

# EMPLOYEE HANDBOOK

---

---

THE CITY OF  
**YOUNGSTOWN**  
OHIO



# CITY OF YOUNGSTOWN EMPLOYEE HANDBOOK

## TABLE OF CONTENTS

|  | <u>PAGE</u> |
|--|-------------|
| <a href="#"><u>WELCOME AND INTRODUCTION</u></a> .....                | 1           |
| <a href="#"><u>APPLICABILITY</u></a> .....                           | 2           |
| <a href="#"><u>EMPLOYMENT APPLICATIONS</u></a> .....                 | 2           |
| <a href="#"><u>RESIDENCY REQUIREMENTS</u></a> .....                  | 3           |
| <a href="#"><u>PERSONNEL RECORDS</u></a> .....                       | 3           |
| <a href="#"><u>DRESS CODE</u></a> .....                              | 3           |
| <a href="#"><u>NO SMOKING</u></a> .....                              | 4           |
| <a href="#"><u>ATTENDANCE AND ABSENTEEISM</u></a> .....              | 4           |
| <a href="#"><u>PROHIBITION OF WEAPONS IN THE WORKPLACE</u></a> ..... | 5           |
| <a href="#"><u>WORKPLACE PRIVACY</u></a> .....                       | 5           |
| <a href="#"><u>EMPLOYEE ETHICS</u></a> .....                         | 7           |
| <a href="#"><u>INCOMPATIBLE EMPLOYMENT</u></a> .....                 | 8           |
| <a href="#"><u>EMPLOYEES' INTEREST IN CITY CONTRACTS</u></a> .....   | 9           |
| <a href="#"><u>WHISTLEBLOWER PROTECTION</u></a> .....                | 10          |
| <a href="#"><u>EQUAL EMPLOYMENT OPPORTUNITY</u></a> .....            | 12          |
| <a href="#"><u>AMERICANS WITH DISABILITIES ACT</u></a> .....         | 12          |
| <a href="#"><u>SEXUAL HARASSMENT</u></a> .....                       | 13          |
| <a href="#"><u>RACIAL, ETHNIC AND RELIGIOUS HARASSMENT</u></a> ..... | 15          |
| <a href="#"><u>VIOLENCE AND BULLYING IN THE WORKPLACE</u></a> .....  | 15          |
| <a href="#"><u>INVESTIGATION PROCEDURE</u></a> .....                 | 18          |

|   |    |
|---|----|
| <a href="#"><u>HOURS OF WORK</u></a> .....  | 20 |
| <a href="#"><u>TIME CLOCK RULES</u></a> .....   | 20 |
| <a href="#"><u>TECHNOLOGY POLICY</u></a> .....  | 21 |
| <a href="#"><u>ACQUISITION AND USE OF CELLULAR TELEPHONES</u></a> .....                   | 25 |
| <a href="#"><u>TRAVEL REQUEST AND EXPENSE REPORT</u></a> .....                            | 27 |
| <a href="#"><u>MEDIA POLICY</u></a> .....   | 32 |
| <a href="#"><u>CITIZEN REQUESTS AND GRIEVANCES</u></a> .....                              | 34 |
| <a href="#"><u>POLITICAL ACTIVITY</u></a> .....   | 35 |
| <a href="#"><u>PROHIBITED POLITICAL ACTIVITY BY CLASSIFIED EMPLOYEES</u></a> .....        | 36 |
| <a href="#"><u>POLITICAL ACTIVITY BY UNCLASSIFIED EMPLOYEES</u></a> .....                 | 38 |
| <a href="#"><u>USE OF CITY EQUIPMENT AND MATERIALS</u></a> .....                          | 38 |
| <a href="#"><u>OPERATION OF CITY VEHICULAR EQUIPMENT</u></a> .....                        | 38 |
| <a href="#"><u>ASSIGNMENT OF CITY VEHICLES</u></a> .....                                  | 40 |
| <a href="#"><u>USE OF CITY-OWNED VEHICLES</u></a> .....                                   | 40 |
| <a href="#"><u>VEHICLE MAINTENANCE REGULATIONS</u></a> .....                              | 43 |
| <a href="#"><u>DEPARTMENT HEADS TO REPORT MOTOR VEHICLE ACCIDENTS</u></a> .....           | 43 |
| <a href="#"><u>REIMBURSEMENT FOR USE OF PRIVATE VEHICLE</u></a> .....                     | 43 |
| <a href="#"><u>INSURANCE AND DEPRECIATION ALLOWANCE</u></a> .....                         | 44 |
| <a href="#"><u>DRUG TESTING PROGRAM FOR COMMERCIAL DRIVERS LICENSES</u></a> .....         | 44 |
| <a href="#"><u>DRUG AND ALCOHOL ABUSE POLICY</u></a> .....                                | 50 |
| <a href="#"><u>MANAGEMENT DRUG AND ALCOHOL TESTING PROGRAM</u></a> .....                  | 51 |
| <a href="#"><u>OVERTIME PAY</u></a> .....   | 57 |
| <a href="#"><u>ACCUMULATED AND COMPENSATORY TIME</u></a> .....                            | 57 |
| <a href="#"><u>SHIFT DIFFERENTIAL</u></a> .....   | 60 |
| <a href="#"><u>LONGEVITY PAYMENT</u></a> .....  | 60 |
| <a href="#"><u>HAZARDOUS DUTY PAY</u></a> .....   | 61 |
| <a href="#"><u>UNIFORM ALLOWANCE</u></a> .....  | 62 |
| <a href="#"><u>COLLEGE EDUCATION BONUS FOR MANAGEMENT EMPLOYEES</u></a> .....             | 62 |
| <a href="#"><u>MEMBERSHIP IN PHYSICAL FITNESS CENTER</u></a> .....                        | 63 |
| <a href="#"><u>GROUP MEDICAL, PRESCRIPTION DRUG, DENTAL AND VISION COVERAGE</u></a> ..... | 63 |
| <a href="#"><u>LIFE INSURANCE BENEFITS</u></a> .....                                      | 64 |

|   |    |
|---|----|
| <a href="#"><u>HOLIDAYS</u></a> .....   | 64 |
| <a href="#"><u>VACATION</u></a> .....   | 65 |
| <a href="#"><u>BEREAVEMENT LEAVE</u></a> .....  | 67 |
| <a href="#"><u>SICK LEAVE</u></a> .....   | 67 |
| <a href="#"><u>PERSONAL LEAVE</u></a> .....   | 71 |
| <a href="#"><u>JURY DUTY AND COURT APPEARANCES</u></a> .....                          | 71 |
| <a href="#"><u>LEAVES OF ABSENCE</u></a> .....  | 72 |
| <a href="#"><u>FAMILY MEDICAL LEAVE</u></a> .....                                     | 75 |
| <a href="#"><u>MILITARY LEAVE</u></a> .....   | 79 |
| <a href="#"><u>HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)</u></a> .. | 83 |
| <a href="#"><u>DISCIPLINE</u></a> .....   | 88 |
| <a href="#"><u>GRIEVANCE PROCEDURE</u></a> .....                                      | 89 |
| <a href="#"><u>LAYOFFS</u></a> .....  | 89 |
| <a href="#"><u>RETIREMENT</u></a> .....   | 89 |
| <a href="#"><u>LUMP SUM SEVERANCE</u></a> .....                                       | 89 |
| <a href="#"><u>PERIODIC SEPARATION PAYMENTS</u></a> .....                             | 90 |
| <a href="#"><u>SEPARATION POLICY</u></a> .....  | 90 |
| <a href="#"><u>EXHIBIT “A” INCIDENT REPORTING FORM</u></a> .....                      | 92 |

## **WELCOME AND INTRODUCTION**

It is important that every employee of the City of Youngstown (“City”) has a safe, professional and enjoyable place to work. This Employee Handbook (“Handbook”) is a resource that outlines the rights and responsibilities of employees and answers many of the questions asked by employees every day. In some cases, the general policy is described but the specific detail is not set forth in this Handbook. To obtain additional information, it may be necessary to speak to your Department Head, Union Representative (if applicable), or the City’s Human Resources Supervisor.

Employees are responsible for reading this Handbook, familiarizing themselves with its contents, and adhering to all of the policies and procedures of the City, whether set forth in this Handbook or elsewhere. Each employee should take time to review this Handbook and become familiar with its contents.

The policies, procedures and standard practices described in this Handbook are not conditions of employment and the information in this Handbook represents only guidelines. This Handbook does not create an express or implied contract between the City and any of its employees.

The City reserves the right to modify this Handbook and amend or terminate any policies, procedures, or employee benefit programs whether or not described in this Handbook.

Because of the variety of jobs throughout the City, and the fact that there are a number of collective bargaining agreements that control different job classifications, it is impossible to provide you with a comprehensive policy manual that covers all employees and situations. If the provisions of a particular collective bargaining agreement differ from this Handbook, the provisions of the collective bargaining agreement will prevail.

Thank you for your cooperation and dedicated service to the City of Youngstown.

**Sincerely,**

**John A. McNally, IV, Mayor**

**Martin S. Hume, Law Director**

## **APPLICABILITY**

This Handbook is intended to set forth general policies, rules and benefits as they apply to City employees. It is intended to provide procedures in dealing with common issues that City employees face and to assist in the common application of the rules and policies to each situation.

If any provision of this Handbook conflicts with an existing contract or agreement, the provisions of the contract or agreement control. Supervisors and employees should refer to the applicable collective bargaining agreement when the collective bargaining agreement sets forth an agreement or policy applicable to a particular situation.

This Handbook replaces all previous employer statements, including any previous handbooks, manuals, or memorandums pertaining to the material described herein. If you have specific work rules in your department, those rules will supplement the provisions of this Handbook.

**THE CITY RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE, OR CHANGE ANY OR ALL OF THIS HANDBOOK AT ANY TIME WITH OR WITHOUT NOTICE. THE MATERIAL IN THIS HANDBOOK IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO CREATE A CONTRACT.**

## **EMPLOYMENT APPLICATIONS**

It is the policy of the City that in order to eliminate potential pre-employment bias against ex-offenders, job application forms should not contain questions related to prior criminal convictions. Instead, the job application form should include a statement describing the point within the hiring process at which criminal background checks will be conducted.

BCI criminal background checks will be conducted on all job applicants, at the applicant's cost, only after a department has determined that an applicant is qualified and is preparing to make an offer of employment. This provision will ensure that ex-offenders are considered for employment like all other applicants. Prior to making an offer of employment, all criminal background checks will be reviewed by the Appointing Authority, individual

Department Heads, and/or the Human Resource Supervisor for final determination on whether to make an offer of employment.

This policy will not apply to applications for positions where a criminal record would disqualify an applicant from eligibility for hire.

### **RESIDENCY REQUIREMENTS**

All individuals employed by the City are required to reside in Mahoning County or in an Ohio county adjacent to Mahoning County.

### **PERSONNEL RECORDS**

It is important that personnel records be kept up to date. Please advise your Department Head, the Finance Department, and the Human Resource Supervisor of any change in name, address, telephone number, person to notify in case of accident or illness, number of dependents, marital status, change of beneficiary, or status of driver's license (if you operate any City vehicles), military or draft status, or changes to exemptions on your W-4 tax form.

### **DRESS CODE**

#### **A. GENERAL POLICY STATEMENT:**

It is important that all employees give a clean, neat, and appropriate appearance while on duty. A message of professionalism and competence should be delivered to the citizens at all times through the dress code. Department Heads and Supervisors, with the approval of the Mayor, may set department specific policies to address departmental needs or safety related concerns. Any additional requirements placed on employees will be documented and given to the employees (i.e. shoes, safety gear, etc.).

#### **B. RESPONSIBILITIES:**

It is the responsibility of Department Heads and Supervisors to enforce the dress code and address concerns with employees who are not in compliance. Employees are responsible for following the policy as indicated with the understanding that he/she may be sent home, disciplined, or other appropriate action taken, should there be a problem with non-compliance.

**C. CITY-WIDE REGULATIONS:**

1. **HYGIENE:** All employees shall be aware that appropriate hygiene is required at all times. Hair should be clean and appropriately kept. Beards and mustaches should be kept clean and neatly trimmed.
2. **CLOTHING:** Clothing, including shoes, should be clean and neatly worn (absent of holes). No inappropriate or offensive messages may appear on clothing.
3. **JEWELRY AND BODY ART:** Visible tattoos may be required to be covered, if the tattoos are offensive in their general nature or presentation. No tongue rings, brow rings, nose rings, facial piercings, or visible belly-button rings will be allowed.
4. **OFF-DUTY ATTIRE:** Clothing with City logos or other uniforms or clothing items that identify a person as a City employee should not be worn off duty to bars, nightclubs, adult entertainment establishments, or during the consumption of alcohol. Employees should use caution to avoid wearing City clothing at any off-duty location where the appropriateness of doing so might be in question.

**NO SMOKING**

It is the policy of the City to discourage smoking in all buildings and structures owned, leased, and operated or otherwise utilized for employment purposes by the City. Additionally, smoking is prohibited in all vehicles owned, leased or operated by the City.

**ATTENDANCE AND ABSENTEEISM**

The City expects your regular and punctual attendance at work on the days and at the time for which you are scheduled to work. Punctuality by employees is essential to the proper operation of the City. Tardiness will not be tolerated. These policies need to be routinely and consistently enforced by Supervisors and Department Heads.

In the event an employee is unable to report to work on time or is unable to come to work, the employee is required to notify the employee's Supervisor or Department Head as soon as possible to allow sufficient opportunity to rearrange work, personnel assignments and/or a replacement. Notice of absences cannot be made to a fellow employee or union representative and will not be accepted. Due to different responsibilities, departments may have different notification time periods. All such policies must be made clear to the employees in each Department. Excessive or unexplained lateness and absenteeism of any City employee will not be tolerated, and can lead to discipline, up to and including termination.

## **PROHIBITION OF WEAPONS IN THE WORKPLACE**

To help ensure a safe workplace for all employees, employees shall be prohibited from carrying or bringing any weapon, as defined herein, to the workplace. This provision applies to all employees except those required to carry a weapon as part of their job responsibilities.

### **A. GUIDELINES:**

1. Employees are prohibited from carrying or bringing any weapon to their work site or any other location the employee may be required to be during the workday. This prohibition also applies to any employee who is licensed to carry a firearm or weapon.
2. Weapon means any firearm, whether loaded or unloaded, from which a shot may be discharged including but not limited to pistol, revolver, shotgun, rifle, bb gun or any knife including switchblade knife, gravity knife, or any knife with a blade longer than 3 inches, or billy club, blackjack, bludgeon, metal knuckles, bow and arrow, electronic stunning device, etc.
3. Employees may seek approval from the Appointing Authority and the Department Head for a waiver of this prohibition based on unique circumstances. Such request shall be made in writing, shall indicate the basis for the exception, and shall remain in the Human Resource Supervisor's file
4. Any employee who is uncertain whether an instrument or device is prohibited under this policy is obligated to request clarification from the Appointing Authority and Department Head to ensure the employee is not in violation of this policy.

**B. VIOLATIONS:** A violation of this policy is a serious infraction of the work rules and may result in discipline up to and including termination.

## **WORKPLACE PRIVACY**

The City may provide equipment, including but not limited to, office space, desks, vehicles, computers, lockers, tools and telephones for use by City employees. At all times, all City owned, leased and/or rented items remain the property of the City. The City Management/Administration may search and/or inspect any City work area and/or work related item, at the Employer's discretion. Employees are reminded that there is a reduced expectation of privacy while conducting business on City time with City property and/or equipment.

The City Management/Administration may also search and/or inspect any work area and/or work related item while the employee is on City time and/or performing their assigned duties, at the Employer's discretion. This includes, but is not limited to, employees with alternate assignments, (i.e. Secondary Employment, Parent Agency Officers, etc.) Where the employer needs to retrieve a work related object, the employer may reasonably look within an employee's possessions such as a purse or briefcase. Where there is suspected employee misconduct based upon specific objective facts, and where there is a reasonable basis to believe evidence of misconduct can be found within an employee's possessions such as in a purse or briefcase, the employer may seek evidence of such misconduct within those possessions.

Nothing in this policy is designed to conflict with the rights and responsibilities of the employer or employees pursuant to any applicable collective bargaining agreement.

The City reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of City and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" includes illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "Control" means knowing where a particular item is, having placed an item where it is currently located, or having any influence over its continued placement. In addition to City premises, the City may search employees, their work areas, lockers, personal vehicles if driven or parked on company property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, the City is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

No employee will be physically forced to submit to a search unless a warrant has been obtained or an exception to the warrant requirement applies. However, an employee who refuses to submit to a search request from the City may face disciplinary action, up to and possibly including immediate termination of employment.

## **EMPLOYEE ETHICS**

### **A. GENERALLY:**

As public employees, all City employees must recognize their official positions as positions of public trust to be held for the benefit of the entity and citizens they serve. City employees are subject to Ohio Public Ethics Law and other provisions of Ohio Law relating to public employees. Under all circumstances, City employees are expected to exercise good judgment and common sense to avoid the perception of unethical behavior.

### **B. EQUAL TREATMENT:**

1. A City employee shall not grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice of the City to grant or make available to all citizens.

2. City employees have a fundamental duty to serve the citizens with respect and equality. They should never permit personal feelings or friendships to influence their decisions. They should perform their duties courteously and appropriately at all times. It is the responsibility of each City department to ensure that employees fulfill this duty.

### **C. GIFTS:**

City employees shall not solicit or accept anything of value from any person or entity that is regulated by, doing business with, or seeking to do business with the City.

1. **DEFINITION OF "VALUE":** The term "value" shall mean all gifts, payments, loans, services, complementary attendance at seminars and conferences (unless attending as a speaker or moderator), travel expenses, or anything else, regardless of monetary value, subject to the exceptions set forth below.
2. **EXCEPTIONS:**
  - a. Items such as plaques, pens, certificates and things of a purely ceremonial or token nature shall not be considered to be of "value" for purposes of this section, so long as such items are not given on a repetitive basis (i.e., more than one such item in any calendar year) from any one source.
  - b. Edible items consumed in the State of Ohio with a value of \$50.00 or less (or edible items consumed in major metropolitan areas outside of the State of Ohio with a value of \$100.00 or less) shall not be considered of "value"

for purposes of this section so long as such items are not repetitive (i.e., not accepted more than once in any calendar year from the same source).

- c. This section does not prohibit honorariums, fees and expenses paid to an employee for personal appearances or speeches unrelated to the individual's City employment accepted under the following circumstances:
  - 1). Such honorarium or fee is not being paid by any person or entity, or association of persons or entities, that is regulated by, doing business with, or seeking to do business with, the City; and
  - 2). Such honorariums, fees and expenses are paid in recognition of demonstrable business, professional, or charitable, esthetic interests of the public employee that exist apart from an unrelated to his public employment.

**D. CITY GIFTS:**

This section is not intended to restrict an employee authorized to act as a representative of the City in seeking or accepting gifts, payments or contributions on behalf of the City or its public programs.

**INCOMPATIBLE EMPLOYMENT**

City employees shall not solicit, accept or engage in private employment with, nor shall they render services to, private persons or entities whose interests are incompatible with the public employee's official duties. All employment outside of an employee's City duties shall be reported to the employee's Department Head prior to being undertaken. In no event shall a City employee conduct non-City business during that time that the employee is on duty for the City.

