoleon refers to the personnel file when we need to make decisions in connection with promotions, transfers, layoffs, and recalls, it's to an employee's benefit to be sure their personnel file includes information about completion of educational or training courses, outside civic activities, and areas of interest and skills that may not be part of their current position here.

All employee acknowledgment forms, evaluations and employee disciplinary action will be kept in the personnel file. Employees may see information which is kept in their own personnel file if desired and, employees may request and receive copies of all documents signed by them. Department Heads may make the necessary arrangements for an employee. Twenty-four (24) hours notice for copies to be made is requested; however, copies will be made available as soon as practical. There may be a reasonable fee requested for such copies.

Policy 2.2 **Employees Right To Benefits**

Generally, only regular full time employees are entitled to benefits as contained in the Personnel Code and this Manual. Such employee is defined as an employee hired to work for the City full time, at least thirty (30) hours per week on a regular basis (normally fifty-two (52) weeks per year) (except authorized leave). All other employees, i.e. part time, permanent part time, and temporary as defined in the personnel code, are not entitled to benefits unless specifically authorized or mandated by the Federal, State, Local Law, the personnel code or this Manual.

Policy 2.3 Identification Cards

In order to maintain security for all employees of the City of Napoleon, Ohio, every employee shall be issued an Identification Card that is required to be displayed in a manner as determined by the Appointing Authority.

Policy 3 *General Personnel Policies*

Policy 3.1 **Business Hours Of The City**

The Appointing Authority for the Department of Management, Finance, and Law will in cooperation with each other establish work hours, including multiple work schedules, for its divisions (sub-departments) in a manner so as to provide efficient service to the public.

Policy 3.2 **Bonding Requirement**

Under certain circumstances, the City of Napoleon may require that an employee be bonded. It is an employee's responsibility to assure that they are bondable. The City of Napoleon will pay the cost of bonding. Should an employee fail to maintain these qualifications, an employee will be subject to transfer to another position, if available, or dismissal.

Policy 3.3 **Aptitude & Ability Tests**

Job related tests may be given to help determine an employee's aptitude or ability to perform a specific job. Such tests may be given to candidates for job changes and promotions, as well as to new applicants. All employees must be able to perform the essential functions of the job, with or without reasonable accommodations. ADA requirements will be followed by the City of Napoleon.

Policy 3.4 **Citizen Relations**

The success of the City of Napoleon depends upon the quality of the relationships between the City of Napoleon, our employees, our suppliers, and our citizens. Our citizens' impression of the City of Napoleon and their interest and willingness to work with us is greatly formed by the people who serve them. In a sense, regardless of an employee's position, an employee is the City of Napoleon's ambassador. The more goodwill an employee promotes, the more our citizens will respect and appreciate them, the City of Napoleon and the City of Napoleon's services.

Here are several things employees can do to help give citizens a good impression of the City's operations:

- Act competently and deal with citizens in a courteous and respectful manner;
- Communicate pleasantly and respectfully with other employees at all times;
- Follow up on orders and questions promptly, provide businesslike replies to inquiries and requests, and perform all duties in an orderly manner;
- Take great pride in the work and enjoy doing the very best.

These are the building blocks for employees and the City of Napoleon's continued success. An employee's support is appreciated.

Policy 3.5 **Equal Employment Opportunity**

The City of Napoleon is an equal opportunity employer. It is our policy to administer all of our employment practices, including those pertaining to recruitment, hiring, placement, transfer, promotion or compensation,

layoff or termination/discharge, and selection for training in a nondiscriminatory manner without regard to age, color, sex, national origin, disability, race, religion, military/veteran status, genetic information or on any other basis prohibited by state or federal law. We will also make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

At the City of Napoleon, all terms and conditions of employment are and will continue to be established on the basis of the individual's qualifications and ability to perform the job.

Policy 3.6 Application Process

To give all persons an opportunity to fill a position within the City employment, employment with the City will commence only through the application process. No applications will be accepted or considered prior to notice of vacancy or anticipated vacancy by the Appointing Authority, except when deemed necessary by the City Civil Service. A uniform application process will be followed. Unsolicited applications will not be accepted.

Policy 3.7 Former Employees Rehire

Except when filling competitive civil service positions, despite any other hiring procedure established by the City, in an effort to capture employment experience and save on training costs, the Appointing Authority may rehire a prior City employee that retired under an Ohio Public Retirement System. The rate of pay shall be that as determined by the Appointing Authority within the pay scale as established by City Council unless Council authorizes, by separate resolution or ordinance, a different amount. Any person rehired after retirement under this provision shall enjoy vacation benefits and other applicable benefits as if the employee did not retire, except that personal days shall not be again credited to a rehired employee for the intended calendar year if the employee received the personal days prior to departure, and except that longevity benefits will no longer exist. (Example, if an employee receives his or her personal days in January and then terminates his or her employment in February, the employee shall not again receive additional personal days if rehired in March).

No person, except a retiree from the City as discussed above whom was previously employed by the City as a full time (regular) employee, shall be rehired by an Appointing Authority as a full time (regular) employee without prior approval from City Council.

Persons that were previously employed by the City desiring a part time position with the City need merely Department Head approval of rehire.

To be considered for rehire by the City to any position, the person applying for rehire must have been in good standing with the City at the time employment previously terminated with the City.

Policy 3.8 Health And/or Psychiatric Examinations

Employment with the City of Napoleon may be contingent on passing a physical/health or psychiatric examination at the City of Napoleon's expense. Also, at any point during ones employment, an employee may be asked to undergo a health and/or psychiatric examination on City time

and at the City of Napoleon's expense. This may be necessary to insure that employees are physically and/or mentally capable of performing the essential functions of the job position safely, and without potential harm to others. Employees may be relieved from duty, utilizing sick leave time when available, when a Department Head has reasonable cause to believe that the employee is physically and/or mentally incapable of performing the essential functions of the job position safely, and without potential harm to him/herself or others.

Policy 3.9 Credit Investigation

In order to determine employee stability with the City of Napoleon, following the requirements imposed by the Fair Credit Reporting Act 15 U.S.C. Sec. 1681 et. seq., the City of Napoleon may conduct a pre-employment credit check on all applicants who are offered and who accept an offer of employment as to credit worthiness, standing, and capacity without notification to the applicant. If an investigative consumer report is requested by the City of Napoleon as to the character, general reputation, personal characteristics, or mode of living, the applicant will be made aware of the same in writing and the applicant is entitled to complete disclosure of the nature and scope of the investigation. If the applicant is denied employment in whole or in part on the basis of the consumer report, he/she will be notified of the same. Remember, employees have certain legal rights to discover, and to dispute or explain, any information prepared by the credit checking City.

Policy 3.10 Job Descriptions

It is important for the employee to understand their duties; therefore, we maintain a job classification description for each position in the City of Napoleon. When an employee's duties and responsibilities are changed, the job description will be updated. If an employee wishes to see their job description, such request should be asked of the Department Head.

Policy 3.11 Knowledge Of The City Of Napoleon

After having learned to competently perform one's own duties, an employee's next step is to familiarize him or herself with other City of Napoleon activities. This can prove valuable to an employee, our citizens, and the City of Napoleon as well. The City may provide additional "cross-training."

Knowledge of the services of the City of Napoleon will help employees avoid the "I don't know" syndrome. Our citizens' confidence in an employee increases as employees are able to answer their basic questions; however, an employee is encouraged not to pretend to know the answer or try to guess the answer when there is uncertainty. If an employee is unsure of the correct information, the employee is to refer the inquiry to the appropriate Department Head, or to a person more qualified to respond.

Policy 3.12 Probationary Period

The first twelve (12) months of employment at the City of Napoleon are considered a probationary period for classified employees, and during that period an employee will accrue benefits described in this Manual unless otherwise noted. This probationary period will be a time for getting to

know fellow employees, Department Heads and the tasks involved in a specific job position, as well as becoming familiar with the City of Napoleon's services. The employee's own Department Head will work closely with the employee to help an employee understand the duties and processes of his/her job.

This probationary period is a try out time for both the employee and the City of Napoleon as an employer. During this probationary period, the City of Napoleon will evaluate an employee's suitability for employment, and the employee can evaluate the City of Napoleon as well. At any time during this first twelve (12) months, an employee may resign without any detriment to their record. If, during this period, an employee's work habits, attitude, attendance, or performance do not measure up to our standards, we may release the employee. If an employee takes approved time off in excess of five (5) work days during the probationary period, the probationary period may be extended by that length of time.

At the end of the probationary period, an employee's Department Head will discuss job performance with the employee. This review will be much the same as the normal job performance review that is held for full time (regular), permanent part time, part time, or temporary employees. During the course of the discussion, employees are encouraged to give their comments and ideas as well.

The completion of the probationary period does not guarantee continued employment for any specified period of time, nor does it require that an employee be discharged only for "cause".

A former employee who has been rehired to a full time (regular) classified position after a separation from the City of Napoleon is hired in with probationary employee status; further, permanent part time, part time, or temporary employees taking a full time (regular) classified position with the City of Napoleon shall be considered a newly hired employee for all purposes, except that: (i) to the extent permitted by any public retirement system, it shall not be construed as a break in service for pension rights; and, (ii) any accrued benefits received may continue. Permanent part time, part time, or temporary employees taking a full time (regular) classified position with the City of Napoleon shall have the same probation period as established in code or this Policy for full time (regular) classified employees commencing from the date the full time position is filled.

Policy 3.13 Performance Reviews

An employee's Department Head and immediate supervisor are continuously evaluating an employee's job performance. Day-to-day interaction between an employee and their Department Head should give an employee a sense of how their Department Head perceives their performance.

However, to avoid haphazard or incomplete evaluations, the City of Napoleon conducts a formal review at least once a year for each employee. New employees may be reviewed more frequently. A review may also be conducted in the event of a promotion or change in duties and responsibilities.

During formal performance reviews, Department Heads will consider the following things, among others:

- Attendance, initiative, and effort;
- Knowledge of the work;
- Willingness to work;
- The quality and quantity of the work.

The primary reason for performance reviews is to identify an employee's strengths and weaknesses in order to reinforce good habits and develop ways to improve in weaker areas. This review also serves to make an employee aware of, and to document, how the employee's job performance compares to the goals and description of the job. This is a good time to discuss interests and future goals. An employee's Department Head is interested in helping the employee progress and grow in order to achieve personal, as well as work related, goals. A performance review also affords the Department Head an opportunity to recommend further training or additional opportunities for the employee. In addition to individual job performance reviews, the City of Napoleon periodically conducts a review of job descriptions to insure that we are fully aware of any changes in the duties and responsibilities of each position and those changes are recognized and adequately compensated.

Policy 3.14 Proof Of U.S. Citizenship and/or Right To Work

Federal regulations and this policy require that:

- Before becoming employed, all applicants must complete and sign Federal Form I-9, Employment Eligibility Verification Form; and,
- All applicants who are hired need to present documents of identity and eligibility to work in the United States.

Policy 3.15 Relatives And Employment

In order to assure equal treatment in the workplace, if an employee and members of their immediate family are employed by the City of Napoleon, one may not supervise the other nor may they work in the same department. For purposes of this section, an employee's immediate family includes an employee's spouse, children, siblings, parents, grandparents, and an employee's spouse's children, siblings, parents, and grandparents.

Should two (2) present employees marry, they may not work in the same department. If the employees are unable to develop a workable solution, the Appointing Authority will decide which employee may be transferred in such situations.

This policy will not disturb employment and family situations as they exist prior to the adoption of these policies; moreover, due to the nature of part time fire service, this policy is not applicable to part time employees who are members of the Napoleon City Fire Department (example: a full time fire person may supervise or be supervised by a part time member of his/her immediate family or work in the same department; or two (2) part time persons in the fire department may be immediate family.)

Policy 3.16 Employee's Ideas

Ask any of our employees who have worked with us for a long time and they will probably tell of the many changes and improvements that have come about in their departments since they first joined us. We believe the person doing a job is in the best position to think of ways of doing it more easily, more efficiently, and more effectively. If an employee thinks of a better way of doing their job or the job of a fellow employee, an employee is encouraged to discuss it with their Department Head who will welcome the suggestions and ideas.

There may be areas in the City of Napoleon's operation that can be improved. These could be in service, production methods, equipment, communications, safety, ways to reduce costs, losses, and/or waste, or other improvements an employee may see a need. Employees are encouraged to give us the benefit of their unique experience and thoughts. Also, to document their innovations and money saving efforts and have them placed in their personnel file (include dates, detailed descriptions of their contributions, estimates from the accounting department regarding cost savings or revenues generated, etc.) these may favorably affect an employee's wage, salary, or promotion reviews.

Policy 4 *Hours Of Work Policies (Hourly Paid Employees)*

Policy 4.1 **Hours Of Work**

Particular hours of work and the scheduling of an employee's lunch period will be determined and assigned by their Department Head. Most employees are assigned to work a forty (40) hour work week, except that certain Fire Department personnel work a fifty-three (53) hour work week. Employees will be notified promptly whenever a change in their work schedule is necessary. Should questions concerning a work schedule arise, employees should contact their Department Head.

Policy 4.2 **Overtime Pay**

Overtime is controlled by §197.14 of the City's Personnel Code (which includes actual pay and compensatory time), except certain Fire Department personnel shall work an average work week of fifty-three (53) hours per week. Employees are encouraged to review this specific section; copies may be obtained from the payroll department. From time to time, it may be necessary for employees to perform overtime work in order to complete a job on time. All overtime must be approved in advance by an appropriate supervisor. When it is necessary to work overtime, employees are expected to cooperate as a condition of their employment. There are two (2) types of overtime work:

- **Scheduled Overtime**

Scheduled overtime work is announced in advance and generally will involve an entire department or operation. This type of overtime becomes part of the required work week of the people who are members of the department or operation. If an employee needs to be excused from performing scheduled overtime, an employee should speak with their Department Head. He or she will consider the employee's situation and the requirements of the department or operation in deciding whether an employee may be excused from performing the scheduled overtime.

- **Incidental (Unscheduled) Overtime**

Incidental overtime isn't scheduled; it becomes necessary in response to extenuating circumstances. It is extra time needed to complete work normally completed during regular hours, or work caused by weather or other unforeseeable causes or when an illness or emergency keeps coworkers from being at work as anticipated. It may require an employee to return to the workplace for emergency work.

The opportunity to perform incidental overtime will be given first to the employee who normally performs the task. If that employee cannot perform the overtime, the Department Head will offer the overtime to another suitably qualified person who is available to perform the overtime attempting to spread the overtime equally among all employees so far as practical.

Policy 4.3 **Part Time, Permanent Part Time, Temporary Employees (Overtime)**

For part time Firefighters and Emergency Medical Technicians (EMT's) to be eligible for overtime, the part time employee must work in excess of

one hundred and six (106) hours for a biweekly pay period (work period) (14 days).

For part time, permanent part time and temporary (not Firefighters or EMT's) to be eligible for overtime, the employee must work in excess of forty (40) hours in a work week, (except that any employee working in a City amusement or recreational establishment (example: public pool, golf course) that is open less than seven (7) months is exempt from any overtime rate of pay.)

Policy 4.4 Effects Of Time Off On Ability To Earn Overtime Pay

Overtime is controlled by the Personnel Code §197.14, and is computed on work performed excess of a regular forty (40) hour work week, except fire and rescue. For all hourly employees, including fire and rescue personnel, time actually worked does not include leave of any type. When a Police Lieutenant is forced to work as a contracted Police Officer, then he/she shall be paid per Article 25.1 of the Police Union Contract. A Department Head may require an employee to return to work on any particular day to work over and above the standard work schedule without the necessity of paying the overtime rate, so long as the above formula for overtime is followed.

Policy 4.5 Reporting Time Pay: Inclement Weather & "Acts Of God"

Temporary closing of City facilities is at the sole discretion of the City Manager. It is an employee's responsibility to listen for public announcement for City closing of employment due to special circumstances. Special circumstances include inclement weather, fire, flood or some other "Act of God", power/utility failure, an inoperable computer system, or lack of work. In the event an employee reports for work without being notified in advance that we are temporarily closed due to special circumstances, such employee will receive a minimum of two (2) hours of straight time pay. An employee may be asked to perform other available work for the two (2) hour period. If refused, the employee will forfeit their claim to reporting pay. This policy applies to only our hourly employees.

For the purpose of this policy an employee is deemed to have been notified if their residence is reached or public announcement is made sixty (60) minutes prior to an employee's scheduled report time. Employees are encouraged to tune to Napoleon's local radio station for updates on current conditions.

Vacation time or other type personal time (holidays and etc.) may be used by the employee when the City closes pursuant to this policy; however, sick leave will be permitted only as a last resort if no other type leave exists unless the person is genuinely ill.

This policy is not applicable to emergency services such as police and fire/rescue or to members of the operations or electric departments; moreover, salary employees may not accrue more time as a result of this policy nor be deducted for the same.

Policy 4.6 Time Sheets/Time Cards

We are obligated to keep accurate records of the time worked by hourly employees. This is done by time clock sheets and/or other written documentation.

Employees are responsible for their time sheet. Employees should remember to record their time. The time sheet is the only way the payroll department knows how many hours an employee worked for the purpose of determining how much to pay. All employees are required to keep their Department Head advised of their departures from and returns to the premises during the work day.

In the event of an error in recording an employee's time, the matter should be reported to their Department Head immediately. The employee's Department Head must make the correction and both the Department Head and the employee must initial the correction. Department Heads are expressly authorized to modify time sheets when unauthorized time is documented. If a Department Head makes such modification, it should be noted and initialed by both the Department Head and the employee. Should the employee refuse to initial the same, it should be so stated on the sheet.

Time sheets must be turned into an employee's Department Head by 10:00 a.m. Monday following the last day of the pay period. If a holiday falls on a Monday then time sheets are due the next scheduled business day by 10:00am.

Except as above provided, no one may record hours worked on another's sheet. Tampering with another's time sheet is cause for disciplinary action, including possible dismissal of both employees. It is prohibited to alter another person's record, or influence anyone else to alter an employee's record for them.

Policy 4.7 Time Clocks

If time clocks are installed and the City requires that employees use the time clock to record their time worked, the following rules shall apply:

- Time sheets must still be completed in order for an employee to be paid;
- No employee may punch any other employee in or out. Infractions of this rule will be grounds for disciplinary action against both employees, up to and including dismissal;
- An employee must punch in and out at the beginning and end of the work day, and the beginning and end of unpaid lunch breaks.
- Except as outlined next, an employee must punch in and out at the start and end of any overtime work period not contiguous to a regular work day.
- If an employee is called out to investigate a situation, the employee may check the situation first if the situation has occurred between an employee's residence and their regular reporting station. If an employee resolves the situation in a short period of time, the employee shall end the call out by punching in and out in a single stop at their regular reporting station. If the situation requires that the employee

stay on the scene for an extended period of time, the employee shall punch in and out when the work is complete and make a note of the actual hours worked on the time card. The Department Head should approve the handwritten record at the earliest opportunity.

Policy 4.8 Attendance

Employees are expected to be at their work station and ready to work at the beginning of their assigned daily work hours, and employees are expected to remain at their work station until the end of their assigned work hours, except for approved breaks and lunch. When an employee's work takes them away from their work station, the employee must let their Department Head know where they are going and how long they are expected to be gone.

Policy 4.9 Absenteeism And Tardiness

From time to time, it may be necessary for an employee to be absent from work. The City of Napoleon is aware that emergencies, illness, or pressing personal business that cannot be scheduled outside an employees work hours may arise. Days and personal days (personal holidays) have been provided for this purpose.

If the employee is unable to report to work, or if the employee will arrive late, the employee must contact their Department Head immediately. The employee must give him or her as much advance notice as possible. If an employee knows in advance that he/she will need to be absent, the employee is required to request this time off directly from their Department Head. He or she will determine when will be the most suitable time for the employee to be absent from their work.

When an employee calls in to inform the City of Napoleon of an unexpected absence or late arrival, the employee must ask for their Department Head directly. For late arrivals, the employee should indicate when he/she expects to arrive for work. Notifying the switchboard operator or a fellow employee is not sufficient. If an employee is unable to call in themselves because of an illness, emergency or for some other reason, the employee must be sure to have someone call on their behalf. If the employee's Department Head is not available when the employee calls, the information may be left with another Department Head or on the City's recorder, except that employees of the Electric and Operation's Department shall contact the City's Police Department.

Absence from work for five (5) consecutive days without notifying the appropriate Department Head or the Appointing Authority will be considered a voluntary resignation.

Tardiness or leaving early is detrimental to the City of Napoleon, and is an unauthorized absence. Three (3) such unexcused incidents in a ninety (90) day period will be considered a "tardiness pattern", and will be grounds for disciplinary action, in addition to the losses of pay specified below. Other factors, like the degree of lateness, may be considered.

The rules with respect to tardiness for hourly employees are as follows:

- Employees who arrive from one (1) to fifteen (15) minutes late, either in the morning or after lunch, may be stopped from working until the

next quarter hour commencement of time and in such case will have fifteen (15) minutes pay deducted from that day's pay.

- Employees arriving more than fifteen (15) minutes late, either in the morning or after lunch, may be stopped from working in fifteen (15) minute blocks, with pay deductions made accordingly, or may be sent home for the remainder of the day, without pay.

The City may install time clocks to enforce these policies.

Policy 4.10 Breaks/Rest Periods

The City recognizes the need for breaks and rest periods; however, in order to still maintain service to the public, employees may take at most, two (2) fifteen (15) minute paid rest breaks each day at the work site. Normally these rest breaks will be scheduled in mid-morning and mid-afternoon. These breaks will be determined by the employee's Department Head. If an employee works in a department where breaks are not directly assigned, an employee must coordinate with their coworkers to maintain adequate coverage at all times. Employees must always be sure to return to work on time at the end of any break. If breaks are not taken, they are considered a voluntary waiver and an employee will not be additionally compensated; moreover, an employee may not arrive late or leave early in return for not taking breaks.

In the unlikely event of an emergency or unusual condition, an employee's Department Head may ask the employee to change or postpone their break in order to finish a particular project.

Policy 4.11 Closure After Starting Time

If severe weather conditions exist and the City Manager (or designated representative) decides to close the City's operation(s) and/or City building(s) for the remainder of the day, the employee will be notified as soon as possible by their Department Head. If an employee is sent home before having worked two (2) hours, the employee will be paid for two (2) hours of work. If an employee is sent home after having worked two (2) hours, the employee will be paid for the time actually worked.

If an employee's Department Head asks that the employee remain at work after their department has closed because of severe weather conditions, the employee will be paid at their regular base rate for the remaining hours that are worked beyond the announced closing time. (This policy does not apply to emergency services i.e. police or fire, or the operations or electric department.)

Policy 4.12 Lunch Period

If an employee works longer than four (4) hours, the employee will be given an unpaid lunch period (Police and Fire employees are paid lunch periods). The time when lunch periods are scheduled varies among departments, depending on the needs of each department. Employee's Department Head will give the employee their lunch period schedule.

Employees are expected to take their full allotted time for lunch.

Employees are requested not to perform any work during their regularly scheduled lunch period, unless specifically requested to do so by their Department Head. In that event, their lunch will be rescheduled or the employee will be paid for the time that he or she worked.

The employee may leave the premises during their lunch period. It is important to return to work on time at the end of the lunch period.

If the Department Head determines that an hourly employee is required to remain at the work site for the entire length of a period of eight (8) hours or more, then the employee shall be permitted a one-half (1/2) hour paid lunch break during said period, provided the employee shall make himself or herself available to respond to work demands during the lunch period if the need arises.

Policy 4.13 Wash Up Time

In order to maintain service to the public, employees are not permitted to wash up on City time prior to their lunch or rest breaks.

Policy 4.14 Acting Time

When the City determines it necessary to temporarily assign an hourly employee to work in a higher non bargaining unit classification, said employee shall be eligible to receive a rate of pay equaling one dollar (\$1.00) per hour above the hourly rate that which he/she usually receives. "Temporarily" shall mean for a minimum of four (4) hours and shall mean that the employee is available for call as an employee acting as a higher authority after working hours on the day that he/she receives acting time pay.

Should the employee be called as an employee acting as a higher authority after working hours while receiving acting time pay, he/she shall be entitled to receive pay for any actual time worked at one and one-half (1-1/2) his/her revised rate of pay; however, it shall not affect longevity rates.

When acting time is determined necessary by the City, the best qualified employee in the affected section or department shall be given the acting time as determined in the sole discretion of the Appointing Authority. In the event there are two (2) or more otherwise equally qualified employees, then the most senior employee shall be given the acting time. In the event there is no qualified person, then the same selection process may apply outside the affected section or department with Appointing Authority approval. Nothing in this policy shall be construed to prohibit the City from engaging service from outside the City services.

Acting time shall be paid for the actual number of hours worked in the higher classification.

Acting time is not intended for those employees that have a job description requiring them to act in the absence of a higher class employee.

Policy 4.15 Flex Time

The City confirms its commitment to develop, maintain, and support a comprehensive policy of equal opportunities in employment within the Organization. To assist in this, the Organization will actively support Flex-Time where it is reasonable and practical to do so, and where operational needs will not be adversely affected.

Flex time is a work schedule which allows employees to work hours that are not within the standard business schedule, while maintaining a high

level of service during the organization's peak operating hours. With a flex-time schedule, non-exempt employees are still subject to all requirements of the Fair Labor Standards Act. Employees who are exempt from FLSA are expected to work whatever number of hours are required in order to accomplish their duties and are permitted to set their own schedules.

This flex-time schedule, subject to department head approval, will allow an employee to shift daily work hours while still working an 8 hour day. For instance, in the event normal business hours are 7:30 AM to 4:00 PM, an employee could work from 8:00 AM to 4:30 PM or 8:30 AM to 5:00 PM, etc. Working any arrangement of hours within an 8 hour day constitutes a valid work day. Further, an employee may arrive early or leave early by working through his or her unpaid lunch break or scheduled breaks. It is important to remember that the level of service must be maintained during peak hours; therefore, department heads will need to coordinate the schedules of all flex-time participants to ensure ample coverage during these hours. In the event an employee is eligible for overtime based on hours worked in excess of forty (40) hours, then flex-time must be adjusted in the same work week.

