

The City of Cleveland Heights



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EMPLOYEE HANDBOOK

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1 INTRODUCTION

1.01 Profile of the City

Cleveland Heights began as a pioneer settlement within the Western Reserve. Originally called Turkey Ridge because of rolling, wooded country, streams and abundant game, the area quickly grew from outpost to small farming village. By the late 1800's, Cleveland Heights became a popular retreat for Cleveland's wealthy, including John D. Rockefeller. Many of the large turn-of-the century estates are still maintained in their original condition.

The City is 8.2 square miles in size, was incorporated under Ohio law in February 1921, and operates under a Charter adopted pursuant to the Home Rule provisions of the Ohio Constitution.

Under the City's Charter, the Mayor is the appointing authority who appoints, promotes, transfers, demotes or removes City employees. The Mayor directs the work of City employees to ensure that the business of the City and the delivery of services to residents are performed in the most effective, efficient and ethical manner possible. The line of communication between Staff and Council runs through the Mayor, pursuant to the City Charter. Council does not have authority to give orders to Staff.

Also, to affirm our nonpartisan status, no employee is to engage in political activity within the City of Cleveland Heights. Therefore, no employee can actively promote the passage of an issue or the election of a political candidate.

2 PURPOSE OF EMPLOYEE HANDBOOK

This handbook is intended as a reference to inform employees of the City's human resources policies and systems, including the guidelines and resources employees need to know in their role at Cleveland Heights. Employees are expected to know the policies and guidelines contained in this handbook, as well as any additional policies and guidelines set by their department.

All matters relating to the administration of the policies and procedural guidelines in this handbook are under the general supervision of the Director of Human Resources. Questions regarding interpretation and application of this handbook should be directed to Human Resources.

Bargaining employees are expected to know the terms of their Collective Bargaining Agreement (CBA). The terms and conditions of that agreement supersede this handbook on any subject covered by their CBA.

The procedural guidelines covered in this handbook do not diminish the City's management rights and should not be considered a waiver of these rights. Unless limited or prohibited in this handbook, or otherwise restricted by law, the City reserves all rights to manage its workforce. The policies and procedural guidelines contained in this handbook are intended to promote equity, consistency, and standardization of benefits, but do not reflect or represent every conceivable situation but addresses those that are often encountered. Situations may differ and will be handled on a case-by-case basis, at the discretion of the City as permitted by applicable law.

The procedural guidelines outlined in this handbook will be applied at the discretion of the City in accordance with the law. The City reserves the right to change by ordinance, for any reason, at any time and without prior notice, the procedures, benefits, and working conditions described in this handbook to the extent permitted by law. The latest version of this handbook will be available on the Intranet. Every effort will be made to notify employees when an official change in the procedural guideline has been made. Upon said notification it is the responsibility of the employee to review and familiarize themselves with any changes.

Any violations of the procedural guidelines outlined herein are subject to discipline up to and including removal.

3 EQUAL OPPORTUNITY and COMMITMENT TO DIVERSITY & INCLUSION

3.01 Commitment to Diversity & Inclusion

The City is committed to fostering a diverse and inclusive workforce, which includes building an environment that respects the individual, promotes innovation and offers opportunities for all employees to develop to their full potential.

A diverse workforce helps the City realize its full potential. The City benefits from creativity and innovation that results when people who have different experiences, perspectives, and cultural backgrounds work together.

3.02 Equal Employment Opportunity

The City is committed to providing equal employment opportunities for all individuals regardless of race, color, ancestry, national origin, language, religion, citizenship status, sex, age, marital status, sexual preference or orientation, gender identity/expression, military/veteran status, disability, genetic information, membership in a collective bargaining unit, status with regard to public assistance, or political affiliation.

Equal opportunity extends to all aspects of the employment relationship, including but not limited to hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

3.03 Accommodations for Religious Beliefs

The City respects the religious beliefs and practices of all employees and, upon written request, will make accommodations that are reasonable (accommodations that do not create an undue hardship on the City's business operations), as required by law.

Requesting a Religious Accommodation

Employees who seek a religious accommodation must submit a written request for the accommodation to Human Resources. The written request should include the type of religious conflict that exists and the requested accommodation. Human Resources will respond to the employee's request within a reasonable time.

3.04 Americans with Disabilities Act

The City is committed to complying with the Americans with Disabilities Act (ADA) and its amendments and ensuring equal opportunity in employment for qualified persons with disabilities. The ADA and its amendments make it unlawful for an employer to discriminate against qualified applicants or employees with a disability.

The City will accommodate qualified applicants or employees with disabilities to enable them to perform the essential job duties, unless such accommodation(s) would impose an undue hardship on the operation of the City.

This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Definitions

Qualified employees and applicants with disabilities are employees or applicants with disabilities who can perform the essential functions of the position they are pursuing or currently hold with or without reasonable accommodation.

Employees and applicants with disabilities are persons whose impairments substantially limit one (1) or more of their major life activities (e.g., walking or hearing), who have a history of such impairments, or who are regarded as having such impairments.

Reasonable accommodations are modifications to work environment or schedule that allow applicants or employees to perform the essential functions of the position they pursue or currently hold that do not create an undue hardship for the City.

Requesting an Accommodation

An employee with a disability in need of an accommodation must submit an accommodation request. The request should include medical documentation from the employee's healthcare provider and be submitted to Human Resources.

Upon submission of medical documentation presenting a disability, the City will engage with the employee and their healthcare provider to identify reasonable accommodations for the employee.

Medical information obtained by the City regarding applicants or employees is maintained in a separate file and disclosed only in accordance with the ADA and its amendments, as well as applicable federal

and Ohio laws. The City may be required to release this information under Ohio Public Records laws or subpoenas.

3.05 Reporting Harassment, Discrimination, or Retaliation

Employees who believe they are the victim of harassment, discrimination or retaliation must immediately report the issue to Human Resources. An employee can also report their concern to their supervisor or department director. Any supervisor or department director made aware of an employee concern regarding harassment, discrimination or retaliation must immediately contact Human Resources.

Employees who are aware of or witness potential harassment, discrimination or retaliation must report such conduct immediately. Supervisors and department directors must immediately report any potential instances of harassment, discrimination or retaliation involving employees or others to Human Resources.

Investigation

The City will investigate all reported concerns. An investigation may include conducting interviews, obtaining written statements, and reviewing records. The City will complete investigations in a prompt manner. The length of the investigation will vary based on the circumstances involved.

After obtaining and reviewing all available information, the City will determine if any employee violated any City policy. The employee who made the report and the accused employee(s) will be notified in writing of this determination.

If the City finds that an employee has violated any City policy then Human Resources, in consultation with the employee's department director or designee, will determine the appropriate action, which may include corrective action, disciplinary action, mediation, training, or transfer.

Confidentiality of Reports

The City will maintain the confidentiality of all investigations, to the extent possible and allowable under applicable Ohio law and may share information on a need-to-know basis. The City will advise all concerned parties to keep information relating to the investigation confidential. Employees should be aware that information obtained during an investigation may be released to comply with a subpoena, public records request, or other disclosure required by law.

Unauthorized disclosure of information about a harassment, discrimination, or retaliation report, its participants, investigation or resolution, whether accurate or not, is prohibited and may subject an employee to disciplinary action. Employees, however, are not prohibited from cooperating with City or law enforcement officials as part of an ongoing investigation, nor are employees prohibited from exercising their whistleblower rights under the City ethics code or general law.

False Allegations

Employees are prohibited from making a report the employee knows is not true. If an investigation reveals that an employee knowingly made a false allegation, the employee may be subject to disciplinary action up to and including termination.

3.06 Prohibited Retaliation

The City strictly prohibits retaliation against any individual who:

- Reports discrimination or harassment
- Cooperates with an investigation of reported discrimination or harassment
- Complains about discrimination or harassment
- Threatens to report discrimination or harassment
- Refuses to obey a directive the employee reasonably believes to be discriminatory
- Pickets in opposition to discrimination
- Requests a reasonable accommodation based on a religion or disability

Retaliation includes, but is not limited to:

- Any negative employment action, such as termination, refuse to hire, or denial or promotion
- Other actions impacting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance
- Any other action, such as assault or unfounded civil or criminal charges likely to deter a reasonable person from pursuing their rights

Any individual who experiences prohibited retaliation should immediately report the issue using the procedures outlined in section 3.05.

4 ETHICS AND SUNSHINE LAWS

4.01 Code of Ethics

All employees are required to demonstrate a high standard of ethical conduct. All employees are required to complete ethics training bi-annually.

4.02 Sunshine Laws and Records

Ohio's Public Records and Open Meetings laws, collectively known as the "Sunshine Laws," give members of the public access to government meetings and records. The City has also adopted, by ordinance, a public records policy. Employees should be aware that their work, including emails, voicemails, and other written communications may be open to public inspection, and that their work must be preserved for public inspection consistent with the City's records retention policies,

Each department has a public records policy and a public records manager. Departments also have records retention schedules, which list what records the department keeps, and for how long. Employees must comply with the law and their department's policies regarding records. Employees should consult with their supervisor or public records manager for assistance.

Privacy Expectations

Employees do not have a right, nor should they have an expectation, of privacy while using any City electronic equipment. Records created by an employee when using City electronic equipment (including emails, Internet usage history, etc.) may be released to the public, consistent with state law.

5 TALENT MANAGEMENT

5.01 Filling of Job Vacancies

The City encourages employees to apply for new and vacant positions as they become available. The City is committed to fairly evaluating its employees' qualifications against external candidates' qualifications and selecting the best qualified candidate for the position. The City considers interested applicants' qualifications, abilities, quality of past work performance, discipline, attendance and all other relevant factors. Job vacancies are typically filled as a new hire, promotion, lateral transfer, demotion or a temporary work assignment (TWA). In each, the employee must meet the minimum requirements of the job.

- A ***new hire*** is when a job candidate who does not currently work at the City is hired to fill a vacant, or soon to be vacant position.
- A ***promotion*** is when an employee moves from one classification or job to another classification or job in a higher pay grade.
- A ***lateral transfer*** is when an employee moves from one classification or job to another classification or job in the same pay grade.
- A ***demotion*** is when an employee moves from one classification or job to another classification or job in a lower pay grade.
- A ***temporary working assignment*** (TWA) is when an employee is temporarily assigned duties of a position with a higher pay grade for a minimum of a two (2) week period, but not to exceed one (1) year.

Job Announcement Postings

Job announcements are posted on the City's website and may also be posted on designated bulletin boards throughout the City. They may also be posted on other organizational and recruiting websites, and/or sent to various external recruitment agencies, advertised in newspapers or other media when applicable. These announcements summarize minimum qualifications, and key job duties of the position being filled, but may not be all inclusive.

Application Process

Non-employees apply for posted vacancies through the website. The website allows applicants to view current vacancies, create a profile and apply for one or more vacancies.