For the purposes of this section, "incompatible" means interests or activities that may give rise to an actual, or even the appearance of, placement of an employee's private gain (or the gain of a private entity the employee serves) on a level equal to or higher than the public interest. If there is a reasonable probability that outside employment could cause personal or private interest to adversely affect the services or judgment of the employee in the employee's public employment, then the outside employment is incompatible with the public employment and should not be undertaken.

A current employee who accepts other employment incompatible with the employee's City employment must resign his/her position with the City prior to commencement of the other employment.

An employee who accepts other employment that is incompatible with his/her employment for the City, shall not be permitted to use accrued vacation, A/T or sick leave time from the City after commencement of other incompatible employment. Upon commencement of other incompatible employment, any such employee shall be removed from payroll and shall not accrue any further benefits from the City. Any expenditure by the City for benefits on behalf of an employee after commencement of other incompatible employment will be deducted from any severance to be paid said employee and/or shall be recoverable by the City as permitted by law.

### **EMPLOYEES' INTEREST IN CITY CONTRACTS**

#### **A. FINANCIAL INTEREST PROHIBITED:**

A City employee shall not have a financial interest in a contract with the City or a business relationship with a party or entity that enters such a contract.

#### **B. DEFINITION OF "FINANCIAL INTEREST":**

1. Ownership by the City employee, or a person directly and immediately related to the City employee by blood or marriage, or any person residing in the City employee's home, of an interest of 5% or more in a business or other entity entering into a contract with the City;
2. Involvement in any relationship entitling the City employee or a person directly and immediately related to the City employee by blood or by marriage, or any person residing in the City employee's home, to receive personal gain from an entity entering into a contract with the City;
3. Holding a position such as an officer, director, trustee, partner, or any management position in an entity entering into a contract with the City.
4. "Financial interest" does not include the status of landlord or tenant to the contracting party.

#### **C. DEFINITION OF "PERSONAL GAIN":**

"Personal gain" does not include an employee's or a family member's mere employment by an entity that enters into a contract with the City, so long as the City employee or family

member is not entitled to a commission, bonus, or any other form of increased compensation as a result of the employer's contract with the City.

**D. DEFINITION OF "BUSINESS RELATIONSHIP":**

"Business Relationship" means any relationship in which the City employee, or a person directly and immediately related to the City employee by blood or by marriage, or a person residing in the City employee's home, is or may be, by virtue of ownership, control, position, influence, actual interest or potential interest (whether economic or non-economic) or otherwise, affected by the business fortunes or public perception of the party or entity entering into the contract with the City so that it might reasonably be expected, or might reasonably be perceived, that the City employee's judgment might be altered or influenced by the relationship.

**E. DISCLOSURE:**

Employees shall, on an annual basis, disclose financial interests and business relationships on a form provided by the City.

**WHISTLEBLOWER PROTECTION**

The City requires all officers and employees to observe the highest standard of professionalism and ethics in the conduct of their duties and responsibilities. All officers and employees of the City must comply with all City policies, fulfill their duties and responsibilities with honesty and integrity, and comply with all ordinances and state and federal laws and regulations.

**A. DUTY TO REPORT:**

The City officers and employees have the responsibility to report suspected violations of all City policies, ordinances, state and federal laws and regulations. Prior to reporting potential violations, officers and employees shall have a good faith belief that potential violations have occurred. Anyone reporting a violation must be acting in good faith and have reasonable grounds for believing that the information disclosed indicates a violation.

**B. NO RETALIATORY ACTION:**

The City is committed to protecting individuals who make good faith reports of suspected or actual wrongful conduct or who refuse to partake in wrongful conduct. This policy is intended

to encourage and enable officers and employees to report suspected violations without any adverse employment consequences. Officers and employees of the City are prohibited from taking retaliatory action against an employee that has reported in good faith potential violations of the law or City policies. Retaliatory action includes but is not limited to demotion, failure to promote, harassment, reduction in job duties, and imposition of unwarranted discipline. Any officer or employee who retaliates against someone for reporting a violation in good faith is subject to discipline, up to and including termination.

**C. PROMPT NOTIFICATION:**

Officers and employees should promptly notify the employee's Supervisor when the employee becomes aware that a suspected violation has occurred. If any employee is not comfortable talking with his/her Supervisor, or if after talking with his/her Supervisor, the employee continues to have reasonable grounds to believe a violation has occurred that is not being adequately addressed, the employee shall report the violation to the Human Resource Supervisor or the City Law Director, who shall then be responsible for directing the complaint to the appropriate department.

**D. WRITTEN REPORT:**

Once reported, the complaining officer or employee shall then file with the employee's Supervisor, the Human Resource Supervisor and the City Law Director, a written report that provides sufficient detail to identify and describe the violation. All reports will be promptly investigated and appropriate corrective action taken if warranted by such investigation.

**E. CONFIDENTIALITY:**

To the extent possible, reports of violations, and investigation pertaining to such violations, shall be kept confidential consistent with the need to conduct an adequate investigation. Interference with an investigation by disclosure of reports of violations to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline up to and including termination. Likewise, any allegations that prove to be false, and that prove to have been made maliciously or knowingly, will be viewed as a serious offense requiring disciplinary action up to and including termination.

**F. ADHERE TO POLICY:**

All City officers and employees must read the WHISTLEBLOWER POLICY, agree to adhere to its requirement and agree not to retaliate against any employee who has reported wrongful conduct in accordance with the policy.

**EQUAL EMPLOYMENT OPPORTUNITY**

The City is an equal employment opportunity employer and does not discriminate against employees or job applicants on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, place of birth, age, marital status, handicap, veteran or family status, or any other status or conditions protected by applicable state or federal laws, except where a bona fide occupational qualification applies.

The City will recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, place of birth, age, marital status, handicap, veteran or family status, or any other status or condition protected by applicable state or federal law, except where a bona fide occupational qualification applies.

The City will also ensure that all personnel programs such as compensation, benefits, transfers, layoffs, return from layoff, training and education, are administered without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, place of birth, age, marital status, handicap, veteran or family status, or any other status, or conditions protected by applicable state law, except where a bona fide occupational qualification applies.

All Supervisors are expected to abide by this policy in any decisions relating to the employment or potential employment of City employees. Any questions related to the application of this policy shall be directed to the Law Department.

**AMERICANS WITH DISABILITIES ACT**

The City shall not discriminate on the basis of a disability with respect to recruitment, hiring, training, promotion, demotion, layoff, recall, discipline, termination and other terms and conditions of employment provided the individual is qualified to do the work.

The City shall not discriminate on the basis of a disability with respect to a City-sponsored activity, program or service provided the individual is qualified to participate in the same.

Supervisors and the administration shall make decisions on both employment and accessibility practices in a manner which is consistent with the provisions of the Americans with Disabilities Act of 1990.

The administration and all supervisors shall take positive steps to ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, returns from layoff, City-sponsored programs, activities and services, are administered in a non-discriminatory manner with respect to employees and individuals with disabilities.

No City employee shall, alone or with others, discriminate or encourage another to discriminate against a disabled person in the workplace.

The City Administration shall make every effort to provide a reasonable accommodation to a qualified employee with a known disability. It is the responsibility of a qualified employee to request a reasonable accommodation. Likewise, the Administration shall make every effort to provide accessibility and reasonable accommodation to qualified disabled applicants and/or participants to City-sponsored activities, programs or services. It is the responsibility of a qualified disabled applicant or participant to request reasonable accommodation.

Retaliation against any employee who complains of a violation of this section or brings an action under this section is prohibited. Likewise, retaliation against any applicant or participant of a City-sponsored activity, program or service who complains of a violation of this section or brings an action under this section is prohibited.

### **SEXUAL HARASSMENT**

**A. DEFINITION:** Sexual harassment is defined as any unwelcome or unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when any one of the following criteria is met:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of the individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

**B. NO DISCRIMINATION:** The City is committed to establishing and maintaining a work atmosphere that is free from sexual harassment and other types of illegal discrimination. Accordingly, the City adopts and reaffirms its commitment to no-discrimination on the basis of sex, including the prohibition of sexual harassment and retaliation in the workplace. Department Heads shall take prompt action to address and process complaints of sexual harassment, including retaliation complaints, by consulting with the Law Department.

**C. INVESTIGATION:** The City is committed to a prompt response based upon a thorough investigation whenever:

1. An employee alleges that sexual harassment, intimidation or discrimination is taking place;
2. A Supervisor observes something which may constitute sexual harassment; or
3. A Department Head or the Law Department receives information concerning a possible instance of sexual harassment.

**D. REPORTING:** Any employee who believes that he/she is a victim of sexual harassment should immediately report such incident(s) to his/her department head within 15 working days of the incident which gave rise to the complaint. If it is inappropriate for the complainant to address the complaint to his/her department head (e.g., if the Department Head is the employee accused of the harassing conduct), then the complaint shall be addressed directly to the City Law Department. An employee may also file a formal complaint with the City of Youngstown Human Relations Commission (HRC) within six (6) months of the alleged act(s), the Ohio Civil Rights Commission (OCRC) within six (6) months of the alleged act(s) or the Federal Equal Employment Opportunity Commission (EEOC) within three hundred (300) days of the alleged act(s).

## **RACIAL, ETHNIC AND RELIGIOUS HARASSMENT**

The City prohibits and shall not condone in the work environment, conduct of a racial, ethnic and/or religious nature, whether physical or verbal, that intimidates, humiliates, offends or harasses a reasonable person.

Racial, ethnic or religious harassment is defined as: Conduct, whether physical or verbal, of a racial, ethnic or religious nature that intimidates, humiliates, offends or harasses a reasonable person.

No employee of the City shall initiate, engage in alone or with others, or encourage another to violate any portion of this section.

It is a violation of this policy to retaliate against any City employee who files a complaint under this section.

Supervisors shall take positive action to prohibit and prevent conduct, physical or verbal, of a racial, ethnic or religious nature that intimidates, humiliates, offends or harasses a reasonable person.

Any incident of the type described in this section and reported to a supervisor shall be investigated and addressed in a fair, confidential, impartial and expeditious manner. Supervisors should notify the Law Department of the receipt of any complaint of harassment and follow all instructions regarding the specific issues related to the complaint.

Any reported incident documented and substantiated by investigated facts as having occurred shall result in disciplinary action against the perpetrator up to and including termination of employment.

## **VIOLENCE AND BULLYING IN THE WORKPLACE**

The City is committed to maintaining a workplace that is free from bullying, violence and/or threat of violence. Any violent behavior that creates a climate of violence, hostility or intimidation will not be tolerated, regardless of its origin.

**A. POLICY:** This policy includes but is not limited to the following behaviors:

1. Violent or threatening physical contact (e.g., fights, pushing and/or physical intimidation.)
2. Direct or indirect threats.

3. Threatening, abusive or harassing phone calls.
4. Possession of an unauthorized weapon on City property or job site.
5. Destructive or sabotaging actions against City or personal property.
6. Stalking.
7. Violations of a restraining order.
8. High levels of conflict or tension within a work unit.
9. Threats of suicide.
10. Discriminatory remarks.
11. Harassment, discrimination or discriminatory remarks based upon one's race, sexual orientation, gender identity, color, national origin, religion, sex, disability, age or participation in protected activity.
12. Explicit or degrading language.
13. Using profanity when linked with physical and/or physical or psychological aggression.
14. Bullying including actions such as making threats, spreading rumors, attacking someone physically or verbally, and preventing one from completing his or her work.

**B. DIFFUSING SITUATIONS:**

Many situations, if investigated and responded to before they become serious, can be diffused before they result in violence or damage to an employee's health or career. Any employee can report concerns or incidents to a supervisor, the Human Resource Supervisor or the Law Director. In addition, where appropriate, an employee may contact security personnel and/or the Youngstown Police Department.

**C. TREATMENT OF OTHERS:**

All employees, customers, vendors and other individuals should be treated with courtesy and respect at all times. The City strictly prohibits the possession of weapons (excepting those individuals permitted by law) and/or the use of violence or threats of violence in the workplace and views such actions very seriously. Conduct that constitutes real or perceived threats, threatening behavior, verbal abuse, intimidation or coercion, harassment, menacing behavior, stalking, injury to persons or property or acts of violence to another employee, customer, vendor or other individuals will not be tolerated.

**D. REMOVAL FROM PREMISES:**

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City premises shall be removed from the property as quickly as safety permits,

and may be asked to remain away from City premises pending the outcome of an investigation into the incident. Persons who commit these acts outside the workplace but involve work related activities are also violating this policy.

**E. REPORTING:**

When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril. The City encourages employees to bring their disputes to the attention of their supervisors or the Human Resources Supervisor before the situation escalates. The City will not discipline employees for reporting good faith concerns. If a Supervisor becomes aware of any action, behavior or perceived threat that may violate this policy, the supervisor is responsible for immediately contacting the Department Head, Human Resources Supervisor, and the Law Director.

**F. INVESTIGATION:**

The City will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity and confidentiality of the individual making a report will be protected as much as possible. To maintain workplace safety and the integrity of its investigation, the City may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation. If it is determined that threatening behavior has been exhibited or acts of violence were committed, the City will initiate an appropriate response. Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

**G. PROTECTIVE/RESTRAINING ORDERS:**

Employees should promptly inform the Human Resource Supervisor of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to make good faith reports of safety concerns with regard to intimate partner violence. The City is committed to supporting victims of intimate partner violence.

**H. NO RETALIATION:**

This policy prohibits retaliation in any form against an employee who in good faith

brings a complaint of violence, intimidation, bullying and/or harassment. However, any allegations that prove to be false, and that prove to have been made maliciously or knowingly, will likewise be viewed as a serious offense subject to disciplinary action up to and including termination.

## **INVESTIGATION PROCEDURE**

### 1. THE COMPLAINT PROCESS:

a. Information alleging a violation of any Anti-Discrimination Policy or other improper behavior in violation of the standards set forth in this Handbook shall be given to a Department Head and the Law Department.

b. A complaint may be filed in writing or verbally. Where an employee makes a verbal complaint, the supervisor should cause the facts and circumstances of the complaint to be reduced to writing. Further, where a supervisor is aware of any violation of these policies, the supervisor should forward the information to a Department Head and the Law Department even if there is no complaint from an employee. The information provided should include the name and contact information for the person adversely effected, briefly describe the alleged violation, identify individuals alleged to have acted improperly, and list witnesses and/or other persons with knowledge of the facts and circumstances surrounding the alleged violation.

c. As it is important to address and rectify improper conduct as soon as possible, and a delay in reporting can result in memories fading and make it more difficult to obtain accurate information, a complaint should be filed within fifteen (15) days after the complainant becomes aware of the alleged violation. However, delayed reporting will not prevent the matter from being investigated where it is still feasible to do so.

d. The City will promptly and thoroughly investigate all reports of violation of the policies herein provided. The identity and confidentiality of the individual making a report will be protected to the extent that it is possible to do so without compromising the ability to conduct a fair and thorough investigation.

e. To maintain workplace safety and the integrity of its investigation, the City may suspend employees suspected of violating the Anti-Discrimination Policies and/or other policies contained in this Handbook, either with or without pay, pending investigation. If it is determined that violations were committed, the City will initiate an appropriate response. Anyone found to be responsible for violation of these policies will be subject to prompt disciplinary action up to and including termination of employment.

2. THE LAW DEPARTMENT SHALL:

- a. Notify the person(s) accused of engaging in improper activity that the issue has been brought to the attention of the Law Department; and
- b. Notify the person bringing forth the issue that a prompt investigation will be conducted by an individual employed outside of the accused's department, to be selected by the City Law Department.

3. THE INVESTIGATOR WILL:

- a. Conduct an interview with the person who brought the matter to the attention of management;
- b. Interview the person who is alleged to have engaged in the improper conduct. That person will be given an opportunity to explain his/her recollection of the matter, along with any other information which that person wishes to provide;
- c. Interview persons who have been identified as having some relevant information concerning any aspect of the occurrence(s);
- d. Prepare written statements containing the information obtained in each interview. This information will be provided to each person interviewed. The person interviewed will be asked to review the accuracy and completeness of the statement and return a signed copy to the investigator;
- e. Once the facts have been gathered, report the information to the department head, unless the department head is the accused employee in which case the information will be presented to the Mayor or his designee;
- f. Meet with the Department Head and the Law Director, the Mayor or his designee to implement the appropriate course of action in accordance with all applicable laws and labor union contracts.
- g. Violation of any Anti-Discrimination Policy or any other policy designed to provide a safe and secure work environment by any employee or supervisor will not be tolerated. All employees will be expected to comply with the policies provided for in this Handbook and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates these policies. Because a false accusation of discrimination or harassment can have a serious effect on innocent individuals, disciplinary action up to and including termination may be taken against any employee who knowingly reports a false

accusation of violation of these policies. However, a determination that an alleged violation of these policies could not be substantiated does not mean that the reporting employee will be subject to discipline.

- h. The City prohibits and will not tolerate retaliation or intimidation directed toward anyone who complains of a violation of these policies.
- i. The determination of the issue and any action taken against any involved party will be communicated in writing to all persons involved.
- j. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within fifteen (15) days.
- k. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as pursuing a complaint with the responsible state or federal department or agency.
- l. All written material regarding the allegations of violation of the policies contained in this Handbook shall be kept on file in the City Law Department.
- m. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City complies with the all applicable laws and regulations.

### **HOURS OF WORK**

Standard working hours are determined by the City. Working hours will vary from department to department. It is each Supervisor's responsibility to monitor the working hours of the City employees for whom the Supervisor is responsible and to enforce standard working hours. Discipline may be imposed on employees for failure to abide by such rules.

### **TIME CLOCK RULES**

**A. WORK HOURS:** The work day for most Employees shall consist of 8 consecutive hours, Monday through Friday. The standard work day will be from 8:00 A.M. [Starting Time] to 4:00 P.M. [End Time], unless otherwise designated by Department Head, according to job title, or Union Contract.

**B. I.D. BADGES:** For Security purposes, all Employees must wear their City of Youngstown issued I.D. Badges upon entering City Hall.

**C. CLOCKING IN & CLOCKING OUT:**

1. All Employees must clock in when arriving at work and clock out when leaving work for the day. In addition, all employees must clock out for lunch and/or breaks and clock in following lunch and/or breaks
2. Employees who do not clock in or out when required to do so will be subject to discipline.

**D. LATE POLICY:** All Employees are expected to clock in before or at 8:00 AM. or their applicable scheduled start time. Employees clocking in after their scheduled start time will be considered Tardy. Tardiness may be reviewed at any time with appropriate discipline resulting.

**E. LUNCH/BREAKS:**

1. Non-Union Management Employees shall be entitled to a total of up to 60 minutes for lunch per 8 hour work day. In order to be entitled to a paid lunch hour, an employee must complete at least four (4) hours of actual work.
2. Lunch/Breaks for union employees are addressed under the applicable collective bargaining agreement.
3. Any changes or revisions to an Employee's Lunch/Break schedule must be approved by the Department Head. The Department Head reserves the right to assign/re-assign Lunch/Break schedules due to staffing levels and/or work requirements.

**TECHNOLOGY POLICY**

The City Information Technology Division (I.T.) has developed this Technology Policy to ensure the integrity and security of its network of computers and mobile internet devices. This Policy applies to all hardware, software and data owned by, leased by, or licensed to the City and may be updated as necessary to address new technology and security risks.