Policy 5 Standards Of Conduct Policies

Policy 5.1 General

Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively, and harmoniously. Some people have problems with "rules" and "authority figures," and past experience may have justified these thoughts and feelings; however, at the City of Napoleon, we hold ourselves to a high standard of quality where the rules and authority figures simply assure that quality is maintained.

By accepting employment with us, employees have a responsibility to the City of Napoleon and to their fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict an employee's rights, but rather to be certain that they understand what conduct is expected and necessary. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then our organization will be a better place to work for everyone.

Policy 5.2 Confidential Information

Our citizens and suppliers entrust the City of Napoleon with important information relating to their businesses. The nature of this relationship requires maintenance of confidentiality. In safeguarding the information received, the City of Napoleon earns the respect and further trust of our citizens and suppliers.

An employee with the City of Napoleon assumes an obligation to maintain confidentiality, even after departure from employment.

Any violation of confidentiality seriously injures the City of Napoleon's reputation and effectiveness. Therefore, it is prohibited to discuss the City of Napoleon business with anyone who does not work for us, and it is also prohibited to discuss business transactions with anyone who does not have a direct association with the transaction. Even casual remarks can be misinterpreted and repeated, so personal discipline is necessary to maintain confidentiality.

If an employee is questioned by someone outside the City or their department and the employee is concerned about the appropriateness of giving certain information, an employee is not required to answer, and we do not wish employees to do so. Instead, the employee must as politely as possible, refer the request to the appropriate Department Head or to the appropriate Appointing Authority.

Policy 5.3 Removal of Records

It is the purpose of the Policy to promote proper and timely retention, production, and disposal of public records.

A. Definitions

Public Records: Records kept by any public office, including, but not limited to, state, county, City, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to Section 3313.533 of the Ohio Revised Code.

Public Office: Any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by Ohio law for the exercise of any function of government.

Elected Official: An official elected to a local or statewide office. Elected official does not include the Chief Justice or a Justice of the Supreme Court, a Judge of a Court of Appeals, Court of Common Pleas, Municipal Court, or County Court, or a clerk of any of those courts.

Designee: A designee of the elected official in the public office if that elected official is the only elected official in the public office involved or a designee of all of the elected officials in the public office if the public office involved includes more than one elected official.

Redaction: Obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of "record". A redaction is deemed a denial of a request to inspect or copy the redacted information except if federal or state law authorizes or requires a public office to make the redaction.

Record: Any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in ORC 1306.01, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

B. Training for Public Officials

To ensure that all employees of public offices are appropriately educated about a public office's obligations to make public records available for public inspection and copying, all elected officials or their appropriate designees must attend training approved by the Attorney General. Employees shall be given this policy for guidance, to be contained in the Employee's Policy Manual, with receipt acknowledged. Moreover, a poster that describes this policy shall be created and posted in a conspicuous place in each department that describes this policy.

C. Organization and Availability of Public Records

Organization and Availability: Public offices must maintain public records in a manner so that they can be made available for inspection under the Public Records Law; therefore, the

responsibility of retaining, production, and retention of its department records falls upon the Department Head. To facilitate broader access to public records, a public office or the person responsible for public records must organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with the Public Records Law. The City should take steps to centralize records when practical.

Records Retention Schedule: The public office must have available a copy of its current records retention schedule. This schedule shall be in a location readily available to the public; moreover, the schedules should be reviewed every six months for accuracy. Master copies of the retention schedules shall be filed with the clerk's office of the City. Amendments to the records retention schedule must be approved by the City's Records Commission.

Ambiguous Request: If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the public office or person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but must provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

D. Procedure

Inspection and Copying of Public Records; Redaction: It is generally required, subject to ORC 149.43(B)(8), that all public records be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours of the department. It is also generally required that upon request and subject to ORC 149.43(B)(8), a public office or person responsible for public records must make copies available at cost. Upon request, all public records responsive to the request will be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours of the department that possesses the record.

Except as otherwise provided in the Public Records Law, the number of public records that the public office will make available to a single person may not be limited, the number of public records that will be made available during a fixed period of time may not be limited, and a fixed period of time before responding to a request for inspection or copying of public records may not be established, unless that period is less than eight hours.

If a public record contains information that is exempt from the duty to permit public inspection or to copy the record, the public office or the person responsible for the public record must make

available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying, the public office, or the person responsible for the public record must notify the requestor of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

Explanation for Denial of Request: If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record must provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation must be presented to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action in mandamus.

Requester's Identity and Intended Use of Requested Records: Unless specifically required or authorized by state or federal law or in accordance with the Public Records Law, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any such requirement constitutes a denial of the request.

However, a public office or person responsible for public records is allowed to ask a requester to make the request in writing, to ask for the requester's identity, and to inquire about the intended use of the information requested, but only after disclosing to the requester that a written request is not mandatory, nor declaring the intended use; moreover, that the requested may decline to identify him or herself. When written requests, identification or intended use is requested, the requester must be informed that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for the public records to identify, locate, or deliver the public records sought by the requester.

E. Obtaining Copies of Public Records

Choice of Duplicating Medium: If any person chooses to obtain a copy of a public record in accordance with the Public Records law, the public office or person responsible for the public record must permit the person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. The public office or person responsible for the public record may

require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy. Normal paper copy cost has been established by the City at the rate of five cents per page. Nothing in the Public Records Law requires a public office or person responsible for the public record to make the copies of the public record; however, when requested by a person and when practical to do so, it will be the policy of the City to do the same. In the event that contracted labor is required to meet a public records request, then, when practical, those charges should be ascertained in advance of filling the records request and collected from the requester prior to retrieving the records requested.

Transmission of Copies: Upon a request made in accordance with the Public Records Law and subject to the provision described above in Choice of Duplicating Medium, a public office or person responsible for the public records must transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission. Each department of the City shall limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For these purposes, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

F. Disposal of Public Records

Records Commissions: The City has established a records retention commission pursuant to Chapter 173 of the Codified Ordinances of the City of Napoleon, Ohio. Section 173.05 shall control the disposal of records.

One Time Disposal: In general, when the records commissions has approved or amended any application for one-time disposal of obsolete records or any schedule of records retention and disposition, the commission shall send that application or schedule to the Ohio Historical Society for its review. The Ohio Historical Society shall review the application or schedule within a period of not more than sixty days after its receipt of it. Upon completion of its review, the Ohio Historical Society shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the Auditor of State for the Auditor's approval or disapproval. The Auditor shall

approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.

Before public records are to be disposed of, the Records Commission shall inform the Ohio Historical Society of the disposal through the submission of a certificate of records disposal and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records that it considers to be of continuing historical value.

Scheduled Disposal of Records: Once all appropriate authorities have reviewed and approved the various retention and disposal documents, destruction or transfer of records is permitted when they reach the end of their assigned retention period; however, such records, prior to destruction, even if a schedule authorizes immediate destruction, are subject to the 15 day notification period to the Ohio Historical Society so that the Ohio Historical Society may select for its custody those records the Society determines contains continuing historical value. Therefore, each Department Head desiring to dispose of public records in accordance with a schedule should file a certificate of disposal with the Records Commission to be forwarded by the Commission to the Ohio Historical Society.

In the case of conflict between this Policy and the City's "master" record retention policy, the master record retention policy shall control.

However, a public office or person responsible for public records is allowed to ask a requester to make the request in writing, to ask for the requester's identity, and to inquire about the intended use of the

Policy 5.4 Driver's License & Driving Record

Employees whose work requires operation of a motor vehicle as an essential function of the job must present and maintain a valid driver's license and a driving record acceptable to our insurer. Employees may be asked to submit a copy of their driving record to the City of Napoleon from time to time. Any changes in an employee's driving record must be reported to the personnel department immediately (not later than fifteen (15) days). Failure to do so may result in disciplinary action, including possible dismissal.

Policy 5.5 Dress Code/Personal Appearance

Discretion in style of dress and behavior is essential to the efficient operation of the City. An employee is expected to dress and groom themselves in accordance with accepted social and business standards, particularly if a job that involves dealing with citizens or visitors in person. Each Department Head is responsible for establishing a reasonable dress code appropriate to the job performed; however, sun dresses with bare backs and/or shoulders; men's sleeveless undershirts; tank tops; and shorts, for men or women, are not appropriate, exception being swimming pool personnel.

Personal appearance should be a matter of concern for each employee. If an employee's Department Head feels an employee's attire is out of place, the employee may be asked to leave the workplace until properly attired. Such employee will not be paid for the time off the job for this purpose. An employee's Department Head has the sole discretion to determine an appropriate dress code, and anyone who violates this standard will be subject to appropriate disciplinary action.

Personal Hygiene and Grooming

Employees are expected to meet the following standards or guidelines with respect to personal grooming and hygiene upkeep:

- Consistent bathing and oral hygiene (including use of deodorant).
- Clean, well-groomed hair; including beards, moustaches, goatees and sideburns (no artificial colors outside the norm).
- Washed or laundered clothing as unwashed clothes are often a source of undesirable odors.

Policy 5.6 Drug Free Work Environment Policy and Program

We believe it is our duty to provide employees with as safe a workplace as we possibly can; therefore, we have a substance abuse policy, because employees have a right to depend on their coworkers.

Whenever use or abuse of any mood altering substance (such as alcohol or other drugs) interferes with a safe workplace, appropriate action must be taken. The City of Napoleon has no desire to intrude into its employees' personal lives; however, both on-the-job and off-the-job involvement with any mood altering substances can have an impact on our workplace and on the City's ability to achieve its objectives of safety and security.

Therefore, an employee is expected to report to the workplace with no mood altering substances in their body or in their possession. While a person may make their own lifestyle choices, the City of Napoleon cannot accept the risk in the workplace which substance use or abuse may create. The possession, sale, or use of mood altering substances at the workplace or on City property, or coming to work under the influence of such substances, shall be a violation of safe work practices and may cause an employee to be subject to disciplinary action, including possible dismissal.

Furthermore, as a complying employer with the Drug Free Workplace Act of 1988, the City requires as a condition of employment that each employee notify the City of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after the conviction.

No employee will engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on City property or during business hours while in the employment of elected officers and City agencies, including, but not limited to City offices, departments, commissions, boards or institutions.

Program Awareness - The City of Napoleon will:

- Publish the policy and distribute to all full time, part time, temporary and seasonal employees. All new hires will be given a copy of this policy upon hire.
- Inform all employees of the dangers of drug abuse in the workplace by having the Chief of Police or his/her designee conduct mandatory meetings of City employees.

Employee Responsibility - The City of Napoleon requires as a condition of employment that each employee:

- Abide by the terms of this Policy.
- Notify their employer of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after conviction.

If an employee is employed by a City department, agency, commission, board, or institution that is a recipient of federal grants, the City will:

- Notify the Federal Agency (donor of Grant) within ten (10) days after receiving notice of employee criminal drug statute conviction for a violation in the workplace.
- Notify the Federal Agency (donor of Grant) within thirty (30) days that:
 - ✓ Appropriate personnel action has been taken against employee up to and including termination.

Drug Testing Policy

The City of Napoleon will conduct drug and/or alcohol testing under any of the following circumstances:

- **Random Testing:** Employees may be selected at random for drug and/or alcohol testing at any interval determined by the City.
- **Reasonable Suspicion Testing:** The City of Napoleon may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.
- **Post-Accident Testing:** Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or

alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.

Refusal to Undergo Testing

Employees who refuse to submit to a test are subject to immediate discharge.

Positive Test

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, the employee will be subject to disciplinary action, up to and including discharge.

Policy 5.7 Unacceptable Activities

Generally speaking, we expect each person to act in a mature and responsible way at all times; however, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. An employee's avoidance of these activities will be to their benefit as well as the benefit of the City of Napoleon. If an employee has any questions concerning any work or safety rule or policy, or any of the unacceptable activities listed, the Department Head should be consulted for an explanation.

* Occurrences of any of the following violations (in section A), because of their seriousness, may result in *immediate* dismissal without warning:

A.

1. Willful violation of any City or department rule or policy or any deliberate action that is extreme in nature and is obviously detrimental to the City of Napoleon's efforts to operate as intended;
2. Engaging in Sexual Harassment;
3. Theft
4. Willful tampering with the City of Napoleon equipment or safety equipment;
5. Negligence or any careless action which endangers the life or safety of another person while on the City premises or at work sites or during an employee's working hours;
6. Being intoxicated or under the influence of controlled substance drugs while at work, use or possession of alcohol while on City premises or work sites or during employee's working hours or business hours; or use, possession or sale of controlled substance drugs in any quantity, while on City premises or work site or during employee's working hours or business hours, except medications prescribed by a physician which do not impair work performance;
7. Engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on City premises or work site or during employee's working hours or business hours;
8. Unauthorized possession of dangerous or illegal firearms, weapons, or explosives on City premises or during employee's working hours or business hours;

9. Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on City premises or work site, or when representing the City of Napoleon or during employee's working hours; fighting, horseplay, or provoking a fight on City premises or work site or during the employee's working hours or business hours;
10. Insubordination or refusing to obey instructions properly issued by their Department Head or supervisor pertaining to their work or refusal to help out on a special assignment;
11. Threatening, intimidating, or coercing fellow employees on or off the premises, at any time, for any purpose;
12. Engaging in an act of sabotage of City operations; willfully or with gross negligence or negligently causing the destruction or damage of City property, or the property of fellow employees, citizens, suppliers, or visitors in any manner; theft of City property or the property of fellow employees or unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; using City equipment for profit;
13. Dishonesty; willful falsification or misrepresentation on an employee's application for employment or other work records; lying about personal leave; falsifying reason for a leave of absence or other data requested by the City of Napoleon; alteration of City records or other City documents;
14. Violating the nondisclosure agreement, giving confidential or proprietary City of Napoleon information to competitors or other organizations or to unauthorized City of Napoleon employees; breach of confidentiality of personnel information;
15. Malicious gossip and/or spreading rumors on the City premises or work site or during an employee's working hours or anywhere when about the City operations or employees; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging others to do the same;
16. Immoral conduct or indecency on City property or at the work site or during employee's working hours;
17. Neglect of duty;
18. Acts of malfeasance, or nonfeasance;
19. Violating any law, anywhere, that constitutes a felony type offense;
20. Violating any law, anywhere, that would prevent an employee from serving in government;
21. Violating any ethics law of Ohio;
22. Violating any provision of Ohio Revised Code 124.34
23. Willful violation of security or safety rules or failure to observe safety rules or the City of Napoleon safety practices; failure to wear required safety equipment while on the City premises or work site or during the employee's working hours when equipment is required.

* Violations of any of the following, considering the serious nature of the violation may result in reprimand, suspension and/or dismissal.

B.

1. Conducting a lottery or gambling on City premises or at the work site;
2. Unsatisfactory or careless work, failure to meet production or quality standards as explained to the employee by their Department Head or supervisor, mistakes due to carelessness or failure to get necessary instructions;
3. Any act of harassment, sexual, racial or other; telling sexist or racial-type jokes, making racial or ethnic slurs;
4. Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of the Department Head or supervisor, stopping work before time specified for such purposes;
5. Sleeping on the job, loitering, or loafing during working hours;
6. Excessive use of City telephone for personal calls or misuse of a cellular telephone;
7. Leaving the work station during work hours without the permission of employee's Department Head, except to use the restroom;
8. Smoking in restricted areas or at non-designated times, as specified by department rules;
9. Creating or contributing to unsanitary conditions on City premises or work site;
10. Posting, removing, or altering notices on any bulletin board on City property without permission of an officer of the City of Napoleon;
11. Failure to report an absence or late arrival, excessive absence or lateness of one's self;
12. Obscene or abusive language toward any Department Head, employee or citizen, indifference or rudeness towards a citizen or fellow employee, any disorderly/antagonistic conduct on City premises or work site or during employee working hours;
13. Discourteous treatment of the public, City officers or fellow employees;
14. Dishonesty;
15. Incompetence;
16. Inefficiency;
17. Immoral conduct;
18. Any unlawful behavior while operating a City vehicle;
19. Failure to immediately report damage to, or an accident involving City equipment;
20. Failure to maintain a neat and clean appearance in terms of the standards established by the Department Head, any departure from accepted conventional modes of dress or personal grooming, wearing improper or unsafe clothing on the City premises or work site during the employee's working hours;
21. Eating food and beverages in undesignated areas;
22. Failure to use timecard when required, alteration of one's own timecard or records or attendance documents, punching or altering another employee's timecard or records, or causing someone to alter one's own timecard or records;
23. Violations of any municipal ordinance of any political subdivision, statute or other law of any State or any Federal Law, or any rule, policy or regulation of the City;

24. Violations of any general City policy or work rule or other proper cause;
For the purpose of misconduct, work site may be construed, when the context would seem reasonable, to mean also: a work site, place of business or seminar or school etc., or to and from during travel time; also, working hours also means on when on City business or work related activities.

Policy 5.8 Disciplinary Actions - General

Unacceptable behavior which does not lead to immediate dismissal may be dealt with in any of the below stated ways. Progressive discipline is recommended; however, employees may be disciplined at any level depending on the severity of the unacceptable behavior:

- Documented verbal warning.
- Written reprimand.
- Suspension.
- Dismissal.

Demotion may be used in addition to or in lieu of a suspension or in place of a dismissal when deemed appropriate by the Appointing Authority or when otherwise ordered by the Civil Service Commission when the Commission has the authority to do so.

Discipline action is controlled by §197.03 of the Personnel Code.

Policy 5.9 Citizen Complaints Against Personnel

The purpose for this policy is to describe procedures for making complaints against City personnel, for investigating complaints, and to list and define the dispositions of complaints.

The image of the City depends on the personal integrity and discipline of all City employees. To a large degree, the public image of this City is determined by the professional response of the City to allegations of misconduct against it or its employees. The City must completely and professionally investigate all allegations of misconduct by employees and complaints bearing on the City's response to community needs.

General Procedures:

The City encourages citizens to bring forward legitimate grievances regarding misconduct by employees. City employees shall receive complaints courteously and shall handle them efficiently. All employees upon request are obligated to explain to inquiring citizens that citizens may file complaints with an employee's supervisor.

The City recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, or emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. In light of the complicated pressures of public work, it is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved.

Responsibility for Handling Complaints:

As a rule, complaints regarding department operations will be handled through the chain of command. Complaints involving how service is provided or a failure to provide service or improper attitudes or behavior will normally be investigated and handled by a supervisor or by the Appointing Authority.

If there is probable cause to believe an employee has committed a criminal offense, the City Law Director will be notified and a police agency may be requested to assist and complete an investigation.

Receipt of Complaints:

Formal written complaints, regardless of nature, may be lodged at any time. A copy of the complaint form is found in the appendix to this policy. Oral complaints will be followed up to the extent possible. No complaint will enter an employee's personnel file unless such complaint is founded.

Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizens' complaints. An employee of the City, who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.

Normally, a citizen with a complaint will be referred to a supervisor who will assist the citizen in recording pertinent information. If the complaint involves a supervisor, it will be referred to a Department Head or Appointing Authority as soon as possible.

If the supervisor determines that the complainant is apparently under the influence of an intoxicant or drug he/she shall direct the complainant to return when he or she is no longer impaired. Any visible marks or injuries relative to the allegation shall be noted.

Complaints received by telephone by receptionist or communications personnel, or other employees, will be courteously and promptly referred to the supervisor. If the supervisor is unavailable, the receptionist, communications personnel, or employee shall record the name and telephone number of the complainant and state that the supervisor or Department Head shall call back as soon as practicable.

Disposition of Complaints - The Department Head or Designee Shall:

Notify the complainant, in writing, as soon as practicable, that the City acknowledges receipt of the complaint, that the complaint is under investigation, that the investigation will be completed within thirty (30) days, when practical, and that the complainant will be advised of the outcome. If the investigation exceeds thirty (30) days, the Department Head shall write the complainant a letter explaining the circumstances of the delay.

Maintain complete files separate from personnel files, if unfounded or if the employee is exonerated, to be removed in accordance with the City's record retention file.

Take appropriate disciplinary action following the investigation, if the complaint is founded, and such disciplinary action is warranted.

Disposition of Serious Complaint:

In serious complaints which allege violations of the law or gross negligence in violating or failing to enforce civil rights of citizens;

The Appointing Authority shall:

Oversee the investigation; and

Maintain confidential records of same to the extent permitted by law; and

Maintain close liaison with the Law Director's Office in investigating alleged criminal conduct. Where liability is at issue, the Department Head and/or Appointing Authority shall similarly maintain contact with the City Law Director.

Investigative Procedures:

Two types of investigations may take place; administrative or criminal. Different rules govern interviews of employees in each case.

Interview for Administrative Purposes:

The governing case is Gardner v. Broderick, 392 U.S. 273, 88 S. CT. 1913, 1916 (1968). The case made clear that a public employee may not be fired for asserting his/her Fifth Amendment right not to incriminate himself.

If the Appointing Authority wishes to compel an employee to answer questions directly related to his or her official duties and the Appointing Authority is willing to forego the use of such answers in a criminal prosecution, the Appointing Authority or Department Head or another interviewer, with consent of the Law Director, shall advise the employee that:

- The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or termination.
- All questions specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
- No answers given or any information obtained by reason of such statements may be admissible against the employee in any criminal proceedings. The employee will be presented with and advised of the Garrity Warning.
- In an interview for administrative purpose, no Miranda rights are required. Further, the foregoing rules are not inconsistent with Miranda in that employee's statements cannot be used as evidence. Further, as the interview does not serve criminal prosecution, the employee has no Sixth Amendment right to counsel.
- The governing case is Garrity v. New Jersey, 385 U.S. 493, 87 S. Ct. 616 (1967).

Interview for criminal investigative purposes:

- If the Appointing Authority believes that criminal prosecution is a possibility and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he/she shall have a Police Officer conduct the interview utilizing the standard acceptable practices of police agencies.

Investigative Tools and Resources:

In addition to interviews of the employee and witnesses, the Department Head may require other activities in support of a complaint investigation or internal investigation, including:

- Photograph and Lineup Identification Procedures.

Employees may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and could result in dismissal.

Adjudication of Complaints:

The Department Head or Appointing Authority will classify completed investigations as:

- Exonerated - allegations supported, but result of adherence to proper and appropriate procedures and techniques.
- Unfounded - not true or unable to verify the truth of the matters under investigation.
- Founded - allegations true.
- Completed investigations classified as unfounded or exonerated will be maintained in separate Department Head files. Founded complaints will be filed in the individual employee's personnel file and maintained in accordance with the retention schedule.

Policy 5.10 Weapons Policy

To ensure that the City of Napoleon maintains a workplace safe and free of violence for all employees, the City of Napoleon strictly prohibits the possession or use of dangerous weapons (i.e. firearms) in a government building.

All employees will adhere to all local, state and federal laws in regards to firearms and dangerous ordnance.

A license to carry a weapon (CCW) does not supersede City policy.

Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination.

Law enforcement officers, on official business, are exempt from the above policy. Firearms and dangerous ordnance activities and training for the police department are covered under napoleon

police department policies and at the discretion of the chief of police and his/her designees.

Auxiliary officers of the napoleon police department are only exempt from the above policy if on police property (i.e. police station, shooting range).

Policy 6 Sexual Harassment Policy

Policy 6.1 Policy Goals

With this policy, the City of Napoleon will try to ensure that it is:

- Sensitive to the issue and to its victims;
- Responsive to the complaints of the City's employees;
- Active in maintaining a fair and respectful environment;
- Serious about not permitting sexual harassment having zero tolerance for sexual harassing behavior (i.e. behavior that violates this Policy);
- Desiring to focus on a productive, inclusive work environment.

Policy 6.2 Policy

The City of Napoleon believes that each employee has the right to be free from harassment because of age, color, creed, national origin, or sex.

Sexual harassment is defined as the following:

- Unwelcome physical contact;
- Sexually explicit language or gestures;
- Uninvited or unwanted sexual advances;
- An offensive overall environment, including the unreasonable use of vulgar language, the presence of sexually explicit photographs or other materials, and the telling of sexual stories;
- Sexual favors for employment benefits at work, work related activities, even off job;
- Unwelcome verbal, visual, or physical conduct of sexual nature that creates intimidating, hostile, or offensive environment; or, interferes with an individual's work performance.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment are:

- Threats or intimidation of sexual relations or sexual contact which is not mutually agreeable by both parties; or
- Continual or repeated verbal abuses of a sexual nature, including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may offend the person; sexually degrading words to describe the person; or propositions of a sexual nature; or
- Threats or insinuations that the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances.

If the conduct is unwelcome to the recipient, sexual harassment can be:

- Giving money, raises, better benefits, better working conditions, more vacation time, better performance evaluation ratings, significantly

better assignments, etc. usually some direct economic benefit in exchange for sex;

- Decreasing salary benefit, vacation, working conditions, performance ratings, reassignment to significantly different responsibilities, etc., because an employee, a manager's or supervisor's advances (someone in a position to affect those things for that employee) usually inflicts some direct economic harm;
- Touching, particularly of a "private body part". Examples, breasts, buttocks, genitals. (Remember, it doesn't have to be a "private" body part);
- Whistling, cat calling, leering, staring suggestively;
- Making fun of someone in a gender related way;
- Using sex related words or discussing sex or sexual activity even if it has nothing to do with the listener;
- Talking about body parts; referring to body parts, particularly "private" body parts or legs;
- Asking for dates or sex;
- Lewd or obscene gestures;
- Almost any sex related remarks, especially if they are degrading, belittling, gender differentiating, "politically" incorrect, etc.;
- Unwanted hugging, kissing, massages, patting, stroking, brushing/pushing up against a person; detaining a person where/when they don't want to be detained;
- Calling people by inappropriate endearments: "sweetie", honey, etc.;
- Questions about another person's sex life or private matters;
- Flirting;
- Sexual advances, even if not connected with a promise or threat;
- Putting things in writing that would be inappropriate if spoken;
- Posters or cartoons featuring either men or women (or both) in suggestive or provocative poses or states of undress.
- Written materials of a sexual nature (such as articles, books, written jokes, etc.); and,
- Sexual harassment can be almost any physical, verbal, or non-verbal conduct of a gender related nature.