All job openings will be posted on the City's website. Certain posted vacancies are for current employees only, but all openings will be posted publicly. Any restriction on who can apply will be noted on the posting.

Vacancies for positions covered under a CBA will follow the application process outlined in the CBA.

Selection Process

Human Resources screens resumes and applications for minimum qualifications and refers qualified applicants' information to the hiring manager.

Human Resources may conduct additional screenings, which could include physical agility assessments, criminal record checks, driving record checks, background checks, past work record reviews, job knowledge assessments/tests, job performance prediction assessments, etc.

The hiring manager, along with an interview panel, interviews selected qualified candidates. The department identifies the preferred candidate to Human Resources, which makes a recommendation to the Mayor. Once approved, Human Resources extends a job offer to the candidate.

Certain unclassified positions are appointed directly by elected officials (e.g., the Mayor), and these positions may be filled through a separate process managed by the elected official, in consultation with Human Resources.

Employment of Relatives

To avoid any suggestion of impropriety the City will not hire any relative of current employees. The definition of relative shall include the following: spouse, child, mother, father, sister, brother, grandmother, grandfather, mother-in-law, father-in-law, sister-in-law, brother-in-law, niece, nephew and cousin. The hiring of Civil Service personnel or pool lifeguards are not subject to this provision.

5.02 Background Checks

The City conducts appropriate background checks on applicants who have received a conditional offer of employment.

The City may perform the following background checks, in compliance with relevant laws, including but not limited to:

- Personal Background
- Criminal Background
- Financial Background
- Work History Background
- Educational History Background
- Other Backgrounds as required

The City does not ask applicants about their criminal background as part of the application process, except as permitted by law. The City may ask applicants who have received a conditional offer of employment about their criminal background. When evaluating an applicant or employee with criminal convictions, the City will consider the nature of the offense, the length of time since conviction, the

relationship between the conviction and the duties and responsibilities of the position, and any positive changes demonstrated since the conviction.

5.03 Newly Hired Employees

Orientation

The City provides an orientation process, facilitated by Human Resources, to prepare newly hired individuals to succeed as City employees. All new employees will receive orientation during their first year of employment. This will assist new employees in learning about the City and understanding the City's core values, mission, vision and goals.

During the orientation process, new employees will submit all new-hire paperwork and receive relevant information that will assist them in making a smooth and effective transition to the City. As part of the orientation process, Human Resources provides a new hire orientation meeting to new employees. New hire orientation meetings are typically completed within the first thirty (30) days of employment.

Probation Period

The employee probation period is a time devoted to the development and evaluation of the employee in their new position with the City. All full-time and part-time employees that are newly hired, transferred, promoted or demoted shall be subject to an initial probation period of one hundred eighty (180) calendar days, beginning the first day of their assignment.

No appointment is final until the employee satisfactorily completes their probation period. An employee may be removed or displaced at any time for failure to successfully complete their probation period or for any other lawful reason. The removal or displacement of an employee in their probation period is not subject to appeal. The Mayor may extend an employee's probation period to allow additional time to review the employee's performance, up to a maximum of one (1) year. Neither days spent on any unpaid leave of absence, nor days spent on a paid leave of absence for more than five (5) consecutive working days will be counted towards the probation period. Probationary periods and related requirements for bargaining employees are set forth in each applicable CBA.

6 General Employment Practices

City employees are expected to perform their jobs and to conduct themselves in a professional manner in a way that advances the goals of the City and boosts public confidence in City government. City employees must exercise the required care for the safety and security of persons and property. City employees must refrain from any behavior which might be harmful to the City's interests, or conflict with City policy. For this reason, the City is committed to selecting individuals for employment who are committed to achieving and supporting the goals and objectives of the City.

It is the desire of City government that all employees have a successful and rewarding tenure and maximize their potential both personally and professionally. The City strives to help employees understand the impact their contributions have on organizational goals and provide opportunities for professional growth. Identifying strengths and areas of needed improvement help to prepare employees for promotional opportunities.

Effective employment will reflect:

- employees having a clear understanding of work expectations and performs job accordingly
- supervisors provide ongoing feedback to employees regarding their performance relative to expectations
- employee and supervisor identifying development opportunities
- employee and supervisor working together to address performance that does not meet expectations

6.01 Employment Status

The employment status of City employees includes full-time, part-time benefits eligible, part-time non-benefits eligible, and temporary. As defined in the Fair Labor Standards Act (FLSA), employees are overtime non-exempt or exempt. Per the Ohio Revised Code, non-bargaining City employees are also designated as classified in the civil service or unclassified. For the purposes of this handbook, elected City officials are not considered employees of the City.

Full-Time

Full-time employment is defined as scheduled to work a yearly average number of hours greater than or equal to thirty seven and one half hours (37.5) per workweek. Full-time employment is generally based on a pre-arranged schedule and full-time status is indicated during an initial job offer or change in employment status. Full-time employees are eligible for benefits.

Part-Time Benefits-Eligible

Part-time benefits-eligible employment is defined as scheduled to work a yearly average number of hours less than thirty-seven and one half (37.5) per workweek but not less than thirty (30) hours per workweek to be eligible for healthcare benefits.

Part-time employees scheduled to work a yearly average number of hours less than thirty (30) per workweek but not less than twenty (20) hours per workweek are eligible for vacation benefits.

Part-Time Not Benefits-Eligible

Part-time employment that is not benefits-eligible is defined as working a yearly average number of hours fewer than twenty (20) hours per workweek and are not eligible for healthcare benefits.

Temporary Employment

Temporary employment is defined as employment for a specified project or time frame, not to exceed one hundred eighty (180) continuous days. Temporary employment may be designated as part-time or full-time. Temporary employees are not eligible for benefits.

Exempt or Non-Exempt

The Fair Labor Standards Act (FLSA) and its amendments provide rules to determine whether a position is designated as exempt or non-exempt. Non-exempt employees receive overtime pay or compensatory time off calculated at time and one-half (1.5) their regular rates for hours worked more than forty (40) in a workweek (see section 9.06). Exempt employees do not receive overtime pay (i.e., time and one-half) but may, in extraordinary circumstances, receive exchange time or straight pay for hours worked more than forty (40) in a workweek (see section 9.07)

Classified or Unclassified

Classified positions are subject to the civil service provisions of the Ohio Revised Code, the Ohio Administrative Code, the City Charter and the City Code.

Unclassified positions are exempt from civil service examination and are not subject to civil service protections. Unclassified employees are at will employees and serve at the pleasure of the City.

Bargaining or Non-bargaining

A position is considered bargaining if it is covered under a CBA. Non-bargaining positions are not covered under a CBA. The terms and conditions of a CBA supersede this handbook on any subject covered by the CBA.

6.02 Job Descriptions

Unclassified Positions

Human Resources maintains job descriptions for unclassified positions. Job descriptions consist of essential job functions, including job duties, responsibilities and requirements. Job descriptions will be updated when substantial changes are made.

Departments are responsible for communicating any proposed job description changes for unclassified positions, in advance, to Human Resources. Human Resources will work with the supervisor and others to ensure suggested changes are appropriately incorporated.

Employees who believe their job has significantly changed should notify their supervisor and Human Resources for a position audit (see section 6.03). Unclassified job descriptions can be requested from Human Resources.

6.03 Position Audit

A position audit is a formal process to evaluate whether an employee performs job duties substantially different from his or her job description or classification. An employee who believes their position is incorrectly classified can request a position audit. Human Resources will request information from the

employee, the employee's supervisor and the department director regarding the employee's current duties and responsibilities to determine if the employee's position is appropriately classified. After reviewing all available information, Human Resources will determine whether the employee's position is properly classified.

6.04 Direct Deposit of Pay and Payroll Deductions

Employees are paid bi-weekly and must participate in the City's Direct Deposit program. A *direct deposit form* must be completed as part of the employee's new hire paperwork or when the employee experiences any changes to their applicable financial account. Employees are responsible for notifying Human Resources if their direct deposit bank(s) and/or account(s) change. Any questions regarding direct deposit or deductions should be directed to Human Resources.

Various payroll deductions will be taken out of each employee paycheck. These deductions fall into two (2) categories, mandatory and voluntary.

- **Mandatory Deductions.** Mandatory payroll deductions are mandated by statute. They include federal, state, city and school district taxes, OPERS contributions, support orders, Medicare, bankruptcy, garnishments and other applicable obligations.
- **Voluntary Deductions.** Voluntary payroll deductions are authorized by the employee. These include health, accident, charitable contributions, disability and life insurance, retirement plans, flexible spending accounts, credit union deductions, and union dues/fair share fees.

Deductions can be pre-tax or post-tax depending on the nature of the deduction.

6.05 Timekeeping

The City must comply with applicable laws that require records to be maintained of the hours worked by employees. To ensure that accurate records are kept of an employee's work hours and that employees are paid in a timely manner, employees and their supervisor are required to maintain accurate time and attendance records. Attendance or use of leave should be recorded daily for non-exempt personnel or within the actual pay period for exempt employees.

Time entry for non-exempt employees must be completed daily and accurately by employees. After reviewing and resolving any discrepancies, the supervisor (or department designee) must approve the number of hours worked or on leave in the City's timekeeping system.

Time entry for exempt employees must be completed within the actual pay period. After reviewing and resolving any discrepancies, supervisors (or department designee) must approve the number of hours to be paid for time worked or on approved paid or unpaid leave in the City's timekeeping system.

All employees are expected to provide accurate information regarding time and attendance. Falsification is an act of misconduct and considered a violation of the City's policy and procedural guideline and may be subject to disciplinary action.

6.06 Standard Workweek and Hours

The normal workweek for full-time City employees is five (5) days per week, usually Monday through Friday. The normal workday is from 8:30 a.m. to 5:00 p.m. The normal workweek and hours of work may vary based on operational needs, and/or in the case of 7-day/24-hour-a-day operations or in situations covered by a CBA.

Lunch and Breaks

Employees shall be allowed a thirty (30) minute unpaid lunch period. To qualify for the lunch period, employees must work a minimum of five and one half (5.5) hours inclusive of the lunch period. In addition, City employees may receive two paid breaks of up to fifteen (15) minutes in duration. All breaks and lunch periods are to be scheduled by the employee's immediate supervisor based on the operational needs of their unit and in accordance with the following provisions:

- one break may be taken in the first half of the work day and one may be taken in the second half of the work day
- breaks may abut the end or beginning of the lunch period at the supervisor's discretion
- breaks and lunch periods cannot be used to make-up tardiness or quitting early. For example, an employee who is scheduled to end their day at 5:00 may not leave for the day at 4:30 p.m. and take their lunch from 4:30 to 5:00 p.m.