**A. OWNERSHIP AND PROPERTY RIGHTS:** All computer resources utilized in the course of City business are considered government owned assets. These assets, whether

purchased, leased, or internally developed, are the sole property of the City unless specific agreements are documented to the contrary. Computers are the property of individual departments and may not be moved without the authorization of the Chief Information Officer (CIO).

**B. SECURITY:** All computer resources, including but not limited to, equipment/hardware, software, documentation and data are to be authorized by the I.T. Division and are to be used for City business only. Computer apparatus, modems, switches, software and/or data sets/files are not to be connected to the City's local area network (LAN) systems without I.T.'s prior consent and approval. The privacy and security of City files and systems is of utmost importance. I.T. retains the right to review, audit and/or monitor directories, files and e-mail at any time and notify the Employee's Supervisor and/ or Department Head of any misuse, abuse or policy violation. I.T. reserves the right to edit, remove or destroy any material that is unlawful, illegal, obscene or otherwise objectionable.

**C. LICENSING:** Only software and hardware that the City has purchased and installed may be utilized on City equipment. Copying software, data or documentation for personal use or for use on non-City machines is prohibited by copyright and trademark laws. Installation of foreign (bootleg) software and/ or hardware is also prohibited.

**D. SOLICITATION:** Employees are not to respond to solicitations regarding computer services. Anyone requiring technical assistance or upgrades should contact I.T.

**E. INTERNET MISUSE AND ABUSE:** Complaints about computer misuse or abuse will be addressed immediately. Any violation of this City policy may be cause for disciplinary action, up to and including termination. Department Heads/Designee and the CIO must authorize all Internet accounts and usage. A signed TECHNOLOGY USE FORM must be on file for each PC user and Internet account.

**F. PERSONAL RESPONSIBILITY:** Computer systems, internet access and e-mail are intended for business purposes only. The following activities are barred from all City computing resources:

1. Streaming media that is unrelated to your job;
2. E-mails for non-business purposes;
3. Sending or soliciting sexually oriented, explicit, lewd, or lascivious messages or images;
4. Any acts that violate any law, including but not limited to, copyright law;
5. Any activity that may jeopardize the security of confidential information;
6. The use of technology devices that have not been authorized by the CIO;
7. Activities relating to a private business, religious organizations or political campaigns, and/or masking your identity in communications;
8. Downloading any software or materials unless the CIO has authorized such download;
9. Using another's email or network log-in;
10. Dissemination of discriminatory, harassing, incendiary, or bullying messages.

**G. CONFIDENTIALITY:** City Employees shall not provide access to confidential information by use of the Internet or electronic mail and shall take appropriate steps to safeguard confidential information. Employees shall take all reasonable means to prevent the inadvertent dissemination of another employee's information. All use of the Internet or electronic mail must be done in compliance with the rules and regulations that apply to such information.

**H. USER ACCOUNTS:** All Internet accounts, social media accounts and email addresses must be registered with I.T.

**I. DEVIATION:** Deviations from this Policy may be authorized by the CIO on a case by case basis should a specific business purpose arise.

**J. SOCIAL MEDIA:** Employees accessing personal social media sites should be aware that their activity on a City computer may become a public record subject to disclosure. With that in mind, Employees should use their social media accounts professionally and avoid making statements that are inappropriate, unprofessional, or bully fellow employees. Be aware that internet activity may be tracked. Employees should not use City issued e-mail addresses for registration on, or to post to, social media. City e-mail addresses may be used if the employee is using social media to carry out official business. No unauthorized statements or representations shall be made that the City is endorsing, supporting, or opposing a political position. Social media shall not be used by Employees for personal, political or other reasons not related to City

business during work hours. Social Media may be used by individual departments to promote activities and inform the public. However, a Department wishing to create a social media presence should receive permission and guidance from the CIO prior to publishing any content to the Internet.

**K. ELECTRONIC COMMUNICATIONS USE:** Electronic communications are to be used solely for business purposes on behalf of the City. Use of these systems to solicit the public, other employees, or organizations for any purpose unrelated to City business is strictly prohibited. Having a secure network is a top priority for the City. Employees must not take actions that jeopardize the security and integrity of the City's network.

**L. SCOPE OF IMPROPER ACTS:** Provided below is a non-exclusive list of technology activities prohibited by the City:

1. Using any words, images or references that are pornographic and/or obscene.
2. Creating, accessing, downloading or transmitting messages or images that are lewd, obscene or pornographic and messages or images that are offensive or harassing due to their reference to race, sex, age, sexual orientation, gender identity, marital status, religion, national origin, physical or mental disability or other protected status.
3. Using voice-mail, e-mail or the Internet to harass, intimidate, or annoy other persons, including co-workers.
4. Downloading, copying or transmitting software and/or documents protected by copyrights.
5. Using encryption devices and software that have not been expressly authorized by the City.
6. Connecting, disconnecting, moving and/ or rearranging hardware to the network without I.T.'s permission.
7. Using City owned e-mails for non-professional purposes, such as social media or other personal registrations.
8. Opening e-mail messages from unknown or unidentified external sources. Employees who receive messages from unrecognized external sources should contact the I.T. Division immediately. Likewise, care should be taken by all

employees to safeguard information and avoid sending e-mails to unintended recipients.

Employees should keep in mind that voice-mail and e-mail messages are just as permanent as written communications on paper. Even when a voice-mail or e-mail message has been "erased" or "deleted", it is still possible to retrieve, read, print and forward the message.

**M. ACCESS, MONITORING AND SURVEILLANCE:** By accepting employment with the City, Employees consent to the monitoring, printing, copying and/or deleting of any voice-mail message, e-mail message or other electronic data on City owned equipment.

**N. DISCIPLINE FOR VIOLATIONS:** Complaints about Technology misuse, abuse, and/or violations will be acted upon immediately. Employees who violate this Policy will be subject to discipline, up to, and including, termination.

**O. NO WAIVER:** Any failure by the City to discipline employees for prior violations of this Policy shall not constitute a waiver of its right to impose discipline for subsequent violations.

### **ACQUISITION AND USE OF CELLULAR TELEPHONES**

City issued cellular telephones are intended for official business use only. Personal calls made or received on a City issued cellular telephone are only acceptable in emergency situations or with prior supervisory knowledge and approval.

**A. CELLULAR TELEPHONES ASSIGNMENT AND USE:** Cellular telephones shall be issued only to those Employees with a demonstrated need for this type of communication. Cellular telephones shall be requested only by Supervisors and/or Department Heads within their individual departments. Unless justified, Employees shall be issued cellular telephones with only the basic features and minutes necessary to cover the needs of the position of the Employee. Extra charges for voicemail, text messaging, and data plans must be shown to be justified.

**B. CELLULAR TELEPHONES RULES OF USE:** Employees who are issued a City cellular telephone agree to the following Rules of Use:

1. Charges for equipment purchases must be authorized and signed off by the Supervisor and Department Head. Employees must safeguard all cellular telephone equipment in their possession.
2. Lost, stolen, or damaged cellular telephones and/or equipment shall be immediately reported to the Employee's Supervisor and/or Department Head. If theft is suspected, the police should also be notified immediately and a report made. If the loss or damage is due to carelessness on the part of the Employee, the equipment must be replaced or repaired at the Employee's expense.
3. Employees should not use the cellular phone while driving, unless utilizing a hands free' speakerphone option. Employees should stop their vehicle as soon as safely possible to use cellular telephones.
4. Employees shall limit all cellular calls to no more than 15 minutes. Calls over the 15-minute limit shall be documented and justification will be required.
5. Employees must identify and reimburse the City for any costs associated with Emergency personal use of City issued cellular telephones.
6. When an Employee no longer has a demonstrated need for the cellular telephone, or when the employee terminates employment with City, that Employee shall immediately return all cellular telephone equipment to the Department.
7. It is the Employee's responsibility to understand the features and conditions of his/her particular plan. The employee will be required to reimburse the City for overages that may occur unless a documented emergency necessitated the usage of uncovered charges. Costs that are associated with excessive and/or personal costs that are not reimbursed by the Employee may be considered theft and will result in appropriate corrective action.
8. Repeated non-compliance with this policy and failure to remain within allotted minutes, costs, etc. shall result in progressive discipline and may result in loss of cellular equipment.
9. The City retains the right to review, audit and/or monitor cell phone use at any time and notify the Employee's Department Head/Supervisor of any misuse, abuse or policy violation.
10. Any failure by the City to discipline employees for prior violations of this Policy shall not constitute a waiver of its right to impose discipline for subsequent violations.

## **TRAVEL REQUEST AND EXPENSE REPORT**

### **A. PURPOSE:**

The City's Travel Request and Expense Report Policy, has been established to set standard procedures for the reimbursement of all city employees, Board of Control members, City Council members and employees of the Youngstown Municipal Court and the Youngstown Municipal Clerk of Court for all reasonable authorized expenses related to travel for City-approved municipal purposes.

### **B. ELIGIBILITY:**

Any officer, elected official, duly appointed members of commissions, boards, committees or employees of the City, the Youngstown Municipal Court and the Youngstown Municipal Clerk of Courts (collectively hereinafter referred to as "employees"), upon the request of the director of the department and with the approval of the Mayor, may travel for the purpose of conducting City business or attending meetings for the benefit of the City at City expense. Reimbursement of expenses incurred shall be made as provided in these regulations. The recommending official is responsible for exercising prudent judgment for the necessity, reasonableness and benefit of the travel being recommended.

### **C. AUTHORIZATION AND CERTIFICATION OF FUNDS:**

Before any travel expense for which reimbursement is to be requested is incurred, a Travel Request and Expense Report (FD Form-001) shall be submitted to the Department of Finance for auditing certification (with listing of the proper expense code) and encumbrance of funds, and then forwarded to the Mayor for approval. At the time of requesting this approval, all of Part I – Travel Request and all pre-paid items in Part II, Expense Report must be completed. The Finance Director will then complete and approve the Certificate of Funds before submitting to the Mayor for approval. Any unusual items should be explained in the space for "Explanation of all Other Expenses."

If an employee travels without having obtained prior approval of the Travel Request and Expense Report, reimbursement may be disallowed. Determination of final approval or disapproval is the responsibility of the Finance Director. Further, any travel expenses incurred

without prior approval are at the employee's risk, and will require a written explanation on the reverse side of FD Form-001 in the space provided.

A single Travel Request and Expense Report (FD Form-001) shall be used only to authorize one (1) employee to travel, attend conferences or meetings. Receipts or individual certification of the Expense Report will be required.

**D. GENERAL REQUIREMENTS:**

If an employee is in a bargaining unit, any specific provisions relating to travel expenses, or the reimbursement of travel expenses, shall apply in lieu of this policy. All travel at City expense must be authorized by the department head as necessary and beneficial to the City subject to the approval procedures outlines in Section 3 of this Policy. In addition, any additional requirements imposed by the Youngstown City Health District on its employees must also be followed.

Dollar amounts listed herein are reimbursement for money actually spent while travelling. These amounts are not per diem requirements or entitlements, regardless of whether receipts are required.

All travel expenses submitted for reimbursement must be submitted on this Travel Expense Request and Expense Report Form (FD Form-001). All reports must be submitted within five (5) days after return. (Needed for all travel except suburbs of Youngstown and adjacent cities)

**E. PROHIBITIONS:**

1. No reimbursement for entertainment expenses (such as sporting events, in-room movies, etc.) or alcoholic beverages.
2. No reimbursement for lodging or meals (except conference meals) within 45 miles of employee's residence.
3. No reimbursement for lodging or meals (except conference meals) within Mahoning County.
4. No reimbursement for conference lodging within 45 miles of an employee's residence.

**F. RULES:**

1. TRANSPORTATION

- a. Air travel- Coach Airfare by the best route suited for the interest of the City shall be reimbursable.
- b. Mileage- IRS Standard Rule per mile for travel by privately-owned automobile is permissible.
- c. City-owned vehicles- City-owned vehicles, when available, will be used to travel within the State. When interstate travel by City vehicle is authorized, reimbursement for gasoline, oil or other repairs are necessary will be made by the Finance Department based upon presentation of receipts as part of the expense report.
- d. The City will reimburse for rental car expenses provided that the Department Head has approved such expense in advance. Size of the rental vehicle requested will be commensurate with the space needed.
- e. If a reservation goes unused, the travelling employee will be reimbursed only if the department head is satisfied that failing to cancel or use the reservation was unavoidable.

2. MEALS

- a. In-state meals- Maximum rate of reimbursement for a full calendar day is thirty dollars (\$30.00) without receipts or forty dollars (\$40.00) with receipts, subject to other rules herein.
- b. When in overnight travel status for a full calendar day (travel preceded and followed by an overnight stay), actual meal expenses may be reimbursed to a maximum of \$30 without receipts and to a maximum of \$40.00 with receipts provided to the appropriate department and then to the Financial Department. Meals incurred within 45 miles of an employee's residence will not be reimbursable. Meal reimbursement for a full calendar day does not require an allocation for breakfast, lunch and dinner.
- c. When in overnight travel status for less than a full calendar day, maximum meal rates are pro-rated on the day of departure and day of return.
  - 1). \$30 reimbursement is pro-rated as follows:
    - Up to \$7 if travelling any time between 12:00 A.M.-7:59 A.M
    - Up to \$8 if travelling any time between 8:00 A.M. -5:59 P.M.
    - Up to \$15 if travelling any time between 6:00 P.M. – 11:59 P.M.
  - 2). \$40 reimbursement is pro-rated as follows:
    - Up to \$9 if traveling any time between 12:00 7:59-8:00 A.M
    - Up to \$12 if travelling any time between 8:00 A.M. – 5:59 P.M.
    - Up to \$19 if travelling any time between 6:00 P.M. -11:59 P.M.

- d. In- State/ Out-of-State Travel- On a day of departure or return for an employee on travel status for more than one of the specific time periods, meal reimbursement is authorized for the total of the individual amounts specified for those time periods. Reimbursement of that total amount does not require an allocation for breakfast, lunch and dinner.
- e. Out-of-State But Within the U.S.:
  - 1). When travelling out-of-state, an employee may be reimbursed only for meal expenses incurred more than 45 miles from the employee's residence. An overnight stay is not required.
  - 2). When on travel status for a calendar day, an employee's actual meal expenses may be reimbursed up to \$30 without receipts or up to \$60 with receipts provided to the Financial Department.
  - 3). When on travel status for less than a full calendar day, maximum meal rates are pro-rated on the day of departure and day of return. The \$30 is pro-rated as specified above.
  - 4). \$60 reimbursement is pro-rated as follows:
    - Up to \$12 if travelling any time between 12:00 A.M. - 7:59 A.M.
    - Up to \$18 if travelling any time between 8:00 A.M. – 5:59 P.M.
    - Up to \$30 if travelling any time between 6:00 P.M. – 11:59 P.M.Tip/Gratuities – Reimbursement of meal gratuities is authorized not to exceed 15% of the actual meal expense. The amount of the gratuity shall count against the applicable meal rate.

### 3. LODGING

- a. Lodging must be more than 45 miles from your residence.
- b. Reimbursement will be based on the basis of receipts for single occupancy or occupancy shared with another City employee.
- c. An employee may be reimbursed without receipts for the actual cost of gratuities for services such as porters, housekeeping, and taxis up to \$10 on day of departure and on day of return when travelling overnight; \$5 each day between the departure and return days when travelling overnight; and \$5 per day when not travelling overnight.  
Many hotels/ motels offer a "government" rate if requested in advance. These government rates have often been found to be lower than the offered conference rate. All departments and employees are expected to seek government rates for lodging.

### 4. MAXIMUM REIMBURSEMENT RATES

- a. In-state - \$100 plus taxes per calendar day or the government rate offered, whichever is lower.

- b. Out-of-state – Actual cost Department Head determines to be reasonable or the government rate offered, whichever is lower.
- c. Reasonable business telephone expenses are reimbursable for the length of an employee’s stay. This includes calls made from hotel room.

4. CONFERENCE RULES

- a. Registration fees are reimbursable.
- b. Lodging at the conference site, or at a hotel identified in the conference registration materials as one of the conference hotels, is reimbursable at actual cost as long as the conference site is at least 45 miles from the employee’s residence and the cost is reasonable as determined by the Department Head.
- c. Conference meals that are an integral part of the conference are reimbursable at actual cost if the cost is reasonable as determined by the department head. To be “an integral part” of the conference, meals must be provided at the conference site as an organized activity for all participants.
- d. Receipts are required for all conference fees, meals, lodging and miscellaneous conference expenses exceeding one dollar (\$1.00).
- e. An employee must attach a copy of the conference program when submitting the travel expense report.

5. MISCELLANEOUS EXPENSES

Receipts are required for reimbursable miscellaneous transportation expense such as parking, taxis, car rental, etc., if an expense exceeds \$1.00. Receipts are not required for road tolls, subway fare and/or municipal bus service regardless of the dollar amount.

6. EXCEPTIONS

Any exception or unusual expense not provided in these regulations must be noted under “Explanation of all Other Expenses” on FD Form-001 and have specific approval of the Mayor prior to departure. However, approval may be sought from the Mayor upon filing of FD Form-001 after travel is completed for unforeseen expenses.

7. FALSIFICATION

All submitted Travel Request and Expense Report forms shall be audited by the Financial Department. Falsification of any claimed expenses will result in administrative charges or civil action for repayment and/or criminal prosecution.

## **MEDIA POLICY**

### **A. PURPOSE:**

The City has established a standard policy for the release of information to media organizations requesting information concerning the City's personnel, activities, issues, programs, projects, and services. This policy applies to all City employees.

### **B. GOAL:**

Recognizing the importance of public communication, our overall goal is to communicate effectively with media organizations and provide consistent, accurate, and timely information. Credibility and consistency are the cornerstones of effective media relations.

### **C. RESPONSIBILITIES:**

The Mayor has the responsibility and authority to manage communications with media representatives. When the Mayor is unavailable to serve as the City's spokesperson, the Mayor will designate an alternative spokesperson. The full cooperation of City Department Heads and elected and appointed officials is crucial in achieving the City's overall communications goal. The Youngstown Police Department and Fire Departments shall operate under specific departmental policies and have designated departmental spokespersons.

### **D. PERSONS AUTHORIZED TO RELEASE CITY INFORMATION:**

1. MAYOR
2. CITY COUNCIL MEMBERS
3. LAW DIRECTOR
4. FINANCE DIRECTOR
5. PROSECUTOR
6. DEPARTMENT HEADS
7. DESIGNATED DEPARTMENT REPRESENTATIVES

### **E. RELEASE OF INFORMATION:**

News media representatives are encouraged to contact the Mayor's office for information about City personnel, activities, issues, programs, projects, and services. News media representatives are encouraged to contact the police and fire departments for departmental

inquiries. The departments' designated representatives will release any pertinent information to the media.

It is the intent of the City to ensure that all information released concerning the City's official business and its employees is true and accurate. If contacted by a media representative, City employees shall direct inquiries to their Department Head, or the Mayor, unless release of information is a normal part of their duties and they have been directed to release information on the City's behalf. The Mayor shall be informed of the nature of the release of official City information to media organizations. City employees in violation of this policy may be subject to appropriate disciplinary action. The Mayor authorizes Department Heads or other designated employees to release official information to the various news media outlets on matters relating to the department's operational activities and employees. The Mayor shall assist each City department as requested by Department Heads. The City strictly adheres to the provisions set forth in the Ohio Public Records Law, concerning release of public information.