Employees who experience acts which can be construed as sexual harassment may, but are not required to, let the offender know that such conduct is unwelcome and/or offensive; and should immediately report the incident in accordance with this policy.

The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Sexual harassment may arise from the conduct and speech of elected and/or appointed officials, Department Heads, supervisors, fellow employees, or customers. Men as well as women can be victims of sexual harassment.

The City will not tolerate any form of sexual harassment.

Employees, who witness sexual harassment of another employee, are encouraged to report the incident as specified in this policy. Every supervisory employee of each department is responsible for handling harassment incidents, which includes dealing with complaints that employees bring to his or her attention, and identifying harassing situations on his or her own. If the allegation is sustained, the offending employee will be disciplined, which may include **suspension or dismissal**. Every supervisory employee is responsible for protecting employees from customers whose behaviors adversely affect employees. Offending customers who do not change their behavior after a polite request from a supervisor will be denied access to the areas in which the victim works.

In order to maintain a healthy work environment, this policy encourages prompt and confidential reporting and investigation of sexual harassment claims. Sexual harassment claims and charges can be of a ruinous nature to both the victim and the harasser. For this reason, all reports of such behavior and subsequent investigative results, as far as practicable and allowed by law, will be kept in the strictest confidence by the employees receiving and investigating such incidents. It is the goal of the City to ensure that an employee who reports such an incident will not be harassed or penalized in any way by any employee of the City or action of the City. Confidentiality will also protect anyone accused of sexual harassment as far as practical and as allowed by law. The City will immediately investigate such incidents. The City's goal is to reach a quick and sound resolution and ensure that such incidents do not reoccur. Every supervisory employee and other members of management have a duty to immediately report a sexual harassment action or face suspension and/or dismissal for failure to report. Any employee (excluding the victim) who hinders or obstructs an investigation concerning sexual harassment (as determined by the City) shall be subject to suspension and/or dismissal. Nothing contained herein is intended to diminish or interfere with any employee's due process rights or to obviate any employee's right against self-incrimination.

Any employee who experiences sexual harassment is entitled to exercise the rights and procedures applicable by Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973 and any and all state tort claims.

Any questions or individual complaints involving sexual harassment should be referred to the immediate supervisory employee or the City Manager for attention to the matter.

Policy 6.3 Reporting Procedure

Sexual harassment is a very distressing and upsetting situation. Because of this stress, the City would like to ensure that the reporting procedure is comforting as well as productive; therefore, the City has designed several methods to report such incidents:

- The first and most recommended avenue to report such a claim is to have the victim report the incident directly to his/her supervisor.

- If the victim does not feel comfortable in reporting the incident to their supervisor, he/she may report it to the City Manager, Finance Director, Law Director, Clerk of courts, or other administrative personnel or assistants thereto of the same or different gender. Management will do all that is possible to make the alleged victim of sexual harassment feel comfortable in reporting.
- If any such supervisory or administrative person receives a sexual harassment report, that person shall assist the victim in reporting the harassment. For the purpose of this section, any such person receiving a report for sexual harassment has a duty to bring it to the attention of management.
- When the victim reports the harassment, he/she should prepare a written report. This report should include the identity of the harasser and victim, when and where the harassment occurred, a description of the incident, any witnesses, the remedy requested, and any other relevant information (see "Employee Incident Report Form"). All sexual harassment will, however, be investigated whether reported in writing or not, so long as the report is not anonymous.
- Employees may also report sexual harassment to the EEOC (Equal Employment Opportunity Commission).

If the complaint is against a supervisor, the complaint should be brought to the City Manager. Complaints against an Appointing Authority (for the purpose of this policy, Appointing Authority being: City Manager, Finance Director, Law Director or the Clerk of Courts), or an elected official, should be brought to the immediate supervisor or one of the other appointing authorities. If, at any point in the process, the employee is dissatisfied with the investigation being conducted, the employee should bring the matter to the attention of any other Appointing Authority for further attention. Any of the above appointing authorities have the power and duty to commence an investigation as it relates to sexual harassment. Any complaint made in regard to sexual harassment involving an Appointing Authority or appointed/elected official shall also be brought to the attention of City Council. Such case should be brought in executive session to comply with the confidentiality provision of this procedure. The investigative procedure after the initial report will be prompt and thorough. This procedure shall include, but will not be restricted to the following:

- Interview with the alleged harasser;
- Interview all witnesses, those identified by the victim and alleged harasser;
- Gathering written statements from all witnesses;
- The investigating official shall write a report and take immediate action based upon the findings of the investigation;
- The report and finding by the investigating official will be shared with all affected parties, alleged harasser and victim, after the investigation;
- Any sexual harassment determined to be criminal in nature will be turned over to law enforcement for separate action.

All findings and documentation of such an investigation shall be kept on file for six (6) years.

Discretion will be used by all parties and shall be protected to the extent permitted by law.

False complaints: although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. The failure to prove sexual harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint may be subject to discipline.

Punishment of an employee found to have sexually harassed another shall range from a written reprimand to immediate suspension and/or dismissal as determined by the appropriate appointed authority or governmental body.

Policy 6.4 Training And Education

All supervisors and department officials are encouraged to take sensitivity and diversity training.

Supervisors are encouraged to see that their employees are trained as it relates to sexual harassment and that employees are sensitive and open to the rights and feelings of others in this area.

Supervisors shall educate their employees that there is a process by which sexual harassment complaints will be handled. Supervisors shall encourage employees to use this process if they feel that their rights have been violated by sexual harassment.

Policy 6.5 Other types of Harassment

The City of Napoleon is committed to ensuring a healthy and safe workplace free from any and all workplace harassment. Workplace harassment is unacceptable and will not be tolerated under any circumstances.

Everyone in the workplace must be dedicated to preventing workplace harassment. Council members, Department Heads, Supervisors, and workers are expected to uphold this policy, and will be held accountable by the employer.

Workplace harassment means engaging in a course of unwelcome comments or conduct against a worker, in a workplace, that is. Harassment may also relate to a form of discrimination, but it does not have to.

Workers are encouraged to report any incidents of workplace harassment. Management will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a timely and fair manner while respecting workers' privacy, to the extent possible.

Policy 7 Use Of City Property

Policy 7.1 Theft

Internal theft is considered a serious matter for the City of Napoleon. Although taking small items of the City of Napoleon property many seem inconsequential, the cumulative effect can be very large.

Property theft of any type will not be tolerated by the City of Napoleon. We consider property theft to be the unauthorized use of City services or facilities or the taking of any City property for personal use. Property theft may take many forms, including, but not limited to, the unauthorized use of City copying machines and cellular telephones for personal use.

The office copiers and cellular telephones are not provided as a free service to employees. If an employee desires to use a City copier or cellular telephone for personal use, it must be authorized by a Department Head and the employee must follow the established procedure for reimbursement of the City of Napoleon. Failure to do so is a form of property theft. Policy 5.7 (c)

Policy 7.2 Personal Mail

The City of Napoleon as a personal mailing address is prohibited, and employees shall not put personal mail in the stacks that are to be run through the postage meter. Although the amount may seem small, it is still considered theft.

Policy 7.3 Personal Telephone Usage

In order to maintain employee efficiency, personal telephone calls are to be kept to a minimum. They must not interfere with an employee's work. Employees are permitted to make limited calls on City wired telephones that are located in city offices for essential personal business. This privilege is not to be abused. Emergency calls regarding illness or injury to family members, changed family plans, or calls for similar reasons may be made at any time. Incoming urgent calls will be directed to the employee. In the event an employee makes a long distance call, it shall be immediately documented and sent to the Finance Department so the charges may be invoiced. Once invoiced to the employee, it shall be paid within thirty (30) days or it may be deducted from the employee's payroll.

The private use of City issued cellular telephones is prohibited, except in case of emergencies or arranging to take care of personal matters that arise due to City related business, and except as follows: to encourage members of the Appointing Authority, Department Heads and other administrative staff to carry cellular telephones while working as well as while away from the work site in order to maintain communication with the City, notwithstanding any other policy, said persons (as determined by the Appointing Authority) whom are assigned City issued cellular telephones may utilize the cellular telephone for de minimis non official use at no charge. De Minimis use shall mean to the extent it will be treated by the Internal Revenue Service as a "De Minimis Fringe". The term "De Minimis Fringe" means any property or service the value of which is (after taking into account the frequency with which similar

fringes are provided by the employer to the employer's employees) so small as to make accounting for it unreasonable or administratively impracticable. Generally speaking, no more than 15% of the use shall be non-business use.

If abuse is found, the employee may be subject to disciplinary action and when appropriate, criminal prosecution. The costs for those amounts beyond that classified as de minimis use shall be paid by the employee when invoiced. The use provided herein is in addition to the use provided in Policy 12.7. The City shall not be held liable by any user for any alleged injury or damage resulting from personal use of a City issued cellular telephone.

In the event that the City Manager, City Law Director, City Finance Director, Department Heads, and other administrative staff elect to use his or her personal cellular telephone for City business, subject to advance approval by the Appointing Authority, the City will reimburse the employee a per diem amount at the rate of \$35.00 per month."

Should the Appointing Authority choose to assign certain key individuals a Wireless Priority Service (WPS) account the cost of that account will be reimbursed to the employee.

Policy 7.4 Use Of Computers, Software And E-Mail

Except as otherwise provided in this Policy 7, the City of Napoleon's personal computers (the personal computers in the office, or laptops made available for work away from the office) and software are to be used exclusively for City business. City computers and telephone lines shall not be used for personal use access to the internet or any on-line services. The use of City computers, software, and telephone lines for the following purposes is strictly prohibited:

- To receive or transmit pornographic material;
- For the purposes of hacking, which includes, though is not limited to, securing unauthorized access to the computer and/or hard drive of another;
- To access or disclose unauthorized, privileged, or confidential City information;
- To engage in any commercial activity not amounting to official City business;
- To engage in any political activity;
- To engage in the playing of non-work related computer games;
- To engage in any workplace harassment;

For purpose of work related activity, to wit: evaluating the effectiveness and operation of the E-mail system; retrieval of work-related materials; to investigate violations of workplace rules, or criminal conduct that impacts on fitness for employment, the City of Napoleon will monitor E-Mail messages. In consideration of either continued employment, or in consideration of future employment, and in consideration of being allowed to utilize the computers, all City employees, by virtue of continuing their employment, agree to consent to the City accessing E-Mail messages, hard drives, and backup copies for the purposes of enforcing this policy and for

all other lawful purposes. If a Department Head has concerns in regard to privacy issues, he/she should contact the Law Director for advice.

Policy 7.5 Use of Laptop Computers

The Appointing Authorities, Department Heads and other administration staff (as determined by the Appointing Authority) assigned laptop computers by an Appointing Authority shall be required to follow all policies contained in the City's policy manual and/or personnel code applicable to computer and software use except as follows: To encourage members of the Appointing Authority, Department Heads and other administrative staff to have laptop computers while working as well as while away from the work site in order to maintain communication with the City, notwithstanding any other policy, said persons (as determined by the Appointing Authority) whom are assigned City issued laptop computers may utilize the laptop computers for de minimis non-official use at no charge. Holders of lap computers that are used off premises are encouraged to maintain a log of use to minimize any tax exposure.

Policy 7.6 Internet Access

Notwithstanding any other provision of this manual, subject to budgetary constraints and availability, internet access for internal e-mail, external e-mail, receiving and transmitting council packets and correspondence and accessing work files away from the work site will be furnished to the Appointing Authorities, Department Heads and other administration staff (as determined by the Appointing Authority) by modem, wireless cable, cable service or other technology at no charge subject to the following: the internet is used for City business use only.

In the event that recipients of this policy desire unlimited personal use of the City provided internet service, the recipient shall pay a flat monthly fee to the City in an amount as determined by the Finance Director to be one half the average cost of service.

In the event that the City Manager, City Law Director, City Finance Director, Department Heads, and other administrative staff elect to provide their own internet access, subject to advance approval by the Appointing Authority, the City will reimburse the employee a per diem amount at the rate of \$25.00 per month.

Policy 7.7 Computer Software and Hardware Accessories

Subject to budgetary constraints and availability, to encourage members of the Appointing Authority, Department Heads and Administrative Staff to do work at home, software and hardware accessories may be furnished to said persons (as determined by the Appointing Authority) for use on their personal computers, at no cost, when such software and hardware accessories are required in order to conduct City business. Said persons may utilize the software and hardware accessories so provided for de minimis non official use at no charge. By having the same installed on their personal computer, employee agrees to all licensing provisions of the software and any accessory City applicable to the use. The City shall not be held liable by any user for any alleged injury or damage resulting from having, using or installing of the software or hardware accessories. Any software license, software and hardware accessories being provided under this Policy shall remain in the name of the City of Napoleon and be

returned at time it is no longer needed for City business. Personal use may be unlimited when it is not practical to separate personal use from public use (example: computer operating system).

The City of Napoleon does not condone the illegal duplication of software. The copyright law is clear. The copyright holder is given certain exclusive rights, including the right to make and distribute copies. Title 17 of the U.S. Code states that "it is illegal to make or distribute copies of copyrighted material without authorization". The only exception is the users' right to make a backup copy for archival purposes. Therefore, both the unauthorized duplication of copyright protected software by City employees, as well as the use of City software for personal purposes, is strictly prohibited.

Finally, computers, software and/or accessories owned, leased or licensed by the City shall not be used for illegal purposes.

Policy 7.8 Personal Use of City Property Prohibited

Employees are not allowed to take, borrow, or use City of Napoleon tools, equipment, or supplies for their own personal use or make unauthorized removal thereof, except as may be otherwise authorized in this manual.

Policy 7.9 Taking of City Property

Unauthorized possession or removal of City property is a very serious offense. No item purchased or supplied by the City of Napoleon should ever be removed from the City premises without the express authorization of the employee's Appointing Authority and the proper paperwork associated with the situation being filled out, if such paperwork is required. This policy applies to all City property including raw materials, equipment, tools, computers, and even pens and paper. Employees violating this policy will be subjected to discipline up to and including possible dismissal and prosecution. Referrals to criminal authorities will be made on a case-by-case basis.

Policy 7.10 Inspection of Lockers, Desks and Packages

For purpose of work related activity, to wit: retrieval of work related materials; to investigate violations of workplace rules, or criminal conduct that impacts on fitness for employment; and in order to maintain workplace efficiency and productivity, as well as to reduce losses to the City resulting from theft, the City of Napoleon reserves the right to inspect all desks, lockers and other items or locations owned or controlled by the City, as well as any packages or closed containers brought into or taken out of the work area. In consideration of either continued employment, or in consideration of future employment, and in consideration of being permitted to access the City premises (restricted areas) all City employees agree to consent to such inspections.

For security purposes, all employees may be subject to search as they enter or leave City facilities.

If a Department Head has concerns in regard to privacy issues, he/she should contact the Law Director for advice.

Policy 7.11 Incidents Involving City Vehicles

When an employee is authorized to operate a City vehicle in the course of assigned work, or when an employee operates their own vehicle in

performing their job, the employee will be considered completely responsible for any traffic violations and fines associated therewith. When an employee operates his or her personal vehicle on City business, the vehicle shall be properly insured, and to the extent permitted by law, the employee's personal insurance shall be the exclusive coverage for all claims.

Department Heads should advise employees on what to say and do (and what not to say and do) in the event of a vehicular accident. City insurance will cover accidents in City owned or leased vehicles only to the extent as the City's insurance provider allows.

Policy 7.12 Use of City Vehicle

If an employee is authorized to use a City of Napoleon vehicle for City business, the employee must adhere to the following rules:

- The employee must be a licensed driver, free of suspension;
- The employee must be responsible for following all the manufacturer's recommended maintenance schedules to maintain valid warranties, and for following the manufacturer's recommended oil change schedule;
- The employee must follow all laws and are responsible for paying any moving or parking violation tickets;
- The employee must keep the vehicle clean at all times, including washed and vacuumed as often as necessary. An employee will be reimbursed for reasonable expense of keeping the vehicle clean upon production of a valid receipt for reimbursement;
- The employee must not allow unauthorized persons not employed by the City of Napoleon to operate or ride in a City vehicle;
- Prior to operation of any City vehicle, an employee's Department Head will train the employee on the appropriate steps to take if an employee is involved in an accident, such as, filling out the accident report, getting names of witnesses, and etc.
- Unless otherwise authorized by the applicable Appointing Authority, specially assigned City vehicles shall only be used when conducting City business, and traveling to and from work. No private use is permitted without the express permission of the Appointing Authority and then it is permitted only to the extent as authorized by the Appointing Authority.
- Employees are required to be familiar with and comply with local laws before using a wireless device while operating a motor vehicle for business purposes. Safe operation of any vehicle in the performance of company business is the responsibility of the driver and must be given appropriate attention at all times. In every situation, do not use a wireless device while the vehicle is in motion if doing so distracts attention from driving. Additionally, all employees are prohibited from using data services on their wireless devices, such as texting or accessing the mobile web or other distracting activities, while driving.

Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination.

(Police officers are exempt from this policy but should still use extreme caution when using a wireless device and pull over if the situation allows).

- All employees driving any City vehicles should annually provide to the City a copy of their driver's license and authorize the City to run an annual report from the State on their driving record.

Policy 7.13 Use of Personal Vehicle for City Use

When city employees, including, PT firefighters and/or volunteers, use their own vehicle for city business the employees insurance on that vehicle should be verified by providing a Driver's License, and authorize the City to run an annual report from the State on their driving record and a copy of personal insurance coverage. In the State of the Entity the courts have determined the individuals' personal vehicle liability coverage is primary and City coverage would act as secondary.

The reason to verify an employees' coverage is for the following reasons:

- 1). To make sure the employee is in compliance with State Law. If their license is suspended for violating this law it could affect their ability to fulfill job requirements.
- 2). To ensure an employee is not risking their house or financial livelihood while driving for the city or county.
- 3). The coverage is provided to protect the city from liability actions and it is not the intent to provide primary coverage for an employee's action in their personal vehicle.

Policy 7.14 Property & Equipment Care

It is an employee's responsibility to understand the machines, tools, and equipment an employee needs to use to perform their duties. Good care of any equipment that is used during the course of employment, as well as the conservative use of supplies, will benefit employees and the City of Napoleon. If one finds that a machine or piece of equipment is not working properly or in any way appears unsafe, the employee is to notify their Department Head immediately so that repairs or adjustments may be made. Under no circumstances should an employee start or operate a machine deemed unsafe, nor should an employee adjust or modify the safeguards provided.

Policy 7.15 Return of City Property

Except as provided in the second paragraph of this policy, any City of Napoleon property issued to an employee, such as tools or uniforms, must be returned to the City of Napoleon at the time of an employee's dismissal or resignation, or whenever it is requested by an employee's Department Head or a member of management. The employee is responsible to pay for any lost or damaged items. The value of any property issued and not

returned may be deducted from an employee's paycheck, and may subject an employee to criminal charges.

Upon termination or retirement, employees may keep any property that is of little or no value, such as: name tags, identifications (voided), or other like property; however, City Manager written approval is required; moreover, Department Heads may expend a reasonable amount for frames, plaques, certificates or the like, said amount to be approved by the City Manager. It is deemed a proper expenditure of funds as a necessity for preservation of employee management relationship and being an employee benefit.

Policy 7.16 Computer Generated Files

For purpose of file management, computer generated files of correspondence and the like (i.e. email) should be purged, when practical, in accordance with the City's record retention schedule.

POLICY 7.17 City Administration of Social Media

The intended purpose behind the City of Napoleon establishing social media sites (i.e. Facebook) is to keep its employees and citizens up to date on City events (i.e. programs, weather, meetings, etc.).

Only authorized management may post content on behalf of the City of Napoleon. Posts made by authorized management need to be factual, non-derogatory, non-discriminative, etc.

The City reserves the right to restrict or remove any content that is deemed inappropriate. Any content removed must be retained for a reasonable period of time, including the time, date and identity of the poster, when available.

Policy 7.18 Use of Personal Property for City Use

Any personal property of the employee used for City business (laptops, cell phones, mechanics tools, etc.) must be pre-approved in writing by the Department/Division Head.

Policy 7.19 Personal Items

Personal items that may pose potential hazards (floor heaters, coffee pots, microwaves, convection ovens, etc.) must be approved for use in writing by the Department/Division Head.

Policy 8.1 **General**

The City of Napoleon has developed policies to insure wages and salaries comparable to those of other employees with similar jobs at the City or in our industry. Our wage and salary policy is designed to attract and retain the best qualified people available.

To carry out this policy, we periodically compare our wage and salary policy with community rates for similar positions using appropriate published information from sources like statewide business organizations, local chambers of commerce, state, and national organizations, various management reports, and various local, state, and federal agencies.

Employees who are employed by the City of Napoleon will be carried directly on our payroll. No person may be paid directly out of petty cash or any other such fund for work performed.

Policy 8.2 **Deductions From Paycheck (Mandatory)**

The City of Napoleon is required by law to make certain deductions from an employee's paycheck each time one is prepared. Among these are an employee's federal, state, and local income taxes and an employee's contribution to Public Employers Retirement Fund or the Police and Fire Fund as required by law. These deductions will be itemized on an employee's check stub.

The amount of the deductions may depend on an employee's earnings and on the information furnished on an employee's W-4 form regarding the number of dependents/exemptions claimed. Any change in name, address, telephone number, marital status, or number of exemptions must be reported to the payroll department immediately to ensure proper credit for tax purposes. The W-2 form an employee receives for each year indicates precisely how much of an employee's earnings were deducted for these purposes.

Any other mandatory deductions to be made from a paycheck, such as court ordered attachments, will be explained whenever the City of Napoleon is ordered to make such deductions.

Policy 8.3 **Voluntary Deductions/Direct Deposit**

It may be possible for employees to authorize the City of Napoleon to make additional deductions from ones paycheck, (limit of three separate accounts, exceptions at the sole discretion of the payroll department) such as for Christmas clubs, credit union loan payments, payroll savings plans, etc., or to deposit ones paycheck directly into an employee's savings or checking account at a participating bank. An employee should contact the payroll department for details and the necessary authorization forms.

Policy 8.4 **Error In Pay**

Every effort is made to avoid errors in an employee's paycheck. If an employee believes an error has been made, he/she should tell their Department Head immediately. He or she will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly. Errors that are found detrimental to the City may

be adjusted under the terms and conditions deemed appropriate by the Finance Director.

Policy 8.5 Pay Cycle

Payday is normally on every other Friday afternoon for services performed for the two (2) week period. The work week is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m. Firefighters and EMT's (part time) work period is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. biweekly (14 days).

Changes will be made and announced in advance whenever City holidays or closings interfere with the normal payday. Checks may be disbursed earlier under special circumstances i.e. scheduled days off and holidays, so long as approved by the payroll department.

Policy 8.6 Paycheck Distribution

Pay summaries are distributed by the Finance Director utilizing Department Heads when necessary. Actual pay will be paid through a direct deposit process. Except for certain special pays as determined by the Finance Director, all employees shall receive their pay by direct deposit.

Policy 8.7 Payroll Advances

The City of Napoleon does not advance or loan money to employees.

Policy 8.8 Termination & Severance Pay

Any accrued but unused vacation time will be paid at the time of employment departure, as specified under the "Vacations" §197.18 of the Personnel Code.

The City of Napoleon does not normally pay severance pay.

Policy 8.9 Wage Assignments (Garnishments)

We hope employees will manage their financial affairs so that we will not be obligated to execute any Court ordered wage assignment or garnishment against an employee's wages; however, whenever Court ordered deductions are to be taken from an employee's paycheck, such employee will be notified.

An employee will not be discharged because of wage garnishment "for any one indebtedness". An employee's wages may be garnished several times to repay only one debt; however, multiple garnishments (being defined herein as three or more judgment creditors in any twelve (12) month period) may be cause for dismissal, except that a garnishment for support will not be used as the basis for discharge or disciplinary action.

Policy 8.10 Compensation Reviews

Base wage and salary increases are based on merit, with some consideration being given to cost of living; however, an increase in the cost of living and having ones compensation reviewed does not necessarily mean that an employee will be given an increase.

Each employee will be reviewed annually by the employee's supervisor for the purpose of determining a pay increase, if any, as well as for other reasons associated with reviews. New hires or transferees shall be

evaluated within a reasonable time prior to their anniversary date. The criteria established on the City's standard "Performance Evaluation Report" will be utilized in the review process. Should any such employee receive three (3) or more marks or comments of "not satisfactory" on the latest review, such employee shall not be entitled to any increase in compensation. The Appointing Authority has full discretion, based on the latest evaluation, or combination thereof for the calendar year, to give full, part or no increase in compensation; therefore, leveling an employee's compensation where it deems proper. Based on poor review, the Appointing Authority may keep the employee at the rate of compensation the employee received prior to the enactment of this legislation, or in case of subsequent years, keep the employee at the rate of compensation received in the immediate prior year. Except for New hires, salary employees or transferees where increases may be considered at other times, any wage or salary increases will generally begin the first paycheck of January of the following year. Wage and salary increases not started then may be retroactive in the case of late reviews, at the discretion of the applicable Appointing Authority. Nothing in this policy shall be construed as to mandate any increases.

Policy 9 Employee Communication

Policy 9.1 Bulletin Boards

Electronic and conventional bulletins and bulletin boards are our "official" way of keeping everyone informed about new policies, changes in procedures, job openings, and special events. Information of general interest is posted regularly on the bulletin boards. Employees are encouraged to form the habit of reading the bulletin boards regularly so that they will be familiar with the information posted on it.