6.07 Flexible Work Schedules

To meet challenges and provide options for work-life balance, a department director may grant flexible work schedules for individual employees, departments, divisions within departments, or other offices. These variations must allow for operational needs to be met, may not alter the total number of hours worked in a workweek and must be approved by the employee's department director. The City recognizes two (2) types of flexible work schedules:

- **Alternative Start/End Time.** A department director may grant an alternative start/end time that enables employees to start earlier or later than the designated start time, then work an eight (8) hour workday.
- **Daily Flexible Schedule.** A department director may grant a daily flexible schedule that enables employees to come to work early and go home early, arrive to work late and stay late, or take extra time at lunch that is made up by arriving to work early or staying late. Employees who work daily flexible schedules are required to work within their agency/department's core operational hours.

Employees wishing to work flexible work schedules must make their request to their Department Director. Directors must determine the feasibility of the request and meet with Human Resources before final approval.

Working a flexible work schedule is a privilege, not an employee right. Flexible work schedules are not appropriate for all job situations. A flexible work schedule can be rescinded with at least five (5) business days' notice to the employee.

6.08 Teleworking

The City does not permit permanent teleworking arrangements. Employees may, however, be permitted to work out of the office on a temporary or occasional basis for dependent care, illness, disability, or caring for an ill family member, when doing so would not adversely impact City operations. Each department director, in consultation with the Mayor, may determine whether an employee may work out of the office on a temporary or occasional basis for one of these reasons on a case-by-case basis. Any temporary or occasional telecommuting arrangements shall not extend beyond the existence of the underlying need for such arrangement, and in no case shall such arrangement extend beyond 90 calendar days without approval from the Mayor. Employees working out of the office are required to truthfully and accurately report their time. Supervisors of employees working out of the office are responsible for ensuring such work arrangements are not abused. Falsification of time and attendance records may result in discipline. If an employee's temporary work arrangement is insufficient to meet City business needs, the employee may be required to return to working in the office or to use applicable leave time.

6.09 Corrective Action/Performance Improvement

The City has adopted a corrective action process to help employees understand that performance concerns or opportunities for improvement exist, to clarify management's expectations and to prevent a recurrence of unsatisfactory behavior and/or performance concerns.

Documented Counseling

Documented counseling involves a meeting between supervisor and employee, whereby the employee is informed of the inappropriate conduct and of any corrective action that may be necessary. The supervisor shall complete, sign, and date a documented counseling form. The supervisor shall indicate on the form the date when the employee received the form. The supervisor shall retain the original and the employee shall receive a copy of the form.

Performance Improvement Plan

It is the City's desire that each employee performs at an optimal level. If performance is below an acceptable level, the supervisor may decide that a Performance Improvement Plan (PIP) is necessary. The supervisor will document a description of the performance problem, corrective action to be taken by the employee and how the employee's performance will be measured, along with target dates for improvement. The supervisor shall consult with Human Resources on the development of a PIP.

The supervisor will meet with the employee to implement the PIP. If the employee's performance continues to fall below expectations, the City may choose to modify the PIP, conduct a Pre-Disciplinary Conference to determine the appropriate discipline, or otherwise address the deficiency, up to and including removal.

Mandatory Referral to Employee Assistance Program

Human Resources may require an employee to seek assistance through the City's Employee Assistance Program (EAP) to identify and resolve issues that may be interfering with job performance. Supervisors

may initiate a mandatory EAP referral by contacting Human Resources. A referred employee's attendance, motivation level, and willingness to follow recommendations will be reported back to City management by the EAP administrator.

6.10 End of Employment

The City strives to build long-term mutually beneficial relationships with its employees and wishes future success to employees who exit employment.

Resignation

Employees may resign from employment with the City by providing written notice to Human Resources or their supervisor. An employee may not rescind a notice of resignation after acceptance unless Human Resources, in conjunction with the employee's department director, approves the request to rescind in writing. Employees are requested, when possible, to provide at least fourteen (14) calendar days advance written notice of their intention to resign.

Retirement

Employees may retire from City service by submitting the appropriate forms to the Ohio Public Employees Retirement System (OPERS) and providing written notice to Human Resources. Forms may be found on the OPERS website: www.OPERS.org. An employee may not rescind a notice of retirement after acceptance unless Human Resources, in conjunction with the employee's department director, accepts the employee's request to rescind. Employees are requested, when possible, to provide at least fourteen (14) calendar days advance written notice of their intention to retire.

Disability Separation

An employee who is unable to perform the essential job functions of their position due to a disabling illness, injury or condition, and has exhausted all paid sick leave and applicable unpaid leave, may be disability separated in accordance with the ADA and other applicable law. A disability separation may be voluntary or involuntary. The City may require the employee to submit to a medical or psychological fitness for duty examination with a physician chosen by the City for determining whether the employee can perform the essential job functions of their position, with or without reasonable accommodation.

Voluntary Disability Separation

A disability separation is voluntary when an employee requests to separate. The City may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination. If the examination supports the employee's request, the City shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the City shall not approve the employee's request for voluntary disability separation.

An employee who is granted a voluntary disability separation shall retain the right to be reinstated to their position for two (2) years from the date that the employee is no longer in active work status provided an open position exists.

Involuntary Disability Separation

A disability separation is involuntary when there is a dispute between the City and the employee regarding the employee's ability to perform the essential functions of their position, with or without reasonable accommodation. The City must have medical evidence of an employee's disabling illness, injury or condition that documents the employee's inability to perform one or more essential functions of their position. The City will schedule a pre-separation hearing and the employee shall be provided with written notice at least seventy-two (72) hours in advance. If the employee does not waive their right to the hearing in writing, the employee has the right to examine the City's evidence of disability, rebut that evidence, and present testimony and evidence on their own behalf at the hearing. If the City determines, after weighing the testimony and evidence admitted, that the employee is unable to perform one or more essential functions of their position, with or without reasonable accommodation, then the City shall separate the employee. Unless otherwise specified in the employee's CBA, an involuntarily disability separated employee shall have the right to appeal to the Mayor.

Disability Retirement

Employees who are unable to perform the essential duties of their position, with or without reasonable accommodation, due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. Employees seeking reinstatement from a disability retirement pursuant to applicable state law shall be required to submit appropriate documentation of their ability to work and may be required to submit to an examination to determine whether they can perform essential functions of their position, with or without reasonable accommodation.

Layoff

Whenever the City determines that it is necessary or advisable to reduce its workforce, the City shall lay off employees or abolish their positions in accordance with the City Code and any applicable provisions of the Ohio Revised and Administrative Codes. Affected employees will be provided with information related to order of layoff, displacement rights, reinstatement rights, job placement services through existing state and county workforce programs, and other information related to the layoff process (e.g., unemployment).

Bargaining employees should refer to their CBA for information regarding layoffs.

Disciplinary Removal

Employees may be subject to involuntary separation based on disciplinary action as described in this handbook or their CBA.

Final Paycheck

Upon separation of employment, compensation for accrued vacation leave and compensatory time will be included in a separate check (provided that all City property i.e. laptop, keys, have been returned).

All full-time, permanent employees who are in the employ of the City and who have been in the employ of the City for over ten (10) consecutive years may be eligible for payment for accrued unused sick leave earned at the City of Cleveland Heights, accumulated from January 1, 1969 upon termination of their

employment for other than disciplinary reasons. The aforesaid requirement that the sick leave be earned at the City of Cleveland Heights shall apply only to employees hired after April 1, 1990. An employee shall be paid out one-quarter (.25) or 25% of sick time accumulated with a maximum of 960 hours for payout purposes. Therefore, the maximum payout that could be achieved is 240 hours.

Accrued Sick Leave	Conversion Ratio
0 - 960 Hours	1/4
961+ Hours	Not Eligible

For purposes of this Section, the hourly rate of payment for accrued sick leave shall be determined by the following formula: annual base pay at the time of termination of employment divided by 2,080 hours.

6.11 Delayed Openings/Early Closing

Emergency Delayed Openings/Early Closing

As a general practice, the City does not close buildings unless the health, safety and/or security of City employees are threatened. In addition, from time to time the City may delay opening, suspend operations or release employees early because of an emergency such as power failure, hazardous weather conditions, acts of God, or similar situations. These situations may necessitate the delayed opening or early closing of multiple buildings and/or ceasing all work activities.

Certain jobs are considered essential during an emergency and require designated personnel to be present for work. Employees should consult with their supervisor or department director to determine if they are considered an essential employee.

Notification

In the event of an emergency, the Mayor, or their designee, will be responsible for initiating delayed opening or early closing procedures.

If the decision to delay opening or early close more than one (1) City site has been made, the Mayor, department directors and Human Resources, may disseminate the notification.

Employee notifications can occur in multiple ways, for example:

- contact by a City official
- local media, including local radio, television stations and their corresponding websites
- The City's Internet home page at www.clevelandheights.com
- Notification from a mass notification system
- posting on an official City social media platform

Employees are encouraged to listen to local radio and watch for television announcements during periods of adverse weather or states of emergency to determine the status of their facilities.

Employees Operating During Delayed Openings/Early Closings

The City may require employees to work during delayed openings or early closing. Department directors are responsible for identifying, designating and notifying employees responsible for carrying out critical functions who are expected to report to work in the event of a delayed opening or early closing.

Pay Provisions During Delayed Openings/Early Closings

Non-exempt employees who are at work when a delayed opening or early closing is declared may be sent home and will be paid for the balance of their scheduled hours. Exempt employees will receive their regular pay for the day.

Employees on approved leave (e.g., vacation, sick, personal day, etc.) will be charged according to their leave arrangements.

The City reserves the right to determine pay provisions based on the circumstances. Factors that may be considered include, but are not limited to, notice to employees not to report and duration of the emergency.

Non-Emergency Delayed Openings/Early Closings

The Mayor may authorize the delayed opening or early closure of one (1) or more buildings or offices for any reason deemed appropriate. In the event of an authorized non-emergency delayed opening or early closure, the provisions regarding notification, essential employees working, and pay for emergency delayed openings or early closures shall apply.

7 STANDARDS OF CONDUCT

7.01 Anti-Harassment and Anti-Bullying

The City is committed to providing a workplace free from harassment, including sexual harassment and bullying. Conduct that unreasonably interferes with an individual's work performance, that creates an intimidating, offensive or hostile work environment, and/or adversely affects employment opportunities is strictly prohibited.

An employee who is found to have harassed or bullied an employee, or anyone engaged in City business, or anyone on City property, may be subject to corrective action, disciplinary action, training, mediation, or transfer. This includes any employee who interferes with the resolution of a complaint, retaliates against an individual for filing a complaint, or knowingly files an unfounded or fraudulent complaint intended to cause harm.

Harassment and bullying can be intentional or unintentional. It is the impact of the employee's actions, not intent, that determines if harassment or bullying occurred.

Definitions

Workplace Harassment is any unwelcome verbal, written or physical conduct that demeans or shows hostility, or aversion, toward an individual, or their relatives, friends or associates, because of their race, color, ancestry, national origin, language, religion, citizenship status, sex, age, marital status, sexual preference or orientation, gender identity/expression, military/veteran status, disability, genetic information, membership in a collective bargaining unit, status with regard to public assistance, and political affiliation, or on the basis of association with an individual that falls into a protected category of the City's equal opportunity policy, which can reasonably be considered to adversely affect the work environment.