**F. REQUESTS FROM MEDIA:**

If a media representative requests an interview, photographing, or filming of a City employee while on duty, such permission may be granted by the employee's Department Head. It is at the discretion of the Department Head if the employee shall grant interviews. City employees are not obligated to speak directly with members of the media. If authorization is granted, the Department Head shall inform the Mayor. Discussion shall be limited to those areas where the assigned employee has specific knowledge. Speculation and personal opinions shall always be avoided.

**G. RESPONSE TO MEDIA INQUIRIES:**

The City shall make every attempt to respond to inquiries promptly. Timely responses prevent statements in news stories such as "officials would not return our phone calls." If the information is not readily available, the media representative shall be contacted and made aware of the fact that the inquiry is being researched.

**H. EMERGENCY RESPONSE:**

The Mayor and/or police and fire chain-of-command personnel shall be notified immediately via cell phone, pager, or home number of urgent public safety-related issues that could occur from:

1. Storms, tornadoes, flooding, or other natural forces that may result in significant injuries, fatalities, property damage, or major power outages significant fires, explosions, hazardous spills, gas leaks, airplane crashes, or other events that could affect public safety.
2. Emergency bans or restrictions on water usage due to major accidents, fires, or other occurrences, significant water main breaks, wastewater line breaks, or power outages, and other events that may present an urgent threat to public safety or issues of community-wide significance.
3. Serious incidents involving City employees or elected and appointed officials that may attract media attention should also be reported. Notification in these matters will ensure timely and accurate release of information that will be conveyed to the public.

**I. LEGAL MATTERS:**

No statements shall be made regarding any City legal matters, including liability issues and pending litigation, unless coordinated with and approved by the Law Director and Mayor.

**J. COURTESY:**

Members of the media are to be treated by all City employees with the same courtesy and respect shown to our residents and all others who come in contact with City employees.

**CITIZEN REQUESTS AND GRIEVANCES**

**A. GENERALLY:**

Employees and supervisors of the City shall respectfully and politely respond to the inquiries, requests and/or grievances of the citizens of the City and shall strive to solve all problems presented by citizens.

Any citizen requests and grievances forwarded to supervisors shall be given adequate analysis and consideration. Supervisors are expected to treat each problem fairly and equally and provide a priority for resolution whenever reasonably possible.

**B. FILES:**

Most City files are public records and the information contained therein can be furnished to citizens by a designated employee upon request. Except where previously authorized by the City Law Department, prior to the release of public records, an independent examination of the records must be made by the City's Law Department to determine the propriety of the release of records under the Ohio Public Records Act, and determine whether any information contained in the record should be redacted.

**C. RESPONSIBILITY:**

Only designated employees shall be permitted to handle files. Supervisors shall monitor the handling of files to ensure that only permitted employees have access to such files. The reproduction of public information in the files may be made at the discretion of the department head and an appropriate charge (currently ten cents (10¢) per copy) may be included. Any questions as to the confidentiality and nature of the file and the dissemination of information in the file by a supervisor or department head shall be directed to the Law Department.

**D. PROCEDURES:** Each department, division and agency head shall establish procedures to ensure the proper handling of citizen contacts and their complaints, compliments, and grievances in conformance with this section. A standardized complaint/compliment/incident reporting form is attached to this Handbook as Exhibit "A."

**POLITICAL ACTIVITY**

No City employee shall campaign for or against any candidate for political office or participate in political fundraising activities for candidates either:

1. While actually on duty or while being paid by the City; or
2. While (either on or off duty) in any City facility or building or from any City vehicle.

This policy is in addition to any prohibitions established by Ohio Revised Code §124.57, which places strict limits on partisan political activity by classified civil service employees. This policy is not intended to prevent any employee from exercising his or her right to vote or from freely expressing his/her political opinions.

Any employee permitted by Ohio Law to run for political office shall not use his/her City position for campaign purposes or conduct any campaign activity on City time or on City property.

Ohio Revised Code §3517.092 prohibits elected officials and candidates and/or the campaign committee of such official or candidate, from soliciting campaign contributions from the public employees where, if elected, the candidate would be the appointing authority for the employee and/or exercise supervisory authority over the employee. The statute specifically prohibits any solicitation of any public employee at the place where they work.

### **PROHIBITED POLITICAL ACTIVITY BY CLASSIFIED EMPLOYEES**

Under Ohio law, additional restrictions on political activities are placed upon classified employees. The Ohio Administrative Code defines classified service for the purpose of political activities as “all persons in active pay status serving in the competitive classified civil service of the State.”

#### **A. PROHIBITED ACTIVITIES:**

Prohibited activities for classified employees include, but are not limited to, the following:

1. Candidacy for public office in a partisan election;
2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
4. Circulation of official nominating petitions for any candidate participating in a partisan election;
5. Service in an elected or appointed office in any partisan political organization;
6. Acceptance of a party-sponsored appointment to any office normally filled by partisan elections;

7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
9. Solicitation of the sale, or actual sale, of political party tickets;
10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
11. Service as, witness or challenger, for any party or partisan committee;
12. Participation in political caucuses of a partisan nature; and
13. Participation in a political action committee which supports partisan activity.

**B. ALLOWED POLITICAL ACTIVITY BY CLASSIFIED EMPLOYEES:**

Classified employees are permitted to engage in the following types of political activities, provided the employee is off-duty.

1. Registration and voting;
2. Expression of opinions, either oral or written;
3. Voluntary financial contributions to political candidates or organizations;
4. Circulation of nonpartisan petitions or petitions stating views on legislation;
5. Attendance at political rallies;
6. Signing nominating petitions in support of individuals;
7. Display of political materials in the employee's home or on the employee's property;
8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
9. Serving as a precinct election official under section 3501.22 of the Revised Code. A complete listing of the applicable rules regarding political activity is found in Ohio Admin. Code §123:1-46-02.

## **POLITICAL ACTIVITY BY UNCLASSIFIED EMPLOYEES**

Subject to the above stated general guidelines, and Federal and State laws, unclassified employees are not prohibited from engaging in political activity.

## **USE OF CITY EQUIPMENT AND MATERIALS**

Use of City equipment and/or materials by employees for personal reasons outside of the scope of their employment with the City is strictly prohibited. Employees found in violation of this section shall be disciplined through the appropriate disciplinary procedure. Supervisors who have knowledge of such use shall enforce such discipline.

City property includes all items provided to an employee by the City, including but not limited to, vehicles, telephones and computers. The City's information systems are to be used for City government-related activities only.

In general, an employee should make absolutely no personal use of City-owned property except that, a necessary personal telephone call of a limited duration (less than five minutes), will not constitute use "for personal benefit" if made infrequently and if not deemed by the employee's supervisor to interfere with the employee's assigned duties. Any cost for the use of a City phone for such a call shall be reimbursed to the City.

## **OPERATION OF CITY VEHICULAR EQUIPMENT**

City employees operating City-owned vehicular equipment must possess an appropriate valid State of Ohio driver's license. If for any reason the employee's driver's license becomes invalid, revoked or suspended, the employee shall not be permitted to continue performing his job duties involving the operation of the equipment. If the employee possesses a City vehicle, such vehicle shall be returned to the City immediately.

The employee shall notify the City of any invalidation, revocation or suspension of his or her driver's license. If for any reason an employee's driver's license becomes invalid, revoked, or suspended, the employee may be required to work below his classification in a job that does not involve the operation of vehicular equipment. The opportunity to work at a level below the employee's classification is at the employer's discretion and subject to the availability of work.

While working below his/her classification, the employee shall receive the rate of pay for the lower classification unless such lower pay is prohibited by an applicable Collective Bargaining Agreement.

Any Supervisor who becomes aware of a loss of a valid State of Ohio driver's license of an employee shall take immediate action to ensure that the employee is no longer operating a City-owned vehicle and that such vehicle is returned to the City immediately.

**A. INSURANCE:** City employees operating City-owned vehicles must be insurable. If an employee is or becomes uninsurable as a result of the violation of motor vehicle statutes, such employee shall not be permitted to continue performing his job duties involving the operation of the vehicle until such uninsurability is remedied. If the employee possesses a City vehicle, such vehicle shall be returned to the City immediately.

**B. OPERATION OF CITY VEHICLES:** All City employees are expected to operate City-owned vehicles in a safe and responsible manner at all times in accordance with City and State automobile regulations. City employees are expected to provide to the public at all times, driving courtesies which reflect favorably upon the City.

City employees are responsible for the safe and efficient use of vehicles and for the conservation of fuel.

No City-owned vehicle shall be driven outside the corporate limits of the City except as necessary in the performance of the employee's official duties.

When a City-owned vehicle is parked for the night, it must be secured in such a manner as to discourage theft and vandalism; to include locking all doors, rolling up all windows and locating the vehicle in a safe place.

Wherever possible, vehicles should be used on a rotating basis to effect the equalization of miles on the equipment.

A City-owned vehicle is not to be used for a private purpose at any time. This shall include, but not be limited to, private use on rest breaks and lunch periods, use at banking institutions, retail establishments, or the like.

All deficiencies that will affect performance of the vehicle or the safety of the driver and/or public, shall be immediately reported. Accident or equipment damage reports shall be submitted to the supervisor immediately upon return to work after the accident or damage.

Supervisors are responsible for ensuring the completion of an equipment damage report after each accident. In the event of an accident, a City police crash report shall be completed.

City-owned vehicles shall be operated only by City employees. Persons other than City employees may be passengers in City-owned vehicles when such persons are official guests of the City; engaged in official business; and in any other case when approval is granted in advance by the City.

Supervisors who obtain knowledge of the violation of any of the above rules and policies shall take immediate action to discipline the City employee appropriately.

**C. SAFETY BELT USE:** Because the use of auto safety belts is mandated by Ohio law, all employees and occupants shall use safety belts when traveling in a City-owned vehicle. Safety belts must be used by all occupants when an employee is traveling in his own motor vehicle during travel which is reimbursable by the City.

### **ASSIGNMENT OF CITY VEHICLES**

All assignments of City-owned vehicles shall be made upon the recommendation of the department head to the Mayor who will assign the cars according to the rules and regulations outlined in this chapter and administrated by Risk.

Unassigned City vehicles may be available to City employees, who have valid driver's licenses and are not under any disciplinary disqualifications, for official City business as needed and approval by the employee's department head.

### **USE OF CITY-OWNED VEHICLES**

Except as designated in subsection (t) hereof, City-owned vehicles are to be used only for official business. Under no circumstances will employees be permitted to use a City-owned vehicle for other than City-related business. Violators of this rule will be subject to disciplinary action up to and including loss of use of a City vehicle and termination of employment with the City.

- (a) Official City business.
- (b) While going to and from work, employees driving City-owned vehicles will avoid deviation from the normal route taken each day unless an employee must attend a late afternoon or evening meeting or is called out on City business

- (c) Only authorized employees of the City or authorized individuals having official business with the City are permitted to operate or be a passenger in a City-owned vehicle. Individuals in custody or care of authorized City employees shall not constitute a violation of this rule.
- (d) When a vehicle is damaged due to an employee's negligence or while being driven outside the scope of employment, the driver may be required to reimburse the City for such damages and/or be subject to disciplinary action.
- (e) Whenever a City employee is driving a City vehicle, he shall use all the safety devices that are provided with the vehicle such as seat belts, etc.
- (f) City-owned vehicles shall be operated in a manner as prescribed by law.
- (g) Except for emergency conditions, whenever a vehicle is left unattended for a prolonged length of time, the vehicle shall be locked.
- (h) Any fines, by reason of a ticket being placed on a vehicle for a violation of a parking meter or a no parking zone, will be paid by the assigned driver of the vehicle.
- (i) All accidents shall be reported as soon as practicable by the employee to a Department Supervisor whose responsibility it will be to report the accident to the Risk Management by no later than the next working day. All accidents involving City commercial vehicles shall be reported immediately to a department supervisor, whose responsibility it will be to arrange for CDL drug and alcohol testing as required.
- (j) Failure to report an accident involving a City vehicle as required shall subject the employee to discipline up to and including termination.
- (k) The assigned driver shall provide reasonably safe overnight parking facilities for the City-owned vehicle. Under no circumstances shall a City-owned vehicle be permitted to be parked overnight on the street. If the employee cannot provide safe off-street parking for the vehicle assigned, the employee shall not take the vehicle home. The vehicle shall be parked in an assigned location on City property. Failure to comply with this rule may result in disciplinary action and this may include the loss of the consent to drive the City-owned vehicle home.
- (l) All employees must possess a valid operator's license or chauffeur's license

before being permitted to drive a City-owned vehicle.

- (m) Employees assigned a City vehicle, or who have frequent use of a City vehicle, shall be required to sign a consent form authorizing the City to obtain the employee's driver's abstract from the Bureau of Motor Vehicles as permitted by law.
- (n) Any City employee whose driver's license is suspended or revoked by any court of the State or by the Department of Motor Vehicles shall immediately report such action to their supervisor or department head and to Risk. Failure to report such suspension or revocation will result in disciplinary action up to and including termination.
- (o) No City employee may operate a City-owned vehicle while under license suspension or revocation. When such suspension or revocation is lifted, an employee may drive a City-owned vehicle only after a "high risk" review and subject to the recommendations of the Traffic Disciplinary Committee.
- (p) By January 15 every year, all department and division heads shall report to Risk Management the name of every person assigned a vehicle or who may have frequent use of a City vehicle and verification that the employee presented to the department head a valid driver's license, and the date that the department head verified same.
- (q) A vehicle assigned to an employee shall continue to be part of the vehicle fleet and is not to be considered as assigned to the employee personally.
- (r) Vehicle assignments may change as the situation requires. Such change shall be within the scope of this chapter and all vehicles shall continue to be available for other purposes when not being used by the assigned driver.
- (s) If any employee cannot comply with the policies set forth in this chapter, the employee shall not be assigned nor permitted to drive a City-owned vehicle.
- (t) Any City employee assigned to an "AA" vehicle will be permitted personal use of the City vehicle during those periods he/she is on twenty-four (24) hour call, defined as being accessible by cellular telephone, radio, beeper or other electronic device and being within a fifty (50) mile radius of City Hall.

- (u) All City vehicles which are designated as “A” vehicles will be assigned for use on a twenty-four hour basis with no personal use.

### **VEHICLE MAINTENANCE REGULATIONS**

Each driver to whom a vehicle is assigned shall ensure that the proper preventative maintenance is being regularly performed on the vehicle assigned to him/her. Any unreported damage to the vehicle that is found to be caused by the negligence of the assigned driver shall be repaired at the expense of the assigned driver. The assigned driver is also responsible for the appearance of the vehicle.

### **DEPARTMENT HEADS TO REPORT MOTOR VEHICLE ACCIDENTS**

Each Department Head of the City is required to file a report with the City Law Department setting forth any and all motor vehicle accidents in which anyone in their respective departments may have been involved. Reports should include the date and time of the accident, the location of the accident, the driver of the vehicle involved, the type of vehicle involved, the identity of any witnesses to the accident, the extent of damage to any vehicle involved in the accident, and the nature and extent of any personal injuries to anyone involved in the accident, together with a copy of the accident report if it is available.

### **REIMBURSEMENT FOR USE OF PRIVATE VEHICLE**

The officers and employees of the City required to use private vehicles in the performance of their assigned duties shall be reimbursed at the rate of the IRS approved rate per mile for the use of such vehicles (unless noted otherwise in any collective bargaining unit agreement to which the City is a party, at which time the respective bargaining unit agreement will control). Each officer or employee shall be authorized for such reimbursement by his respective department head and shall at monthly intervals, if on a regularly scheduled basis, or upon specific use if on an unscheduled basis, submit an accounting for such mileage to the Director of Finance. This accounting shall be submitted on a form which shall set forth applicable dates, number of miles of operation and total amount claimed at the rate of the IRS approved rate per mile.

Such reimbursement shall not be applicable to officers or employees who are assigned a City vehicle.

### **INSURANCE AND DEPRECIATION ALLOWANCE**

All officers and employees of the City who are authorized and required by Council to furnish and maintain an automobile in connection with the performance of their duties, shall be paid, in addition to the monthly allowance presently authorized, an insurance and depreciation allowance in the amount of one hundred fifteen dollars (\$115.00) per year.

### **DRUG TESTING PROGRAM FOR COMMERCIAL DRIVERS LICENSES**

All City employees who operate or service commercial vehicles and are required to have commercial driver's licenses, shall be tested for drugs as required by the Omnibus Transportation Employee Testing Act of 1991 and in conformity with Chapter 49, Code of Federal Regulations, Section 382, et seq.

The following policies and procedures shall be kept available by the City Risk Management Department for any employee or employee organization representative wishing to obtain a copy. Driver-employees should direct questions about these materials to the City Law Director, Law Department, Fourth Floor, City Hall. The following policies and procedures conform to the requirements of the Code of Federal Regulations, Title 49, Sections 382.103, et seq. and 40.01, et seq. Highlighted sections are additional policies of the City based on the City's exclusive right to manage and control its work force.

Information concerning the effects of drug and alcohol use, the signs and symptoms of alcohol or drug abuse, and available method of intervention is provided with these policies.

#### **A. COVERED EMPLOYEE'S NOTICE OBLIGATIONS:**

Covered employees must notify their supervisor in writing on a form provided by the City of the following:

1. A conviction for violation of a state or local law relating to motor vehicle traffic control (excluding - parking violations). Notification must be within thirty (30) days of conviction.

2. Suspension or revocation of any driving privileges (before end of business day following receipt of notification).

**B. THE FOLLOWING ACTS ARE PROHIBITED:**

1. The use of alcohol or any controlled substance while performing safety-sensitive functions;
2. The performance of any safety-sensitive duty within four (4) hours after the consumption of alcohol or with BAC between 0.02 to 0.0399;
3. The refusal to take an alcohol or drug test;
4. Reporting or remaining on duty after a positive alcohol (0.04 BAC or greater) or drug test;
5. The consumption of any alcohol within eight (8) hours of an accident by any employee subject to a post-accident test.
6. Employees who test between 0.02 and 0.0399 BAC must be removed from safety-sensitive duties and cannot return to such duties until twenty-four (24) hours have elapsed, or until a re-test for alcohol is less than 0.02.

**C. SAFETY-SENSITIVE FUNCTIONS INCLUDE:**

1. All time a covered employee is at work or required to be in readiness for work.
2. All time spent aboard, servicing or driving a commercial motor vehicle or waiting to be dispatched.
3. All time spent repairing, loading or unloading a commercial vehicle or machine.

**D. PRE-EMPLOYMENT TESTING:**

All applicants the City intends to hire whose duties will include operation of a commercial vehicle and safety sensitive functions will be subject to a urine test for drugs. This includes testing of individuals already employed by the City transferring to commercial driver and safety sensitive positions.

**E. REASONABLE SUSPICION TESTING:**

Reasonable suspicion testing is required if a Supervisor or management person has reasonable suspicion to believe that a covered employee is under the influence of alcohol or

drugs, using illegal drugs, or has a substance abuse problem. Employees to be tested under reasonable suspicion shall be driven to the test site by a supervisor.