Only authorized personnel are permitted to post, remove, or alter any notice on the bulletin boards. If an employee wishes to have notices posted on City bulletin boards, Department Head approval is required.

Policy 9.2 Communications

Successful working conditions and relationships depend upon successful communication. Not only do employees need to stay aware of changes in procedures, policies, and general information, employees also need to communicate their ideas, suggestions, personal goals, or problems as they affect employee's work.

In addition to the exchanges of information and expressions of ideas and attitudes which occur daily, an employee must make certain they are aware of and utilize all the City of Napoleon methods of communication, including this Manual, bulletin boards, discussions with an employee's Department Head, memoranda, staff meetings, newsletters, training sessions, etc.

Employees will receive other information booklets, such as insurance booklets, from time to time. Employees may take these booklets home so that their family may know more about the job and benefits.

In addition, employees may receive letters from the City of Napoleon. There is no regular schedule for distribution of this information. The function of each letter is to provide employees and their family with interesting news and helpful information which will keep all up-to-date on events.

Policy 9.3 Specially Scheduled City Meetings

On occasion, we may require that employees attend a specially scheduled City sponsored meeting. If this is scheduled during an employee's regular working hours, attendance is required. If it is held during an employee's non-working hours, an employee will be paid for the time he/she actually spends at the meeting. (If an employee qualifies for overtime pay by virtue of working more than forty (40) hours that same work week, then the employee will receive their overtime rate; exception being certain Fire Department personnel whose overtime is based on more than twenty-four (24) continuous hours on a particular day or more than fifty-three (53) hours in that same work week.

Policy 9.4 Department Meetings

From time to time, an employee's Department Head will schedule department meetings before, during, or after work. It's to an employee's advantage to be at these meetings. They give all workers a chance to

receive information on the City of Napoleon events, to review problems and possible solutions, and to make suggestions about an employee's department or job.

If an employee's attendance at department meetings is mandatory, failure to attend may be subject to disciplinary action.

Policy 9.5 Grievances & Suggestions

An efficient, successful operation and satisfied employees go hand in hand. Employee grievances/suggestions are of concern to the City of Napoleon, regardless of whether the problems or ideas are large or small.

In order to provide for prompt and efficient evaluation of and response to grievances/suggestions, the City of Napoleon has established a formal Grievance/Suggestion Procedure. It will always be the City of Napoleon's policy to give full consideration to every employee's opinion. There will be no discrimination against or toward anyone for his or her part in presenting grievances/suggestions.

Under this policy, a grievance is defined as all issues regarding wages, benefits and terms and conditions of employment, excluding disciplinary action(s). The grievance procedure is applicable to all employees except; the appointing authorities, unclassified employees and employees covered by a collective bargaining agreement. Any employee may file a suggestion.

The grievance procedure shall be as contained in "Employee Relations" §197.04 of the Personnel Code.

Policy 10 *Miscellaneous Policies*

Policy 10.1 Expense Reimbursement In General

Except as otherwise provided, employees must have their Department Head's written authorization (requisition/purchase order, etc.) prior to incurring an expense on behalf of the City of Napoleon. To be reimbursed for all authorized expenses, employees must submit an expense report/voucher accompanied by receipts and approved by their Department Head. Expense report/voucher(s) should be submitted each week, as authorized reimbursable expenses incur. Detailed procedures for the reimbursement of expenses related to travel are set forth under a separate title of this Manual (see "Travel and Expense Accounts").

Policy 10.2 Gifts

Advance approval from the Appointing Authority is required before an employee may accept or solicit a gift of any kind from a citizen, supplier, or vendor representative. Employees are not permitted to give gifts, at City expense, to citizens or suppliers, except for certain promotional or informational purposes which must be approved by the Appointing Authority.

Policy 10.3 Housekeeping In General

Neatness and good housekeeping are signs of efficiency. Employees are expected to keep work areas neat and orderly at all times, it is a required safety precaution.

Easy accessible trash receptacles and recycling containers are located throughout the buildings. Employees are to put all litter and recyclable materials in the appropriate receptacles and containers. Cigarettes are not to be put out or dropped on the floor but thrown into proper receptacles. Employees are to be aware of good health and safety standards, including fire and loss prevention.

Policy 10.4 Lunch Room Facility

For employee convenience and comfort, the City of Napoleon provides lunch rooms for employees who want to bring their lunch from home. These areas are for everyone's use. It is an employee's responsibility to do their share in keeping these facilities clean and sanitary, to wit: clean up after oneself.

Policy 10.5 Managers

An employee's Department Head or supervisor is the person on the management team who is closest to the employee and the employee's work. An employee's day-to-day contact with their Department Head gives an employee a chance to receive guidance and counsel regarding assignments and to check the progress an employee makes on the job. An employee's Department Head can show an employee how the employee's work fits into the overall picture, teach an employee how to do things, explain the "how's" and "why's," and encourage employees when things look a little tough.

The Department Head is in immediate charge of the department. He or she is responsible for the efficient operation of the department. The

Department Head has authority to assign work, recommend transfers or promotions, and to maintain order and discipline. This may be accomplished by the Department Head personally or through his or her assistant.

An employee's Department Head probably started in a job much like the employees and can guide and help the employee. An employee's Department Head wants all employees to succeed. An employee is encouraged to know ones Department Head, and when help is required or questions, complaints, problems, or suggestions need addressed, an employee should contact their Department Head first.

Policy 10.6 Parking Lots

Employees are encouraged to use the parking areas designated for our employees. Generally, parking spaces adjacent to or in front of our building(s) are for citizens and visitors only. Employees should lock their vehicle every day and park within the specified areas.

Courtesy and common sense in parking will avoid accidents, personal injuries, and damages to an employee's vehicle and to the vehicles of other employees. If an employee should damage another vehicle while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information to the employee's Department Head.

The City of Napoleon does not assume any liability for any loss or damages an employee may sustain.

Policy 10.7 Personal Property

Employees may be assigned a locker for personal possessions. Employees are responsible for keeping their locker clean, sanitary, and orderly. The City of Napoleon does not assume any responsibility for loss or damage to personal property of any employee.

Policy 10.8 Solicitations & Distributions

Solicitation for any cause during working time and in working areas is not permitted. Employees are not permitted to distribute non-City literature in work areas at any time during working time. Working time is defined as the time assigned for the performance of an employee's job and does not apply to break periods and meal times. Working areas do not include the lunch room or the parking areas. Solicitation during authorized meal and break periods is permitted so long as it is not conducted in working areas; however, employees are not permitted to sell chances, merchandise, or otherwise solicit money or contributions without management approval. Persons not employed by the City of Napoleon are prohibited from soliciting or distributing literature on City property.

Policy 10.9 Resignation

While we hope that both the employee and the City of Napoleon will mutually benefit from continued employment, we realize that it may become necessary for an employee to leave their job with the City of Napoleon. If an employee anticipates having to resign a position with the City, the employee is expected to notify their Department Head at least two (2) weeks in advance of the date that the employee must leave.

Policy 10.10 Fraternalization Prohibited

Except as provided in Policy 3.5, in order to maintain good job performance and effective operations and uphold the integrity of the City offices, no employee shall have an intimate or sexual relationship with a subordinate employee, or have a romantic or passionate affair with a subordinate employee.

Policy 10.11 Business Expenses

From time to time employees may incur legitimate expenses while on or during City business (example: meals during a business meeting or work session), such expenses being payable by the City when approved by the Appointing Authority, approval being in the sole discretion of the Appointing Authority. Under no circumstances will alcoholic beverages be found to be a legitimate business expense except when used as a bonafide training tool.

Policy 10.12 Uniform Allowance

In certain jobs within the City, special uniforms or garments are required to ensure proper performance of an employee's duties. When such uniforms or garments are required, the City will furnish the same, including the cleaning thereof, at no cost to the employee. Payment of cost associated with this policy is subject to prior approval of the Appointing Authority, approval being in the sole discretion of the Appointing Authority.

Policy 10.13 Damaged, Destroyed or Stolen Personal Property

Generally, the city will not pay for damaged or destroyed personal property of an employee. However, in order to encourage full response of employees in situations where loss may occur, if damage or destruction of property is a direct result of performing ones official duties, and such is not due to the negligence or intentional acts of the employee, then such items may be reimbursed, repaired or replaced in accordance with this Policy. Reimbursement, repairing or replacement is at the sole discretion of the Appointing Authority and subject to authorized expenditure amounts and subject to availability of funds.

If destroyed:

- Replacement of the like or similar type of property may be offered as replacement by the City or, if determined to be less by the Appointing Authority.
- The cash value of a replacement of the like or similar type of property may be offered as in lieu of replacement by the City, considering the fair market value and/or depreciation, if any.

If damaged:

- Repair cost(s) may be covered by the City. Repair cost(s) shall not exceed the current replacement costs.
- In the event an employee has personal insurance to cover the loss, an employee shall first seek recovery from his/her own insurance. Any payment that may be made by the City or its insurance shall be limited to \$1,000.00 per item. The limits established herein also apply to any

amounts paid by the City over and above what may be paid by an employee's insurance.

- At no time will any extravagant personal belongings be covered, nor motor vehicles or its contents or other miscellaneous items contained therein. The City is not responsible nor will it pay for mysterious disappearance or theft, or for items that are unique, unusual or irreplaceable as determined by the Appointing Authority. Further, the City is not responsible, and it will not pay for, normal wear and tear or for loss of use.

Policy 10.14 Personal Use of Equipment and Tools

Permitting an employee to use personal equipment or tools in the course of employment in lieu of the City expending dollars to purchase the same may at times result in savings to the City; therefore, personally owned equipment or tools may be used by employees when prior approval in writing is granted by the Appointing Authority or Department Head. In case of an emergency, the Appointing Authority, Department Head or immediate supervisor may authorize use of the equipment or tools by oral means. This approval provision is subject to review at any time.

Non approved equipment or tools are not permitted and any use will be at the employee's risk and will not be replaced or repaired in whole or in part.

Personally owned equipment or tools approved for use that are damaged or destroyed in the course of employment may be replaced or repaired, at the sole discretion of the Appointing Authority, in whole or in part as follows:

If destroyed:

- Replacement of the like or similar type of equipment or tools may be offered as replacement by the City or, if determined to be less by the Appointing Authority,
- The cash value of a replacement of the like or similar type of equipment or tools may be offered as in lieu of replacement by the City, considering the fair market value and/or depreciation, if any.

If damaged:

- Repair cost(s) may be covered by the City. Repair cost(s) shall not exceed the current replacement costs.

For the purpose of this Policy, equipment and tools do not include motor vehicles or its contents, or other miscellaneous items carried therein, or acts of negligence or misconduct by the employee which results in the destruction or damage of equipment or tools; further, the City is not responsible for or shall pay for mysterious disappearance or theft or items that are unique, unusual, or irreplaceable as determined by the Appointing Authority. The City is not responsible for loss of use. In no case shall the City be responsible for normal wear and tear. Also, any replacement, repair or payment shall be at the sole discretion of the Appointing Authority and subject to the allowable expenditure amounts and subject to availability of funds.

The maximum payment that may be paid under this policy by the City or its insurance shall be \$5,000.00 per item and \$10,000.00 per occurrence. Notwithstanding the other provisions of this Policy 10.14, in the event that a Firefighter, EMT, or Paramedic, being volunteer, paid part time, or full time status of the Napoleon Fire/Rescue Department, has damage done to their personal vehicles in the course of responding to an emergency call, then the City shall pay up to \$5,000.00 of actual out of pocket expenses (expenses not otherwise covered by insurance) for repair to or replacement value of the Firefighter, EMT, or Paramedic's damaged vehicle, whichever is less. Replacement value shall be in the sole determination of the City. This provision is applicable only when all of the following apply:

- Money has been budgeted for losses under this Policy by the Appointing Authority in the year of the event.
- The damage was at the sole fault of a third party as determined in the sole discretion of the Appointing Authority.
- The vehicle was authorized for use by the Fire Chief.

Policy 10.15 Taxation Disclaimer

Any reimbursement or benefit provided by the City to the employee, an employee's family member or estate, may be subject to taxation. Except as may be otherwise required by law, the City assumes no tax liability associated therewith. Employees are encouraged to keep accurate records pertaining to any reimbursement or benefit received from the City in the event of audit.

Policy 10.16 Genetic Information Nondiscrimination Act (GINA)

In the course of your employment, there may be situations in which you are required to provide medical information to the City of Napoleon (requests for leave under the FMLA, leaves of absence, workers' compensation, etc.). The Genetic Information Nondiscrimination Act of 2008 (GINA) generally restricts employers from requesting or requiring genetic information, except in limited circumstances (e.g., requesting leave because of a family member's serious health condition).

Accordingly, employees should not provide Employer with genetic information when providing medical information, except in those very limited situations

"Genetic Information" includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or family member receiving assistive reproductive services.

Policy 11.1 Safety Policy

Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing all the City of Napoleon activities. We want to protect all employees against injury and illness, as well as minimize the potential loss of production.

All injuries (no matter how slight) are to be reported to an employee's Department Head immediately, as well as anything that needs repair or is a safety hazard. Below are some general safety rules. An employee's Department Head may publish other safety procedures in a particular department or work area:

- Avoid overloading electrical outlets with too many appliances or machines;
- Use flammable items, such as cleaning fluids, with caution;
- Walk don't run;
- Use stairs one at a time;
- Report to an employee's Department Head if an employee or a coworker becomes ill or is injured;
- Ask for assistance when lifting heavy objects or moving heavy furniture;
- Smoke only in designated smoking areas;
- Keep cabinet doors and file and desk drawers closed when not in use;
- Never empty an ash tray into a waste basket or open receptacle;
- Sit firmly and squarely in chairs that roll or tilt;
- Wear or use appropriate safety equipment as required in an employee's work;
- Avoid "horseplay" or practical jokes;
- Start work on any machine only after safety procedures and requirements have been explained (and an employee understand them);
- Use air hoses only for the use intended. Avoid blowing air at oneself or anyone else;
- Wear appropriate personal protective equipment, like shoes, hats, gloves, goggles, spats, hearing protectors, etc., in designated areas or when working on an operation which requires their use;
- Keep the work area clean and orderly, and the aisles clear;
- Stack materials only to safe heights;
- Watch out for the safety of fellow employees;
- Use the right tool for the job, and use it correctly;
- Wear gloves whenever handling castings, scrap, barrels, etc.;

- Operate motorized equipment only if authorized by an immediate Department Head. All operators must be validly licensed when required by law or rules;

The failure to adhere to these rules will be considered serious infractions of safety rules and may result in disciplinary actions.

Policy 11.2 Safety Rules When Operating Machines & Equipment

- Machine guards must be in place while machines are in operation;
- Loose clothing, jewelry, or rings must be removed before operating machinery;
- Wear steel toe shoes and (if necessary) prescription eye protection to start the job;
- Required personal protective equipment, except for prescription glasses and steel toe shoes, will be issued to an employee by their Department Head.

We will continue to provide a clean, safe, and healthy place to work and we will provide the best equipment possible. Employees are expected to work safely, to observe all safety rules and to keep the premises clean and neat. Carelessly endangering oneself or others may lead to disciplinary action, including possible dismissal.

Policy 11.3 Security

The safety and security of our employees is of paramount concern to the City. To this end, the City may install and use surveillance cameras. When installed, no liability shall be assumed by the City or any officer, official or employee for failing to adequately monitor the same. Although the use of such surveillance cameras shall be primarily limited to personal safety and security measures, the City or law enforcement personnel may also occasionally utilize such equipment for the investigation of criminal activity. Only video monitoring will be permitted, no audio, unless consented to by one (1) party to the conversation that is being monitored. In consideration of either continued employment, or in consideration of future employment, all City employees agree to consent to such surveillance monitoring.

If a Department Head has questions concerning privacy issues, he/she should discuss the same with the Law Director.

Maintaining the security of the City of Napoleon buildings and vehicles is every employee's responsibility. Develop habits that insure security as a matter of course. For example:

- Always keep cash properly secured. If an employee is aware that cash is insecurely stored, the employee should immediately inform the person responsible;
- Know the location of all alarms and fire extinguishers, and familiarize oneself with the proper procedure for using them, should the need arise;
- When leaving the City of Napoleon's premises make sure that all entrances are properly locked and secured.

Policy 11.4 First Aid

Good safety practice requires that we keep records of all illnesses and accidents which occur during the workday. The Workers' Compensation Act also requires that an employee report any illness or injury on the job, no matter how slight. If an employee is injured or becomes ill, an employee is to contact their Department Head for assistance. The failing to report an injury may jeopardize an employee's right to collect workers' compensation payments as well as health benefits. Employees should contact their Department Head for more information if questions or concerns exist.

* The City of Napoleon has made an arrangement with Henry County Hospital to provide first aid in medical emergencies.

Policy 11.5 Smoking And Smokeless Tobacco Prohibited

For liability reasons and health, safety, and welfare reasons, smoking, as well as the use of smokeless tobacco products, are prohibited in the City vehicles, buildings, offices, lunch rooms, and in areas where employees are directly serving citizens, and in areas where employees share enclosed space with nonsmoking (or nonusers of smokeless tobacco) coworkers.

Policy 11.6 Visitors

For liability reasons and safety reasons the City prohibits unescorted visitors in our facilities beyond the reception area. Visitors are not permitted in, or on the City of Napoleon buildings or facilities without prior permission from the Department Head; no visitors are permitted in working areas. If an employee is expecting visitors, the employee should request permission from their Department Head.

Policy 11.7 Transferable Life Threatening Illness

The City recognizes that employees with a transferable life-threatening illness such as AIDS/HIV, Hepatitis, etc. may wish to continue their employment and, in fact, that continued employment may be therapeutically important to their recovery process. The City also recognizes that it must satisfy its legal obligation to provide a safe work environment for all employees, customers and other visitors to the City's premises. As long as employees who have a transferable life threatening illness are able to maintain acceptable performance standards in accordance with established City policies and procedures, and the weight of medical evidence continues to indicate that the transferable life threatening illness cannot be transmitted by casual workplace contact, employees with a transferable life threatening illness will be permitted to continue to work.

In determining such an employee's ability to continue in employment, the City will consider making reasonable accommodations to the employee's condition, consistent with applicable federal, state, and local laws.

If an employee has a transferable life threatening illness the employee is encouraged to contact the personnel department and they will assist the employee in providing information about the illness and about any available program to assist the employee and their family so far as practical. The employee should also contact their physician so that the City can explore the types of possible reasonable accommodations that

may be recommended for the employee, consistent with the business needs of the employee's department, established City policy, and applicable federal, state, and local laws.

Policy 12 Travel And Expense Accounts

Policy 12.1 Travel And Expenses In General

In order to make whole employees while on City business, all employees, including permanent part time, part time, and temporary who by necessity, travel on City business, will be advanced moneys based on anticipated travel expenses. As a general rule, except when used by an Appointing Authority, no City credit cards will be utilized without the express approval of the applicable Appointing Authority.

Definition: City business for the purpose of this policy means, any business usual and customary to City government, including but not limited to, certain approved educational or training programs, approved activities for the cultivation of community goodwill, and for participation in approved community, professional, industrial, and legislative activities, any or all being engaged into by employee when outside of the City of Napoleon, Ohio and not on City owned premises. The below policies concerning overtime shall be followed except where otherwise prohibited by state or federal law.

Policy 12.2 Extravagant Expenses

Employees shall not be extravagant with City funds. Expenses deemed extravagant will not be approved for reimbursement. What is considered extravagant is in the sole discretion of the Appointing Authority. Any expense considered extravagant or unauthorized shall be subject to immediate reimbursement by the employee through cash payment, money order, or payroll deduction as determined by the Appointing Authority.

The City of Napoleon will reimburse and/or advance employees for reasonable and necessary expenses incurred and/or paid by the employee in the conduct of City business.

Policy 12.3 Expense Statements

When practical, Employee Expense Statements must be prepared, submitted, and approved for advance reimbursement prior to the expense being incurred on a form provided by employer.

Except as herein provided, the City requires employees to furnish information and necessary receipts to support the expenses advanced and/or incurred.

An employee may submit an expense statement for reimbursement after the travel expense has occurred, but employee must still have prior approval of such travel/expense by employee's supervisor.

All required receipts must be forwarded with a photocopy of the previously submitted expense statement.

Personal expenses for the maintenance of an employee while away on City business may be reimbursable according to the following guidelines:

- When practical, all travel or personal expenses must be approved prior to occurrence.
- When possible, the employee should use a City vehicle.

- Commercial transportation requests should be processed through the City and generally require no reimbursement. Employees will be reimbursed for personal auto mileage at the current rate allowed by the federal standard, or at the Appointing Authority's discretion, the commercial airline travel rate, whichever is lower.
- Commercial lodging expenses will be reimbursed when the City has required that the employee be away from home overnight in the conduct of City business. Receipts are required. When making lodging arrangements, employee should request government rate and furnish Hotel/Motel with tax exempt form which should be obtained from the Finance Director.
- Recognizing that meals are more costly in places outside rural Ohio where seminars are generally held, except as may be increased by the Appointing Authority, meal expenses, not otherwise included in the costs of the meeting, training, or seminar, excluding continental breakfast, will be provided at the per diem rate of \$8.00 for Breakfast, \$10.00 for Lunch, and \$19.00 for Dinner without necessity of receipt and without necessity of actual expenditure. An employee will be granted a total daily allowance \$37.00 for all meals as indicated in the below stated manner. An employee may, at his/her option, combine any meal costs so long as the below criteria is met and so long as the expenditure does not exceed the total daily allowance:
 - Breakfast expenses are authorized when overnight lodging is necessary for the conduct of City business. In addition, breakfast expenditures are approved for a bona fide public relations reason, for the attendance of previously authorized Employees at civic or professional club breakfast meetings and for early morning travel which means the employee must be required to leave for travel prior to 8:00 a.m. in the morning.
 - Lunch expenses are authorized when out-of-town for City business, for a bona fide public relations or business reason; or for the attendance of previously authorized employee at civic or professional club luncheons. Day trips away from the office for normal work related duties do not qualify for lunch expense reimbursement.
 - Dinner expenses are authorized if the employee will have overnight lodging or his/her arrival back to the City is past 5:00 p.m. (in the conduct of City business). Dinner reimbursement will also be made for bona fide public relations reasons, or the attendance of previously authorized employees at civic or professional club dinner meetings.
 - All day meal expenses are for an employee who is required to be out-of-town prior to 8:00 a.m. and past 5:00 p.m.
 - Voluntary Gratuities (tips) are not reimbursable, but may be paid from any per diem rate received by the employee.
- Miscellaneous incidental personal or travel expenses may be reimbursable according to the following guideline:

- Travel related use or service expenses such as road and bridge toll, taxi, and parking will be reimbursed if reasonable in amount. Receipts will be required for reimbursement.
- The following types of expenses will not normally be reimbursed:
 - Travel related child care expenses.
 - Travel related personal expenses such as laundry, dry cleaning, etc.
 - Personal expenditures, e.g. briefcase, umbrellas, clothing.
 - Expenses for a spouse or family member accompanying the employee on City business, unless reimbursement is approved by the Appointing Authority.
 - Expenses related to towing or other related repairs to non-City vehicles while on City business.
 - Theft of or damage incurred to non-City vehicles.
 - Theft of or damage incurred to personal items.
- Employees are reimbursed a fixed rate, calculated on mileage, when utilizing non-City vehicles; therefore, employee is responsible for any damage incurred to employee and/or their passengers by use of such vehicle and therefore should be properly insured.
- As a general rule, the City requires that advance of moneys for City business be done prior to the next account pay period of the travel date. The City of Napoleon will issue a check at least one (1) working day prior to employee's travel date. If employee submits an employee expense statement after the expense is incurred or on a monthly basis, payment will be made at the next available accounts payable period.
- Expenses and travel charges over \$100.00 require prior approval by the Appointing Authority. All travel itineraries, including supporting documentation, should be given to the Appointing Authority prior to the trip.
- In the event that monies are advanced by the City; however, because of cancellation or other cause the money is required to be returned, monies shall be returned to the City within thirty (30) days of such cancellation or event that triggered the reimbursement.
- Any monies advanced as travel expenses that are not actually spent on approved travel, except those amounts where a per diem rate has been established, shall be returned to the City at time of reconciliation, said reconciliation normally being within sixty (60) days upon returning to work from travel. The City Finance Department shall be given receipts or other documentation evidencing actual expenditure of the funds to be turned in by the employee at time of final reconciliation. The Finance Director may permit the expenditures in the event of failure to produce a receipt upon furnishing other adequate means that demonstrates the expenditure.
- Frequent flyer miles shall pass to the City when an airline permits the same, except when received pursuant to Policy 12.8.
- Nothing in this policy shall be construed as prohibiting any travel expenditures to exceed what has been stated herein so long as the

amounts are not extravagant as determined by the Appointing Authority.

Policy 12.4 Travel Time

Travel time out of the City qualifies as hours worked, for all hourly employees, during the travel, except that when travel is overnight travel and done outside the normal work hours, the travel is not compensable for passengers or employees that are free to relax and not otherwise performing work. Travel for hourly employees during normal working hours on Saturdays and Sundays (when the normal work week is Monday through Friday) would be compensable for drivers and passengers regardless if they are free to relax.

Policy 12.5 Hours Worked When Away On Travel

In addition to what has been provided for in Policy 12.4 (Travel Time), when an employee is away on travel (not during actual mobile process) relating to City business, only those hours accrued during the employee's regular working hours or during corresponding hours on non-working days shall be considered as hours worked; moreover, if an employee is not attending a work related activity while away on travel for one or more of the days regularly scheduled to work, and then is scheduled to attend a work related activity on a non-regularly scheduled day to work, only hours actually worked will be considered for pay. For the purpose of this policy work will be considered as performing activity related to City business. (For instance, employee is regularly scheduled to work Monday through Friday; however, a particular seminar an employee is attending convenes on Monday, Wednesday, Thursday, Friday and Saturday; then employee would not be paid for Tuesday but for Saturday at regular pay, thereby substituting Tuesday for Saturday for pay purposes.)