Such harassing conduct may include, but is not limited to:

- Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile comments or acts
- Written or graphic material which demeans or shows hostility or aversion toward an individual or group

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature, from one of the opposite sex, or from one of the same sex when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's employment
- Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance, or is so pervasive or severe that it creates an intimidating, hostile or offensive environment

The terms "intimidating," "hostile" and "offensive" are interpreted according to legal standards generally from the viewpoint of a reasonable person in similar circumstances as the complaining party.

Examples of sexual harassment include, but are not limited to:

- unwanted sexual advances
- demands for sexual favors in exchange for favorable treatment or continued employment
- repeated sexual jokes, flirtations, advances or propositions
- verbal abuse of a sexual nature (e.g., graphic comments about a person's body or sexual prowess)
- whistling or leering
- touching, pinching, or assault
- coerced sexual acts
- suggestive insulting, obscene comments or gestures
- displaying sexually suggestive objects, pictures or written material in the workplace

Bullying is egregious or repeated inappropriate behavior, intentional or unintentional, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons toward a co-worker or anyone engaged in City business, on City property and/or that could reasonably be expected to impact the workplace.

The City considers the following types of behavior examples of bullying (this list is not all inclusive):

- **Verbal or Written:** slandering, ridiculing or maligning a person or their family; persistent name calling that a reasonable person would consider hurtful, insulting or humiliating; using a person as the center of jokes; abusive and offensive remarks.
- **Physical:** pushing; shoving; kicking; poking; tripping; assault, or threat of assault; damage to a person's work area or property.
- **Non-Verbal Acts:** non-verbal threatening acts which a reasonable person would consider threatening.
- **Cyber:** the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

Prohibited Retaliation

Any form of retaliation against those who bring forward complaints or perceived violations of this administrative guideline, or against those who oppose discrimination or harassment or participate in an investigation of a complaint, is strictly prohibited. Any action that is perceived to be retaliatory should immediately be reported to Human Resources.

Reporting Workplace Harassment, Sexual Harassment, Bullying, or Retaliation

Employees who believe they are the victim of workplace harassment, sexual harassment, bullying, or retaliation must immediately report the issue to Human Resources. An employee can also report their concern to their supervisor or department director. Any supervisor or department director made aware of an employee concern regarding workplace harassment, sexual harassment, bullying, or retaliation must immediately contact Human Resources.

Employees who are aware of or witness potential workplace harassment, sexual harassment, bullying, or retaliation must report such conduct immediately. Supervisors and department directors must immediately report any potential instances of workplace harassment, sexual harassment, bullying, or retaliation involving employees or others to Human Resources.

Investigation

The City will investigate all reported concerns. An investigation may include conducting interviews, obtaining written statements, and reviewing records. The City will complete investigations in a prompt manner. The length of the investigation will vary based on the circumstances involved.

After obtaining and reviewing all available information, the City will determine if any employee violated any City policy. The employee who made the report and the accused employee(s) will be notified in writing of this determination.

If the City finds that an employee has violated any City policy then Human Resources, in consultation with the employee's department director or designee, will determine the appropriate action, which may include corrective action, disciplinary action, mediation, training, or transfer.

Confidentiality of Reports

The City will maintain the confidentiality of all investigations, to the extent possible and allowable under applicable Ohio law and may share information on a need-to-know basis. The City will advise all concerned parties to keep information relating to the investigation confidential. Employees should be aware that information obtained during an investigation may be released to comply with a subpoena, public records request, or other disclosure required by law.

Unauthorized disclosure of facts or opinions and/or spreading of information about a report, its participants, investigation or resolution, whether accurate or not, is prohibited and may subject an employee to disciplinary action.

False Allegations

Employees are prohibited from making a report the employee knows is not true. If an investigation reveals that an employee knowingly made a false allegation, the employee may be subject to disciplinary action.

These procedures are not designed or intended to limit the City's authority to discipline or take remedial action for workplace conduct it deems unacceptable, regardless of whether that conduct satisfies the definition of harassment or bullying.

7.02 Resolving Work-Related Concerns

The City strives to maintain a workplace that fosters a productive and harmonious working environment where work-related concerns are managed promptly, impartially and justly.

Minor problems can develop into larger disputes, if they are not dealt with quickly and effectively. It is the City's intent to foster positive and collaborative relationships amongst employees and our visitors. The City encourages quick and decisive resolutions to work-related concerns.

An employee with a work-related concern should first attempt to address the concern informally, with their supervisor. If the employee cannot resolve the issue informally with their supervisor, the following process must be used:

- **Step 1:** The employee must bring their concerns to the attention of their supervisor, in writing, for a resolution. Once made aware, the supervisor must seek to resolve the concern within a timely manner, generally not to exceed fifteen (15) workdays. The supervisor's response will be in writing.
- **Step 2:** If the employee believes the situation remains unresolved, the employee must make a written request to their department director or designee outlining the concern, the date when the employee advised their supervisor of the concern, and that the concern remains unresolved. The department director or designee must seek to resolve the concern within a timely manner,

generally not to exceed fifteen (15) workdays. The department director or designee's response will be in writing.

- **Step 3:** If the employee believes the situation remains unresolved, the employee must bring the written concern to the Director of Human Resources or designee. The Director of Human Resources or designee must seek to resolve the concern within a timely manner, generally not to exceed fifteen (15) workdays. The Director of Human Resources or designee's response will be in writing.
- **Step 4:** If the employee believes the situation remains unresolved, the employee must bring the written concern to the Mayor or designee. The Mayor or designee's decision is final, and the employee shall be notified in writing.

If employees are uncomfortable, or feel it is inappropriate to address the issue with a level(s) of management identified in this procedure, they may consult directly with Human Resources. An employee who skips one (1) or more steps in this procedure without reasonable cause, as determined by the Director of Human Resources or designee, may be required to complete the skipped step(s) before any further action will be taken regarding the employee's concern.

When this handbook establishes a process for reporting a concern (e.g., for reporting workplace violence, harassment, sexual harassment, discrimination, bullying, or retaliation), employees should follow the procedures for those circumstances. Bargaining employees should consult their CBA regarding the resolution of work-related concerns. Retaliation against an employee for following this process is strictly prohibited. Human Resources may be consulted at any step in this procedure for assistance.

7.03 Employee Dress/Appearance

The City has adopted a business-casual work apparel environment for its employees. Business-casual work apparel is intended to encourage a more relaxed and productive environment at work while at the same time maintaining an atmosphere of neat, well-groomed, business-like appearance among employees. Projecting a positive image of our workplace to our visitors, volunteers and fellow employees should be a high priority for all employees.

Employees should exercise reasonable judgement and may consult with their supervisor and/or Human Resources to determine when professional business attire is necessary for specific work obligations.

Departments may have more specific work-apparel guidelines based on the nature of the work performed (examples include but are not limited to, employees working outside, uniformed employees, etc.).

If a supervisor decides that an employee's dress or appearance is not appropriate as outlined in this procedural guideline, they may take corrective action and require the employee to leave the work area and make the necessary changes to comply with the procedure. An employee who is dressed inappropriately may be sent home to change their clothes and may be subject to disciplinary action. An employee who is sent home shall be placed in unpaid status or may use appropriate leave (e.g., vacation or personal time) to cover a reasonable amount of time that they are away from the worksite.

Nothing in this guideline is intended to limit an employee's rights relating to non-discrimination or to hinder the advancement of diversity at the City. The City will reasonably accommodate those employees whose bona fide religious belief or disability requires special attire.

7.04 Attendance

Timely and regular attendance is an expectation of performance for all City employees. To ensure appropriate staffing levels, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation they must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Departments have discretion to evaluate and issue discipline when appropriate. Employees covered under a CBA should refer to their CBA for time and attendance requirements, if applicable.

Punctuality and regular attendance are essential to ensure optimal productivity and customer service. Employees are required to maintain a satisfactory record of attendance. The City recognizes that employees will at times experience illness, or on an occasion be late for work due to unusual circumstances. This policy attempts to acknowledge both management and employee concerns.

Occurrences

An occurrence is defined as an unapproved absence, two (2) tardies or two (2) missed time clock punch-ins/outs. The total number of days or partial days that an employee is unavailable for work due to unapproved absence are considered when applying discipline, as outlined in the table below.

Unapproved Absences

An absence is deemed unapproved when an absence of more than one hour is not covered by an approved leave (e.g., sick, FMLA, vacation or compensatory).

Employees will be docked pay for all hours missed due to unapproved absences.

Tardy

An employee is tardy when the following occurs involving periods of one hour or less:

- failure to report to work on time, as scheduled after a seven (7) minute grace period
- taking an extended meal or break period without prior approval

Time Clocks and Failure to Clock Punch-in/out

Employees who use timeclocks are required to follow established guidelines for recording their actual hours worked. A missed clock punch-in/out is a violation of procedural guidelines, as is punching-in/out early or late without prior approval.

Department Notification

Employees are expected to follow departmental notification procedures if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must request in advance to

their supervisor or designee if they wish to arrive early or leave early from an assigned shift. Incidences of not following departmental notification procedures will be addressed in accordance with the City's progressive discipline guidelines. Please note that no call/no show is defined as AWOL below and treated differently from other notification violations.

The employee must follow their departmental notification procedures when an absence is due to a documented/approved leave of absence (e.g., FMLA, military leave, etc.) to ensure appropriate tracking of leave utilization.

Absence Without Leave (AWOL)

Employees who are absent for three (3) or more consecutively scheduled workdays without prior notification to their supervisor will be AWOL, and may be subject to removal. Supervisors should immediately consult with Human Resources if this situation occurs. A single day of no call/no show is subject to corrective action based on the circumstances of each individual case.

Progressive Discipline for Attendance

An occurrence is documented as a tardy and/or missed time clock punch-in/out. Supervisors and department management staff are responsible for tracking accumulated occurrences and for initiating the discipline process in consultation with Human Resources to ensure consistent application of discipline across the organization.

The following table is a guideline for discipline based on the total number of occurrences. Occurrences will be considered active for discipline purposes using a rolling twelve (12) month period. Occurrences will not be issued for absences that are protected under FMLA, ADA, Workers' Compensation, or legal proceedings leave.

Definition	Occurrences	Disciplinary Action
An occurrence is equal to any of the following: <ul style="list-style-type: none"> 2 tardies 2 missed clock punch-in/outs 1 full or partial day unapproved absence 	2	Verbal reprimand
	3	Written reprimand
	5	1-day suspension
	7	3-day suspension
	9	Termination
<ul style="list-style-type: none"> Day of no call/no show (i.e., without prior notice) 	1	1-day suspension
	2	3-day suspension
	3	Termination
<ul style="list-style-type: none"> AWOL (3 or more consecutive days of no call/no show) 	1	Employee subject to removal.