**F. POST-ACCIDENT TESTING:**

Will occur in three situations:

1. Any accident involving a fatality;
2. Any accident in which the driver is cited and there is disabling damage to the vehicle(s) requiring tow-away; or
3. Any accident in which the driver is cited and off-site medical treatment for anyone is required.
4. Any accident involving damage to a City vehicle.

Employees must immediately notify the City about the accident, remain available for drug and alcohol testing and not consume any alcohol for eight (8) hours after the accident, or until an alcohol test has been administered. See instructions for post-accident procedure attached.

**G. RANDOM TESTING:**

1. Ten percent (10%) of all covered employees must be randomly tested for alcohol per year and fifty percent (50%) must be randomly tested for drugs per year.
2. All covered employees will be included in a computer-based random selection pool and names of employees selected for testing shall be returned to the random pool after testing to ensure that each employee's chances of being selected are the same.

**H. TRANSPORTATION TO TESTING SITE:**

The City is not obligated to provide transportation to the testing site for a random drug or alcohol test. Use of a City vehicle, if available, shall be at the discretion of the employee's Supervisor.

**I. RETURN TO DUTY TESTING AND FOLLOW-UP TESTING:**

Any employee who has violated any of the Act's alcohol/drug misuse rules must be evaluated, treated (when indicated), must successfully complete treatment and be given a return

to duty test with passing results as a condition for resuming safety sensitive functions. The alcohol test result must be less than 0.02 BAC, and the controlled substance test must be negative. After required treatment and or return to duty, the employee will be subject to a minimum of six (6) unannounced follow-up tests during the first twelve months and up to 60 months as determined by the substance abuse professional (SAP).

**J. ALCOHOL TESTING PROCEDURES:**

1. Alcohol tests shall be by breathalyzer (EBT) administered by a certified Breath Alcohol Technician (BAT). The test shall take place at a location that assures privacy and denies access to unauthorized individuals. The employee will provide photo ID and has the right to request ID of the BAT. The EBTs used shall generate results on forms prescribed under 49 CFR, Part 40, which identify the employee by a unique number and identify the EBT used. A copy of the result will be provided to the employee.
2. A confirmation test will be required of any result showing an alcohol concentration level of 0.02 or greater. Positive test results shall be immediately transmitted to an employer representative in a confidential manner.
3. An employee testing 0.02 or above shall not operate a City vehicle and shall be removed from duty for no less than twenty-four (24) hours. If the employee was driven to a testing site by a supervisor, the supervisor shall drive the employee home after testing or the employee may choose to contact a family member or other individual to drive him/her home. If the employee drove himself or herself, the employee will remain at the test site until a supervisor arrives to drive the employee home. The employee shall be responsible to make arrangements for his/her vehicle left at work or the testing site.

**K. DRUG TESTING PROCEDURE:**

1. Drug testing shall be by urinalysis for the presence of metabolites of marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and any other controlled substance in accordance with applicable regulations. A "split sample" method of collection will be used.
2. In the event that the primary specimen tests positive, a confirmatory test will be performed. An employee may request a re-test within 72 hours of being informed of a positive result and may have the re-test performed at a different DHHS certified laboratory at the employee's cost.
3. Urine collection for controlled substances shall be at a collection site which shall have in place sufficient security measures to ensure that no unauthorized

personnel handle specimens or gain access to the laboratory process or to the area where records are stored, and shall use chain of custody procedures and chain of custody forms prescribed by 49 CFR, Part 40. The date, time and purpose of handling or transfer and every individual in the chain of custody shall be identified and documented.

4. Specimen collection shall occur in a private setting and procedures shall be used that do not demean, embarrass or cause physical discomfort to the employee. The collection site technician shall be of the same sex as the employee to be tested.
5. The employee will provide photo ID.
6. A tamper-proof seal shall be used on the containers and they shall be labeled with the date, employee's identifying number and shall be initialed by the employee. The employee shall also be required to sign a certification on the custody and control form that the sample is his/hers.
7. The laboratory shall report test results in a manner ensuring confidentiality to the employer's Medical Review Officer (MRO).
8. The MRO shall report only that the test was positive or negative and if positive, for which drugs. However, the MRO may reveal the quantitative test results to the employer, the employee or the decision maker in a lawsuit, grievance or by other proceedings initiated by or on behalf of the employee and arising from a verified positive drug test.
9. The MRO will contact the employee directly, where possible, for a medical interview prior to verifying a test result as positive.
10. Any employee shall upon written request have access to any records relating to his or her drug test.

**L. REFUSAL TO TEST:**

1. An employee's refusal will be considered as a positive test. Refusal includes failure to appear for any test or to remain at the testing site until testing is completed; refusal to sign the prescribed form(s); failure to provide sufficient breath or urine sample to complete the test without adequate medical explanation for the failure; failure to undergo a medical evaluation directed by the MRO; failure to cooperate with any part of the testing process; and having an adulterated or substituted test result.
2. Any person refusing to take a pre-employment test will not be hired. An employee refusing to take a return to duty test cannot be returned to duty.

**M. REQUIRED EVALUATION AND TREATMENT:**

1. No covered employee known to be using drugs, or known to have tested positive for drugs shall be permitted to perform or continue to perform safety-sensitive functions.
2. Any covered employee found to have engaged in prohibited drug or alcohol use shall be informed of available resources to evaluate and resolve problems with the misuse of alcohol and drugs and provided with a list of substance abuse professionals and counseling and treatment programs.
3. The covered employee must be evaluated by a substance abuse professional (SAP) to determine what assistance, if any, the employee needs; must follow any rehabilitation program prescribed; must be evaluated to determine that he/she has properly followed said rehabilitation program; and, after a determination that he/she has successfully complied with an education and/or treatment program, must pass a return to duty alcohol or drug test.

**N. DISCIPLINE:**

Violations of this policy may result in discipline being imposed, up to and including termination.

**O. COSTS:**

1. The cost of a SAP assessment and all confirmatory, back to work, or follow-up drug or alcohol testing required to be done after an initial drug or alcohol test with positive results, will be borne by the employer.
2. The cost of an employee requested retest of a urinalysis sample and the cost of an alcohol or drug rehabilitation program (including testing while in a rehabilitation program) required under this policy after a positive drug or alcohol test result shall be the responsibility of the employee.
3. An employee who tests positive on a drug or alcohol test, and cannot return to work pending a negative re-test or completion of a drug or alcohol rehabilitation program, will be required to use accrued paid vacation or personal leave, accrued paid sick or medical leave, or unpaid leave pursuant to the City's Family Medical Leave Policy.

**P. POLICIES AND PROCEDURES:**

1. If you are involved in a motor vehicle accident while driving a commercial vehicle, YOU MUST do the following:

- a. Notify a department supervisor immediately or, if you cannot, have safety or ambulance personnel notify your supervisor as soon as practicable.
  - b. Do not consume any alcohol for at least eight (8) hours after the accident.
  - c. If you do not require off-site medical treatment, BUT
    - i. Somebody died as a result of the accident; or
    - ii. You are cited for a traffic violation and someone was taken from the scene for medical treatment;
    - iii. You are cited AND there was disabling damage to any vehicle which required towing; or
    - iv. An accident involving damage to a City vehicle occurred.
2. YOU MUST: Within . . . two (2) hours of the accident (within 8 hours if not possible within 2) report to a testing site as directed by your supervisor, their designee or the Human Resource Supervisor.
3. Advise the personnel at the testing site of the following:
- a). You are employed by the City as a CDL driver,
  - b). You had an accident while driving a commercial vehicle,
  - c). The time of the accident and that you need DOT drug and alcohol screens done.
4. If you are injured, but conscious, and removed from the scene for treatment, AND THE CIRCUMSTANCES LISTED IN NUMBER 3 ABOVE APPLY, YOU MUST:
- a). Notify ambulance or hospital personnel that you must have drug and alcohol tests administered,
  - b). Give your consent to drug and alcohol tests.

### **DRUG AND ALCOHOL ABUSE POLICY**

The City of Youngstown has a legal responsibility and management obligation to ensure a safe work environment, as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment must be an employee who is free from drug dependence, illegal drug use or current drug or alcohol abuse.

All employees are prohibited from being under the influence of alcohol or illegal drugs during working hours. Employees shall not take any narcotics or dangerous substances unless prescribed by a person licensed to practice medicine. Employees who are required to take prescription medicines that may affect their ability to perform their job responsibilities shall notify their immediate supervisor of the medication prescribed and the nature of the impact their

condition or prescribed medication will have on their job performance. Any illegal use of drugs by an employee, whether at or outside City employment shall not be tolerated.

All property belonging to the City is subject to inspection at any time without notice as there is no expectation of privacy. Property includes, but is not limited to, City-owned vehicles, desks, containers, files and storage lockers.

Employees who have a reasonable basis to believe that another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to their supervisor. Any supervisor receiving such a report is required to investigate the allegations and the circumstances surrounding the allegations of illegally using drugs or narcotics as well as using alcohol at work. Any use of illegal drugs or alcohol on the job shall result in discipline up to and including termination.

### **MANAGEMENT DRUG AND ALCOHOL TESTING PROGRAM**

#### **A. PURPOSE & NOTICE:**

1. The City has a legal responsibility and management obligation to ensure a safe work environment, as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment must be an employee who is free from drug dependence, illegal drug use or drug and alcohol abuse.
2. Liability could be found against the City and the employee if the City fails to address and ensure that employees can perform their duties without endangering themselves or the public.
3. There is sufficient evidence to conclude that use of illegal drugs, the misuse of drugs, or alcohol dependence seriously impairs an employee's performance and general physical and mental health. The illegal possession and use of drugs and narcotics by employees is a crime in this jurisdiction and clearly unacceptable.
4. Further, the magnitude of harm and risk are increased where employees carrying out safety sensitive functions are impaired. Thus, those personnel occupying

safety-sensitive positions are subject to greater scrutiny for the use of illegal drugs or the abuse of drugs or alcohol.

## **B. DEFINITIONS**

1. “Employee” means all personnel employed by the City. “Safety-sensitive Employee” means those personnel occupying positions where the essential functions of the position involve the discharge of duties fraught with risks of injury to others such that a momentary lapse of attention can have disastrous consequences.
2. “Safety sensitive functions” means all time an employee is at work or required to be in readiness for work.
3. “Reasonable suspicion” means an apparent state of facts, circumstances or information which exists from an inquiry by the supervisor or from a credible source which would induce a reasonably intelligent and prudent person to believe the employee was under the influence or using drugs/narcotics.

## **C. GENERAL RULES**

1. All property belonging to the City is subject to inspection at any time without notice as there is no expectation of privacy. Property includes, but is not limited to, City-owned vehicles, desks, containers, files and storage lockers.
2. Employees who have reasonable basis to believe that another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to their supervisor.
3. Failure to comply with the intent or provisions of this section may be used as grounds for disciplinary action. Refusal by an employee to take the required drug test or follow the regulations prescribed in this section shall result in immediate relief from City duties pending disposition of any administrative personnel action.

## **D. POLICY - DRUG TESTING AND ALCOHOL TESTING:**

### **1. PRE-EMPLOYMENT TESTING**

All prospective appointees for any safety-sensitive position in the City will be routinely tested for drug or narcotic usage. The testing procedure and safeguards set forth in this section shall be followed. Applicants testing positive for drugs or refusing a drug test shall not be hired.

2. REASONABLE SUSPICION TESTING

a. Reasonable suspicion drug and/or alcohol testing will be required if a supervisor or management person has reasonable suspicion to believe that an employee is under the influence of alcohol or drugs, using illegal drugs, or has a substance abuse problem. Employees to be tested under reasonable suspicion shall be driven to the test site by a supervisor.

b. A supervisor who orders a drug or alcohol test when there is a reasonable suspicion of the use of alcohol or any drug or narcotic shall forward a report containing the facts and circumstances directly to the department head. The employee shall be verbally advised of any applicable reasonable suspicion at the time of the test and receive a written statement of the same reasonable suspicion within twenty-four (24) hours of the test.

3. POST-ACCIDENT TESTING

a. Post-accident testing for drugs and alcohol will be required after accidents occurring while an employee is carrying out safety sensitive functions in the following circumstances:

b. Any accident involving a fatality; any moving vehicle accident in which the employee driver is cited and there is disabling damage to the vehicle(s) requiring tow-away; any moving vehicle accident in which the employee driver is cited and off-site medical treatment is required for any driver(s) or passenger(s); or any accident involving damage to a City vehicle.

4. RANDOM TESTING

a. Up to five percent (5%) of all safety-sensitive employees may be randomly tested for alcohol per year and twenty percent (20%) may be randomly tested for drugs per year.

b. All safety-sensitive employees will be included in a computer-based random selection pool and names of employees selected for testing shall be returned to the random pool after testing to ensure that each employee's chances of being selected are the same.

**E. RETURN TO DUTY TESTING AND FOLLOW-UP TESTING:**

Any employee who tests positive on a drug or alcohol test must be evaluated, treated and must successfully complete a drug or alcohol treatment program and be given a return to duty test with passing results as a condition for returning to duty. The alcohol test result must be less than 0.04 BAC, and the controlled substance test must be negative. After testing positive for

drugs and returning to duty, the employee will be subject to random urinalysis at any time for a two (2) year period.

**F. ALCOHOL TESTING PROCEDURES:**

1. Alcohol tests shall be by breathalyzer (EBT) administered by a certified Breath Alcohol Technician (BAT). A breath alcohol content (BAC) of 0.04 shall be considered a positive test.
2. The test shall take place at a location that assures privacy and denies access to unauthorized individuals. The employee will provide photo ID and has the right to request ID of the BAT. A copy of the result will be provided to the employee.
3. A confirmation test will be required of any result showing an alcohol concentration level of 0.04 or greater. Positive test results shall be immediately transmitted to an employer representative in a confidential manner.
4. An employee testing 0.04 or above shall be removed from duty for no less than twenty-four (24) hours. If an employee testing 0.04 or above was driven to a testing site by a supervisor, the supervisor shall drive the employee home after testing or the employee may choose to contact a family member or other individual to drive him/her home. If the employee drove himself/herself, the employee will remain at the test site until a supervisor arrives to drive the employee home. The employee shall be responsible to make arrangements for his vehicle left at work or the testing site.

**G. DRUG TESTING PROCEDURE:**

1. Drug testing shall be by urinalysis for the presence of metabolites of cannabinoids (marijuana), cocaine, opiates, amphetamines, methamphetamine, oxycodone (OxyContin), propoxyphene, benzodiazepines, barbiturates, methylenedioxymethyl amphetamine (Ecstasy) and phencyclidine ;) (PCP). A “split sample” method of collection will be used. The primary specimen shall be subject to an instant testing method. The foregoing drugs test positive at the following thresholds:

| Drug                     | Initial Screening | Confirmation |
|--------------------------|-------------------|--------------|
| Cannabinoids (marijuana) | 50 ng/ml          | 15 ng/ml     |
| Cocaine                  | 300 ng/ml         | 150 ng/ml    |
| Methamphetamine          | 1,000 ng/ml       | 500 ng/ml    |
| Amphetamines             | 1,000 ng/ml       | 500 ng/ml    |
| Opiates                  | 2,000 ng/ml       | 2,000 ng/ml  |

|  |           |           |
|--|-----------|-----------|
| Oxycodone (OxyContin)                      | 100 ng/ml | 100 ng/ml |
| Propoxyphene                               | 300 ng/ml | 300 ng/ml |
| Benzodiazepines                            | 300 ng/ml | 300 ng/ml |
| Barbiturates                               | 200 ng/ml | 300 ng/ml |
| Methylenedioxymethyl amphetamine (Ecstasy) | 500 ng/ml | 500 ng/ml |
| Phencyclidine (PCP)                        | 25 ng/ml  | 25 ng/ml  |

2. In the event that the primary specimen tests positive, a confirmatory test will be performed. The confirmatory test shall be performed by a DHHS certified laboratory. An employee may request a re-test within seventy-two (72) hours of being informed of a positive result and may have the re-test performed at a different DHHS certified laboratory at the employee's cost.
3. Urine collection for controlled substances shall be at a collection site which shall have in place sufficient security measures to ensure that no unauthorized personnel handle specimens or gain access to the laboratory process or to the area where records are stored, and shall use chain of custody procedures and chain of custody forms. The date, time and purpose of handling or transfer and every individual in the chain of custody shall be identified and documented.
4. Specimen collection shall occur in a private setting and procedures shall be used that do not demean, embarrass or cause physical discomfort to the employee. The collection site technician shall be of the same sex as the employee to be tested. The employee will provide photo ID.
5. A tamper-proof seal shall be used on the containers and they shall be labeled with the date and the employee's identifying number, and shall initial by the employee. The employee shall also be required to sign a certification on the custody and control form that the sample is the employee's.
6. The laboratory shall report test results in a manner ensuring confidentiality to the employer's Medical Review Officer (MRO).
7. The MRO shall report only that the test was positive or negative, and if positive, for which drugs. However, the MRO may reveal the quantitative test results to the employer, the employee or decision maker in a lawsuit, grievance, or by other proceedings initiated by or on behalf of the employee and arising from a verified positive drug test.
8. The MRO will contact the employee directly, where possible, for a medical interview prior to verifying a test result as positive.
9. Any employee shall upon written request have access to any records relating to his or her drug test.

**H. REFUSAL TO TEST:**

1. An employee's refusal will be considered as a positive test and subject the employee to discipline under section (J), the Discipline Section of this program. Refusal includes failure to appear for any test or to remain at the testing site until testing is completed; refusal to sign the prescribed form(s); failure to provide sufficient breath or urine sample to complete the test without adequate medical explanation for the failure; failure to undergo a medical evaluation directed by the MRO; failure to cooperate with any part of the testing process; and having an adulterated or substituted test result.
2. Any person refusing to take a pre-employment test will not be hired. An employee refusing to take a return to duty test cannot be returned to duty.

**I. REQUIRED EVALUATION AND TREATMENT:**

1. No covered employee known to be using drugs, or known to have tested positive for drugs shall be permitted to perform or continue to perform safety-sensitive functions.
2. Any covered employee found to have engaged in prohibited drug or alcohol use shall be informed of available resources to evaluate and resolve problems with the misuse of alcohol and drugs and provided with a list of substance abuse professionals and counseling and treatment programs.
3. The covered employee must be evaluated by a substance abuse professional (SAP) to determine what assistance, if any, the employee needs; must follow any rehabilitation program prescribed; must be evaluated to determine that he has properly followed said rehabilitation program; and, after a determination that he has successfully complied with an education and/or treatment program, must pass a return to duty alcohol or drug test.

**J. DISCIPLINE:**

1. Employees who have tested positive on a drug and/or alcohol test shall be subject to disciplinary action. If the employee agrees to enter and successfully complete a rehabilitation program, the disciplinary action will not exceed thirty (30) calendar days for the first offense. Thereafter, for a period of two years, the employee shall be subject to random urinalysis at any time.
2. Employees who test positive for a second time, on a drug or alcohol test, shall be subject to immediate termination.
3. Refusal to test, follow-up positive drug or alcohol tests, or failure to successfully complete a rehabilitation program will subject a covered employee to immediate

termination.