Policy 12.6 Family Members And Travel

Employees may have family members with them during conferences or other away City business; however, any additional expenses incurred as a result thereof will be borne by the employee. Family members are not permitted in City vehicles without prior authorization and a waiver of liability being properly executed for travel purposes.

Policy 12.7 Personal Telephone Calls While On Travel

Employees are permitted one (1) telephone call per day, at City expense, to maintain family contacts not to exceed ten (10) minutes in duration. All other personal calls are at the sole expense of the employee, unless an emergency arises or contact is required to rearrange a schedule due to City activity.

Policy 12.8 Delay Or Inconvenience Benefits While On Travel

Occasionally airports and other transportation facilities or hotels offer cash incentives, travel vouchers, or frequent flyer miles when travelers are delayed or inconvenienced. Employees may personally accept the same so long as the delay or inconvenience is not at the expense of the City (example: loss of work to be performed, or additional: meals expense, overtime expense, lodge expense, parking expense, etc.); otherwise, any such benefit must be given to the benefit of the City.

Policy 13 General Benefits Package

Policy 13.1 Benefits In General

In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, employees may be eligible to enjoy other benefits which will enhance an employee's job satisfaction. We are certain that employees will agree that the benefits program described in this Manual represents a very large investment by the City of Napoleon, and we trust that employees will avoid abusing any of the program's benefits.

A good benefits program is a solid investment in the City of Napoleon and its employees. It not only insures the loyalty of long time capable employees, it also helps to attract talented newcomers who can help the City of Napoleon grow. The City of Napoleon will periodically review the benefits program and will make modifications as appropriate to the City's condition.

If an employee becomes aware of a particular seminar that the employee believes is appropriate for enhancing their skills (and/or those of other employees), it should be brought to the attention of their Department Head. Since these seminars are usually offered only at specified times in a geographical area, the employee should attempt to notify their Department Head as far in advance as possible. This way, he or she can attempt to schedule workloads to accommodate the employee's (and/or other employees') desire to attend the seminar.

Reminder: If an employee is taking a pre-approved seminar that offers continuing education credit, the employee should give their Department Head a copy of the continuing education credit certificate (or other document) to include in the employee's personnel file.

Policy 13.2 Eligibility For Benefits

Employees, full-time regular, will enjoy certain benefits contained in the Personnel Code and this Manual. All employees should become familiar with the Personnel Code. Part time, permanent part time and temporary employees, will enjoy only those benefits, if any, which are required by law to be afforded to them or that are clearly afforded to them by code or policy, provided that they meet the minimum requirements set forth by law and in the benefit plan(s).

Benefits that may be afforded to an employee are as follows:

- Overtime;
- Compensatory Time;
- Pension Fund;
- Deferred Compensation;
- Personal Holidays;
- Regular Holidays;

- Longevity Pay (not available to persons hired or rehired after 12/31/2007);
- Vacation;
- Trauma Leave;
- Workers Compensation;
- Health Insurance;
- Life Insurance;
- Bereavement Leave;
- Family Medical Leave;
- Holiday Leave;
- Pregnancy and Temporary Disability Leave;
- Deferred Medical Payment;
- Military Leave;
- City Program Discounts;
- Educational Benefits;
- Direct Deposits;
- Credit Union Membership;
- Discount Recreation Programs;
- EAP Benefits.

Policy 13.3 Conversion Privileges

At an employee's departure from employment, the employee should inquire as to how he/she can continue their insurance coverage and any other benefits an employee currently enjoy as an employee that are eligible for continuation.

Policy 14 Paid Leaves Of Absence

Policy 14.1 Leave Of Absence In General

Unless otherwise specified by the employee, time off for any reason during a working day will count first against an employee's allotted days or personal days, as appropriate, quarter hour, half hour, three quarter hour, hourly, quarter day, half day or full day increments. Once an employee has used all of his/her earned or personal days, the time will be counted against their earned vacation time. Any leave of absence thereafter, unless specifically allowed, will be without pay.

Policy 14.2 Holiday Policies

Employees may take time off to observe religious holidays. If available, a full day of unused (sick/personal) leave or a vacation day may be used for this purpose, otherwise the time off is without pay. An employee must notify their Department Head at least ten (10) business days in advance.

We schedule all national (City recognized) holidays on the day designated by common business practice.

If a holiday occurs during an employee's scheduled vacation, the employee is permitted to take an extra day of vacation.

To become eligible for holiday pay, the employee must work the full last scheduled work day prior to, and the full next scheduled work day after, each of the City observed legal holidays unless the employee was otherwise in active pay status.

Employees who are scheduled to work on a designated City observed legal holiday and do not report for work on the holiday shall not be entitled to holiday pay unless their reason for not reporting would ordinarily constitute an acceptable excuse under the applicable provisions of the Personnel Code.

Policy 14.3 Recognized Holidays

The following holidays are recognized by the City of Napoleon as paid holidays:

- New Year's Day;
- Good Friday;
- Memorial Day (last Monday in May);
- Independence Day;
- Labor Day;
- Thanksgiving Day;
- December 25th;
- Note: Special floating holiday exists when December 25th falls on a Wednesday, (see Personnel Code §197.16).
- For full time non-bargaining employees, (except police and fire that are twenty-four (24) hour services) as an additional benefit, on the day of December 24th when the City Administration building is open for business, the work day shall be considered 7:30 a.m. to 2 p.m. with a

regular lunch period for those persons scheduled to work; however, said employees shall be compensated for the full eight (8) hours as if worked, except that no employee shall receive any additional benefit from sick leave, vacation leave or similar other type leave as a result of this Policy.

- Recognizing that police and fire departments are essential twenty-four (24) hour services, full time non-bargaining employees in police and fire services of the City, who work a substantial amount (more than six (6) hours) of a full shift between the hours of 12:01 a.m. to 11:59 p.m. on a December 24th when the City Administration building is open for business, shall receive a straight two (2) hours of holiday time.

Policy 14.4 Vacation

Vacation is a time for an employee to rest, relax, and pursue special interests. The City of Napoleon has provided paid vacation as one of the many ways in which we show our appreciation for employee loyalty and continued service.

Employees are not eligible for paid vacation during their probationary period, nor are they eligible for paid vacation if they are part time, permanent part time or temporary (see Personnel Code §197.18).

Policy 14.5 Funeral (Bereavement) Leave

Full time (regular) employees are granted bereavement benefits in accordance with the Personnel Code §197.16.

Policy 14.6 Jury Duty

Full time (regular) employees are encouraged to serve as jurors. It is an employee's civic duty as a citizen to report for jury duty whenever called. If an employee is called for jury duty, we will permit such employee to take the necessary time off and we wish to help the employee avoid any financial loss because of such service. The City of Napoleon will reimburse the employee for the difference between their jury pay and their regular pay, not to exceed eight (8) hours per day, for a maximum of ten (10) business days.

The employee must notify their Department Head within forty-eight (48) hours of receipt of the jury summons.

All moneys received as compensation, unless jury duty was served totally outside of regular working hours, shall be turned over to the City to obtain this benefit. (see also, Personnel Code §197.19)

Policy 14.7 Personal (Holidays) Leave

Full time (regular) employees are eligible to take five (5) days of paid personal holidays during each calendar year (see Personnel Code §197.16). Such employees may use personal leave in units of no less than two (2) hours at any one time. Personal leave time is intended to be used to accomplish personal business that cannot be accomplished during time other than the employee's normal working hours. An employee is required to request personal leave time from their Department Head in advance and obtain his or her approval. During an employee's first calendar year, the earned personal leave time is prorated.

If an employee is required to take a disability leave of absence, any accrued personal leave will be paid at the time the leave commences.

Employees going on unpaid required military leave of absence may apply their personal leave at the time the leave commences if they wish.

If an employee is on an approved leave of absence for less than thirty (30) days, his/her personal leave eligibility will not be affected; should the leave extend beyond thirty (30) calendar days, personal leave time will not continue to accrue. This personal leave policy does not apply to "exempt" employees on our payroll. It also does not apply if personal leave is needed as a result of self-inflicted injury, illegal substance abuse or alcohol abuse, or illness or injury incurred while in the act of committing a felony.

In the event of an illness or injury which is covered by workers' compensation insurance, this personal leave policy will not apply.

Personal leave may not be carried over and accumulated from year to year. Personal leave not used during a calendar year will be canceled out and not paid.

Policy 14.8 Sick Leave

To qualify for sick leave an employee must be a full time (regular) employee or a permanent part time employee. Sick leave credit for full time (regular) employees shall be earned at the rate of 0.0575 hours for each hour of service only in active pay status, up to a maximum yearly accumulation of one hundred and twenty (120) hours. Employees may use their sick leave in units of no less than one quarter (1/4) hours at any one time. An employee is required to advise their Department Head as soon as possible that he/she will be absent from work due to illness. (See Personnel Code §197.16)

Policy 14.9 Trauma Leave

Trauma Leave is controlled by the Personnel Code §197.17.

Policy 14.10 Military Leave Of Absence

Military Leave is controlled by the Personnel Code §197.19.

Policy 14.11 Unpaid Personal Leave Of Absence

In very special circumstances, the City of Napoleon may grant a leave for a personal reason; however, generally are not granted for taking employment elsewhere or going into private business. This policy is controlled by the Personnel Code §197.19.

Policy 14.12 Unfit For Duty Leave

If an employee is unfit for duty due to medical or mental health reasons and employee may be relieved from duty utilizing sick leave.

Policy 14.13 Pregnancy and Temporary Disability Leave

The purpose of this Policy is to provide all employees, including part-time and permanent part-time, that are pregnant, or otherwise have a qualified temporary disability of their own, an opportunity to retain employment for a set duration in time when other types of leaves are unavailable. It is not the intent of this policy to extend FMLA leave; but rather, provide necessary leave to an employee when FMLA leave is not initially or

otherwise available to the employee. Leave under this Policy shall be controlled by the FMLA Policy, except that: (1) eligibility criteria related to time in service and hours worked shall not apply; (2) to the extent permitted, restoration of any health benefits shall be in accordance with the health care plan; (3) key employees as defined in the FMLA Policy are not exempted; (4) it is generally the employee's choice to be placed on this leave; and, (5) there shall exist additional provisions as contained in this Policy.

Employees are eligible to take an unpaid leave of absence under this Policy for: (1) temporary disability due to pregnancy, childbirth or related medical conditions; and, (2) their own other temporary disability as qualified by the American with disability act. Leave under this Policy shall run concurrent with other unpaid leaves of absence policies. Seniority and benefits while on unpaid leave under this Policy shall be treated the same as if the employee was on other types of unpaid leave for medical purposes.

Transfer and accommodation – an employee is also entitled to a temporary transfer to another position or other reasonable accommodation based on the respective disability so long as: (1) the employee requests the transfer or reasonable accommodation and the request is based on the medical certification of a health care provider that a transfer or reasonable accommodation is medically advisable; and, (2) the request can be reasonably accommodated by the City.

The City may also require an employee to transfer temporarily to an available alternative position with the same pay and benefits in order to accommodate an employee's need for intermittent leave or a reduced work schedule. Further, unless otherwise prohibited by law, the Appointing Authority may require an employee to take leave under this Policy when necessary due to safety or job performance.

Outside employment – you may not work with any employer or work as a self-employed employee, other than the City, during your leave of absence. Outside work during your leave will result in immediate termination.

Not to be construed as superseding or limiting the FMLA Policy, any additional leave for taking care of a new born or adopted child shall be considered the same as for any other personal reason under Section 197.19(g) of the Personnel Code.

Policy 14.14 Leave For Retirement Benefits Consultation

Newly hired full time employees, not to be construed as rehired employees, shall receive four (4) hours of paid leave of absence in order to receive consultation from representatives from an Ohio Retirement System during the first one hundred eighty (180) days of their employment with the City.

Policy 15 Family And Medical Leave Act (F.M.L.A.)

Policy 15.1 Applicability

The Family and Medical Leave Act (FMLA) as adopted by the City provides employees up to a total of twelve (12) work weeks of job-protected leave during a rolling twelve (12) month period measured backward from any FMLA usage for any of the following reasons:

- Birth and care of an employee's newborn child;
- Placement with the employee of a son or daughter for adoption or foster care;
- Because of a serious health condition of the employee that makes the employee unable to perform the functions of the job; or
- To care for a member of the employee's immediate family (i.e. spouse, child or, parent) with a serious health condition.

FMLA also provides up to a total of twelve (12) work weeks of job-protected leave during a single twelve (12) month calendar year because of a Qualifying Exigency arising out of the fact that an employee's spouse, child or parent is a covered military member serving on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

FMLA further provides up to a total of twenty-six (26) work weeks of Military Caregiver job-protected leave during a single twelve (12) month calendar year to eligible employees for the following reason:

- To care for a covered service member of the Armed Services who is seriously injured in the line of duty. An eligible employee is the spouse, child, parent or next of kin of a covered service member.

An employee is limited to, at most, a total of twenty-six (26) weeks of protected leave taken in any twelve (12) month period for any combination of FMLA leave. For example, if an employee has taken twelve (12) weeks of leave for a birth of a child, said employee would have a maximum of fourteen (14) additional weeks available for protected caregiver leave in the twelve (12) month period.

Policy 15.2 Husband And Wife Are Employed By The City

If a husband and wife are employed by the City, they are subject to a combined total of twelve (12) weeks of leave during the rolling twelve (12) month period for birth or placement of a child or to care for an employee's parent with a serious health condition. However, each employee remains entitled to, for any other qualified purpose, the difference between the amount he or she took individually for the above-stated purpose and the twelve (12) weeks. With regard to Military Caregiver Leave, a husband and wife employed by the City are entitled to a combined total of twenty-six (26) weeks of leave during a single twelve (12) month calendar year (non-rolling) period to care for a service member of the Armed Forces.

Policy 15.3 Definitions

Definitions for the purpose of this Section shall be as follows unless in conflict with the definitions as contained in the Federal FMLA.

Notwithstanding the preamble of this Code, in case of conflict between this Code and the Federal FMLA definitions, Federal FMLA definitions shall control:

- (1) Eligible employee: For the purpose of this Section, an eligible employee is an employee who works for the City who:
- Has been employed for at least a total of twelve (12) months by the City; and
 - Has worked at least 1,250 hours for the City during the previous twelve (12) month period (determined as of the date leave commences).
- (2) Serious Health Condition: For the purpose of this Section means an illness, injury, impairment, or physical or mental condition that involves any one (1) or more of the following:
- Any period of treatment or incapacity connected with inpatient care in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;
 - Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work or perform other regular daily activities) due to:
 - a serious health condition (including treatment or recovery) lasting more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - two (2) or more treatments within 30 days of the first day of incapacity (unless extenuating circumstances) by a health care provider; nurse under direct supervision of a health care provider; or by a provider of health care services under orders of, or on referral by, a health care provider; or,
 - one (1) treatment by a health care provider with a continuing regimen of treatment under the supervision of a health care provider; or
 - pregnancy or prenatal care (health care treatment is not necessary for each absence); or
 - a chronic, serious health condition which continues over an extended period of time, requires at least two periodic health care provider visits, and may involve episodic incapacity (e.g. asthma) but a health care provider visit for each absence is not necessary; or
 - a permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke, terminal cancer), with supervision of treatment by a health care provider; or
 - any absence(s) to receive multiple treatment for restorative surgery or for a condition likely resulting in a period of incapacity of more

than three (3) days if not treated (e.g., chemotherapy or radiation treatments).

- Serious injury or illness in the case of a member of the Armed Forces means an injury or illness incurred by the member in the line of duty on active duty that may render the service member "medically unfit to perform the duties of the member's office, grade, rank or rating."

(3) In the absence of complications, "serious health condition" does not include:

- common cold or the flu
- earaches
- upset stomach or minor ulcers
- headaches (other than migraine)
- routine dental or orthodontia problems.

(4) "Treatment" does not include:

- routine physical examinations
- eye examinations
- dental examinations

"Regimen of continuing treatment" does not include activities that can be initiated without a visit to a health care professional:

- over-the-counter medications (i.e. aspirin or salves)
- bed rest
- drinking fluids
- exercise and the like

(5) "Substance abuse" may be a serious health condition and FMLA leave may be taken for such treatment on referral. An employee cannot use FMLA leave because of use of a substance, as opposed to for substance abuse.

(6) "Qualifying Exigency" means arising out of the fact that a covered military member is in active duty or called to active duty in support of a contingency operation. A qualifying exigency is available to a family member of a military member in the National Guard or Reserves and includes the following:

SHORT-NOTICE DEPLOYMENT

MILITARY EVENTS AND RELATED ACTIVITIES

CHILDCARE AND SCHOOL ACTIVITIES

FINANCIAL AND LEGAL ARRANGEMENTS

COUNSELING

REST AND RECUPERATION

POST-DEPLOYMENT ACTIVITIES

Additional activities not encompassed in the other categories, but agreed to by the employer and employer.

Qualifying Exigency leave does not apply to military members in the regular armed forces

(7) "Covered Service Member" means a member of the Armed Forces including the National Guard or Reserves, who is "undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

(8) "Next of Kin" means the nearest blood relative of an individual who is a covered service member.

Policy 15.4 Employee Requirements For FMLA

An employee is required to give the employer thirty (30) days advance notice if need for leave is foreseeable and such notice is practicable based upon planned medical treatment (verbal notice is sufficient); with regard to service members of the Armed Forces, an employee's request for leave based on a "qualifying exigency" and which is foreseeable must provide the employer with "reasonable and practicable" notice.

An employee shall make a reasonable effort to schedule medical treatments so as not to disrupt unduly the operations of the City, subject to the approval of the health care provider; and

An employee shall provide the City as much notice as practicable if the thirty (30) days of notice requirement cannot be met. When requesting leave, the employee need not mention the FMLA. When the leave request is made, it is the Department Head's duty to inform the Human Resource Department of such request. The Human Resources Department will determine whether the leave request constitutes FMLA leave and if the leave can and will be counted against the FMLA entitlement period.

Policy 15.5 Intermittent Leave Schedule

Leave in blocks or intervals of time; an employee may use the smallest increment utilized in the City's payroll system. In general, an employee is required to use the City's call-in procedure.

Reduced Leave Schedule is a leave schedule that reduces an employee's usual number of working hours per week, or hours per work day, a change in the employee's schedule for a period of time, normally from full-time to part-time:

- For birth, care or placement of foster child, subject to the Department Head's approval.
- Leave based upon a serious health condition of the employee or a family member may be taken on an intermittent or reduced leave schedule when medically necessary (e.g., does not require the City's approval).
- Leave to care for a service member of the Armed Forces who has suffered a serious injury or illness incurred in the line of duty on active duty may be taken on an intermittent or reduced leave schedule.
- If an employee requests an intermittent or reduced leave schedule because of a serious health condition that is foreseeable based upon planned medical treatment, the City may require the employee to transfer temporarily to an available alternative position offered by the

City for which the employee is qualified, if the position has equivalent pay and benefits and better accommodates the recurring period of leave than the employee's regular employment position.

- Only one (1) notice designation is required unless the circumstances underlying the leave have changed.

Policy 15.6 Unpaid And Paid Leave

Except for workers compensation leave and maternity type leave which is discussed below, the employee shall utilize any accrued paid leave along with FMLA leave up to the limits so accrued until exhausted in the following order of use:

- Sick leave, paid vacation, personal time (not compensatory time).

An employee shall not be required to utilize any accrued paid leave (sick leave, paid vacation, and personal time) with FMLA leave when the departure from service is related to a workers compensation leave or maternity or pregnancy type leave.

Nevertheless, FMLA leave (time) shall run concurrently (together) with short-term or long-term disability or illness (including a serious health condition) workers compensation, maternity, and pregnancy or temporary disability type leave when permitted by law and when in the best interest of the City.

Policy 15.7 City's Designation As FMLA Qualifying And Notice

The City's knowledge of FMLA qualifying reason requires prompt action. Within five (5) business days (absent extenuating circumstances) the City shall notify the employee that paid leave is designated and will be counted as FMLA leave.

Notice may be oral or written (but confirmed in writing by next payday).

The failure of the City to designate paid leave as FMLA leave, despite City's possession of requisite knowledge to do so, precludes the City from retroactive designation; however, the employee is entitled to full range of protections of FMLA.

If knowledge of FMLA qualifying leave is gained by the City only after leave has started, the City may retroactively designate the qualifying leave period as FMLA leave.

Policy 15.8 Health Care Coverage

The City shall be required to maintain the terms of the employee's group health insurance coverage on the same conditions as the coverage would have been provided if the employee had been continuously employed during the entire leave period. Where permitted by law, the employee will be required to pay the employee's share of the premium. Advance written notice by the City of the terms and method of payment is required

Policy 15.9 Late Premium Payment

If the employee is required to pay employee's share of the premium, the City shall provide written notice to employee that payment has not been received. Notice shall be mailed at least fifteen (15) days before the date coverage is to cease advising the employee of the specific date of loss of

coverage (which shall be at least fifteen (15) days after date of notifying letter).

Policy 15.10 Employee Eligible For Return

Any eligible employee who takes leave shall be entitled upon return from such leave:

- To be restored to the position of employment held by the employee when the leave commenced; or
- To be restored to an equivalent position with equivalent benefits, pay and other terms and conditions of employment (assuming the employee can perform the essential functions of the job);
- This restoration requirement includes the same health plan benefits. If an employee cannot or elects to not pay the health coverage premium during the leave period, and the policy lapses, the City must be able to restore the employee to equivalent health coverage upon return to work (i.e. no waiting period, no new preexisting condition exclusion).
- An employee may be laid off or terminated while on FMLA, without the right of continuing benefits, so long as such lay off or termination is due to a bona fide downsizing of the City's forces, provided however, that no other obligation such as a collective bargaining agreement existed and the City is able to demonstrate that the employee would not have not been reinstated, reassigned or transferred had they not been on FMLA leave.
- Key employees, defined as salaried, as FMLA eligible, and among the highest paid ten percent (10%) of all employees employed by the City may be denied restoration if denial is necessary to prevent "substantial and grievous economic injury" to the City operations. In determining pay, the City shall consider year to date earnings excluding incentives valued in the future. Such "key employee" status must be determined at time notice of need for leave is given (or as soon as practicable).
- For the purpose of this section, "substantial and grievous economic injury" means: caused by restoration, not employee's absence. The City may consider the City's ability to replace employee. Although there is no precise test required, minor inconvenience is insufficient.
- Key employee rights are:
 - Written notice of key employee status, including identification of potential consequences to employee regarding restoration and maintenance of medical benefits, must be given "as soon as practical".
 - Notice must be served personally or by certified mail.
 - Notice must include an explanation of basis of substantial and grievous economic injury and, if FMLA leave has commenced, identification of a reasonable time for employee to return to work.
 - Employee may still request restoration at conclusion of leave and second determination and denial letter is required.

Policy 15.11 Documentation of Employees Health Leave

The employee is required to support by certification from the employee's health care provider, or the military as applicable, the need for the leave (except that persons who are pregnant are not required to see a health care provider in connection with every absence e.g., morning sickness). If the Department Head or Appointing Authority has reason to doubt the validity of the original certification, the City may require, at the City's expense, a second opinion from a physician determined by the City. When these two opinions differ, the City, again at the expense of the City, may require a third opinion from a health care provider jointly approved by the employee and the City, which third opinion shall be considered binding on the City and the employee. An employer may have direct contact with an employee's doctor; however, the employee's "Direct Supervisor" may not.

Certification Required for Return to Work:

The City requires that the employee will provide in all cases, certification from a health care provider that the employee is able to resume work. The employee is notified of this requirement with the designation notice. Failure to provide the fitness certificate may delay restoration to employment. A list of the essential job functions will also be supplied with the designation notice if the City requires certification of the employee's ability to perform the essential job functions. A sufficient medical certification must specify what functions related to the employee's position that the employee is unable to perform so that the City can make a determination whether the employee is unable to perform one or more essential functions.

Policy 15.12 FMLA Requirements Of The City

- (1) FMLA Notice Poster shall be conspicuously posted.
- (2) Employee Policy Books shall include FMLA rights information.
- (3) Written notice shall be provided to employees seeking FMLA leave in regard to specific expectations and obligations, and consequences of failure to meet an obligation as follows:
 - That leave will be counted against annual FMLA entitlement.
 - What medical certification requirements are and the consequences for failing to file certification.
 - Employee's requirement to exhaust paid leave prior to going on unpaid FMLA.
 - Health benefits premium payment requirements, if any, payment arrangements, and consequences.
 - Whether a fitness-for-duty certificate will be required and consequences for failing to provide the same.
 - What key employee status are potential consequences, and conditions required for denial of restoration.
 - Restoration rights, if any.
 - Potential Health premium liability (applies only to unpaid leave)
- (4) Notice must be given no less than once every six (6) months if FMLA leave is taken, but not each subsequent time. However, notice must be

given if changes are made and a sixty (60) day window must exist prior to effective date.

(5) Items contained in No. 3 above, must be given with each notice of need for leave if medical certification or return-to-duty certificate is required unless such requirement is met in the initial notice given and such notice is contained in an employee's handbook (or other written document) i.e. this Manual.

(6) Any notice failure of City will result in employee protection.

Policy 15.13 Genetic Information

Any genetic information that the City of Napoleon acquires from the medical inquiry process will be deemed inadvertent and the employer will not be held liable for receiving it in response to its request.