If an employee accumulates several occurrences within a single pay period, the employee may be advanced to the level of discipline called for in these guidelines even if the employee has no prior

discipline. For example, an employee with no prior discipline who accumulates five (5) occurrences in a pay period will be issued a one (1) day suspension.

This procedural guideline will be administered in conjunction with the timelines contained in this handbook and the City's CBAs for the expiration of active discipline. For example, if the timeline for the expiration of active discipline is twenty-four (24) months, a verbal reprimand issued under this procedural guideline will remain active for twenty-four (24) months and will be used as the basis of future discipline. If the discipline immediately prior to the one being assessed was less than twenty-four (24) months ago, the next discipline assessed will progress based on that prior discipline, unless the guidelines recommend discipline that is more severe. Examples: 1) If an employee has an active one (1) day suspension for missed clock punch-in/out and then is charged with two occurrences of tardiness, the employee will receive a three (3) day suspension. 2) If a three (3) day suspension has been imposed pursuant to this guideline and remains active, the next discipline will be termination.

7.05 Employee Responsibility for City Property

Employees shall not abuse, neglect, waste or misappropriate City property. All employees are responsible for the proper care of any tools, materials, equipment, vehicles, etc. assigned for the performance of their jobs. No City property shall be used for any purpose other than authorized work-related activities, this includes computers and the Internet. No City property shall be taken from the worksite for any purpose unless specifically authorized by the employee's supervisor.

In most cases, unless otherwise designated, uniforms, tools and equipment (e.g., City-issued cell phones, pagers, computers, keys, uniforms, identification badges, etc.) must be returned upon separation from employment. As a condition of employment, all employees agree that if the employee does not return City property the replacement cost of the item(s) will be deducted from the employees' salary and leave balance(s) due (except when prohibited by law). If the amount does not cover the costs, the employee will be responsible for paying the difference.

7.06 Notification of Criminal Charges or Conviction

Any City employee that is charged and/or convicted for any crime, other than a minor traffic violation, must immediately report the incident to Human Resources. Examples of crimes that must be reported include, but are not limited to:

- felonies (or being arrested for a crime punishable as a felony)
- a crime involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion)
- Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency)
- Crimes involving physical violence (e.g., assault, patient abuse or neglect)
- Drug-related crimes (e.g., trafficking offenses, drug possession)

Criminal activity or the failure to disclose criminal charges or any criminal convictions may constitute cause for discipline. Work modifications may occur for the protection of the employee and City until

adjudication occurs. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction.

7.07 Progressive Discipline

The City subscribes to a policy of progressive discipline. Progressive discipline is not intended to be punitive. The goal of progressive discipline is to help the employee recognize and correct unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment.

Application

When progressive discipline is applied, the City shall examine the totality of the employee's current disciplinary record, including, but not limited to, attendance and tardiness discipline that remains active.

Procedure

Supervisors and managers are responsible for exercising independent judgement to identify and recommend the need for discipline.

When a management representative recommends discipline, they shall consult with Human Resources for guidance and to ensure consistency across the organization. Prior to recommending discipline, supervisors must have investigated and obtained documentation of the alleged conduct.

After a supervisor has recommended discipline, the role of Human Resources is to provide guidance on the level of discipline to be imposed. If the facts of the case may justify a suspension, demotion, or removal, the management representative will complete a request for Pre-Disciplinary Conference (PDC).

The purpose of the PDC is to provide the employee with a final opportunity to present their side of the case and to provide any additional information or documentation that the employee desires to be considered. Human Resources will coordinate the PDC and will provide written notice to the employee and supervisor regarding the date, time, and location of the PDC. Employees shall be provided with the option of waiving the PDC.

Depending on the nature of the discipline that is ultimately issued, employees will be notified of discipline by their supervisor or Human Resources.

All disciplinary actions that are imposed shall be filed with Human Resources. Disciplinary actions will remain active for two (2) years for purposes of progressive discipline. The two (2) year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

Levels of Disciplinary Action

The City reserves the right to skip one or more levels of progressive discipline depending on the circumstances and/or severity of the offense.

- **Verbal Reprimand:** A verbal reprimand is an articulation of the problem by the supervisor to the employee. A verbal reprimand shall note the date and nature of the problem, as well as specifically state the employee is receiving a verbal reprimand.

- **Written Reprimand:** A written reprimand is formal, written notice by the supervisor to the employee that their conduct is inappropriate, when actions are necessary to correct the misconduct, and the consequences of continued misconduct.
- **Working Suspension:** A working suspension results with an employee is required to report to work to serve a suspension. An employee serving a working suspension shall be compensated at their regular rate of pay for hours worked. The working suspension shall be recorded in the employee's personnel file and has the same effect as a suspension for the purposes of progressive discipline.
- **Suspension:** A suspension is a forced, unpaid leave of absence from employment for one (1) or more days.
- **Demotion:** A demotion is a forced transfer of the employee from one classification or job to another classification or job in a lower pay grade.
- **Removal:** A removal is a forced separation of employment.

A record of any disciplinary action must be made using a form prescribed by Human Resources and will be placed in the employee's personnel file.

At the sole discretion of the Mayor or designee, an employee may be temporarily placed on paid administrative leave. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, visitors or the City. Employees who are placed on paid administrative leave shall be prepared to return to work each day and may be subject to other requirements.

Prohibited Conduct

The City considers the following to be a non-exhaustive list of unsatisfactory conduct that may be considered grounds for progressive disciplinary action:

- Absence from duty without reasonable cause
- Absence without leave
- Being away from assigned work area without permission of supervisor
- Conduct that might endanger the safety of others
- Conduct unbecoming an employee of the City
- Creating a hostile, intimidating or offensive work environment based upon a protected characteristic
- Excessive absenteeism
- Excessive tardiness
- Failure to comply with safety regulations, procedures and/or guidelines
- Failure to cooperate in a workplace investigation
- Failure to follow call in procedures
- Failure to follow the orders of a supervisor
- Failure to properly report work status
- Failure to report known safety hazards
- Failure to wear required safety equipment
- Falsification

- Fighting
- Harassment, discrimination or retaliation against another
- Insubordination
- Intimidation or threats
- Misfeasance, malfeasance or nonfeasance
- Neglect of duty
- Offensive language or conduct toward another
- Poor job performance
- Possession of weapons on City premises without authorization
- Reckless operation and/or misuse of City vehicles and equipment
- Reporting for or being on duty in an unfit condition to work
- Reporting to work under the influence of alcohol and/or drugs
- Sleeping while on duty
- Theft
- Use of or possession of alcohol and/or drugs on City property
- Destruction of City property
- Violation of policies, procedures, rules, regulations, or guidelines

Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

- Level of disruption to City business.
- Level of harm to the City's interests.
- Level of damage to the public's trust and confidence in the City.
- The employee's position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.
- Whether the employee's conduct is part of a continuing problem.
- Whether the employee's conduct put a co-worker, vendor or customer's safety and/or security at risk.
- Whether the employee's truthfulness brought into question because of his or her conduct.
- Whether there are extenuating or mitigating circumstances.

8 Workplace Safety

8.01 Workplace Violence Prevention

The creation and maintenance of a safe environment for all employees is one of the City's highest priorities. The City's goal is to prevent workplace violence through early intervention and investigation of threats or acts by or against employees while engaged in the performance of their duties.

All employees must make a reasonable effort to recognize potentially violent situations and take the appropriate measures to prevent escalation. All individuals are entitled to a non-threatening environment while on City property, or off City property when serving the City. Therefore, any form of violence, whether actual or perceived, will not be tolerated.

Definition

Workplace violence is defined as any act of aggression or violence or any statement that could be perceived by a reasonable person as an intent or threat to cause harm to a person or to property. Workplace violence can occur on or off City property and includes acts that could reasonably be expected to impact the workplace, including acts committed when an employee is off duty.

Reporting Workplace Violence

Any employee who witnesses or experiences workplace violence must promptly report the incident. All reports will be treated seriously and investigated accordingly. In the event of an imminent danger to themselves, or others, or property, employees should handle the situation as outlined below:

- If direct telephone access is available call 911 to inform them of the incident. Until the police arrive, retreat to safety and try to avoid physical confrontation. If the circumstances permit, immediately notify your supervisor or manager of the incident. Do not attempt to take matters into your own hands.
- When the situation is so serious that immediate removal of an employee from property is necessary, the Mayor or designee may place an employee on immediate paid or unpaid leave and have the employee removed from City property. In this case, the employee's supervisor should contact Human Resources regarding the need for disciplinary action.
- After an incident, any person who witnesses or has knowledge of the incident may be required to provide a statement to the manager or supervisor, describing the event. This is in addition to any statements given to the police.

In instances when the situation is not an emergency, employees should report the incident to their supervisor or manager immediately. If employees are not comfortable reporting the matter to a supervisor, reports of workplace violence may be made to Human Resources.

Supervisors are required to immediately communicate any complaints of workplace violence (or any acts of workplace violence that they witness or become aware of) to Human Resources.

Human Resources and department management will review each report and determine the appropriate response, which may include further investigation. If Human Resources finds that an employee has violated any City policy then Human Resources, in consultation with the employee's department director or designee, will determine the appropriate action, which may include corrective action, disciplinary action, mediation, training, or transfer. Additionally, if appropriate, the investigation findings may be forwarded to the proper authorities for further action, including criminal prosecution.

The City strictly prohibits retaliation against employees who report workplace violence. However, any employee who knowingly makes a false report may be subject to disciplinary action. In addition, nothing

in this or any other policy or procedure should be construed as limiting employees' right to contact public safety officials in emergency circumstances.

Weapons

The City strictly prohibits the wearing, transporting, storage, presence or use of dangerous weapons on City property, or while engaged in business with or on behalf of the City, regardless of whether the person is licensed to carry the weapon under Ohio law. This prohibition does not apply to any law enforcement personnel engaging in official duties. Employees who violate this prohibition are subject to disciplinary action.

Employees who observe a person with a dangerous weapon on City property must immediately contact the police.

For purpose of this policy, **City property** is defined as all City-owned or leased buildings and surrounding areas, such as sidewalks, walkways, parking lots and driveways under the City's ownership or control. Furthermore, this procedure applies to all City-owned or leased vehicles. Private vehicles that come onto City property are not included.

For questions regarding whether an item is covered under this prohibition, employees should contact Human Resources. It is the responsibility of every employee to make sure any item in their possession is not prohibited by this prohibition.

8.02 Restrictions on Smoking and Other Tobacco Use

To protect the health and safety of City employees and our visitors, and to create a cleaner and more sustainable work environment, the City has established guidelines.