**K. COSTS:**

1. The cost of an employee requested retest of a urinalysis sample and the cost of an alcohol or drug rehabilitation program (including testing while in a rehabilitation program) required under this policy after a positive drug or alcohol test result, shall be the responsibility of the employee.
2. An employee who tests positive on a drug or alcohol test, and cannot return to work pending a negative re-test or completion of a drug or alcohol rehabilitation program, will be required to use accrued paid vacation or personal leave, accrued paid sick or medical leave, or unpaid leave pursuant to the City's Family Medical Leave Act Policies and Procedures.

**OVERTIME PAY**

Each overtime-eligible full-time employee shall be compensated at the rate of one and one-half times the normal rate of pay for any work performed after forty hours per week and for work in excess of eight hours per day.

Overtime shall be paid based on all time an employee is in "pay status" even if the hours were not actually worked. "Pay status" includes time paid for holidays, vacation or accumulated time. Sick leave is not "pay status" for purposes of determining overtime compensation.

**ACCUMULATED AND COMPENSATORY TIME**

**A. ACCUMULATED TIME FOR FLSA NON-EXEMPT EMPLOYEES:**

1. Non-Exempt Employees entitled to overtime pursuant to the Fair Labor Standards Act (FLSA) and/or Ohio Law, at the option of their Department Head and/or Supervisor, shall earn Accumulated Time (AT) at a rate of 1.5 hours for work performed after forty hours per week and for work in excess of eight hours per day.
2. Accumulated Time may be earned in lieu of overtime pay. Non-Exempt Employees shall not carry a balance greater than 80 hours of accumulated time. If an employee has already accrued 80 hours of Accumulated Time, the employee shall be compensated at the regular overtime rate of one and one half (1 ½) times their hourly rate of pay for each hour of overtime worked.
3. No employee shall work overtime without the express permission of the employee's Department Head and/or Supervisor. Employees working overtime without permission shall be subject to discipline.

4. No employee shall use Accumulated Time without the advance permission of their Department Head and/or Supervisor. An employee's request to use Accumulated Time should be permitted within a reasonable time after making the request, provided it does not unduly disrupt operations of the department where the employee works. A Department Head may require an employee to use Accumulated Time. Employees using Accumulated Time without permission shall be subject to discipline.
5. Upon separation or retirement of an employee, the employee's accrued Accumulated Time shall be paid out at the employees' current rate of pay.
6. The Mayor or his designee may, in any particular year, for each employee with an accumulated time balance of over sixty (60) hours, authorize and/or require up to sixty (60) hours of Accumulated Time to be converted to cash and paid out to the employee. Such determination shall be made no later than July 1 of each year. The liquidated hours will be paid out in November of each year at the hourly rate at the time of liquidation. The sole discretion to pay such compensation shall be with the Mayor or his designee and the employee has no vested right to demand such compensation.

**B. OTHER COMPENSATORY TIME FOR FLSA EXEMPT EMPLOYEES:**

1. With the approval of the Mayor and Department Head, Other Compensatory Time may be awarded to employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) for irregular or occasional overtime work. Compensatory Time is additional leave time that the employee may use to take time off from work. Where approved, Compensatory Time shall be awarded at the discretion of the Department Head or Supervisor at a rate of one and one half (1 1/2) hours of compensatory time for every hour over forty (40) hours worked in a week. FLSA Exempt Employees shall not carry a balance greater than 80 hours of Compensatory Time. After an employee has a balance greater than 80 hours they are not permitted to earn additional Compensatory Time until their balance is below 80 hours.
2. No compensatory time will be granted for office work which could have been completed during the 40 hour week.
3. No employee shall accumulate Other Compensatory Time without the express permission of his or her Department Head and/or Supervisor.
4. No employee shall use Other Compensatory Time without the advance permission of their Department Head and/or Supervisor. Employees using Other Compensatory Time without permission shall be subject to discipline.

5. Upon separation or retirement of an employee, unused Other Compensatory Time shall be paid out at the employee's current rate of pay.
6. The Mayor or his designee may, in any particular year, for each employee with a compensatory time balance of over sixty (60) hours, authorize and/or require up to sixty (60) hours of Other Compensatory Time to be converted to cash and paid out to the employee. Such determination shall be made no later than July 1 of each year. The liquidated hours will be paid out in November of each year at the hourly rate at the time of liquidation. The sole discretion to pay such compensation shall be with the Mayor or his designee and the employee has no vested right to demand such compensation.

**C. STRAIGHT TIME PAY FOR FLSA EXEMPT EMPLOYEES:**

1. With the approval of the Mayor, the Law Director and Department Head, Straight Time pay may be awarded to hourly employees that are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) for hours worked in excess of forty (40) hours in one week.
2. Employees who are designated as receiving Straight Time shall not be eligible to receive Overtime, Accumulated Time or Compensatory Time.
3. Employees who are designated as receiving straight time shall receive their regular hourly wage for all hours worked.

**D. EFFECT OF COLLECTIVE BARGAINING AGREEMENT:**

To the extent that a Collective Bargaining Agreement addresses accumulated time or compensatory time within a Unit, the provisions set forth in the Collective Bargaining Agreement shall govern.

**E. FAIR LABOR STANDARDS ACT:**

To the extent that the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is inconsistent with any provision of this ordinance, the Fair Labor Standards Act shall be the controlling authority, and this policy shall be construed accordingly.

## SHIFT DIFFERENTIAL

Except as set forth in any applicable collective bargaining agreement, City employees, including employees of the Youngstown Clerk of Courts, will be paid shift differential at the rate of forty (40) cents per hour for the afternoon shift and fifty (50) cents per hour for the night shift.

## LONGEVITY PAYMENT

### **A. ELIGIBILITY:**

1. Membership on the active payroll roster of the City as of September 1 of any calendar year in which payment is to be received.
2. Completion of two (2) years or more service as of September 1 of each appropriate calendar year, for employees hired before January 1, 2002.
3. For those employees hired on or after January 1, 2002, completion of three (3) years or more service as of September 1 of each appropriate calendar year.

### **B. RATE:**

The longevity payment rate per year for each full year of service attained as of September 1 of each appropriate calendar year shall be as follows:

1. Effective January 1, 2017, \$65.00 per year of service after the third year, up to a maximum of twenty-five (25) years.
2. In the case of the Police and Fire Chiefs, they shall receive, notwithstanding the amount stated in this section, no less than the amounts received by the respective Police and Fire Department bargaining unit members as called for in their collective bargaining agreements.
3. The above rate changes being for certain positions in the various departments of the City not included in any bargaining unit thereof, designated as "Management", including the Youngstown Municipal Court and the Youngstown Clerk of Courts.

**C. PAYMENT PERIOD:** Longevity shall be paid during the first week of December of the appropriate calendar year.

### **D. COMPUTATION OF SERVICE:**

1. Each period of 365 calendar days of service shall be determined to be one full year of service.

2. Total service with the City shall be utilized to determine longevity, eligibility and payment.
3. Military service shall be considered as continuous service credit if the employee entered military service within 90 days of termination of employment with the City and officially applied for reinstatement to the employment of the City as provided by law within ninety days of separation from the military service.
4. Periods of leave of absence by an employee shall not be computed as service with the City.
5. Periods of suspension whereby the employee is temporarily or permanently removed from the payroll of the City shall not be computed as service with the City.
6. Any period during which an employee is not carried on the employment roster of the City for purposes of payment shall not be considered a period of service with the City.

**E. PRORATION:**

Employees eligible for longevity payment who retire under the Public Employees Retirement System or the Police and Firemen's Pension and Disability Fund or who become disabled and retire on a disability pension provided by the PERS or the Police and Firemen's Pension and Disability Fund or employees who become deceased shall be entitled to have their longevity payment prorated from September 1 of the appropriate calendar year to the date of separation from the service of the City.

**F. MAXIMUM TWENTY-FIVE YEARS:** The cap shall be maintained at twenty five (25) years of service with the City.

**HAZARDOUS DUTY PAY**

Hazardous duty pay is available for some employees and shall be paid in accordance with the current Ordinances or Collective Bargaining Agreements. Supervisors should be familiar with the agreements that pertain to their department and all of the employees in it.

## **UNIFORM ALLOWANCE**

Some employees shall be entitled to a uniform or equipment allowance or reimbursement that is required for the job. Such reimbursements shall be in accordance with the current Ordinances or Collective Bargaining Agreements. Each Department Head should be aware of the specific uniform allowance policy for his department.

## **COLLEGE EDUCATION BONUS FOR MANAGEMENT EMPLOYEES**

The City will award a cash incentive to any officer or employee in the various departments of the City not included in any bargaining unit and, therefore, designated as "Management," including the Youngstown Municipal Court and, the Youngstown Clerk of Courts, for the achievement of certain educational levels in the following manner:

- A.** For each management employee who has an associate degree (defined as 'an academic degree conferred by an accredited college/university signifying that the recipient has satisfactorily completed an undergraduate course of study of a minimum of two years'), such employee shall receive an annual bonus of four hundred five dollars (\$405.00).
  
- B.** For each management employee who has a bachelor's degree (defined as 'an academic degree conferred by an accredited college/university signifying that the recipient has satisfactorily completed an undergraduate course of study of a minimum of four years or more'), such employee shall receive an annual bonus of four hundred seventy dollars (\$470.00).
  
- C.** For each management employee who has a post-graduate degree (defined as 'an academic degree conferred by an accredited college/university signifying that the recipient has satisfactorily completed a graduate level/post-baccalaureate, including master and/ or doctoral, course of study'), such employee shall receive an annual bonus of five hundred sixty-five dollars (\$565.00).
  
- D.** Such bonuses shall be paid yearly in the month of November.
  
- E.** An employee shall only be entitled to only one education bonus, which will be awarded based upon the highest degree obtained by the employee.

## **MEMBERSHIP IN PHYSICAL FITNESS CENTER**

The City will pay one hundred and sixty-seven dollars (\$167.00) for annual reimbursement to those employees of the City in various departments of the City, not included in any bargaining unit, and designated as "Management," with a membership in any established physical fitness center within Youngstown City limits.

## **GROUP MEDICAL, PRESCRIPTION DRUG, DENTAL AND VISION COVERAGE**

### **A. INSURANCE:**

Each full-time employee, officer and elected official of the City, including the Youngstown Municipal Court and the Youngstown Clerk of Courts, will have available to them Group Medical, Prescription Drug, Dental, and Vision insurance coverage that meets all requirements of state and federal law.

### **B. COST:**

The City will pay the cost of the employee's coverage subject to the following conditions:

1. All employees, officers and elected officials shall be responsible for a monthly contribution of ten percent (10%) of the City's premium for the covered employee, officer or elected official.
2. The 10% contribution will be deducted from the covered employee, officer or elected official's paycheck on a bi-weekly basis and on a pre-tax basis.
3. Employees shall be solely responsible for all deductibles, out of pocket expenses and co-pays.

### **C. WAIVER OF HEALTH INSURANCE:**

Any employee who is qualified to participate in the City's health insurance program may, at the employee's option, elect not to participate in said program, but instead receive additional compensation in the amount set by ordinance or union contract for each month the insurance is waived. Only employees who provide acceptable proof of alternate health insurance are eligible to participate in this program. Where an employee has a spouse or parent who works for the City and the employee receives coverage under the City's group health plan elected by the spouse or parent, the employee shall not be eligible for this incentive.

**D. SPECIAL/QUALIFYING EVENT:**

An employee, officer or elected official who has waived insurance coverage may cancel such waiver within thirty (30) days of a special/qualifying event. The employee, officer or elected official will be added to the group plan provided the carrier will accept the employee, officer or elected official.

**LIFE INSURANCE BENEFITS**

The City shall provide life insurance coverage for active full-time employees and public officials. The City shall assume the full cost of the life insurance benefits for elected or appointed City officials and employees who achieve twenty or more years of total service to the City; such life insurance benefits shall be determined on the same basis as City employees who would be retiring from service with the City as elected or appointed officials or as City employees, the service time in either category of service to be cumulative. The determining factor of such service to be established in a classified position, an appointed non-classified position and/or as an elected official provided there has been twenty years of total service to the City.

**HOLIDAYS**

All officers and employees in the various departments of the City, not included in any bargaining unit, therefore, designated as Management, whether on an hourly or salary basis, who are required to work any of the holidays specified in this Section, or the day upon which any such holiday is legally celebrated shall be compensated for each day so worked by receiving his/her normal straight time pay for each hour worked on such holiday, plus premium time of one and three-quarters times for each hour worked. All hourly employees who are not required to work such holidays shall receive one day's pay for the same.

The following days shall be considered legal holidays:

- NEW YEAR'S DAY
- MARTIN LUTHER KING DAY
- PRESIDENTS DAY
- PERSONAL DAY
- MEMORIAL DAY
- FOURTH OF JULY

LABOR DAY  
COLUMBUS DAY  
VETERANS DAY  
THANKSGIVING DAY  
CHRISTMAS DAY

The personal holiday listed above can be taken by the employee upon at least ten (10) calendar days' notice, subject to the approval of the employee's Department Head.

Whenever any of the holidays mentioned in this Section fall on a Saturday, the preceding Friday shall be the day that is taken off by City employees, and when any of these holidays fall on Sunday, the following Monday shall be the day off, and employees shall be compensated therefore the same as if the day were a holiday.

If an employee misses a scheduled work turn the day before the holiday or the next working day after the holiday, then he will forfeit the holiday pay. The foregoing forfeiture is subject to the conditions contained in Ohio Revised Code, Section 124.38.

### **VACATION**

Each full-time employee of the City, including full-time hourly rated employees, shall be granted the following paid vacation leave, dependent upon the employee earning and accruing such time:

|  |         |
|--|---------|
| After one (1) year of service            | 2 weeks |
| After five (5) years of service          | 3 weeks |
| After eleven (11) years of service       | 4 weeks |
| After seventeen (17) years of service    | 5 weeks |
| After twenty-three (23) years of service | 6 weeks |

Effective January 1, 2002, prior employment with the City may be used to compute the first full year of employment, in accordance with Ohio Revised Code Section 9.44, as amended on October 25, 1995, and the anniversary date of the employee shall be the anniversary date of the attainment of the first full year of employment with the City.

A full-time employee is an employee regularly scheduled on a forty hour week, or in excess thereof, inclusive of lunch period and exclusive of employees serving on a temporary, special or seasonal basis.

The City will continue to utilize a “use-it-or-lose-it” vacation policy. Officers and employees in the various departments of the City not included in any bargaining unit, therefore, designated as Management, cannot carry over from one calendar year to the next any vacation benefit. Any vacation accrual will be lost if it is not used before December 31 of the year of entitlement. Employees must complete one (1) year of service before being eligible for vacation leave. Upon completion of this one year of service, the employee will be entitled to utilize a pro-rated amount of vacation from the initial hire date to December 31 of the initial hire year. This pro-rated amount will be determined by the vacation hours earned from the employee’s date of hire to December 31 of the initial hire year. Effective January 1 of the succeeding year, the employee will be eligible to take the earned amount of vacation as outlined in the first paragraph of this section. Thereafter, the employee’s anniversary date shall be January 1 of said anniversary year.

Employees hired prior to January 1, 2001, shall have January 1 of each year as their anniversary date for vacation purposes.

Employees in the last year of employment must earn the vacation for that year, i.e., pro-rated to date of termination.

Vacation earned and accrued during an earning period is required to be taken during the next succeeding vacation period unless deferred by the express written permission of the department head or otherwise deferred by appropriate law, ordinance or statute.

Determination of preference as to time of taking vacation shall include primary consideration based on seniority of the employee within the department or division in which employed and the needs and requirements of the City to maintain efficient service.

Employees of the City on sick leave or injured-on-duty leave at the conclusion of a vacation period who have been unable to take their vacation within the prescribed period shall be entitled to carry over such vacation to the succeeding vacation period, providing, however, that the department head may require that such vacation shall be taken after the employee has returned to regular duty without reference to any seniority roster.

Vacation credits may be earned while an employee is on sick leave or injured-on-duty leave, providing, however, that an employee injured on duty and absent from duty as a result of such injury for one full consecutive year receiving full pay for such period is presumed to have been compensated for all vacation leave and holiday leave due during such absence.

Upon retirement or voluntary termination of service, an employee of the City is entitled to receive compensation for all vacation credits earned and due at the rate of pay being received by the employee at the date of separation from service.

In the determination of the length of vacation leave due employees of the City, Saturdays, Sundays and holidays shall be excluded from the computation and such days shall not be computed as vacation days unless employees are receiving compensation or additional time off in lieu of the vacation days.

All vacation leave shall be taken only with the prior authorization and approval of the department head.

Employees are not entitled to vacation credit for prior part-time service. An employee must work full-time before the employee is entitled to vacation benefits.

### **BEREAVEMENT LEAVE**

All full-time, salaried or hourly rated employees, including employees of the Youngstown Municipal Court and the Youngstown Clerk of Courts, shall be eligible for bereavement leave for death in their immediate family under the following conditions:

In the event of a death of a spouse, a child, natural or adopted, current step-child, father, mother, father-in-law, mother-in-law, grandparent or grandchild, brother or sister, each employee shall be allowed time off with regular pay not to exceed three scheduled duty days. The enumerated paid bereavement leave shall only apply when the funeral services, including the calling hours, fall on regularly scheduled duty days.

### **SICK LEAVE**

#### **A. GENERALLY:**

1. Except as set forth in the applicable collective bargaining agreement, each full-time employee of the City, including full-time hourly rated employees and excepting members of the Fire Department, (scheduled on a fifty-one (51) hour work week), shall be entitled to earn and accrue sick leave at the rate of ten hours each calendar month not to exceed one hundred twenty hours any calendar year from January 1 through December 31.
2. Except as set forth in the applicable collective bargaining agreement, members of the Fire Department scheduled on a fifty-one hour work week shall be entitled to

earn and accrue sick leave at the rate of fourteen hours each calendar month not to exceed one hundred sixty-eight and twenty-two hundredths hours any calendar year from January 1 through December 31.

3. Except as set forth in the applicable collective bargaining agreement, allowance for sick leave, on the basis of weekly and biweekly pay periods shall be 0.0577 hour for each hour recorded on the time sheet excluding sick and overtime hours, for City employees excepting members of the Fire Department scheduled on a fifty-one hour work week.
4. The Department Head of each department shall be permitted to advance sick leave beyond the earned amount, when it is equitable to do so and when the employee has no available vacation leave, sick leave accumulated, or other paid leave, including but not limited to compensatory or accumulated time. All such leave must be exhausted prior to the advancement of sick leave. The total amount of sick leave advanced shall not exceed one hundred twenty (120) hours unless more time is approved by the Mayor. The employee must have filed for and been approved for extended leave under the Family Medical Leave Act guidelines. The amount of leave being requested shall not exceed the amount of leave necessary to complete the lesser of the allotted time remaining under FMLA or one hundred twenty (120) hours.
5. Unless prohibited by the applicable collective bargaining agreement, an employee who has received an advance of sick leave who subsequently terminates employment with the City shall have the amount of such advanced sick leave deducted from any payment due such employee from the City at the rate of pay in effect when the employee used the sick leave. Any arrearage remaining shall be a debt to the City, collectible in the manner provided by law.
6. Sick leave may not be earned or accrued by any employee while the employee is on sick leave or injured-on-duty leave.