Policy 15.14 FMLA/ Step by Step

1. Notify employer thirty (30) days in advance (if applicable) of need for leave.
2. Supervisor/ Department Head to notify Human Resources Department of employees need for leave.
3. Any employee absence of three (3) or more days (that meet the FMLA requirements) will be placed on FMLA. Fire that are on twenty-four (24) hour services will be placed on FMLA after missing two (2) shifts. Employee must use any accrued paid leave along with FMLA leave up to the limits so accrued until exhausted in the following order of use:
 - Sick leave, paid vacation, personal time (not compensatory time).An employee shall not be required to utilize any accrued paid leave (sick leave, paid vacation, and personal time) with FMLA leave when the departure from service is related to a workers compensation leave or maternity or pregnancy type leave.
4. A Notice of Eligibility and Rights and Responsibilities Form will be given to the employee with the designated FMLA papers from the Human Resources Department.
5. The employee will have fifteen (15) days to return the FMLA paperwork. Due date will be noted on the Notice of Eligibility and Rights and Responsibilities.
6. Within five (5) business days after receiving the FMLA papers back from the employee or physician, the Human Resources Department will then give the employee a Designation Notice specifying if any other documentation is needed, what time is counted against their FMLA leave entitlement (if applicable) and if documentation is needed to return.

Failure to return FMLA paperwork will be construed as non-compliance and will be subject to disciplinary action.

Policy 16 Insurance Coverage

Policy 16.1 Health & Insurance

Today's many health insurance plans and options can be confusing and complicated. That is why the City of Napoleon has taken the time to form a committee consisting of management and employees to carefully review the coverage and plans available. We have selected the plan we feel provides the best coverage for our employees. Employees are expected to inquire about the literature provided by our insurance.

The City of Napoleon is interested in the health and well-being of an employee and their family. A comprehensive health and life insurance program is available for full-time employees and their families. We provide group insurance underwritten by a local self-insured pool of municipalities. After completion of thirty (30) days an employee becomes eligible for health coverage and thirty (30) for life coverage. In the event of employee departure from employment with the City of Napoleon, an ex-employee and their dependents will have continued health insurance coverage for a period of thirty (30) days from the date of departure at City expense; thereafter an ex-employee and their dependents may have the right to continued coverage under COBRA at the employee's expense. Employees should contact the payroll personnel for details (see Personnel Code §197.15).

Policy 16.2 Life Insurance

Full time (regular) employees of the City of Napoleon may be covered by our Group Life Insurance. This insurance is payable in the event of death from any cause, at any time or place, while an employee is insured. Payment will be made in a lump sum or in installments to the beneficiary, as designated by the employee. The employee may change their beneficiary whenever desired by submitting the appropriate documents to the payroll personnel. Employees should refer to the literature provided by our City's insurance company for details on life insurance coverage (see Personnel Code §197.15).

Policy 16.3 Termination Of Insurance

An employee's insurance will terminate when the insurance policy terminates, when an employee fails to make an agreed contribution to premium when due, when an employee ceases to be eligible for coverage under the terms of our group insurance program, or when an employee ceases to be employed as a full time (regular) employee eligible for the insurance. The City of Napoleon may in special circumstances, by continuing to pay the premium, keep an employee's insurance in effect for a brief period if an employee ceases to be an eligible employee for any reason other than resignation, dismissal, or failure to meet the terms of eligibility of our group insurance program.

Policy 17.1 Workers' Compensation

The Ohio Workers' Compensation Law is a no-fault insurance plan which is supervised by the state and one hundred percent (100%) paid for by the City of Napoleon. This law was designed to provide employees with benefits for any injury or illness an employee may suffer in connection with their employment. Under the provisions of the law, if an employee is injured while at work, or become ill as a result of work related conditions, an employee is eligible to apply for Workers' Compensation.

The City, in an effort to reduce costs related to Workers' Compensation claims, reserves the option to continue to pay the injured employee's lost wages direct to the employee from City funds, in lieu of Workers' Compensation.

Employees may obtain a copy of detailed guidelines and procedures pertaining to Workers' Compensation from the City's Human Resources Department. If a copy is not furnished at time of hiring, an employee should make an inquiry at the earliest possible time.

Policy 17.2 Workers' Compensation Procedure

The City has established detailed procedures to ensure that an employee receives quality health care timely and effectively. In the event of an on-the-job injury an employee should:

- Report the injury to their supervisor.
- Seek medical treatment.

Although employees are free to seek treatment from any provider who is Bureau of Worker's Compensation certified to receive payments from the City's managed care group (Comp Management Health Systems), we ask that employees seek medical attention from the Henry County Hospital.

Henry County Hospital
1600 E. Riverview Ave.
Napoleon, Ohio 43545
Phone: 419-592-4015
Hours: 24 hours/day

- An employee should complete all the necessary paperwork. An employee's supervisor or the payroll personnel will assist an employee and provide all necessary forms.
- Notify Human Resources of the status of the injury.
- Employees returning to work after being absent due to an injury must report to their Department Head prior to beginning work, and must bring a doctor's clearance for returning to duty.

Policy 17.3 Long Term Disability Benefits

If the injury is very serious one an employee won't be able to work for a year or more, an employee may be eligible for additional benefits from their respective retirement system (i.e. PERS or the Police and Fire Pension Fund). Employees should contact the nearest office of their respective retirement system administration for information, or discuss

their situation with the claims representative of the City of Napoleon's Workers' Compensation Insurance carrier.

Policy 17.4 Unemployment Compensation

The City of Napoleon pays a percentage of its payroll to the Unemployment Compensation Fund according to the City of Napoleon's employment history. If an employee becomes unemployed, they may be eligible for unemployment compensation, under certain conditions, for a limited period of time. Unemployment compensation provides temporary income for workers who have lost their jobs. To be eligible such person must have earned a certain amount and be willing and able to work. Such persons should apply for benefits through their local State Unemployment Office as soon as possible.

The City of Napoleon pays the entire cost of this insurance.

Policy 17.5 Workers Compensation Benefits When Drugs And Alcohol Involved

The purpose of this Policy is to establish a drug free policy and testing procedure to promote employee safety, health, productivity and prevention of the workplace injuries and to compliment Policy 5.6 (Drug Free Work Environment Policy and Program).

Utilizing Policy 5.6, the City administration will endeavor to discuss and educate its employees as to this Policy. Moreover, the City will endeavor to train its supervisors in regard to this Policy and other drug policies of the City.

In the event of a work place injury, testing for substances, such as alcohol, controlled substances, medications not prescribed by the employee's physician or not taken as prescribed, and over the counter medications may be conducted when reasonable cause exists to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician. The testing shall be conducted at qualified facilities as determined by the City; moreover, the testing shall be at the City's expense.

The City hereby incorporates by reference the required Ohio Bureau of Worker's Compensation notice into this Policy as well as Section 4123.54 of the Ohio Revised Code concerning work place injuries or occupational disease involving alcohol, controlled substances, medications not prescribed by the employee's physician or not taken as prescribed, and over the counter medications.

ORC 4123.54 reads in pertinent part as follows:

- Every employee, who is injured or who contracts an occupational disease, and the dependents of each employee who is killed, or dies as the result of an occupational disease contracted in the course of employment, wherever such injury has occurred or occupational disease has been contracted, provided the same were not:
 - Caused by the employee being intoxicated or under the influence of a controlled substance not prescribed by a physician where the intoxication or being under the influence of the controlled substance not prescribed by a physician was the proximate cause of the injury, is entitled to receive, either directly from the employee's self-insuring employer as provided in Section 4123.35 of the

Revised Code, or from the state insurance fund, the compensation for loss sustained on account of the injury, occupational disease, or death, and the medical, nurse, and hospital services and medicines, and the amount of funeral expenses in case of death, as are provided by this chapter.

- For the purpose of this Section, provided that an employer has posted written notice to employees that the results of, or the employee's refusal to submit to, any chemical test described under this Division may affect the employee's eligibility for compensation and benefits pursuant to this Chapter and Chapter 4121 of the Revised Code, there is a rebuttable presumption that an employee is intoxicated or under the influence of a controlled substance not prescribed by the employee's physician and that being intoxicated or under the influence of a controlled substance not prescribed by the employee's physician is the proximate cause of an injury under either of the following conditions:

➤ When any one or more of the following is true:

The employee, through a qualifying chemical test administered within eight (8) hours of an injury, is determined to have an alcohol concentration level equal to or in excess of the levels established in divisions (A)(1)(b) to (i) of section 4511.19 of the Revised Code;

The employee, through a qualifying chemical test administered within thirty-two (32) hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels in an enzyme multiplied immunoassay technique screening test and above the levels established in Division (B) (3) of this Section in a gas chromatography mass spectrometry test:

- For amphetamines, one thousand (1,000) nanograms per milliliter of urine;
- For cannabinoids, fifty (50) nanograms per milliliter of urine;
- For cocaine, including crack cocaine, three hundred (300) nanograms per milliliter of urine;
- For opiates, two thousand (2,000) nanograms per milliliter of urine;
- For phencyclidine, twenty-five (25) nanograms per milliliter of urine.

The employee, through a qualifying chemical test administered within thirty-two (32) hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:

- For amphetamines, five hundred (500) nanograms per milliliter of urine;
- For cannabinoids, fifteen (15) nanograms per milliliter of urine;

- For cocaine, including crack cocaine, one hundred fifty (150) nanograms per milliliter of urine;
- For opiates, two thousand (2,000) nanograms per milliliter of urine;
- For phencyclidine, twenty-five (25) nanograms per milliliter of urine.

The employee, through a qualifying chemical test administered within thirty-two (32) hours of an injury, is determined to have barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States Department of Health and Human Services.

- When the employee refuses to submit to a requested chemical test, on the condition that that employee is or was given notice that the refusal to submit to any chemical test described in division (B)(1) may affect the employee's eligibility for compensation and benefits under this Chapter and Chapter 4121. of the Revised Code.
- For purposes of Division (B) of this Section, a chemical test is a qualifying chemical test if it is administered to an employee after an injury under at least one of the following conditions:
 - When the employee's employer had reasonable cause to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician;
 - At the request of a police officer pursuant to Section 4511.191 of the Revised Code, and not at the request of the employee's employer;
 - At the request of a licensed physician who is not employed by the employee's employer, and not at the request of the employee's employer.
- As used in Division (C)(1)(a) of this Section, "reasonable cause" means, but is not limited to, evidence that an employee is or was using alcohol or a controlled substance drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:
 - Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
 - A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;

- The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;
 - A report of use of alcohol or a controlled substance provided by a reliable and credible source;
 - Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.
- Nothing in this Section shall be construed to affect the rights of an employer to test employees for alcohol or controlled substance abuse.
 - For the purpose of this Section, laboratories certified by the United States Department of Health and Human Services or laboratories that meet or exceed the standards of that department for laboratory certification shall be used for processing the test results of a qualifying chemical test.
 - The written notice required by Division (B) of this Section shall be the same size or larger than the certificate of premium payment notice furnished by the bureau of workers' compensation and shall be posted by the employer in the same location as the certificate of premium payment notice or the certificate of self-insurance.

Policy 17.6 Wage Continuation Policy

An employee who suffers a compensable industrial injury or illness can, subject to the below mentioned items, receive regular wages instead of workers' compensation lost time benefits. Payment for related medical benefits is the responsibility of the Bureau of Workers' Compensation.

Qualifications:

- The injury or illness must be determined to be compensable by the City of Napoleon, or in the case of dispute, the Ohio Industrial Commission. In no event will compensation commence before all initial paperwork is completed and filed with the appropriate agency (ies).
- Competent medical proof of disability must be provided via Form C-84 or Physician's Update and Physical Capabilities form. The attending physician must complete the form in its entirety and affix his/her original signature to the form. Copies are unacceptable.
- The employee must complete a FROI-1 (First Report of Injury) application and sign a wage agreement, medical release and an election form.
- The City of Napoleon reserves the right to have the employee examined by a physician of its choice at the City of Napoleon's cost to confirm the medical diagnosis and/or the period of disability. Failure to submit to examination will result in termination of wage continuation benefits.

- Wage continuation benefits will be paid only for those periods of lost time that otherwise would qualify the employee for receipt of workers' compensation lost time benefits, subject to the following limitations:

Termination Conditions:

Wage continuation payments will cease upon any of the following conditions:

- Attending physician releases employee to return to work.
- Employee returns to work for another employer.
- Employee fails to return to a transitional "limited duty" assignment consistent with his/her medical restrictions as approved by the injured workers' treating physician.
- Employee fails to appear for employer-sponsored medical examination.
- Employee has reached maximum recovery and/or the condition has become permanent.
- The claim is found to be fraudulent after payment has been commenced.
- The injured worker attempts to collect both wage continuation and temporary total compensation.
- Employment termination.
- Violation of any company policy or guideline.
- Regardless of the above conditions of termination, management may, at its sole discretion, terminate wage continuation benefits at any time after the initial period or any extension thereof.
- Subject to the limitation set forth in provision 10, the wage continuation plan and all benefits of this policy can be terminated at management's discretion at any time.

This policy (17.6) was incorporated into this Employment Policy Manual pursuant to authority granted in Section 197.13 of the City's Code of Ordinances.

Policy 17.7 Transitional Work Program

The City has adopted a Transitional Work Program that represents a process to minimize the impact of an injury, illness, or disability on an employee's capacity to work safely and productively, as well as to serve as a benefit to protect the employability of workers with restrictions; moreover, it's a program that involves an early intervention process requiring the timely utilization of internal and external services and interventions. The program focuses on early return to work strategies designed to control lost time and disability costs and requires joint employee and management involvement, support and accountability. Specific policies and procedures related to this program have been adopted by City Council.

Policy 18 Retirement Plan

Policy 18.1 Retirement Plan In General

The City participates in the Public Employees' Retirement System and the Police and Fire Pension Fund to provide eligible employees (who have completed sufficient service) with a monthly pension benefit upon retirement. Each system includes provisions for normal retirement, and early retirement or disability retirement benefits for employees meeting certain qualifications.

All employees are eligible to participate in PERS and/or Police and Fire Pension Fund. Participation in both systems begins on the first day of hire.

The details regarding the City of Napoleon and employee contributions, vesting, administration, investments, etc. are provided in the separate literature for PERS and the Police and Fire Pension Fund which should be given to an employee, along with this Manual, when an employee is hired or during a new employee orientation.

Statement of Employee Retirement Income Security Act (ERISA) rights: as a participant in the City of Napoleon Employees' Retirement Plan, an employee is entitled to examine the plan documents and the annual report and plan description filed with the U.S. Department of Labor. This inspection may be made during normal business hours by asking the employee's Department Head to make arrangements for the employee with the payroll personnel.

Policy 18.2 Public Retirement More Specific

The Government of Ohio operates a system of contributory insurance known as Public Employment Retirement System and the Police and Fire Pension Fund. City employees are required by law to contribute a statutory prescribed percent of their weekly wages to the fund from which benefits are paid. The City of Napoleon is required to deduct this amount from each paycheck an employee receives. In addition, the City of Napoleon matches the employee's contribution with a contribution of a certain percent based on an employee's weekly wages.

Policy 19.1 **Education Assistance For Formal Course Work At An Accredited Educational Institution**

We feel an individual who possesses a desire to continue their education, in addition to performing their full time job, shows a commitment to improving themselves and therefore, indirectly improve their potential for performance with the City. To encourage and reward these individuals, the City of Napoleon offers an education assistance benefit.

Full time (regular) employees may continue their education in a job related field and the City of Napoleon may reimburse, upon successful completion of course(s), all or part of the tuition or instruction costs. All courses and costs must be pre-approved, in writing, at the sole discretion of the Appointing Authority. The City of Napoleon will reimburse an employee, subject to budgetary considerations, for six (6) semester hours or nine (9) quarter hours (based on the corresponding charges of the nearest "state" college or university) not to exceed one thousand (\$1,000) dollars in total, per calendar year, as described below for the portion of the registration and tuition that was pre-approved.

In order to qualify for this education assistance benefit an employee must:

- Advise their Department Head, prior to enrolling for the class, that such employee intends to take a particular course. The Department Head will advise the employee whether the course is of a nature that the Appointing Authority will approve for partial or total reimbursement of tuition and instructional fees (not to include other general fees, travel, or books).
- The course must be job oriented and offered by an accredited educational institution.
- Once the course is completed, submit a certified transcript of grades, with receipts for expenses.
- A grade of an A, B, C or 70% or higher will receive 100% reimbursement (not to exceed the max amount per year). Any grade of d, f, or below 70% will receive \$0 in reimbursement.
- An employee must have at least two (2) full years of service with the City of Napoleon.
- If an employee's employment with the City of Napoleon terminates for any reason within two (2) years after completing the course, the employee must agree to pay back the City of Napoleon.
- If an employee is eligible to receive educational benefits from other sources, such as the Veterans Administration, the City of Napoleon will not reimburse the educational expenses.

The undertaking of any such course work will be considered voluntary on the part of the employee, further, the City, does not consider such course work integral or essential to the performance of the employee's current job duties; consequently, any City subsidy for such course work shall not include either the regular or overtime payment of wages or include

educational related travel time under this policy. Moreover, the employee shall bear the cost of all transportation.

Finally, an employee may be granted a schedule change by the Department Head, in order to attend a course, so long as such does not materially affect operations of the department. What constitutes material is at the sole discretion of the Department Head.

Policy 19.2 Attending Training Programs

From time to time, the City of Napoleon may arrange to have both formal and informal training programs available to enable employees to progress in their technical knowledge of our business. Several times a year, employees are selected to attend factory schools, workshops, training programs or seminars. All or a portion of the expenses for off-premises training will be paid for by the City of Napoleon depending on the nature of the course, and such expenses may include compensation for travel time (see Travel Policy).

When an employee is attending a training session(s) that does not require overnight stay (except as provided in the exception below) the employee shall be compensated for hours at training that correspond with their regular working schedule as well as other hours while actually in the training session outside their normal working schedule. Travel time shall be paid pursuant to the City's Travel Policy. A Department Head may adjust an employee's work schedule to avoid the necessity of accruing overtime.

(Exception to above paragraph)

If the training session is:

- Outside normal working hours; and,
- Attendance is voluntary (i.e. it is not mandated training as a requirement of the employee to carry out his/her current job duties); and,
- The training is not directly related to the employee's current job assignment (i.e. not specifically designed by or at the request of the City for the employee for his/her current job assignment);
- No work of value to the employer is performed by the employee (i.e. no work is being performed by the employee for the employer at the time of the training), the employee, with prior approval of the Department Head, may be compensated for the cost of the instruction; however, the employee will not be compensated for hours while attending the training session and the travel policy shall not apply.

Policy 19.3 Certifications And Licenses

Training sessions, for maintaining a professional certification or professional license essential for the employee's job assignment shall be considered required training and the cost thereof, including the cost for renewal of a certificate or license, shall be paid by the City.

Policy 19.4 Volunteer Or Part Time Paramedics And Police (Certification)

Whereas the City desires to retain the service of individuals competent to perform functions and duties related to the Napoleon City Fire Department and Napoleon City Police Department, especially persons who are or may

be certified as paramedics or peace officers; however, acknowledging that the training session for such certification is:

- Outside normal working hours;
- Attendance is voluntary;
- The training is not directly related to the employee's current job assignment;
- No work of value to the employer is performed by the employee; the following is offered by the City:
- The paid part time or volunteer employees of the Napoleon Fire Department or paid part time or volunteer police officer employees of the Napoleon City Police Department, to include Auxiliary Police as a volunteer employee, after one year of service, may apply to the accrediting body selected by the City, for training and instructions to qualify the employee for a certificate of competency as a paramedic or peace officer, subject to approval of the respective Department Head. Upon approval, the City will advance the reasonable cost, for and on behalf of the employee, for the training, limited to the tuition, books and materials, as may be required by the accrediting body, not to exceed an amount as approved by the City Manager. In order for the employee to receive this benefit, the employee must first sign an agreement with the City agreeing to repayment to the City of any amounts advanced by the City for the training in cases of unsuccessful completion or certification; further, in the event of successful completion and certification, the employee agreeing to perform the duties as a paramedic or peace officer when assigned thereto by the Chief of the Department or officer in charge at a rate of pay as established by the City; also, the employee must agree that if for any reason his or her service is terminated with the City Fire Department or the Napoleon City Police Department, as applicable, except due to death or disability, on or before the expiration of the original certificate of competency, or if the employee fails to perform duties as a paramedic or peace officer, except in case of death or disability, then the employee will reimburse the City for the cost advanced by the City for the training, instruction, and certification of the employee in regard to the paramedic or peace officer status in accordance with the following schedule:
 - Within six (6) months after paramedic certification or peace officer certification, then one hundred (100%) percent of the cost advanced by the City for the training, instruction, and certification shall be repaid to the City by the employee.
 - After six (6) months of the employee obtaining paramedic certification or peace officer certification but within twelve (12) months, then the employee shall pay the City seventy-five (75%) percent of all costs advanced by the City for the training, instruction, and certification.
 - After twelve (12) months of paramedic certification but within twenty-four (24) months, then the employee shall pay the City fifty (50%) percent of all costs advanced by the City for the training, instruction, and certification.

- After twenty-four (24) months of paramedic certification or peace officer certification but within thirty-six (36) months, the employee shall pay the City twenty-five (25%) of all costs advanced by the City for the training, instruction, and certification.
- After thirty-six (36) months of paramedic certification or peace officer certification, the employee shall no longer be responsible for repayment to the City of advanced monies that was paid for the training, instruction, and certification.
- If the paid part time employee fails to complete the training or obtain the certification, except as herein provided, the employee shall pay the City one hundred percent (100%) of all costs advanced by the City for the training, instruction, and certification, in accordance with pay schedule as approved by the City Manager.

In the event that a paid part time employee fails to complete the training or is otherwise unsuccessful in obtaining the certification that is the subject of this Policy 19.4, but remains an employee with the respective department of the City for thirty-six (36) months after separation from the training, the City will forgive seventy-five percent (75%) of the amount advanced by the City.

In the event that a volunteer employee (including Auxiliary Police Officer) fails to complete the training or is otherwise unsuccessful in obtaining the certification that is the subject of this Policy 19.4, but remains as a volunteer employee with the respective department of the City for thirty six (36) months after separation from the training, the City will forgive one hundred (100%) of the amount advanced by the City.

In the event that an employee changes classifications within the City during the thirty six (36) months period as found above, the City Manager is empowered to adjust the amount of repayment required in his or her sole discretion.

In the event that an employee repaid monies to the City as part of a payment plan which is later forgiven pursuant to this policy, the Finance Director will reimburse the employee those amounts paid by the employee in order to meet the intent of this policy.

This Policy 19.4 shall be retroactively applied back to January 1, 2005.

Policy 20 Employee Relations

Policy 20.1 Service Awards

Once per year, during the summer months there is an employee appreciation program. The City of Napoleon honors its long-term employees by presenting service awards at an annual City function. Service awards will be given after an employee has completed five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30), thirty-five (35) and forty (40) years of continuous service.

Policy 20.2 Discounted Admissions

Each employee who has been hired on a full time (regular) basis may purchase on behalf of him or herself, and members of his or her immediate family, tickets for admission to all City recreation programs and activities, as well as memberships Swimming Pool for one-half (1/2) of the amount which otherwise would be charged for the program, activity or membership. However, this benefit shall not apply to daily admission to the Municipal Swimming Pool or to greens fees or cart fees at the Municipal Golf Course.

For the purpose of this policy, the term "immediate family" shall mean the employee's spouse, minor children, and minor step children in the employee's residence.

In addition, a "City Recreation Program" shall consist of only those bona fide programs that are City controlled and operated or have been declared as such. If a question arises as to what constitutes a "City Recreation Program", the City Manager shall be the sole authority in determining the same for the purpose of this policy.

Notwithstanding the above, in order to achieve adequate inspection of our recreational facilities, employees [not members of their immediate families], part time, seasonal, permanent part time, temporary and full time, that directly work for the City's Park and Recreation Department at a City owned or operated recreational facility, are entitled to use that facility where worked, at no cost, subject to availability. What constitutes a facility is in the sole discretion of the City Manager.

Policy 20.3 Employee Assistance Program

The City of Napoleon provides an Employee Assistance Program (EAP) which is designed to provide a confidential service for our employees whose personal problems are affecting their abilities to function at top efficiency in their work. This service is available to all full time (regular) employees and their immediate families. Arrangements will be made for the employee to be seen by a professional, who is specially trained in their specific problem area, including:

- Alcoholism;
- Domestic violence;
- Drug dependency;
- Eating disorders;
- Emotional illness;

- Family problems;
- Financial problems;
- Legal problems;
- Marital conflict;
- Other.

Confidentiality is one of the most important aspects of the program; however, it will be preserved only to the extent permitted by law. Participation in the employee assistance program will not affect future promotional opportunities. The City of Napoleon assumes the costs for the employee assistance program assessment and referral, not to exceed five hundred (\$500.00) dollars in any calendar year. Other costs, like treatment, are generally covered in part or in full by the group insurance plan. Asking for assistance does not mean that the employee will be obligated to accept or continue it. In some instances, the City of Napoleon may help the employee pay the costs of the counseling and grant the employee paid time off.

There may be times when the employee will be solely liable for the expenses and, in such cases; the employee will be informed before they occur.

Employee Assistance Program information contact is the City Human Resources Department, and can be reached at (419) 592-4010.

Policy 20.4 Retirement Recognition Policy

In the interest of promoting good employer/employee relations and encouraging employee dedication and improvement or promotion of the City and its services, the following policy is hereby adopted:

Subject to budgetary restraints, employees retiring or retired from the City services with twenty (20) or more years of public service, evidence by eligibility and application for receiving retirement benefits under either the Public Employment Retirement System or the Police and Fire Pension Fund, may be entitled to the benefit of, upon approval of two (2) of the three (3) appointing authorities (approval in the sole discretion of the appointing authorities), no cost use of the City's facilities for a City sponsored employee recognition activity and a sum not to exceed three hundred (\$300.00) dollars, to be used by the City to fund an employee recognition item or activity. Eligibility consideration for receiving such entitlement of facility use and sum shall include factors such as: employee dedication to the service of the City during the term of employment; and City improvement or promotion directly or indirectly resulting from employee's efforts during the course of employment.