Definitions

- **City premises** shall include all property owned or leased by the City, including all vehicles.
- **City time** shall include all time during which employees are on City premises or performing work for the benefit of the City. Breaks (including lunch breaks) shall not be counted as City time if the employee is not on City property and is not performing work for the benefit of the City during the break.
- **Smoking** is defined as the use of smoke-producing tobacco products, including but not limited to cigarettes, cigars, cigarillos, mini-cigars, e-cigarettes, tobacco alternative vapor or vaping products and hookahs.
- **Tobacco use** is defined as the use of any tobacco product including, but not limited to cigarettes, cigars, cigarillos, mini-cigars, hookah, chewing tobacco, snuff, and other smokeless tobacco products.
- **E-Cigarette use or vaping** is defined as the use of electronic smoking devices and/or electronic nicotine delivery systems.

Prohibited Conduct

Employees are not permitted to smoke, use tobacco, e-cigarettes, or vape during working time. Employees may not smoke or use tobacco in City buildings or in City Vehicles. Employees are not permitted to smoke or use tobacco within 50ft of entranceways or loading docks. Employees who choose to smoke in a privately-owned non-city vehicle while driving on work time with another employee or individual present shall not smoke or use tobacco while others are in their personal vehicle. In addition, employees smoking on City property during non-work time should be sensitive to the effects of second hand smoke, vapor and any tobacco by-product on others.

Cessation Programs

The City provides access to resources for those who are interested in quitting the use of tobacco products. The City also offers an Employee Assistance Program, or you can contact the Ohio Tobacco Quit Line at 1-800-QUIT NOW.

8.03 Substance-Free Workplace

The City strives for a substance-free workplace to assist in maintaining a safe and productive work environment. To achieve this, the goal is to inform employees of the hazards of substance use, clarify the City's expectations for employees with respect to substance use and the potential consequences of violations of those expectations, and ensure availability of rehabilitative assistance programs to substance users. Because of the importance of maintaining a safe and productive workplace, substance abuse will result in discipline up to and including removal.

Individuals Covered

This guideline applies to all employees. Applicants for employment are subject to pre-employment testing requirements as described in this procedure.

Definitions

- **City premises** shall include all property owned or leased by the City, including all vehicles.
- **City time** shall include all time during which employees are on City premises or performing work for the benefit of the City. Breaks (including lunch breaks) shall not be counted as City time if the employee is not on City property and is not performing work for the benefit of the City during the break.
- **Employee Assistance Program (EAP)** is an employee benefit program intended to help employees address personal problems and/or behavior that may adversely impact work performance, health and well-being. EAP's generally include assessment counseling and referral services for employees and their household members.
- **Last Chance Agreement (LCA)** is an agreement between the City, employees and the employee's union, for bargaining employees, which may be offered to employees found to be in violation of this policy. If offered, the last chance agreement sets forth behavior or performance the employee agrees to change in exchange for an opportunity for the employee to remain in employment with the City.
- **Legal drug** means any substance, the possession or sale of which is not prohibited by state law, including prescription drugs and over-the-counter drugs.

- **Prohibited drug** means any drug in any detectable amount which is not legally obtainable under state law; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy.
- **Reasonable suspicion** means suspicion based on personal observations that the City's representatives can describe concerning employees' appearance, behavior, speech, breath, body odor, and other physical or behavioral indicators of possible drug and/or alcohol use. Reasonable suspicion also may be based, in part, upon the documented observation of change in employees' typical behavior (e.g., excessive absence/tardiness or work performance changes), which suggests the use of drugs and/or alcohol.
- **Refusing to cooperate** means to refuse to sign a consent form, to obstruct the specimen collection process, including any attempt to tamper with the collection or testing process, or to fail to provide breath and/or urine specimens adequate for testing when directed to do so. Refusal to cooperate will typically result in suspension pending discharge unless the employee promptly establishes a valid medical basis for the failure to provide such specimens.
- **Substance Abuse Professional (SAP)** means a qualified professional, as defined by federal regulation who evaluates employees who have violated a drug or alcohol program regulation applicable to commercial driver's licenses. The SAP generally makes recommendations concerning employee education, treatment, follow-up testing and aftercare.
- **Under the influence** means that the result of a laboratory's analysis of the employee's urine or blood specimen shows a blood alcohol concentration of more than 0.02 of alcohol or a positive result for any prohibited drug or for a legal drug in violation of the conditions identified in "Prohibited Conduct" (failure by employee to report immediately to their supervisor any duty-related limitations as a result of prescription or over-the-counter medications and employees may not be under the influence of any legal drug while on City time or premises). Employees holding a commercial driver's license will be held to the standard determined by federal or Ohio law or regulations adopted by the U.S. Department of Transportation.

Prohibited Conduct

Behaviors and activities that are strictly prohibited by this guideline include:

- Selling; distributing; transferring; delivering; purchasing; using, possessing, or being under the influence of alcohol or any prohibited drugs or prescription drugs obtained illegally on the City's premises or while on City time or in or on City vehicles or while representing the City in any way.
- Refusing to cooperate with administration of drug/alcohol testing procedures.
- Failure by employees to report immediately to their supervisor any duty-related limitations from prescription or over-the-counter medications they are taking. Prescription or over-the-counter medications that do not impair the employee's safety or job performance or the safety or job performance of others are not required to be reported.
- Employees may not use or be under the influence of any legal drug while on City time or while on the City's premises if said drug may adversely affect the employee's safety or job performance, or the safety or job performance of others.

- Failing to report a work-related vehicular accident to immediate supervisors or other designated City personnel where such non-reporting results in a failing to comply with the post-accident testing requirements of this procedure.

Engaging in prohibited conduct will subject an employee to disciplinary action and/or the imposition of an LCA.

Testing Categories

Post-Offer, Pre-Employment Substance Testing

Applicants who receive an offer of employment will be required to undergo a pre-employment substance screen test conducted at the City's designated testing facility. Any offer of employment that an applicant receives from the City is contingent upon, among other things, satisfactory completion of the examination, screening and substance testing.

The City may rescind an offer of employment that has been extended to any applicant who tests positive for drugs and/or alcohol or any other violation of this administrative procedure.

Reasonable Suspicion Testing

If the City has reasonable suspicion based on observations reported by a supervisor or another employee and documented on an Observation Checklist, the employee may be immediately sent for substance testing.

The supervisor who made a referral for substance testing will complete and sign an Observation Checklist setting forth the observations upon which the supervisor relied in making the referral for drug and/or alcohol testing. If possible, the Observation Checklist will be prepared before the end of the current shift, but no later than twenty-four (24) hours after the end of the current shift. A copy of the Observation Checklist shall be provided upon request to the subject employee.

The employee may be placed on administrative leave and/or re-assigned temporarily to other work duties until the City receives the results of a reasonable suspicion test.

Post-Accident Testing

When employees are involved in a work-related accident (e.g., industrial safety, motor vehicle), they must report the accident to the supervisor or manager immediately. Employees shall be subject to post-accident testing if:

The employee is involved in a work-related accident that the City's representatives conclude was in whole or in part caused through the employee's action or inaction; or the accident resulted in damage to property either leased or owned by the City.

Post-accident testing involving a motor vehicle by an employee who holds a CDL will be completed within two (2) hours, unless not feasible due to extenuating circumstances.

Commercial Driver's License Testing

Employees required to have a valid Commercial Driver's License will also be subject to random testing as required by federal and Ohio regulations. Testing shall be performed by medical facilities/personnel and laboratories certified to perform such testing by the U.S. Department of Transportation and the Ohio Department of Transportation.

Return to Duty for Employees After a Positive Test Result

An employee with a CDL, or who operates a motor vehicle as part of their work duties, or who carries a firearm as part of their work duties, whose test result shows a urine or blood specimen with a blood alcohol concentration of more than 0.02 of alcohol or a positive result for any illegal drug or for a legal drug in violation of the conditions identified in the Prohibited Conduct section of this guideline may be immediately relieved of duty for at least twenty-four (24) hours. The requirements of this provision are in addition to any disciplinary action and/or LCA to which the employee may be subject.

An employee with a CDL, who operates a motor vehicle as part of their work duties, who receives a positive test result that includes a blood alcohol content result of 0.04 or greater, or refuses to complete a test when required, shall not be permitted to operate a motor vehicle as part of their work duties until the employee completes a return to duty process with an SAP. A return to duty process concludes when the SAP certifies the employee has successfully completed all recommended referrals (e.g., treatment) and the employee completes a return-to-duty test with a negative result and with a blood alcohol concentration less than 0.02. The requirements of this provision are in addition to any disciplinary action and/or LCA to which the employee may be subject.

8.04 Fitness for Duty

Drug and Alcohol Testing

If a supervisor has a reasonable suspicion that an employee may be under the influence of alcohol or drugs, the supervisor shall immediately contact Human Resources, which shall determine if a reasonable suspicion test shall be conducted.

Physical and Mental Health

The City may require that an employee submit to a medical or psychological examination to determine an employee's fitness for duty. If a management representative has a reasonable suspicion that an employee's behavior warrants a Fitness for Duty exam, they should contact Human Resources. Human Resources may place the employee on paid administrative leave pending the results of the examination.

An employee's refusal to submit to an examination or the unexcused failure to appear for an examination amounts to insubordination, which may result in disciplinary action. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination (i.e., missed appointment fee).

Upon completion of the examination, the City will receive a physician's report outlining the results of the employee's fitness for duty. If the physician determines that the employee is fit for duty, the employee shall return to work on the day immediately following the day they are notified of the physician's findings or as soon as practicable. Failure to return to work may subject the employee to discipline pursuant to the Attendance Policy.

If the physician determines that the employee is not fit for duty, the employee will not be returned to work, will be removed from paid administrative leave and will be required to use their accrued paid leave (e.g., sick, vacation, exchange time, and/or compensatory time) or go on an unpaid leave. The employee will remain off work until they submit medical documentation, acceptable to the City, to Human Resources stating that they are able to perform the essential functions of their position, with or without reasonable accommodation.

8.05 Workers' Compensation

The State of Ohio Workers' Compensation Laws covers City employees. A City employee who sustains a job-related injury or occupational disease may be eligible to receive benefits from the Bureau of Workers' Compensation (BWC). A City employee who is involved in a work-related accident/injury should seek medical treatment and/or care immediately.

Employee Procedures

An employee who is involved in a work-related accident/injury or is diagnosed with an occupational disease must adhere to the following procedure:

- The employee must notify their supervisor of the work-related accident/injury or occupational disease diagnosis immediately or as soon as possible.
- The employee must obtain an Injury Reporting Kit and complete the Accident Investigation Report (AIR) within 24 hours of the occurrence, unless confined to a hospital. If confined to a hospital, the employee must complete the accident report within 24 hours of release from the hospital. Failure to complete the AIR may cause a denial of the claim and result in progressive discipline.
- The employee may seek treatment at the medical provider of their choice so long as the provider is BWC certified. If medical care is needed, the employee should obtain a Managed Care Organization (MCO) card from Human Resources to give their provider. If immediate medical care is needed, the employee does not need to obtain a MCO card. Rather, the employee should inform their provider that they have a work-related injury and refer them to the City's MCO.
- An employee who is involved in a work-related accident/injury may be required to submit to a drug and/or alcohol test. The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits and will subject the employee to the provisions of the City's Fitness for Duty Program.