**B. BONUS FOR NON-USE OF SICK LEAVE:**

1. The City may award a cash incentive to any officer or employee in the various departments of the City not included in any bargaining unit, therefore, designated as "Management", including the Youngstown Municipal Court and the Youngstown Clerk of Courts, for non-use of sick leave.
2. The City desires an incentive for employees not to abuse sick leave. Therefore, this bonus is intended to encourage attendance at work.
3. In the case of the Police and Fire Chiefs, they shall receive no less than the amounts received by the respective Police and Fire Department bargaining unit members as called for in their collective bargaining agreements.

4. The cash bonuses are to be payable at the end of November or early December in the calendar year in which earned. The cash bonuses for non-use of sick leave are not pro ratable under any circumstances. The payment in December will be for the previous four quarters.

**C. SICK LEAVE/ATTENDANCE ABUSE POLICY:**

1. Employees shall maintain a minimum of one hundred twenty (120) hours of accrued sick leave. There is an eighteen (18)-month grace period from the date of hiring to accrue to 120 hours. Any employee without such accumulation is required to submit a signed medical practitioner's statement in order to receive sick leave payment. Supervisors shall be responsible for obtaining such statement from employees.
2. Any employee suspected of abusing sick leave and/or showing a pattern of abuse shall be subject to counseling by his/her department head. A pattern of abuse consists of absence while on sick leave as evidenced by a frequency or pattern contiguous or related to holidays, weekends, vacation and/or consistent regular usage, or a method of usage of available sick leave. Further abuse/patterned use will result in disciplinary action. Supervisors who are aware of any such abuse shall act on such knowledge.

**D. DOCTOR'S CERTIFICATE REQUIRED:**

1. Employees may use sick leave for absence due to personal injury, illness, pregnancy, exposure to contagious disease and for absence due to illness, injury or death in the employee's immediate family (i.e., mother, father, husband, wife, mother-in-law, father-in-law, brothers, sisters, children, natural or adopted, and grandparents).
2. Unless prohibited by an applicable collective bargaining agreement, the Department Head shall require any employee who uses three (3) or more consecutive days of sick leave to support such leave with a certificate, stating the nature of the illness, from the employee's physician, falsification of which shall be grounds for discipline, up to and including termination. Supervisors shall be responsible for requesting and obtaining such certificate.

**E. TRANSFER OF SICK LEAVE:**

1. The Director of Finance is authorized to transfer sick time accruals from one employee to another under the following circumstances:
  - (a) The transferor's hourly rate must be equivalent to or an equivalency factor must be applied so that the time transferred in hourly rate value is equivalent to the transferee (recipient of the time).

- (b) The transfer will be subject to the discretionary approval of the Department Head and the Director of Finance.
  - (c) Both employees (i.e., the transferor and the transferee) must also sign an affidavit that there was not nor will there be any consideration, money or thing of value exchanged between them in order to effectuate this transfer of sick time accruals.
2. An employee may be permitted to transfer no more than forty (40) hours in any twelve (12) month period. Further, an employee shall be entitled to receive no more than one hundred twenty (120) hours in any twelve (12) month period.
  3. No transfer of sick leave shall be permitted unless the employee has completed the following steps:
    - a. Filed an application and been approved for Family Medical Leave (FMLA) according to the guidelines as outlined in the Family and Medical Leave policy as set forth herein;
    - b. Has requested an advancement of sick leave for no more than one hundred twenty (120) hours;
    - c. Said request has been denied by the Department Head;
  4. No more hours for transfer shall be submitted and accepted than were requested in the denied request for an advance of sick leave.

**F. LIQUIDATION OF SICK LEAVE AT TERMINATION OF EMPLOYMENT:**

1. Employees of the City shall be entitled, at the time of termination of employment with the City, to liquidate in cash a certain percent of the value of the employee's accrued but unused sick leave at the employee's current hourly rate of pay at the time of termination as set forth in the current Ordinances and Collective Bargaining Agreements. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued and accumulated by the employee at that time.
2. The Fire Department shall maintain separate records for purposes of accumulation and accumulation for liquidation and shall, at the end of each calendar year or upon termination or transfer, whichever occurs first, reduce the accumulation for purposes of liquidation in compliance with the above-described formula.

**G. COMPUTATION OF SICK LEAVE:**

1. An employee, (other than employees of the Fire Department scheduled on a fifty-one hour work week), reporting off on sick leave for a full work day shall have

eight hours of sick leave deducted from the employee's sick leave credit. An employee reporting off duty for less than a full work day shall have the actual number of hours absent deducted from the employee's sick leave credit.

2. An employee of the Fire Department scheduled on a fifty-one hour work week reporting off duty for the full work day shall have twenty-four hours of sick leave deducted from the employee's sick leave credit. An employee of the Fire Department reporting off duty for less than the full work day shall have the actual number of hours absent deducted from the employee's sick leave credit.

### **PERSONAL LEAVE**

Management employees who have accumulated sick leave, in addition to that required under the sick leave attendance abuse policy, shall be entitled to up to two (2) paid personal days of leave per year (October 1 through September 30) to be paid from the additional sick leave accrued, but shall not count against the employee for purposes of non-use of sick leave bonus. These days shall not be accumulated or carried over. The permission for said personal days shall be obtained twenty-four (24) hours in advance from the head of the department, or in accordance with established department rules.

### **JURY DUTY AND COURT APPEARANCES**

#### **A. JURY DUTY**

Employees who are summoned to perform jury duty must provide reasonable notice including written confirmation from the court that the employee's jury duty service is required. While serving as a juror on a day they are scheduled to work, employees will receive full pay and benefits from the City and shall reimburse to the City any pay received for jury service from the court. If not reimbursed to the City within thirty (30) days, the employee may be subject to discipline.

In the event that an employee reports for jury duty and is dismissed, or when released from jury service, the employee shall return to work or report as follows:

First and Second shifts-when (3) or more hours of the employee's scheduled work day remain.

Third Shift- when released prior to 12:00 p.m. (noon).

Otherwise, the employee shall report to work the next scheduled work day.

An employee who fails to properly return/report to work may be subject to discipline.

## **B. COURT APPEARANCE**

Employees will be granted unpaid leave to appear as witnesses in criminal, delinquency, or grand jury proceedings, where the employee's appearance is necessary to protect the interests of a victim of violence, or is necessary to assist prosecutors in preparing criminal cases.

### **LEAVES OF ABSENCE**

#### **A. ABSENCE DUE TO INJURIES RECEIVED IN COURSE OF EMPLOYMENT:**

The City has a wage continuation plan for regular full-time salaried or hourly rated employees who are injured in the actual discharge of his or her duty ("IOD"). Such benefits are detailed in the applicable Ordinances or Collective Bargaining Agreements, but a summary of the general policies are attempted to be set forth herein. However, at all times, the applicable ordinance or collective bargaining agreement controls. All regular full-time salaried or hourly rated employees of the City injured and incapacitated in the actual discharge of their duty, who as a result thereof, are compelled to be absent from duty, shall be entitled to leave of absence with pay subject to the following conditions:

1. **INJURED ON DUTY LEAVE (IOD):** Injured on duty leave (IOD) may be granted to any employee certified by the City as injured in the course and scope of City employment, provided the employee is treated by a physician on the City's IOD provider's list. If, however, an employee files for Temporary Total Disability Compensation (TT) or is working elsewhere during the time the employee claims to be disabled from his/her City job, IOD benefits will immediately stop.
2. **REIMBURSEMENT:** If, after a Bureau of Workers Compensation (BWC) determination or the administrative appeals process, whichever stage finalizes the process, it is found by the BWC the Industrial Commission or a court that the claim is not related to the employee's City job, the employee must reimburse the City for all IOD used by any means available: accumulated sick leave, vacation or regular biweekly pay deductions. The amount so used must be repaid within a twelve (12)-month period.
3. If the City does not certify a claim, the employee will be permitted to use his/her sick leave or vacation which shall be reimbursed if, after a Bureau determination

or the administrative appeals process, whichever stage finalizes the process, it is found by the Bureau, Industrial Commission or a court that the injury was incurred in the scope of City employment.

4. After every thirty (30) days of IOD, up to the first ninety (90) days, the City may request that the employee undergo a medical review at the City's expense. After ninety (90) days, this review may be requested every three (3) months. The doctor will be mutually agreed to between the City and the employee. If, however, an agreement on a doctor is not reached within fourteen (14) days, the City and the employee agree that an alternate striking method from a list of specialists in the area of the employee's disability will be used to determine a doctor. This medical review will be used to grant or deny a request for continued IOD. If the physician determines that the employee is unable to work in any status, IOD shall be continued. If the employee is able to work in a "light duty" status, the City will provide work within the employee's own department, if available.
5. If the physician determines that the employee is able to return to work, the employee will return to work or apply to Workers' Compensation for TT. In no event will the City continue to pay IOD, or any other benefit, after a doctor's determination that the employee is fit for work and the employee does not return to work.
6. All benefits for those off-duty on IOD, including IOD, will be continued for up to 365 non-consecutive days (including Saturdays, Sundays and holidays) in a five (5) year period from the date of injury if all requirements above are met. After that period, an employee unable to return to work can file for Workers' Compensation TT, but will not continue to be eligible for City benefits, including sick or vacation accrual. Hospitalization benefits for an employee who has exhausted IOD but is unable to return to work will be continued for another 365 days so long as that employee continues to provide the City with doctor's reports stating that he is unable to return to work at least every three (3) months.
7. The City reserves the right to recoup benefit payments to any employee who is guilty of submitting a false claim or abuse of the privilege covered in this section, or working for another employer while on injury leave, and to take disciplinary action. Examples of what might constitute "abuse" as used in this section, include an employee's refusal to perform the duties associated with his/her transitional work duty assignment, failure to comply with the terms outlined in this section, etc.
8. If the employee is able to work in a light duty or transitional work assignment, the City will provide work within the department, if available. An employee working in a transitional assignment will be compensated at their regular rate of pay. The Worker's Compensation Rehabilitation Program shall specify, as part of an affected employee's rehabilitation program, the date upon which an employee in

the program may fully resume his or her normal work duties. Upon an employee's resumption of his or her normal work duties, the affected employee's transitional work assignment shall be terminated. A light duty or transitional work assignment shall not exceed two (2) months, unless mutually agreed to by both the employee and the City.

9. The Department Head and Supervisor, in conjunction with the selected rehabilitation case manager, shall identify whether a transitional work assignment is available. However, it is not the intent of this section to require a department or division to provide transitional work above that identified nor is a department or division required to provide transitional work where no such appropriate tasks have been identified and recognized. Such decisions and recommendation shall be documented in writing by the Department Head or Supervisor. .
10. A City employee who declines to take part in a City's transitional work program subsequent to a work-related injury shall be ineligible for any form of transitional work duties as otherwise contemplated herein. The City shall be under no obligation to identify potential transitional duties in any such case and its failure to do so shall not be construed by the employee as unequal or disparate treatment of the employee.

**B. EMPLOYEE RESPONSIBILITY:**

1. The injured employee shall immediately report an injury received on duty to the employee's immediate Supervisor or Department Head. The report shall be filed during the tour of duty on the date the injury is received and shall be on forms issued by the Law Department. A Supervisor or Department Head who has knowledge of an injury shall also make an immediate report.
2. Thereafter within three (3) days of the injury, the injured employee shall report the injury to the Law Department and shall timely complete all forms designated by the Law Department pertaining to injuries received during the actual performance of duty.
3. Failure to report an injury on duty within the prescribed time periods shall render the employee ineligible for injured-on-duty leave.
4. The filing requirements, as above described, may be waived by the Law Department with the injury received physically prevents the employee from filing or when circumstances surrounding the injury require a waiver in the interest of justice.
5. The employee shall cause a certified physician to file a written report with the Law Department on Law Department forms, which report shall contain a description and diagnosis of the injury and a prognosis which shall include the nature and extent of any disability, the type of duty the employee may perform

while under such disability and an estimate of the length of time necessary for recovery and return to duty.

6. The failure to receive the above-described physician's report will be sufficient cause to deny or terminate injured-on-duty leave.

**C. DISPUTE SETTLEMENT:**

All disputes concerning injured-on-duty leave status of an employee shall be referred to the Law Department for resolution. No Supervisor or Department Head shall attempt to render a decision. The Law Director, successor or designee shall schedule and convene an informal hearing, if requested within thirty (30) days and shall determine and resolve all questions after the presentation of evidence by the employee. Failure or refusal to present evidence by the employee shall foreclose their right to present the evidence.

The decision of the Law Department shall be final. Additional remedies provided by law shall not be abrogated by this provision.

**FAMILY MEDICAL LEAVE**

**A. BASIC LEAVE REQUIREMENT:**

1. Employees shall be entitled to up to twelve (12) weeks of unpaid leave during a "twelve (12)-month period," subject to other requirements as set forth herein, for:
  - a. The birth of a son or daughter and to care for such child;
  - b. The placement of a child with the employee for adoption or foster care;
  - c. To care for a spouse, son, daughter under the age of eighteen or, if over eighteen, incapable of self-care, or parent who has a "serious health condition;" or
  - d. A serious health condition which makes the employee "unable to perform the functions of the employee's job."
2. The twelve (12)-month period is a "rolling" period measured backwards from the date an employee wishes to use FMLA leave (i.e., we will measure backwards starting with a period beginning twelve (12) months prior to the date leave commences and count how many weeks of leave that employee has had including sick, vacation, injured on duty, workers compensation, personal days, etc. A person who has already used nine (9) weeks of leave in that twelve (12) month period will be eligible for only three (3) more weeks under the FMLA).

The City will count time off for a qualifying FMLA event against the twelve (12) week period when informed by an employee or his/her immediate family representative that the employee is off work for a qualifying event whether or not the employee requests FMLA leave.

3. Spouses both working for the City are limited to a combined twelve (12) weeks of leave for birth, adoption/foster care and to care for a parent.
4. A person must have been an employee of the City for at least twelve (12) months before being eligible for any FMLA leave and must have actually worked at least 1,250 hours in the preceding twelve (12) month period before being eligible for any FMLA leave. "Actually worked" does not include hours on sick, worker's compensation, injured-on-duty, maternity, civil service leave of absence, vacation or any other leaves.
5. The City requires an employee who is taking time off, whether paid or unpaid, for a FMLA qualifying event as outlined below to notify his/her immediate supervisor of the reason for the absence from work. The filing of a lost time claim with the Bureau of Workers' Compensation will be considered notification by an employee that any subsequent absence is a FMLA qualifying event.

**B. SERIOUS HEALTH CONDITION:**

1. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care and a period of "incapacity," or
  - b. "Continuing treatment" by a health care provider and includes a period of incapacity of more than three (3) consecutive days that involves:
    - 1). Treatment two (2) or more times by a health care provider; or
    - 2). One (1) treatment by a health care provider which results in a regimen of "continuing treatment."
2. Any period of incapacity due to pregnancy or for prenatal care.
3. Any period of incapacity due to a "chronic serious health condition.
4. A serious health condition does not include cosmetic treatment, the "common cold," flu, earaches, upset stomach, minor ulcers and headaches unless inpatient hospital care is required or complications arise.
5. Absences due to an employee's use of alcohol or drugs are not covered, duty absences for treatment of substance abuse are covered.

**C. REGIMEN OF CONTINUING TREATMENT:**

Regimen of continuing treatment includes a course of prescription medication or therapy requiring special equipment but does not include taking over-the-counter medication, drinking fluids, exercise and similar activities that can be initiated without visiting a health care provider.

**D. CHRONIC SERIOUS HEALTH CONDITION:**

Chronic serious health condition is one which requires periodic visits for treatment, continues over an extended period of time and may cause episodic periods of incapacity (e.g., asthma, diabetes, epilepsy).

**E. PROCEDURE FOR LEAVE:**

1. EMPLOYEE'S NOTICE OBLIGATIONS:

- a. Employees must give thirty (30) days advance notice or "such notice as is practicable" for any leave which is to qualify for FMLA time.
- b. If an employee fails to give notice of the reason for an FMLA qualifying leave within two (2) business days after returning to work from the leave, the leave is not FMLA protected.
- c. Employees will be required to comply with the department's usual and customary notice requirements for requesting leave (e.g., written notice) and will be required to provide documentation supporting the reasons for the FMLA leave (doctor's certification).
- d. The employee must make a reasonable effort to schedule treatments so that they do not unduly disrupt the department's operations and the employee may be reassigned, at the City's discretion, to an alternative position that better accommodates intermittent leave for treatment purposes (that is, leave that is required for periods of less than one (1) day).
- e. The employee's failure to notify the City of the FMLA-qualifying reason for leave may result in the City designating the leave as FMLA leave retroactively or denying the leave as FMLA leave.

**F. SUBSTITUTION OF ACCRUED LEAVE:**

1. THE CITY REQUIRES THAT THE EMPLOYEE MUST SUBSTITUTE THE FOLLOWING ACCRUED PAID LEAVE FOR UNPAID FMLA LEAVE IF THE EMPLOYEE HAS THE FOLLOWING AVAILABLE:
  - a. Accrued paid vacation or personal leave,
  - b. Accrued paid sick or other medical leave,
  - c. Accrued compensatory and/or accumulated time.
  - d. PLEASE NOTE: ALL sick, workers' compensation, injured on duty, maternity, civil service leave of absence, vacation, or any other leaves taken for an FMLA qualifying condition WILL COUNT toward the twelve-week period for FMLA leave calculation.

**G. CERTIFICATION OF A SERIOUS HEALTH CONDITION:**

1. PROCEDURE: The City must have a doctor's certification of an employees need for FMLA leave.
  - a. If an employee gives thirty (30) days advance notice, certification is due before leave commences.
  - b. If advance notice is not possible, employee will be given not more than fifteen (15) calendar days on commencement of leave to provide certification.
  - c. If leave is requested for periods of time of less than three (3) calendar days and sick leave is used, the applicable ordinance or contract notification applies.
  - d. The City or its representative may contact the employee's health care provider to clarify or authenticate the validity of the certification.
2. SECOND OPINION: The City may request a second opinion if there is reason to doubt the certification. An employee is not entitled to pay for time spent obtaining certification or second opinion.
3. FITNESS FOR DUTY: A fitness-for-duty certificate may be required before an employee returns to work after leave due to an employee's serious health condition upon the discretion of the Department Head.

**H. BENEFITS:**

1. Employees using sick, vacation, personal day, injured on duty, etc., are subject to the applicable ordinance and/or collective bargaining agreement provisions.

2. Employees using unpaid leave shall be considered to be "off the payroll" for that period and shall receive no benefits which would otherwise accrue if the employee was working or on paid leave, except as provided below:
  - a. Hospitalization coverage will be provided to an employee on FMLA leave only to the completion of twelve (12) week period (i.e., the employee who has used nine (9) weeks of paid leave in nine (9) months and has one week of vacation will be allowed two (2) weeks of FMLA unpaid leave and hospitalization will continue for these two (2) weeks).
  - b. An employee who exhausts FMLA but goes on a civil service or contractual leave of absence will not receive City-paid hospitalization benefits but will be subject to the rules and regulations of COBRA.

### **MILITARY LEAVE**

If an employee enters into active service in the armed forces of the United States, including active duty for training in the Reserves or National Guard, the employee will be granted a leave of absence with no loss of seniority. An employee may, but is not required to, use available vacation time for military duty. Upon honorable discharge from active military service or training, the City shall accord to each employee who applies for re-employment, such re-employment rights as he or she shall be entitled to under then-existing federal and state statutes.