Policy 21 Residency

Policy 21.1 Residency Requirements

Residency requirements shall be in accordance with the City's Personnel Code or other legislation or lawful agreements entered into by the City. All employees of the City are required to reside within Henry County, Ohio or within an adjacent county, thereto within this state (not to exclude Hancock county). The Appointing Authority will make reasonable determination of residency utilizing the following factors among others: the physical location where the employee has telephone service, the physical location where the employee receives mail and billings, the physical location where the employee entertains friends, eats meals, and maintains furniture and clothes, and the physical location where residency is declared as such by the employee on his or her voter registration.

**Policy 22 Health Insurance Portability And Accountability Act of 1996
(HIPAA Privacy Policy)**

City of Napoleon (the City) sponsors and self-administers a group health plan (the Plan). Members of the City's workforce may have access to the individually identifiable health information of Plan participants (1) on behalf of the Plan itself; or (2) on behalf of the City, for administrative functions of the Plan.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the City's ability to use and disclose protected health information (PHI).

Protected Health Information. Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

It is the City's policy to comply fully with HIPAA's requirements. To that end, all members of the City's workforce who have access to PHI must comply with this Privacy Policy. For purposes of this Policy as well as procedure developed by the "Privacy Official", the City's workforce includes individuals who would be considered part of the workforce under HIPAA such as employees, volunteers, trainees, and other persons whose work performance is under the direct control of the City, whether or not they are paid by the City. The term "employee" includes all of these types of workers.

No third party rights (including but not limited to rights of Plan participants, beneficiaries, covered dependents, or business associates) are intended to be created by this Policy. The City reserves the right to amend or change this Policy at any time (and even retroactively) without notice. To the extent this Policy establishes requirements and obligations above and beyond those required by HIPAA, the Policy shall be aspirational and shall not be binding upon the City. This Policy does not address requirements under other federal laws or under state laws.

Policy 22.1 Privacy Official and Contact Person

The Human Resources Director will be the Privacy Official for the Plan. The Privacy Official will be responsible for the development and implementation of procedures relating to privacy, including but not limited to this Privacy Policy. The Privacy Official will also serve as the contact person for participants who have questions, concerns, or complaints about the privacy of their PHI.

Policy 22.2 Workforce Training

It is City's policy to train members with access to PHI of its workforce on its privacy policies and procedures. The Privacy Official is charged with developing training schedules and programs so that all workforce

members receive the training necessary and appropriate to permit them to carry out their functions within Plan.

Policy 22.3 Technical and Physical Safeguards and Firewall

The City will establish on behalf of the Plan appropriate technical and physical safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. Technical safeguards include limiting access to information by creating computer firewalls. Physical safeguards include locking doors or filing cabinets.

Firewalls will ensure that only authorized employees will have access to PHI, that they will have access to only the minimum amount of PHI necessary for plan administrative functions, and that they will not further use or disclose PHI in violation of HIPAA's privacy rules.

Policy 22.4 Privacy Notice

The Privacy Official is responsible for developing and maintaining a notice of the Plan's privacy practices that describes:

- the uses and disclosures of PHI that may be made by the Plan;
- the individual's rights; and
- the Plan's legal duties with respect to the PHI.

The privacy notice will inform participants that the City will have access to PHI in connection with its plan administrative functions. The privacy notice will also provide a description of the City's complaint procedures, the name and telephone number of the contact person for further information, and the date of the notice.

The notice of privacy practices will be individually delivered to all participants as required on an ongoing basis, at the time of an individual's enrollment in the Plan or, in the case of providers, at the time of treatment and consent; and within 60 days after a material change to the notice. The plan will also provide notice of availability of the privacy notice at least once every three years.

Policy 22.5 Complaints

The Privacy Official will be the Plan's contact person for receiving complaints.

The Privacy Official is responsible for creating a process for individuals to lodge complaints about the Plan's privacy procedures and for creating a system for handling such complaints. A copy of the complaint procedure shall be provided to any participant upon request.

Policy 22.6 Sanctions for Violations of Privacy Policy

Sanctions for using or disclosing PHI in violation of this HIPAA Privacy Policy will be imposed in accordance with City's discipline policy, up to and including termination.

Policy 22.7 Mitigation of Inadvertent Disclosures of Protected Health Information

The City shall mitigate, to the extent possible, any harmful effects that become known to it of a use or disclosure of an individual's PHI in

violation of the policies and procedures set forth in this Policy. As a result, if an employee becomes aware of a disclosure of protected health information, either by an employee of the Plan or an outside consultant/contractor, that is not in compliance with this Policy, immediately contact the Privacy Official so that the appropriate steps to mitigate the harm to the participant can be taken.

Policy 22.8 No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy

No employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA.

No individual shall be required to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility.

Policy 22.9 Plan Document

The Plan document shall include provisions to describe the permitted and required uses and disclosures of PHI by the City for plan administrative purposes. Specifically, the Plan document shall require the City to:

- not use or further disclose PHI other than as permitted by the Plan documents or as required by law;
- ensure that any agents or subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the City;
- not use or disclose PHI for employment-related actions or in connection with any other employee benefit plan;
- report to the Privacy Official any use or disclosure of the information that is inconsistent with the permitted uses or disclosures;
- make PHI available to Plan participants, consider their amendments and, upon request, provide them with an accounting of PHI disclosures;
- make the City's internal practices and records relating to the use and disclosure of PHI received from the Plan available to DHHS upon request; and
- if feasible, return or destroy all PHI received from the Plan that the City still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

The Plan document must also require the City to (1) certify to the Privacy Official that the Plan documents have been amended to include the above restrictions and that the City agrees to those restrictions; and (2) provide adequate firewalls.

Policy 22.10 Documentation

The Plan's and the City's privacy policies and procedures shall be documented and maintained for at least six years. Policies and procedures must be changed as necessary or appropriate to comply with changes in the law, standards, requirements and implementation specifications

(including changes and modifications in regulations). Any changes to policies or procedures must be promptly documented.

If a change in law impacts the privacy notice, the privacy policy must promptly be revised and made available. Such change is effective only with respect to PHI created or received after the effective date of the notice.

The Plan and the City shall document certain events and actions (including authorizations, requests for information, sanctions, and complaints) relating to an individual's privacy rights.

The documentation of any policies and procedures, actions, activities and designations may be maintained in either written or electronic form. Covered entities must maintain such documentation for at least six years.

Policy 22.11 Use and Disclosure Defined

The City and the Plan will use and disclose PHI only as permitted under HIPAA. The terms "use" and "disclosure" are defined as follows:

- **Use.** The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information by any person working for or within the personnel department of the City, or by a Business Associate (defined below) of the Plan.
- **Disclosure.** For information that is protected health information, disclosure means any release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information to persons not employed by or working within the Personnel Department of the City.

Policy 22.12 Workforce Must Comply With City's Policy and Procedures

All members of the City's workforce (described at the beginning of this Policy and referred to herein as "employees") must comply with this Policy and with the City's privacy use and disclosure procedures which are set forth in a separate document.

Policy 22.13 Access to PHI Is Limited to Certain Employees

The following employees ("employees with access") have access to PHI:

- Finance Director and/or his/her designee
- Human Resources Director
- Law Director
- City Manager

The same employees may be named or described in both of these two categories. These employees with access may use and disclose PHI for plan administrative functions, and they may disclose PHI to other employees with access for plan administrative functions (but the PHI disclosed must be limited to the minimum amount necessary to perform the plan administrative function). Employees with access may not disclose PHI to employees (other than employees with access) unless an authorization is in place or the disclosure otherwise is in compliance with this Policy and the more detailed use and disclosure procedures.

Policy 22.14 Permitted Uses and Disclosures: Payment and Health Care Operations

PHI may be disclosed for the Plan's own payment purposes, and PHI may be disclosed to another covered entity for the payment purposes of that covered entity.

Payment. Payment includes activities undertaken to obtain Plan contributions or to determine or fulfill the Plan's responsibility for provision of benefits under the Plan, or to obtain or provide reimbursement for health care. Payment also includes:

- eligibility and coverage determinations including coordination of benefits and adjudication or subrogation of health benefit claims;
- risk adjusting based on enrollee status and demographic characteristics; and
- billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess loss insurance) and related health care data processing.

PHI may be disclosed for purposes of the Plan's own health care operations. PHI may be disclosed to another covered entity for purposes of the other covered entity's quality assessment and improvement, case management, or health care fraud and abuse detection programs, if the other covered entity has (or had) a relationship with the participant and the PHI requested pertains to that relationship.

Health Care Operations. Health care operations means any of the following activities to the extent that they are related to Plan administration:

- conducting quality assessment and improvement activities;
- reviewing health plan performance;
- underwriting and premium rating;
- conducting or arranging for medical review, legal services and auditing functions;
- business planning and development; and
- business management and general administrative activities.

Policy 22.15 No Disclosure of PHI for Non-Health Plan Purposes

PHI may not be used or disclosed for the payment or operations of the City's "non-health" benefits (e.g., disability, workers' compensation, life insurance, etc.), unless the participant has provided an authorization for such use or disclosure (as discussed in "Disclosures Pursuant to an Authorization") or such use or disclosure is required by applicable state law and particular requirements under HIPAA are met.

Policy 22.16 Mandatory Disclosures of PHI: to Individual and DHHS

A participant's PHI must be disclosed as required by HIPAA in two situations:

- The disclosure is to be individual who is the subject of the information (see Policy 23.22 for "Access to Protected Information and Request for Amendment" that follows); and
- The disclosure is made to DHHS for purposes of enforcing of HIPAA.

Policy 22.17 Permissive Disclosures of PHI: for Legal and Public Policy Purposes

PHI may be disclosed in the following situations without a participant's authorization, when specific requirements are satisfied. The City's more detailed use and disclosure procedures describe specific requirements that must be met before these types of disclosures may be made. The requirements include prior approval of the City's Privacy Official.

Permitted are disclosures:

- about victims of abuse, neglect or domestic violence;
- for judicial and administrative proceedings;
- for law enforcement purposes;
- for public health activities;
- for health oversight activities;
- about decedents;
- for cadaveric organ, eye or tissue donation purposes;
- for certain limited research purposes;
- to avert a serious threat to health or safety;
- for specialized government functions;
- that relate to workers' compensation programs.

Policy 22.18 Disclosures of PHI Pursuant to an Authorization

PHI may be disclosed for any purpose if an authorization that satisfies all of HIPAA's requirements for a valid authorization is provided by the participant. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization.

Policy 22.19 Complying With the "Minimum-Necessary" Standard

HIPAA requires that when PHI is used or disclosed, the amount disclosed generally must be limited to the "minimum-necessary" to accomplish the purpose of the use or disclosure.

The "minimum-necessary" standard does not apply to any of the following:

- uses or disclosures made to the individual;
- uses or disclosures made pursuant to a valid authorization;
- disclosures made to the DOL;
- uses or disclosures required by law; and
- uses or disclosures required to comply with HIPAA.

Policy 22.20 Disclosures of PHI to Business Associates

Employees may disclose PHI to the Plan's business associates and allow the Plan's business associates to create or receive PHI on its behalf. However, prior to doing so, the Plan must first obtain assurances from the business associate that it will appropriately safeguard the information. Before sharing PHI with outside consultants or contractors who meet the definition of a "business associate," employees must contact the Privacy Official and verify that a business associate contract is in place.

Business Associate is an entity that:

- performs or assists in performing a Plan function or activity involving the use and disclosure of protected health information (including

claims processing or administration, data analysis, underwriting, etc.);

or

- provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where the performance of such services involves giving the service provider access to PHI.

Policy 22.21 Disclosures of De-Identified Information

The plan may freely use and disclose de-identified information. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis, or by removing 18 specific identifiers.

Policy 22.22 Access to Protected Health Information and Requests for Amendment

HIPAA gives participants the right to access and obtain copies of their PHI that the Plan (or its business associates) maintains in designated record sets. HIPAA also provides that participants may request to have their PHI amended. The Plan will provide access to PHI and it will consider requests for amendment that are submitted in writing by participants.

Designated Record Set is a group of records maintained by or for the City that includes:

- the enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan; or
- other PHI used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

Policy 22.23 Accounting

An individual has the right to obtain an accounting of certain disclosures of his or her own PHI. This right to an accounting extends to disclosures made in the last six years, other than disclosures:

- to carry out treatment, payment or health care operations;
- to individuals about their own PHI;
- incident to an otherwise permitted use or disclosure;
- pursuant to an authorization;
- for purposes of creation of a facility directory or to persons involved in the patient's care or other notification purposes;
- as part of a limited data set; or
- for other national security or law enforcement purposes.

The Plan shall respond to an accounting request within 60 days. If the Plan is unable to provide the accounting within 60 days, it may extend the period by 30 days, provided that it gives the participant notice (including the reason for the delay and the date the information will be provided) within the original 60-day period.

The accounting must include the date of the disclosure, the name of the receiving party, a brief description of the information disclosed, and a brief statement of the purpose of the disclosure (or a copy of the written request for disclosure, if any).

The first accounting in any 12-month period shall be provided free of charge. The Privacy Official may impose reasonable production and mailing costs for subsequent accountings.

Policy 22.24 Requests for Alternative Communication Means or Locations

Participants may request to receive communications regarding their PHI by alternative means or at alternative locations. For example, participants may ask to be called only at work rather than at home. Such requests may be honored if, in the sole discretion of the City, the requests are reasonable.

However, the City shall accommodate such a request if the participant clearly provides information that the disclosure of all or part of that information could endanger the participant. The Privacy Official has responsibility for administering requests for confidential communications.

Policy 23 Forms And Attachments

The following forms are recommended for use:

- Policy 23.1 Employee Incident Report Form (see attached)**
- Policy 23.2 Applicant's Consent And Waiver Form(s) (see attached)**
- Policy 23.3 Map Showing Residency Requirement (see attached)**
- Policy 23.4 Employee Evaluation Form (see attached)**
- Policy 23.5 Release And Waiver Of Liability Form For Civilian Travel (see attached)**
- Policy 23.6 Garrity Warning (see attached)**
- Policy 23.7 Report Of Complaint Against City Personnel (see attached)**
- Policy 23.8 Accident Reporting & Investigation (see attached)**
- Policy 23.9 Report Of Employee Injury Form (see attached)**
- Policy 23.10 Report Of Citizen Accident/Incident Form (see attached)**
- Policy 23.11 Automobile/Equipment Loss Report Form (see attached)**
- Policy 23.12 Employee Incident No-Injury Accident Report Form (see attached)**
- Policy 23.13 Passenger Incident Form (see attached)**
- Policy 23.14 Notice Of Injured Employees Election Of Compensation (see attached)**
- Policy 23.15 Exit Interview**

Forms may be subject to change by Appointing Authority without Council approval.

Employee Incident Report Form

Name _____ Job Title _____

Department _____

Name of Immediate Supervisor _____

Statement of Complaint (Be specific.)

Date and time of Incident _____

Name(s) of Person(s) Accused of Wrongdoing _____

Type of wrong Doings:

- Sexual Harassment
- Discrimination
- Violation of Civil Rights
- Violence in Work Place
- Alcohol or Drug Use
- Safety
- Suggestion
- Other _____

Description of Incident (Describe actions of all person(s) involved, including yourself.)

Adjustment Requested

Employee Signature _____

Today's Date _____ Time _____ a.m./p.m.

Do Not Write Below This Line

Person Receiving Report _____

(name)

(title)

Signature _____ Date Received _____

Any additional space needed, please use the back of this form.

Applicant's Consent and Waiver Form

Last Name	First Name	Middle Name
Address – Number	Street	City
		State
		Zip Code
Telephone Number(s)		Date of Birth

In consideration for the City of Napoleon (hereinafter "City") evaluating the above named applicant for a term of employment as well as in consideration of both future and continued employment if hired, the above named applicant hereby agrees to each and every item of consent or waiver below:

<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>In order to maintain workplace efficiency and productivity, as well as to reduce losses to the City resulting from theft, I consent to City inspections of any desk, locker, and all other locations that are either owned or controlled by the City. I further consent to the City searching any packages or closed containers that I may bring into or out of the work area; all the above I consent to for both now and in the future.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>Since the safety and security of our employees is a paramount concern to the City, the City may install and use surveillance cameras. Although it's understood that the use of such cameras is primarily limited to personnel safety and security measures, the City or law enforcement personnel may also occasionally utilize such equipment for the investigation of criminal activity. I hereby consent both now and in the future to such surveillance monitoring.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>I consent to the City accessing all e-mail messages, hard drives, and backup copies both now and in the future, for the purposes of evaluating the effectiveness and operation of the e-mail system; finding lost messages; investigation of criminal activity; discovering and preventing the disclosure of unauthorized, privileged or confidential City information; recovery from system failures; and discovery and prevention of unauthorized duplication of software and unauthorized use of the City's computers.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>I agree to hold harmless in tort the City, its officials, agents and employees and any party responding to a City request for a reference; and hereby waive any cause of action against such party, including those for invasion of privacy (intrusion upon seclusion and public disclosure of private facts), intentional infliction of emotional distress, and defamation.</p>
<input type="checkbox"/> <hr style="width: 50%; margin: 0 auto;"/> <i>initial</i>	<p>I consent to financial checks being made on me by the City for purposes of employment and/or promotion, both now and in the future, and release and hold harmless the City, its officials, officers and employees for any harm as a result thereof.</p>

Signature of Applicant

Date

***** Please have each Applicant put their initials in each of the checked boxes.***

Map Showing Residency Requirement



PERFORMANCE APPRAISAL

NAME: _____ EMPLOYEE ID: _____

DEPARTMENT: _____ POSITION: _____

APPRAISAL PERIOD: FROM: _____ TO: _____

PERIOD: ANNUAL PROBATIONARY OTHER

EMPLOYEES STRENGTHS:

OPPORTUNITIES FOR IMPROVEMENT:

EMPLOYEE COMMENTS:

EMPLOYEE'S SIGNATURE: _____ DATE: _____

SIGNATURE DOES NOT IMPLY CONCURRENCE WITH THE REVIEWER'S APPRAISAL, ONLY THAT APPRAISAL WAS

ADMINISTERED.

REVIEWER'S NAME AND TITLE: _____

REVIEWER'S SIGNATURE: _____ DATE: _____

CITY MANAGER SIGNATURE: _____ DATE: _____

Comments: These categories should include favorable and unfavorable comments. Be as detailed and specific as possible.

	EXCEEDS STANDARDS	MEETS STANDARDS	BELOW STANDARDS
OVERALL JOB KNOWLEDGE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
QUALITY OF WORK (ACCURACY):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRODUCTIVITY AND INITIATIVE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPENDABILITY/RELIABILITY:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATTENDANCE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RELATIONS WITH OTHERS (CO-WORKERS AND PUBLIC):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SAFETY:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMUNICATES EFFECTIVELY (WRITTEN AND ORAL):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADHERENCE TO POLICY:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATTEMPTS TO IMPROVE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PROFESSIONAL DEVELOPMENT:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SUPERVISORY ABILITY: (applicable only to designated supervisor positions) <i>Not to be added into overall percentage</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL APPRAISAL RATING: (One category must be checked)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Release and Waiver of Liability

In consideration of the City of Napoleon, Ohio, permitting the transport of a civilian or non-City Employee, officer or official (hereinafter called "passenger") in a City owned or leased vehicle or other equipment at no cost to the passenger, such passenger agrees to hereby release and hold harmless the City of Napoleon, Ohio its officials, officers, employees, and agents against any and all claim(s) of any kind, including but not limited to: claims of death, personal injury, property damage, or any other damage or loss, that may result from the use or operation of said vehicle or equipment or the transport thereof, claims both known now or in the future.

If the intended "passenger" is a spouse, child, stepchild, parent or grandparent of a City Employee who is assigned the City owned or leased vehicle or other equipment that is to be utilized in making such transport, then, in consideration of permitting the use of the said vehicle or equipment for transport of a family member at no charge to the City Employee, the undersigned Employee agrees to release and hold harmless the City, its officials, officers, employees, agents and others, herein mentioned or not, for any and all claim(s) made by the Employee or on the Employee's behalf, or their family member's behalf, as a result of the use or operation of the City owned or leased vehicle or equipment or the transport thereof; further, Employee agrees to indemnify and defend the City of Napoleon, Ohio, its officials, officers, employees, and agents against any and all claim(s) made by the passenger, relatives of the passenger, or the passenger's heirs and assigns forever, that may arise in regard to any claim(s) of death, personal injury, property damage, or any other damage or loss as a result of the operation or use of said vehicle or equipment or the transport thereof.

Date

Passenger

Witness

Sworn to and subscribed in my presence by _____, on the _____ day of _____, _____ Passenger, as the signing of this waiver being his/her free and voluntary act and deed.

(seal)

Notary Public

Commission expires: _____

(This part signed only if passenger is a spouse, child, stepchild, parent or grandparent to the City Employee assigned to use or operate the vehicle or equipment for transport.)

Date

Employee

Witness

Sworn to and subscribed in my presence by _____, on the _____ day of _____, _____ Employee of the City of Napoleon, as the signing of this waiver being his/her free and voluntary act and deed.

(seal)

Notary Public

Commission expires: _____

* If passenger is a minor child, then parent or guardian must sign on their behalf.

Administrative Investigation

Garrity Warning
Garrity v. New Jersey
385 U.S. 493

I wish to advise you that you are being questioned as part of an official investigation of the City of Napoleon, Ohio.

You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to departmental charges which could result in your dismissal from the City of Napoleon, Ohio. If you do answer, neither your statements or any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

EMPLOYEE'S SIGNATURE

DATE

WITNESS'S SIGNATURE

DATE

Report of Complaint Against City Personnel

Name of Complainant _____ Date of Birth _____

Address _____ City _____ State _____ Zip _____

Residence Phone _____ Work Phone _____

Date and Time of Incident _____ Location _____

Employee against whom the complaint is being filed:

Name _____

Name(s), address, phone number or other identifying information concerning witnesses:

Statement of allegation:

(USE ADDITIONAL SHEET IF NECESSARY)

I understand that this statement of complaint will be submitted to the City of Napoleon, Ohio and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date

Accident Reporting & Investigation

It is the policy of each BORMA member to document each accident which occurs involving City employees and equipment when they occur. It is also the responsibility of each BORMA member to thoroughly investigate each accident reported so that claims may be handled fairly and appropriate actions can be taken to prevent future occurrences. Therefore, all City of Napoleon, Ohio (hereinafter referred to as "City") departments and employees will follow the procedures detailed in this Policy.

Definitions

Accident - an event which results in injury, no matter how minor, to employees or other parties occurring within City owned facilities, through the actions of City employees and representatives, or because of the involvement of City owned equipment; or damage to property, City owned and non-City owned, resulting from reactions of City employees or the actions of others.

Accident Report Forms - forms for the reporting of accidents to be used by all Department Heads. All forms are in the appendix.

Management Responsibility

It will be the responsibility of the City Finance Director to oversee and document accident reporting and investigation throughout the City.

It will be the responsibility of each Department Head to inform their employees of these policies and to insure that all accidents are reported on the appropriate forms and investigated. Annual reviews for each Department Head by the City Manager will include a review of each department's compliance with this Policy.

Accident Reporting Procedures

When an accident occurs, the following procedures shall be followed:

- * All accidents shall be reported immediately after they occur. If accidents occur away from the work site, as soon as the injured have been taken care and when an accident scene has been secured, the employee should report the accident to his or her Department Head. If the accident happens at the work site, after the injured have been taken care of, the accident should be reported to the supervisor, and then to the Department Head.
- * The appropriate accident form must be filled out completely within twenty four (24) hours from time such accident becomes known to the City, its employees, officers or agents. Some information must be acquired at the accident scene before departure. Other information can be provided from a location remote to the accident scene or by the employee when they return to their work location.
- * Accident reports should be maintained in separate files along with other pertinent information. Automobile accidents should be maintained collectively on a

separate log. Work site accidents involving injuries to employees should be maintained on a separate log.

- * If the accident involves an employee driving a commercial vehicle, immediate action must be taken to determine if post-accident drug/alcohol tests are necessary. If they are, the supervisor is required to insure timely testing of the employee. (See CDL Policy)

All departments will use the accident/incident reporting forms attached to this Policy. Two (2) forms are for all accidents/incidents related to employees at the work site (*Forms EIF-1 and EIF-2*). The two (2) forms are for accidents/incidents involving City vehicles or equipment while in use (*Forms EIF-3 and EIF-4*); and one (1) form is for reporting accidents/incidents involving non-employees (*Forms EIF-5*). Any injury to an employee, no matter how minor and any damage to City vehicles and equipment, no matter how minor, and any injury to a member of the general public which occurs on/within City facilities, or as a result of City employee/equipment activities, must be reported on these forms.

The following procedures must be followed:

- * All information requested must be provided on the form (police accident forms acceptable in lieu of these forms); and,
- * The form must be completed and turned in to the City Finance Director within forty eight (48) hours of the time of the accident/incident.

This procedure will be followed for every accident/incident which occurs to ensure that they are documented properly and that they are investigated and used by management for identifying and eliminating risks associated with them. When an accident occurs, the Department Head must do the following:

- * Inform City Manager and City Finance Director that an accident has occurred; and,
- * Initiate an investigation of the accident, including visits to the accident site, interviews of police, witnesses, fellow employees, etc.; and, cooperate with representatives of our insurance companies and other City officials involved in the accident investigation.

Accident Review Committee

The City has established a Safety Committee which will review accidents on a City wide basis to assess risk management within each department.

The Safety Committee will meet on a quarterly basis to review all accidents/incidents which have occurred within the City during the previous quarter. Department Heads will be asked questions as necessary by the Committee to fully understand the facts of the accidents, what caused them, and what is being done to prevent them.

The Committee will suggest additional changes or improvements to manage risks when appropriate. Department Heads will be required to implement these additional changes when directed by the City Manager after a report is received by the City Manager from the Committee.