Employees who are off work due to a work-related accident/injury or occupational disease are responsible for keeping their supervisors notified of their work status and to provide appropriate documentation from their physician. Appropriate documentation includes certification of total disability (BWC Form C-84) and physician's reports of work ability (BWC Form Medco-14).

If the employee is released to light or full duty, the employee must immediately provide appropriate documentation from their physician to Human Resources.

If an employee is required to attend an Industrial Commission hearing, he or she will be given up to two (2) hours of paid leave. The employee must present the Hearing Notice from the Industrial Commission to their supervisor prior to the hearing date to be granted the paid leave.

If an employee is required to attend a City or BWC mandated medical examination, he or she will be given up to four (4) hours of paid leave time to attend. The employee must present their supervisor with the written letter from the BWC, MCO or TPA to be granted the paid leave.

Time off for attendance at any medical appointment not mandated by the City or BWC must be covered by the employee's own leave time.

Supervisor Procedures

Immediately upon receipt of notification from an employee of a job-related accident/injury or occupational disease diagnosis, the supervisor shall:

- Provide the employee with an Injury Reporting Kit. Reporting kits can be obtained from Human Resources. The reporting kits contain the AIR that must be completed by the employee. Upon receipt of the completed AIR from the employee, the supervisor shall immediately give the form to Human Resources.
- Notify Human Resources of the incident.

Relationship to Leave Time

Employees who are off work for more than seven (7) calendar days due to a work-related accident/injury or occupational disease may be entitled to disability benefits through the BWC. It may be several weeks before the BWC determines eligibility and issues the first disability check to an injured employee. Employees who are off work due to a work-related accident/injury or occupational disease have the following options while waiting for the BWC to determine eligibility and issue disability payments:

- **Sick Leave.** The employee may elect to use their accrued sick leave and will continue to receive wages and benefits while using sick leave. Neither the BWC nor the City, will reimburse an employee for the usage of sick time. The BWC will not issue retroactive payment of disability payments to cover the time where sick leave was used.
- **Vacation/Compensatory/ Personal Leave.** An employee may elect to use their accrued vacation, compensatory, or personal leave. The employee will continue to receive wages and benefits while using vacation, compensatory, or personal leave. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where vacation, compensatory, exchange or personal leave were used. The City, however, will not reimburse or re-credit the employee for the vacation, compensatory, exchange or personal leave time used.
- **Unpaid Workers' Compensation Leave.** Injured employees also have the option of not receiving a paycheck from the City and waiting on BWC wage benefits. However, the decision to go into unpaid status may affect health care benefits. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible

periods where unpaid workers' compensation leave was used. Should the BWC determine that the employee is ineligible to receive disability, the employee will not receive any retroactive payment or reimbursement from the BWC or the City.

Absences from work for 3 or more consecutive days due to injury or illness covered under workers' compensation will be deducted from the employee's FMLA available leave balance. The employee should consult the City's FMLA policy and procedures for more information.

8.06 Alternative Work Program

When an employee is injured, the City's Managed Care Organization will review the employee's medical records and discuss restrictions with the employee's physician. The employee must file a workers' compensation claim with the BWC and complete the City's AIR before being considered for alternative work.

Human Resources will work in conjunction with department management to determine whether there is an appropriate alternative or light duty position. The City will make a reasonable effort to assign the employee to their regular shift.

An employee will be eligible for alternative work for up to sixty (60) calendar days. This initial sixty-day period may be extended by agreement between the City and the employee. At no time may an alternative work assignment exceed one hundred twenty (120) days.

For an employee to be allowed to return to their prior position, the employee must provide documentation, acceptable to the City, indicating that the employee can perform the essential functions of the position, with or without accommodation, or have been granted a reasonable accommodation under the ADA.

9 COMPENSATION

The City takes a holistic approach to employees' compensation centered around total rewards and administers a fair and equitable compensation program. The City categorizes compensation in two ways: direct and indirect.

Direct compensation is the money paid to an employee in exchange for their work. Direct compensation includes, but is not limited to, salaries/wages and any other form of monetary compensation.

Indirect compensation is a benefit given to an employee that has a financial value but is not a direct monetary payment. This may include, but is not limited to, healthcare coverage (medical and supplemental), life insurance, retirement contributions, career planning, EAP services, wellness programs, employee recognition programs, flexible working schedules, paid vacation and sick time, City-issued cellular phones and learning and development opportunities.

Any form of direct or indirect compensation not explicitly authorized in this handbook, City policy approved by council, collective bargaining agreement, general law, or otherwise explicitly authorized by the Mayor including but not limited to fringe benefits, is strictly prohibited.

9.01 Salary/Wages

The determination of an employee's pay shall not be arbitrary or capricious, based on nepotism, political affiliation or any other factor that violates the Salary Ordinance or any other City, state or federal law. Pay determinations are based on relevant factors, including but not limited to, the pay range, direct experience performing the job functions, qualifications, the labor market, the pay of other employees assigned to similar positions, and other factors relevant to the employee's case.

An employee's salary/wages and any other form of direct compensation shall be approved by the Mayor or designee at the time of appointment or when any change is made to the employee's salary.

9.02 Equity Adjustments

An equity adjustment is a mechanism for addressing salary inequities arising from external pressures in high demand fields and/or internal salary comparisons.

Reasons for equity adjustments may include, but are not limited to:

- a substantial increase in ongoing responsibilities that are not sufficient enough to warrant a reclassification or reassignment
- an unacceptable internal salary inequity between positions that are of comparable worth in a department or throughout the organization
- an unacceptable salary inequity between an employee's salary and the average salary of similar positions in the market
- the need to retain a key employee whose experience or special skills are uniquely critical

Equity adjustments may be made when approved by the Mayor, as the City's budget permits.

9.03 Compression Adjustment

A compression adjustment may occur when the salary/wages of a direct supervisor is/are too close to the salary/wages of their direct reports.

Human Resources, in consultation with the department director, will determine when a compression adjustment is appropriate. A compression adjustment may occur during organizational restructuring or when an employee is hired or promoted into a vacant position. There may be circumstances when compression adjustments are not made, including but not limited to:

- a temporary working assignment (TWA) causes compression between a supervisor and their subordinates
- a supervisor has an atypical reporting structure
- a supervisor leads subordinates with specialized skills and/or significant, relevant experience whose pay is commensurate with their skill and experience
- an adjustment is not supported by the labor market

Compression adjustments shall be approved by the Mayor or designee.

9.04 Temporary Work Assignment (TWA)

A temporary work level (TWA) may be granted when an employee is temporarily assigned 50% or more of the duties of a position with a higher pay range for a minimum of a two (2) week period, but not to exceed one (1) year.

Time served in a TWA will not be applied towards the length of service requirement to qualify for reclassification through a position audit.

The employee must meet the minimum qualifications for the position in the higher pay range to be granted a TWA. An employee who is granted a TWA will be placed on a step that reflects at least a 5% increase in his or her salary, or the lowest step in the higher pay range, whichever is greater.

A supervisor must consult, in advance, with Human Resources regarding a TWA. Human Resources will review TWA and makes a recommendation to the Mayor for final approval.

9.05 Longevity

In addition to their regular salary, all full-time, permanent employees shall be paid for each biweekly pay period additional compensation for length of service, as follows:

	<u>April 1, 2014</u>
1 st through 5 th year of service	No entitlement
6 th through 10 th year of service, inclusive	16.92
11 th through 15 th year of service, inclusive	33.85
16 th through 20 th year of service, inclusive	51.24
21 st through 25 th year of service, inclusive	69.23
26 th year and thereafter	76.93

The longevity compensation shall take effect for the entire pay period following the employee's anniversary. All service on a full-time basis with the City shall be considered in applying this section and such service need not be continuous. For the purpose of determining credit for prior periods of employment, only full months of service shall be considered; credit shall be given for employment during authorized leaves of absence for military duty.

10 BENEFITS

10.01 Healthcare Benefits

The City of Cleveland Heights is committed to promoting and sustaining the well-being of its employees and their families by providing quality and integrative health and wellness programs. Employees are offered comprehensive and competitive benefits programs which include, but are not limited to medical, prescription drug, dental, vision and life insurance and a wellness program.

Eligibility

Full-time regular and part-time benefits-eligible employees may receive healthcare benefits on the first day of the month following their date of hire, unless hired on the first day of the month, in which case benefits will be effective on the date of hire. Employees have fourteen (14) days from their date of hire to make their benefit elections and to submit documentation regarding proof of relationship for their dependents. If an employee fails to make benefit elections within that time, the employee must either wait until the next open enrollment period or experience an IRS approved qualifying event to elect benefits.

If an employee is eligible for medical, dental or vision coverage under another City employee's policy (due to marriage or dependent eligibility), and that employee needs coverage, enrollment in one policy to cover both employees is required.

Dependent Eligibility

An employee's dependents may be covered by the City's healthcare benefits. Eligible dependents include an employee's legal spouse, children, step children, legally adopted children from the employee or the employee's spouse, or any children who, by court order, must be provided healthcare coverage by the employee. Healthcare benefits may also cover other dependent children if the employee has legal guardianship, as outlined in each of the City's group insurance carrier contracts. Healthcare benefits will be extended to dependent children up to age twenty-six (26), in accordance with federal law and the Ohio Department of Insurance guidelines. No employee or dependent can be covered by more than one City sponsored benefit plan.

Documentation showing proof of relationship is required to be submitted to Human Resources before dependents can be added to medical, dental and vision plans. Employees are bound by the deadlines designated by Human Resources to submit proof of relationship documentation. Acceptable documentation includes, but is not limited to a marriage certificate, a certified birth certificate or adoption paperwork for a child.

Employee contributions for benefits are paid through a pre-tax payroll deduction.

By enrolling in a City benefit plan, an employee agrees to comply with eligibility rules for themselves and for their dependents in these plans. Enrolling ineligible dependents may be considered fraud. Employees may be subject to eligibility audits. An employee selected for an eligibility audit will be required to submit copies of documentation showing proof of relationship such as certified birth certificate(s), marriage certificate(s), income tax return(s) and/or other related documentation including affidavits.

Any person who, with intent to defraud or knowing that they are facilitating fraud, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud. Any employee found making false or deceptive statements may be subject to disciplinary action.

10.02 Open Enrollment and Qualifying Events for Mid-Year Enrollment in Benefits Coverage

Open Enrollment, is a time when employees can change their benefits enrollments and/or sign up for benefits. Annually, employees may be required to reenroll in benefits by the Open Enrollment deadline.

Employees are responsible for notifying Human Resources when a qualifying event occurs that may impact their dependents' coverage. All changes require the appropriate certification and documentation within thirty (30) days of the qualifying event. Employees may not be able to change their election until the next Open Enrollment period if appropriate notice is not received.