#### **A. DEFINITIONS:**

The terms used in this ordinance shall have the following meanings. Where a term in the ordinance is not specifically defined, the ordinary dictionary meaning of the words used shall be applied.

1. **ALLOWANCE:** Monies used for specific needs, such as food or housing, in addition to an individual's basic military pay.
2. **EMPLOYEE BENEFITS:** Any advantage, profit, privilege, gain, status, account or interest (other than wages or salary) that accrues by reason of an employment contract or agreement or an employee policy, plan or practice. This includes rights and benefits under a pension plan, health plan insurance coverage and awards, bonuses. Severance pay, supplemental unemployment benefits, vacation and opportunity to select work hours or location of employment.
3. **CALENDAR YEAR:** This year beginning on the first day of January and ending on the last day of December.

4. MONTH: 22 eight-hour workdays or 176 hours within one calendar month.
5. PRESIDENTIAL OR CONGRESSIONAL ORDER: Calls to active duty issued by the President of congress normally associated with a national military action (e.g., Iraq and Afghanistan).
6. REGULAR CALL-UP: Calls to active duty issued by the Governor, National Guard or Department of Defense normally associated with a state of federal requirement for training or active duty for short periods of time. Examples include summer or weekend training, professional development, unit deployment, snowstorms or flood duty.
7. UNIFORMED SERVICES: The U.S. Armed Services, including the Coast Guard, the Ohio Organized Militia, the Commissioned Corps of the Public Health Service, the National Guard (when engaged in active duty for training, inactive duty for training or full-time National Guard duty) and any other category of persons designated by the President in time of war or emergency.

**B. POLICY DETAIL AND PROVISIONS:**

1. Employees, full-time or part-time, at any full time equivalency (FTE), who are members of the uniformed services, are entitled to military leave of absence with pay for up to one month each calendar year and without pay for up to a maximum of five years.
2. Military leave does not affect vacation or sick leave balances.
3. Military leave is granted for both voluntary and mandatory service.
4. Pay and benefits vary depending on whether the service is a result of a regular call-up or a call-up due to Presidential or Congressional order.
5. An employee may be absent from city employment pursuant to this rule for a cumulative amount of time not to exceed five years unless special orders are issued by the President of the United States or the United States Department of Defense.
6. An employee who requests military leave of absence must provide reasonable advance written notice of such active military service to the city. Such advance notice is not required when it is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable.

**C. MILITARY LEAVE DUE TO REGULAR CALL-UP:**

1. REGULAR CALL-UP FOR ONE MONTH

- a. For military call-ups of one month or less, individuals are entitled to receive leave with pay for up to 22 days or 176 hours for each calendar year.
- b. Medical, dental, vision and retirement benefits are continued for the individual and covered dependents as if the individual was not on leave

2. REGULAR CALL-UP EXCEEDING ONE MONTH

- a. For military call-ups that exceed one month, individuals are entitled to receive leave without pay for up to a maximum of five years.
- b. Individuals on active duty may elect to use the military health care system or may continue existing city medical, dental and vision coverage for the duration of the call-up period. The cost of coverage will remain the same if the individual were not on leave. Upon return from military leave, individuals are entitled to re-enroll in the city's health benefits without any waiting period.
- c. Retirement contributions to state systems are not required during the period of military leave. Individuals may purchase military service time in accordance with the rules of the Ohio Public Employees Retirement System.

**D. MILITARY LEAVE DUE TO PRESIDENTIAL OR CONGRESSIONAL ORDER:**

- 1. For call-ups of one month or less, pay and benefit entitlements are the same as for a regular call-up.
- 2. For call-ups that exceed one month:
  - a. The City will provide the individual the lesser of a monthly pay differential equal to the difference between the current gross monthly wage or salary and the sum of the gross military pay and allowances or \$500.00.
  - b. Individuals on active duty may elect to use the military health care system or may continue existing city medical, dental and vision coverage for the duration of the call-up period. The cost of coverage will remain the same as if the individual were not on leave.
  - c. Upon return from military leave, individuals are entitled to re-enroll in city health benefits without any waiting period.
- 3. Retirement contributions are the same as stated in this policy.

**E. RE-EMPLOYMENT RIGHTS:**

1. The intent of the Uniformed Services Employment and Re-employment Rights Act of 1994 is to encourage non-career military service by eliminating or minimizing the disadvantages to civilian careers and employment that occur as a result of military call-ups. The thrust of the law is to restore the individual to the previous employment position with all seniority, status, pay and benefits that would have accrued if the individual had not left for the military service.
2. To be eligible for re-employment rights, individuals must have been issued a discharge under honorable conditions.
3. Discrimination or retaliation for participation is prohibited whether an individual volunteers or is ordered to active military service.
4. An individual's rights to re-employment includes restoration of the benefits that were elected by the employee and his or her dependents at the time military service began, as well as to benefits that began during the leave for which the individual would reasonably have become eligible. For example, if vacation accrual increases from two weeks to three weeks upon completion of five years of service, then a person who works for two years, serves two years on active duty and then returns, would be entitled to three weeks of vacation one year after re-employment.

**F. RE-EMPLOYMENT RIGHTS AFTER MILITARY LEAVE:**

1. Individuals on active duty may elect to use the military health care system or may continue existing university medical, dental and vision coverage for the duration of the call-up period. The cost of coverage will remain the same if the individual were not on leave. Upon return from military leave, individuals are entitled to re-enroll in the city's health benefits without any waiting period.
2. Retirement contributions to state systems are not required during the period of military leave. Individuals may purchase military service time in accordance with the rules of The Ohio Public Employees Retirement System.
3. The City is not required to re-employ a person after military leave if:
  - a. The City's circumstances have so changed as to make such a re-employment impossible or unreasonable;
  - b. Such re-employment would impose an undue hardship upon the City;
  - c. The employment from which the person leaves to serve in the uniformed services is for a brief, non-recurring period.

4. To the extent that any Collective Bargaining Agreement is in conflict with this sub-chapter, the Collective Bargaining Agreement shall govern.

## **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

### **A. STATEMENT OF PURPOSE:**

The following policies and procedures are established to comply with the Health Insurance Portability and Accountability Act (“HIPAA”) of 1996; 42 U.S.C. Sections 1320d-1329d-8, and its implementing regulations 45 CFR Parts 160 and 164. In its role as an employer, the City provides health insurance coverage through a group health plan for its employees as required by collective bargaining agreements entered into with the various bargaining units for City employees and as provided by ordinance for non-union employees. As sponsor of a group health plan, the City is a covered entity under the authorities cited above in relation to functions it carries out in administering its employee health coverage. It is important for Supervisors to ensure that they and their employees closely abide by the policies and procedures as required by HIPAA.

### **B. DEFINITIONS:**

1. “Protected Health Information” means individually identifiable health information transmitted, in oral or written form, via media or maintained by electronic or any other medium.
2. “Identifiable Health Information” means information that is individually identifiable as to the current patient or applicant for health care treatment, payment or operations.
3. “Summary Health Information” means information that summarizes the claims history, claims expenses or types of claims experienced by individuals in a group health plan from which identifying information has been deleted.
4. “Use” means the sharing, employment, application, utilization, examination or analysis of individually identifiable health information within the City’s operations.
5. “Disclosure” means the release, transfer, provision of access to or divulging in any other manner of individually identifiable health information outside the City’s operations.

**C. POLICY:**

1. The City presently provides health benefits solely through an insurance contract with a health insurance issuer and will not create or receive protected health information from its health insurance carrier other than summary health information and participation and enrollment information, which may include identifying information of an employee's dependents for purposes of providing legally required notices.
2. The City does not and will not participate in or access any protected health information available electronically (such as access through an insurance provider website) or otherwise, that provides individual claim, medical, billing, or payment information relative to any of its employees or their dependents.
3. The City will receive and request from its health insurance issuer such summary health information for purposes of audits, business planning, obtaining premium bids or proposals from health plans for providing group health insurance and for modifying, amending or terminating the group health plan.
4. The City does request, receive and retain identifiable health information on individuals from providers other than its health insurance carrier and for purposes other than administration of a group health insurance plan, when permitted or required by law, such as results of employee physicals or drug and alcohol testing and may make individual employment decisions based on this information as permitted by law.

**D. USES AND DISCLOSURE OF PROTECTED HEALTH INFORMATION:**

1. The City will not disclose any protected health information except as provided for herein and will use such information only for the purposes indicated herein and subject to the procedures outlined. The City will not use protected health information disclosed by its health insurance provider in making individual employment decisions.
2. The City may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law including: disclosure to public health authorities for public health activities and purposes; disclosure to health oversight agencies for oversight activities authorized by law; disclosure in response to administrative or court orders and other lawful process; to law enforcement officials for law enforcement purposes pursuant to process and as required by law; to Worker's Compensation carriers or other similar programs as established by law.

3. The City may disclose protected health information with the consent or authorization of the individuals to whom it applies or to that individual's personal representative if the individual is deceased or lacks legal capacity to give consent.
4. The City may use protected health information to administer the provision of health care coverage for its employees.
5. The City may disclose protected health information to its health insurance provider for health care operations activities if the City and provider either have or had a relationship with the individual who is the subject of the protected health information, the information pertains to such relationship and the disclosure is for the purpose of health care operations or health care fraud and abuse detection or compliance.
6. The City may use protected health information, or disclose such information to a business associate, to create information that is not individually identifiable for business planning or development or advertising for health insurance bids or proposals. The City may only disclose protected health information to a business associate or allow the business associate to create or receive such information on its behalf with satisfactory assurance that the business associate will safeguard the information and such assurance is documented through a written agreement.

**E. INDIVIDUAL RIGHTS REGARDING IDENTIFIABLE HEALTH INFORMATION:**

1. An individual who is the subject of protected health information, which use and disclosure is permitted as outlined herein or as otherwise permitted by law, may require restriction of uses and disclosures of said information, but the City reserves the right to deny the restrictions as requested.
2. Any individual who is the subject of protected health information in the custody of the City has the right to inspect and obtain a copy of the individual's protected health information. A reasonable fee may be charged by the City for copies of protected health information.
3. An individual who thinks his/her privacy rights have been violated or disagrees with a decision the City has made about access to health information may file a written complaint to the City Law Department Privacy Officer, 26 South Phelps Street, Fourth Floor, Youngstown, Ohio, 44503.

**F. PROCEDURES:**

1. The City designates the City Risk Manager as Privacy Officer for the City.

2. The City has identified the following employment designations as those positions that have access to protected health information and the category of health information accessed.
  - a. Finance Director: Summary Health Information for purposes of business planning and auditing; Identifiable Health Information for purposes of insurance enrollment, premium payments and record keeping.
  - b. Law Director: Summary Health Information for purposes of business planning and preparation of bid documents.
  - c. Risk Manager: Summary Health Information for purposes of business planning, risk assessment and competitive bid preparation. Identifiable Health Information for purposes of premium payments, record keeping and compliance with court-ordered health care coverage or legally required notices to dependents.
  - d. Risk Management Clerk: Summary Health Information and Identifiable Health Information for the purposes of assisting Risk Manager in health insurance enrollment, record keeping, premium payment, compliance with court-ordered health care coverage for dependents, compliance with legally required notices to dependents.
  - e. Human Resource Supervisor: For purposes of administering City policies and determining eligibility of employees for benefits.
  - f. General Accounting Manager: Identifiable Health Information (enrollment lists and billing statements) for purposes of insurance premium payment.
  - g. Finance Supervisor: Identifiable Health Information (enrollment lists and billing statements) for purposes of insurance premium payment.
  - h. Finance Department Cashiers: Identifiable Health Information (enrollment) for purposes of processing and responding to court orders for health insurance coverage.
3. The City will provide training on no less than a yearly basis as to these policies and procedures to all City employees having access to protected health information (PHI) as necessary and appropriate for such persons to carry out their functions within the City. Training will be provided to new or transferred employees within a reasonable time after their commencement of duties giving them access to PHI.
4. The training will require at least the following:

- a. A review of the uses and policies outlined herein with emphasis on the requirement that disclosure of PHI is prohibited with limited exceptions.
- b. Using reasonable efforts to limit use only to those employees who need the PHI to carry out their duties and to limit information accessed only to that which is necessary.
- c. Use of protocols to assure that routine or recurring disclosure of PHI will be limited to the amount of information reasonably necessary to achieve the purpose of the use, disclosure or request.
- d. For non-routine requests for disclosure, use of a protocol that requires referral of the request to the Privacy Officer for determination of response.

**G. PROHIBITIONS:**

1. Neither the City or any employee, officer, office or department thereof shall intimidate, threaten, coerce, discriminate against or take other retaliatory action against any individual for the exercise of his/her rights or participation in any process relating to HIPAA compliance or for filing a complaint with the Secretary of the U.S. Department of Health and Human Services for participating in a HIPAA related investigation, compliance review, proceeding or hearing or engaging in reasonable opposition to any act or practice that the person believes in good faith to be unlawful under HIPAA regulations as long as the action does not involve disclosure of PHI in violation of the regulations.
2. Neither the City or any employee, officer, office or department thereof shall require individuals to waive any of their rights under HIPAA as a condition of treatment, payment, enrollment in a health plan or eligibility for benefits.

**H. CHANGES TO POLICIES AND PROCEDURES:**

The City reserves the right to make changes to these policies and procedures as necessary and appropriate or to conform to changes in HIPAA or any of its implementing regulations.

## DISCIPLINE

All employees are expected to abide by the rules set forth for his or her particular job and to perform the job in an efficient and effective manner. In the event that an employee violates such rules and/or fails to perform the requirements of the job, discipline, subject to any applicable civil service rules, Ordinances or Collective Bargaining Agreements, shall be administered up to and including termination. While the purpose of discipline is to correct and improve employee behavior and will typically be imposed in a progressive fashion, the discipline to be imposed in any case is dependent on the particular facts and circumstances. Serious misconduct may result in harsh sanctions such as suspension or immediate termination from employment. Each department has different job duties and obligations as well as varying degrees of discipline depending upon the applicable rules. However, each Department Head and Supervisor is responsible for enforcing those rules on a consistent and regular basis.

It should be noted that many City employees fall within the category of “employees-at-will” and those employees are subject to termination at any time, for any reason, with or without just cause.

Discipline shall generally be applied in a corrective and progressive manner as follows:

1. Oral reprimand to be documented in Employee file [letter of instruction and cautioning];
2. Written reprimand;
3. One or more day (s) suspension [including suspension without pay or a working suspension or a suspension of record];
4. Termination

However, depending upon the nature of the misconduct, particularly in the case of serious misconduct, willful misconduct or misconduct with severe adverse consequences, it may be appropriate to skip one or more of the steps in the progressive disciplinary process.

## **GRIEVANCE PROCEDURE**

An employee having a grievance must file it in writing with their immediate Supervisor. In order for a grievance to be recognized, it must be filed within ten (10) business days from the date of the incident giving rise to the grievance. The details of the grievance and grievance procedure shall be in accordance with applicable Ordinances and Collective Bargaining Agreements.

Supervisors who receive oral grievances shall advise employees of the need to file such grievance in writing and of the need to do so within the ten (10) day time period. Supervisors may also refer such employees to the appropriate Ordinance or Collective Bargaining Agreements.

## **LAYOFFS**

If it becomes necessary to reduce staffing levels, Civil Service Rules, Ordinances and Collective Bargaining Agreements shall govern the layoff process.

## **RETIREMENT**

Employees are required by law to participate in the Public Employees Retirement System. This program is entirely independent of the Federal Social Security System. The PERS rules will control eligibility and benefits of retirement for employees.

## **LUMP SUM SEVERANCE**

- A.** Upon retirement or permanent separation from active employment, an employee will be paid all benefits accrued through his/her last day worked as severance in a lump sum.
- B.** No employee shall be kept on the payroll and paid his/her accrued benefits on a periodic basis beyond his/her last active date of employment.

## **PERIODIC SEPARATION PAYMENTS**

- A.** All management employees who declare to the City his/her intention to retire from the City, may, in the three (3) years preceding retirement, elect to receive payment for his/her accumulated leave in three (3) equal payments in May of each year (i.e., one third 1/3 accumulation each year). "Accumulated Leave" is defined as accumulated time (A/T), compensatory time, vacation time and thirty-five percent (35%) of the value of accumulated sick time. Benefits shall be paid at the employee's current salary or the salary at the time the benefit was accrued whichever is greater.
- B.** In order to exercise this option, the employee must notify the Employer of his/her desire to receive payment prior to November 1 of the year preceding the first year of payment. Thereafter, payments shall be made in the form of a lump sum for three (3) successive years with the final payment being made at the time the Employee retires.

## **SEPARATION POLICY**

- A. SEPARATION FROM CITY EMPLOYMENT:** For purposes of this Policy, "separation" shall include the following:
1. Resignation;
  2. Retirement;
  3. Termination; or
  4. Any other permanent or temporary severance from employment, including, but not limited to, voluntary and involuntary separations.
- B. COMMUNICATION OF SEPARATION TO APPROPRIATE PARTIES**
1. Immediately upon learning of the separation of an employee, the relevant Department Head, or designee in his or her absence, shall notify the Human Resource Supervisor and the Law Director of such separation, in writing
  2. The Human Resource Supervisor, or Law Director in his or her absence, shall then notify the designee for each of the following departments of such separation, in writing:
    - a. Finance
    - b. Informational Technology
    - c. Civil Service
  3. Upon receipt of such information, the designees shall confirm receipt of the notification of separation, in writing.

4. This reporting requirement will ensure separated employees are removed from the appropriate systems, i.e. payroll, email, health insurance, etc.

**C. RETURN OF PROPERTY:**

All City property including, but not limited to, ID cards, access keys, badges, uniforms, and equipment shall be returned to the City on or before the last day of employment with the City. Failure to return all City property may result in delay of the release of any severance pay due to the employee.

**D. TERMINATION CHECKLIST:**

In an effort to ensure that all reporting requirements are satisfied, and City property is returned, the Human Resource Supervisor shall complete a "Separation Checklist" for each separated employee. The checklist and all necessary supporting documentation will be kept with the Human Resource Supervisor's records.



# Incident Reporting Form

Use this form to report any citizen complaint, compliment, injury, incident, or illness.  
Return completed form to the Human Resources Supervisor, or Management.

**This is documenting an:**

- Citizen Complaint     
  Compliment     
  Injury     
  Incident     
  Illness

Person Completing Report: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Person(s) Involved: \_\_\_\_\_

Facility, Equipment or Vehicle ID: \_\_\_\_\_

**Event Details:**

Date of Event: \_\_\_\_\_ Location of Event: \_\_\_\_\_

Time of Event: \_\_\_\_\_ Witnesses: \_\_\_\_\_

Witnesses' Contact Information: \_\_\_\_\_

**Description of Events** (Describe tasks being performed and sequence of events):

---



---



---



---



---

\*If more space is required please use the back of this sheet or additional pages.

| <b>TO BE COMPLETED ONLY IF INJURY WAS SUSTAINED</b> |  |
|---|--|
| Type of injury sustained:                           |  |
| Cause of injury                                     |  |
| Was medical treatment necessary?                    | Yes _____ No _____<br>If yes, name of hospital or physician: |

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Supervisor \_\_\_\_\_ Date: \_\_\_\_\_