Accident Investigation Procedures

All accidents must be investigated to determine if they are preventable in the future. Each report prepared by the Department Head shall include a determination of preventability, changes to be implemented for preventability and time frames for implementation. Except as otherwise permitted, the forms included in the Appendix shall be used by Department Heads and a copy of the completed form will be sent to the City Finance Director, with a copy to the City Manager. In case of exclusively worker's compensation related claims, worker's compensation forms may be used.

A packet of information concerning Accident/Incident Investigation is included in the Appendix. This packet will assist management and Department Heads in effectively investigating these events and determining causation factors.

Effective date: March 1, 1999

City Manager

City Law Director

City Finance Director

Report of Employee Injury Form

EMPLOYEE'S REPORT OF INCIDENT AND INJURY

To be completed by Employee PLEASE PRINT IN INK Policy# **City of Napoleon**

Name _____ Social Sec. No. _____
Home Address _____ Birth Date _____ Sex: Male Female
City/State/Zip _____ Telephone: () _____

Date of injury or onset of symptoms _____ Time _____ am pm
Described what caused the injury/symptoms, what you were doing **just before** the incident, and what you did **after** the incident (if you need more space, write on the back of this form). **Be specific - name any objects or substances involved:** _____

Did anyone see you get hurt? Yes No If yes, who? _____
Did you report this incident to anyone? Yes No If not, why not? _____
If yes, to whom did you report it? _____ Title/Position _____ When? _____

What part(s) of your body was/were affected? (BE SPECIFIC: for example, right elbow, left knee, right index finger):

What type of injury did you experience? (BE SPECIFIC: for example, bruise, scrape, laceration, pull) _____

Was any first aid provided at the scene? Yes No If yes, describe: _____

Did you seek other medical treatment? Yes No If yes, when? _____
Where? _____ If treatment was not sought immediately, explain why: _____

Is this an aggravation of a previous injury/symptom? Yes No If yes, when were you last treated for the previous injury?
_____ By whom or where? _____

Have you ever had a similar injury? Yes No If yes, describe other injury: _____

Medical Release

Under current workers' compensation law, the employer is entitled to a signed medical release

I hereby authorize any person or persons who have in the past or will in the future medically attend, treat or examine me, or any person who may have information of any kind which may be used to reach a decision in any claim for injury or disease arising from the injury/illness described above, to **disclose such information** to my employer, my employer's managed care organization, or to my employer's designated representative, **CompManagement, Inc.** A copy of this form will serve as the original.

Employee Name (print) _____

Employee Signature _____

Date (required) _____

EMPLOYEE'S REPORT OF INCIDENT AND BACK INJURY

To be completed when a back injury is reported

PLEASE PRINT IN INK

Employer: City of Napoleon, Policy # City of Napoleon

Name _____ Social Sec. No. _____
Home Address _____ Birth date _____ Sex: Male Female
City/State/Zip _____ Telephone: () _____
Occupation _____ Department _____

What part of your back hurts now? _____
When did you first notice this back pain? Date _____ Time _____ am pm
What were you doing at that time (explain **in detail**)? _____

If you were lifting an object, what was it and how heavy? _____

What was your exact position when pain was first noticed? _____
What did you feel? _____
What was the length of time between the injury and your disability, if any? _____

Did anyone see you get hurt? Yes No If yes, who? _____
Did you report or mention this injury to anyone? Yes No If yes, who? _____ When? _____

Did you ever have a back injury before? Yes No If yes, when? _____
What part of your back? _____
Were you ever treated by a doctor? Yes No If so, when? _____
Has it given you further trouble since then? _____

Have you ever received or filed for compensation because of a back injury? Yes No
Any other injury? Yes No If yes, list Bureau of Workers' Compensation claim number(s) _____

Medical Release

Under current workers' compensation law, the employer is entitled to a signed medical release

I hereby authorize any person or persons who have in the past or will in the future medically attend, treat or examine me, or any person who may have information of any kind which may be used to reach a decision in any claim for injury or disease arising from the injury/illness described above, to **disclose such information** to my employer, my employer's managed care organization, or to my employer's designated representative, **CompManagement, Inc.** A copy of this form will serve as the original.

Employee Name (print) _____

Employee Signature _____

Date (required) _____

Employee Injury Form- Supervisor's Investigation Report

Employer: City of Napoleon, Policy # City of Napoleon

Employee Name: _____ **Soc. Sec. #** _____

Date of Injury: _____

Was an investigation completed concerning the circumstances of this injury? Yes No

Were there any witnesses to this injury? Yes No
If yes, witness statements should be attached.

Was the injury a result of horseplay? Under the influence of drugs, or purposely self-inflicted? If yes, please specify: Yes No

Has there been any recent disciplinary action taken against this employee? Yes No
If yes, please describe:

Has the employee missed any work previously due to similar industrial or non -industrial conditions? If so, when? Yes No

Has the employee submitted medical documentation for the injury? Yes No
If so, please attach.

If known, please provide us with the name, address and telephone number of the attending physician:

Has the employee returned to work? Yes No
Last day worked _____ Returned to work _____

If not, what is the current estimated date of return? _____

With the information you have, would you recommend the claim be accepted? Yes No
If no, why? _____

Employer's signature

Title

Date

Employee Injury Form- Statement of Witness to Accident

Employer: City of Napoleon, Policy # City of Napoleon

I. INCIDENT IDENTIFICATION INFORMATION

Name of employee alleging incident _____ Shift _____
Occupation _____ Department _____

II. WITNESS STATEMENT

Your name has been given as a witness to an incident alleged by the above individual. Through your cooperation, information can be obtained to complete the investigation of this incident. Therefore, it will be appreciated if you will answer each of the following questions and promptly return your completed statement.

Your name _____ Your occupation _____

Your address _____ Your telephone number () _____ - _____

Did you see an accident involving the above employee? Yes No

If not, how did you learn about the accident? _____

If you did see an accident occur: Date of accident _____ Time of accident _____ am pm

Describe what you saw: _____

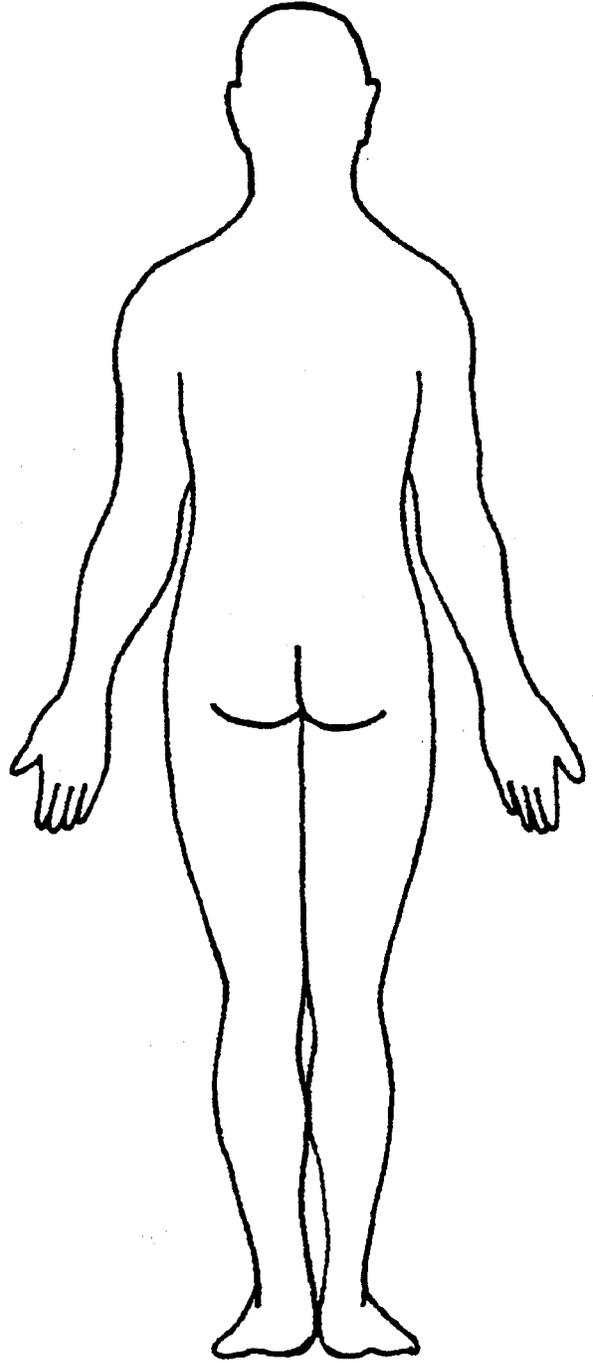
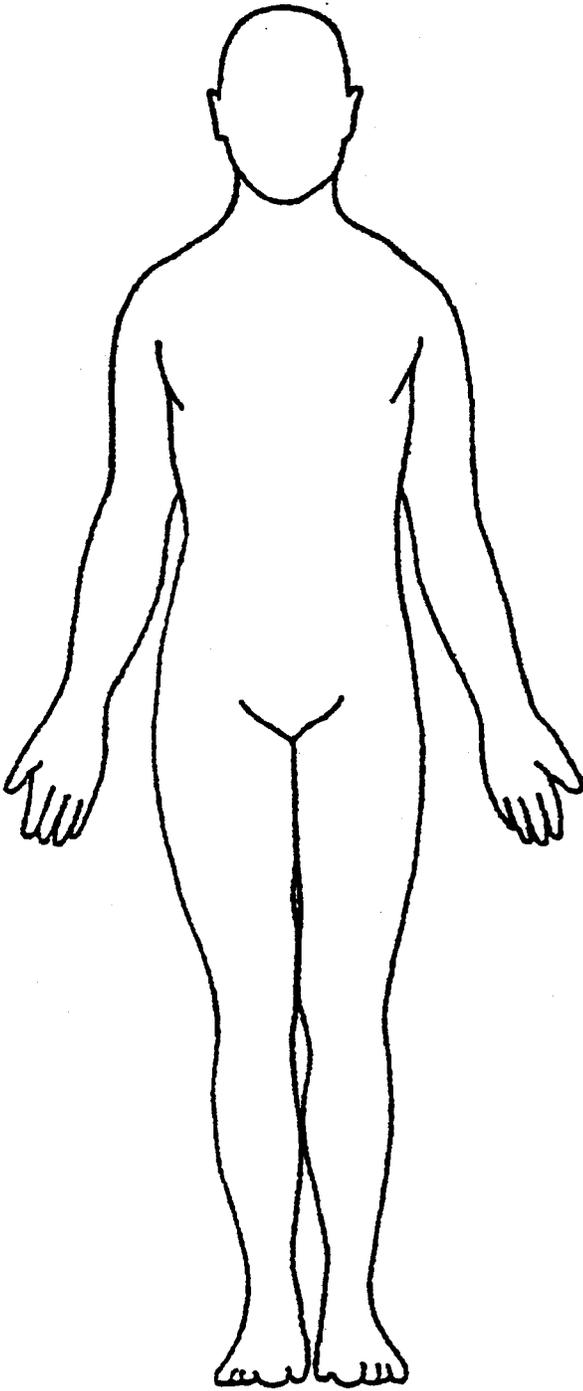
Your signature

Please print your name

Date

Injury Map

(Circle areas of injury)



Report of Citizen Accident/Incident Form

Name of Injured Citizen: _____

Age: _____ Sex: _____

Date of Incident/Accident: _____ Time: _____ A.M. Location of Incident/Accident: _____ P.M.

Description of Incident: _____

Nature of Injury & Part of Body Involved: _____

Was any First Aid Provided at the Scene of the Incident/Accident? _____ Yes _____ No

By Whom? _____ Doctor _____ Emergency Personnel _____ Other

Names and Addresses of Witnesses to Incident:

1.

2.

3.

4.

I have completed this report and it is correct to the best of my knowledge.

X _____

Signature of person completing this report

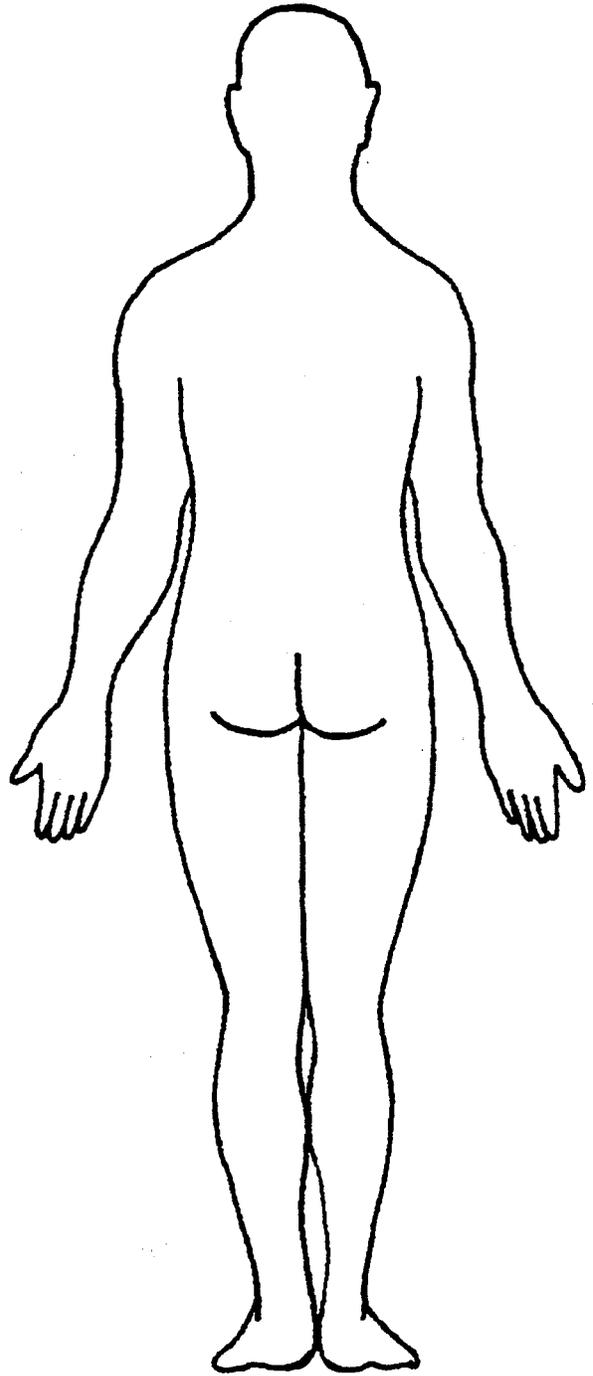
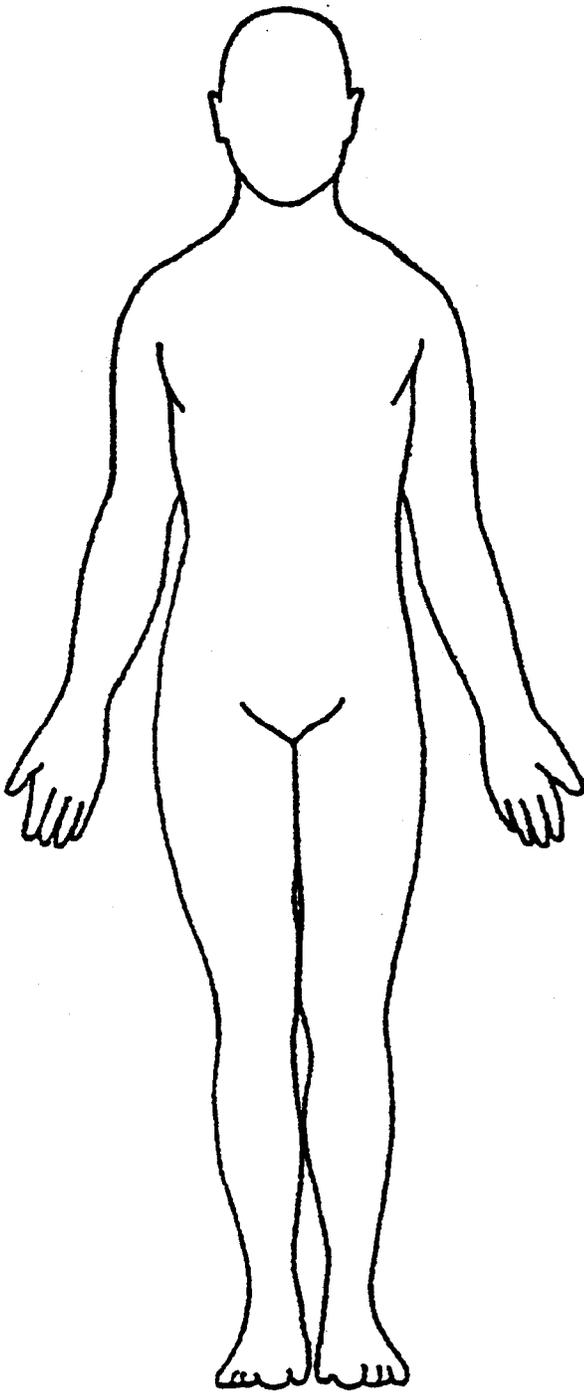
I have read this report and it is correct to the best of my knowledge.

X _____

Citizen's Signature

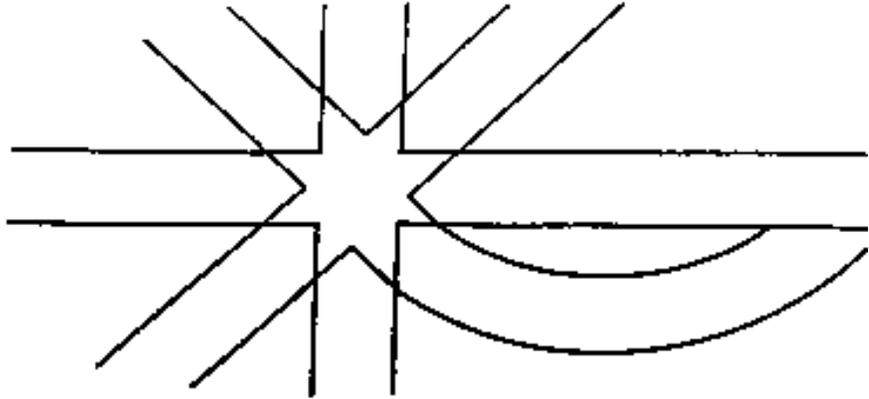
Injury Map

(Circle areas of injury)



Description of Accident
(Attach additional pages if
more space is needed)

BY ARROW
INDICATE NORTH



Witnesses: Name _____
Address _____
City/State/Zip _____
Phone: Home _____ Work _____

Witnesses: Name _____
Address _____
City/State/Zip _____
Phone: Home _____ Work _____

*Authorities Contacted/
Responding* Police _____ Yes _____ No _____
Fire _____ Yes _____ No _____
Ambulance _____ Yes _____ No _____

Describe Citations Issued _____

Completed By: Name _____
Signature _____

Employee Incident No-Injury Accident Report Form

(This must be completed IMMEDIATELY by a Supervisor after an accident when there is no injury.)

Exact Location of Incident: _____ Department: _____

Occurrence Date: _____ Time: _____ Date Reported: _____

Employee Involved: _____ SSN#: _____ Employee ID: _____

Job Title: _____ Employment Date: _____ Time on Present Job: _____
(Optional)

1. Property Damaged: _____

Cost \$ _____ Length of downtime _____

2. Unsafe condition at time of incident (be specific) _____

3. Unsafe practice contributing to the incident (be specific) _____

4. Witness (es) to incident: _____

5. Sequence of events: (detailed) _____

Employee Signature: _____

To Be Completed by Department Head: _____ Date Reported: _____

1. What was immediate cause(s):

_____ Unsafe Condition _____ Unsafe Act _____ No Fault

2. What was contributing Cause(s): _____

3. What can be done to prevent re-occurrence of this type of loss: _____

4. When will corrective steps be taken: _____

Remarks:

Supervisor: _____ Date: _____

(Use of SSN #, if furnished, will be used for tracking.)
Immediately forward copies of this report to Department Management

Passenger Incident Form

Instructions to Driver: Please complete this form each and every time there is a problem or injury with occupant in your vehicle. Always take photographs of the fall/injury area if possible.

Immediately Report This Incident To Your Supervisor.

Driver Information (Please complete as fully as possible):

Your Name: _____
Last First M.I.

Company Name: _____

Company Address: _____

Tel: _____ Date: _____ Time: _____ a.m. /p.m.

Insurance Police No: _____ Vehicle Identification No. (VIN) _____

Accident/Incident Location: _____

Name of Passenger: _____
Last First M.I.

Address: _____

Home Phone No: _____ Work Phone No: _____

Was your passenger removed from the scene? _____ Yes _____ No

If Yes, By Whom? _____

If Yes, to Where? _____

Type of Problem (Please check as many boxes as necessary.):

<i>Passenger Fall</i>	<i>Passenger Injury</i>	<i>Incident</i>
<input type="checkbox"/> Down stairs	<input type="checkbox"/> Struck by object overhead	<input type="checkbox"/> Complaint
<input type="checkbox"/> Up stairs	<input type="checkbox"/> Struck by carried object	<input type="checkbox"/> Argument
<input type="checkbox"/> Near bus	<input type="checkbox"/> Struck by falling person	<input type="checkbox"/> Lost article
<input type="checkbox"/> Step stool	<input type="checkbox"/> Tripped on board	<input type="checkbox"/> Fighting
<input type="checkbox"/> In aisle	<input type="checkbox"/> Struck head on overhead rack	<input type="checkbox"/> Vandalism
<input type="checkbox"/> In restroom	<input type="checkbox"/> Injury at/around baggage doors	<input type="checkbox"/> Asleep
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Injury, other cause: _____	<input type="checkbox"/> Other: _____

Notice of Injured Employees Election of Compensation

The City of Napoleon offers a Wage Continuation Policy relating to employees who are injured or contract an occupational disease while in the course of employment. This policy is effective for injuries on or after 6-19-98. In the past, injured employees have been partially reimbursed for lost wages by the Bureau of Workers' Compensation. Injured employees are compensated at the rate of 72% of the full weekly wage for the first 12 weeks of disability, and a 66 2/3% of the average weekly wage for all subsequent weeks of disability. **In most cases**, administrative delays have caused significant interruption in income from the last day worked to the eventual receipt of workers' compensation benefits.

In order to prevent such delays, the City of Napoleon will, in compensable claims, continue to pay wages at the same rate of pay the injured worker was making at the time of the injury. This rate will be multiplied by the usual number of scheduled hours per week. This compensation will be paid for a period not to exceed 12 weeks. The payment by the City of Napoleon will take the place of payment by the Bureau. Wage continuation will be made only during the period of the time that workers' compensation benefits would otherwise be paid by the Bureau. In most cases, payments will immediately commence upon **receipt of proof of disability from the preferred medical provider and a completed claim application.**

The payments by the City of Napoleon will be taxable income to the employee and subject to the same tax withholding requirements as one's regular weekly wage. Workers' compensation benefits payable by the State are not taxable income to the employee; however, the City of Napoleon's net payment will be equal or greater than the payment which would be made by the Bureau, and will reduce the delay.

Receipt of wage continuation payment will be in lieu of workers' compensation lost time benefits. The payment of medical benefits will continue to be the responsibility of the Bureau of Workers' Compensation.

If the period of disability exceeds _____ weeks, the City of Napoleon **may**, solely at management's discretion, extend wage continuation payments for additional periods of time. Injury leave payments beyond _____ will be calculated at the same rate of pay the injured worker was making at the time of injury. This rate will be multiplied by the usual number of scheduled work hours per week. Alternatively, after _____, the City of Napoleon may request that the employee commence payment from the Bureau of Workers' Compensation. Since the claim number will be assigned by the Bureau, **no interruption in the disabled employee's benefits should occur.**

Hopefully, this plan will eliminate any financial hardship suffered by an employee as a result of an occupational illness or injury. Please contact the Workers' Compensation Coordinator with any questions you may have or to obtain a copy of written guidelines pertaining to qualification for receipt of injury leave benefits.

I elect to receive direct payments.

I elect to receive compensation from the Bureau of Workers' Compensation.

Employee's signature

Date

Exit Interview

Date: _____

Employee's Name: _____ Job Title: _____

Department: _____ Employed From _____ To _____

Reason for Leaving: Resignation _____ Discharge _____ Layoff _____ Other _____

Have you accepted another position? Yes _____ No _____ If yes, where? _____

Present Title: _____ New Title: _____

Present Salary: _____ New Salary: _____

Additional Fringe Benefits offered by new employer: _____

1. How long ago did you begin searching for another position? _____ What incident or circumstance(s) made you begin looking for another job? _____

2. What were the reasons you decided your career goals could not be met here or could be better met somewhere else? _____

3. Did you speak with your supervisor or anyone else in management or the Administration Office concerning your career goals? Yes _____ No _____

4. If the answer to 3 above was Yes, what was the outcome of this conversation? _____

5. If the answer to 3 above was No, why not? _____

6. Did you get along well with your supervisor? Yes _____ No _____. If No, please explain: _____

7. How well did your supervisor handle any complaints or grievances you may have had? _____

8. What could have been done to make your job here more rewarding? _____

9. What did you like best about your job? _____

10. What did you dislike about your job? _____

11. What makes the City of Napoleon a good place to work? _____

12. What makes the City of Napoleon a poor place to work? _____

13. How does your new position compare with the one you are leaving? _____

14. How would you rate the following:

➤ Job responsibilities?

Outstanding Very Good Satisfactory Fair Unsatisfactory

➤ Opportunity for achieving goals?

Outstanding Very Good Satisfactory Fair Unsatisfactory

➤ Work environment?

Outstanding Very Good Satisfactory Fair Unsatisfactory

➤ Supervisor?

Outstanding Very Good Satisfactory Fair Unsatisfactory

➤ Pay?

Outstanding Very Good Satisfactory Fair Unsatisfactory

➤ Benefits?

Outstanding Very Good Satisfactory Fair Unsatisfactory

15. What recommendations would you have for making your department and/or the City a better place to work?

Employee Signature: _____ Date: _____

Please return completed form to HR Director