Examples of qualifying events that require mid-year election changes include:

- marital status (marriage, divorce, legal separation, death of spouse)
- number of dependents (birth, adoption, placement for adoption, legal guardianship, death)
- employment status of employee (i.e., part-time to full-time)
- dependent eligibility (Loss of student status, age limit)
- residence (dependent moves out of plan service area)
- loss or gain of employment by the employee's spouse or dependent
- significant cost or change in coverage of spouse or dependent under another employer plan
- loss of certain other health coverage (plans provided by governmental or educational institutions)
- Health Insurance Portability and Accountability Act (HIPAA) special enrollment right events
- judgement, decree or order resulting in change in legal custody (Qualified Medical Child Support Order)
- entitlement to Medicare or Medicaid

A qualifying event can affect the employee's single/family coverage entitlement for medical, prescription drugs, dental and vision, as well as impacting flexible spending accounts and life insurance. In the case of divorce, legal separation or annulment, employees must adjust their covered dependents by removing former spouses within thirty (30) days of divorce, legal separation or annulment. Copies of the first and last pages of the court document must be submitted to Human Resources. Failure to adhere to this requirement may subject the employee to disciplinary action.

Divorced employees who are required by court order to pay benefits for their ex-spouse cannot cover the ex-spouse under City benefits. A separate policy must be purchased outside of City benefits.

10.03 Optional Employee Benefits

At the sole discretion of the City, certain additional optional employee benefits may be offered to employees, at the employee's expense, including but not limited to:

- Voluntary benefits, such as accident insurance, critical life events insurance, universal life insurance with long term care rider, and/or short-term disability

Employees will be notified of these benefits as they become available.

10.04 Wellness Program

If the City establishes a wellness program, employees are encouraged to actively participate. The wellness program is designed to assist employees and their families in making positive and healthy lifestyle choices with a focus on wellbeing. The wellness program has several components including health screenings, education, activities, weight management, newsletters, on-site fitness programs, financial education, healthy lifestyle incentives and more.

10.05 Flexible Spending Accounts (FSA)

Flexible Spending Accounts (FSA) are Internal Revenue Service (IRS) sanctioned benefits that provide employees the opportunity to have pre-tax amounts withdrawn from their paycheck and deposited into Medical and/or Dependent Care FSA(s). These accounts are offered by the City as an additional benefit that allow employees to pay for related eligible expenses using pre-tax dollars.

Eligibility

Full-time regular and part-time benefits-eligible employees may enroll in flexible spending accounts during Open Enrollment. New employees can enroll within thirty (30) days from their date of hire or during Open Enrollment.

Medical FSA

The Medical FSA allows employees to use pre-tax dollars for many healthcare expenses not covered by medical and dental plans (i.e., copays, deductibles, orthodontia, etc.), vision care expenses for prescription eyeglasses and contact lenses, as well as prescription medication. Medical FSAs are pre-funded, allowing participants access to their annual elections on the first day of participation. For a complete list of eligible expenses, review IRS Publication 502 (Medical and Dental Expenses) online at www.irs.gov. Enrollment in a Medical FSA is available upon hire or annually during Open Enrollment. Additionally, changes to enrollment in a Medical FSA can be made if the enrolled employee experiences an approved IRS qualifying event.

Dependent Care FSA

The Dependent Care FSA allows employees to use pre-tax dollars for charges that are incurred for the care of dependents. This includes expenses for eligible dependents under age thirteen (13) and may apply to a spouse or parent who resides with the employee and is physically or mentally incapable of self-care. For a complete list of eligible expenses, review IRS Publication 503 (Child and Dependent Care Expenses) online at www.irs.gov. Enrollment in a Dependent Care FSA is available upon hire or annually during Open Enrollment. Additionally, changes to enrollment in a Dependent Care FSA can be made if the enrolled employee experiences an approved IRS qualifying event.

There are strict deadlines associated with the submission of claims for withdrawal of funds from flexible spending accounts. Employees that fail to submit claims prior to the deadline will forfeit any remaining balances in their flexible spending accounts. More information regarding specific deadlines can be obtained by contacting the Department of Human Resources.

10.06 Retirement – Ohio Public Employee Retirement System

Employees are required to participate in the Ohio Public Employees Retirement System (OPERS). OPERS is the pension system utilized by the City instead of the Federal Social Security system. OPERS offers three retirement plans to its members: The Traditional Pension Plan (Defined Benefit), the Member-Directed Plan (Defined Contribution), and the Combined Plan (Combination of both Defined Benefit and Contribution). Additional information can be found on the OPERS website.

Contributions

The State of Ohio sets the employee and employer contribution rates. The employee's contribution rate is deducted from the gross bi-weekly salary/wage of the employee's pay. This amount is added to the City contribution rate and deposited into the employee's individual account with OPERS.

Tax-Deferred Basis

The Internal Revenue Code allows public employee pension plan contributions to be remitted on a tax-deferred basis. This means the employee pension contribution will not be included in taxable income when calculating federal and state income tax withholding. This yields an immediate tax savings to the employee.

City taxes will continue to be deducted from the employee's portion of the OPERS contribution. Also, the amount of pension contribution that is tax-deferred may be subject to federal and state taxation when it is withdrawn, either at retirement or upon separation of employment.

Other Information

Depending on the plan chosen, other benefits available may include survivor and disability benefits as well as healthcare benefits upon retirement.

OPERS service time continues to accrue during paid leaves of absence including Family Medical Leave. OPERS contributions are not remitted during an unpaid leave. Some leaves, such as military and workers' compensation may be eligible for free service credit. Credit for approved unpaid leaves may be purchased.

Information is available by contacting OPERS directly or at the OPERS website, www.opers.org.

10.07 Deferred Compensation

Employees can choose to contribute to a Deferred Compensation Plan. Employees may authorize a portion of their pay to be withheld and invested to supplement their future retirement income. Unless otherwise provided by law, money contributed to a Deferred Compensation Plan and any earnings on those contributions are not subject to federal or state income tax until those monies are paid to the employee, at the point of retirement or at the point of an approved withdrawal.

10.08 Employee Assistance Program

The City is committed to the health, safety, and welfare of its employees and their families. The City offers the EAP to provide employees and their eligible dependents with tools and resources to assist with personal matters. The EAP offers employees and their dependents short-term assessment and problem resolution by licensed counselors for a range of common concerns. The City funds the initial counseling sessions for employees and eligible dependents. The Employee Assistance Program (EAP) is designed to offer employees and their dependents assistance with issues including but not limited to:

- Addiction/Chemical Dependency
- Adolescent Issues & Guidance
- Chronic Physical Illness
- Depression/Anxiety
- Eating Disorders
- Family/Dependent Care Resources
- Financial Management Assistance
- Legal Consultation
- Major Life Events, including births, accidents and deaths
- Management Consultation
- Marital Conflict or Divorce
- Retirement Coaching
- Stress Management
- Wellness Advice
- Workplace Conflict Resolution

Following completion of the initial sessions, counselors may recommend a plan, which may include additional counseling and/or needed services. Subsequent services may be covered by the employee's medical provider and insurance.

Employees' current job and future advancement will not be jeopardized by using EAP services. The EAP provides strict confidentiality, following all federal and Ohio laws. As with all health-related documents, if EAP records are provided to the City, the EAP's records will be maintained in a confidential manner. The City may, upon recommendation or request by management, and when appropriate, refer employees to the EAP to assist with workplace and/or performance issues.

Participation in the EAP does not excuse employees from complying with the City's policies or from meeting job requirements during or after receiving assistance. Nor will participation prevent the City from taking corrective action for performance problems that occur before or after employees seek assistance through the plan.

Additional information regarding the EAP can be obtained from Human Resources.

10.09 Lactation Accommodation

The City supports and complies with all federal and Ohio laws and regulations by providing accommodations to employees who are nursing mothers who wish to express breast milk during the workday.

Break Time for Lactation Purposes

Employees who are nursing mothers can take reasonable, paid break periods during the workday to express breast milk. Employees should work with their supervisor to make reasonable efforts to minimize disruption to departmental operations.

Lactation Rooms

For the convenience and privacy of employees who are nursing mothers, the City has a designated room where a mother can express breast milk. This room will include reasonable and appropriate amenities.

Resources

For more information about lactation accommodations, employees should contact Human Resources. Other information and resources for nursing mothers who have returned to work are available through the Employee Assistance Program.

10.10 Life Insurance & Accidental Death & Dismemberment (AD&D)

The City provides a basic term Life and Accidental Death and Dismemberment (AD&D) insurance benefit.

Eligibility

Full-time benefits-eligible employees are eligible to receive a basic term Life and Accidental Death and Dismemberment (AD&D) insurance benefit.

Employees are eligible to receive benefits on the first day of the month following their date of hire, unless hired on the first day of the month, in which case benefits will be effective on the date of hire. Employees may elect additional supplemental coverage.

The City's group term life insurance has two features allowing employees to take a portion or all of their life insurance with them under an individual arrangement with the City's insurance carrier:

- The "conversion provision" allows employees to convert the basic insured amount, if applicable to their group, and the supplemental coverage into a whole life policy.
- The "portability provision" allows employees to take the insured amount that is more than the basic coverage and create an individual term life policy at the same prevailing group premium. Changes in premium still occur at the same age intervals as when employed.

There are deadlines associated with both the "conversion" and "portability" provisions of the City's sponsored life insurance program.

10.11 Consolidated Omnibus Budget Reconciliation Act (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides qualified beneficiaries who lose their healthcare benefits the right to choose to continue those benefits for limited periods due to qualifying life events. Qualified beneficiaries may be required to pay the entire premium for coverage, in addition to an administrative fee.

Qualified Beneficiaries

A qualified beneficiary generally is an individual covered by a group health plan on the day before a qualifying event for someone who is an employee, the employee's spouse or an employee's dependent child. In addition, any child born to or placed for adoption with a covered employee during the period of COBRA coverage is considered a qualified beneficiary.

Qualifying Life Events

Qualifying life events are certain events that would cause an individual to become eligible for COBRA. The type of qualifying life event will determine who the qualified beneficiaries are and the length of time under which continuation of healthcare coverage will be provided under COBRA.

Qualifying Life Events for Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in the number of hours of employment (including military leave of absence)

Qualifying Life Events for Spouses

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee (including military leave of absence)
- Covered employee becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

Qualifying Life Events for Dependent Children

- Loss of dependent child status under the healthcare plan rules
- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee (including military leave of absence)
- Covered employee becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

Under COBRA, employees and/or their qualified beneficiaries must notify Human Resources of a divorce, legal separation or a child losing dependent status under the plan within sixty (60) days of the qualifying event.

The City provides employees with written notice of their rights under COBRA when they become eligible for coverage under the health insurance plan, as well as when a qualifying event occurs. Employees should contact Human Resources with any questions.

11 TIME OFF AND LEAVES OF ABSENCE

All time off and leave is subject to prior approval, unless otherwise noted. Employees must request leave using the procedures and forms outlined by Human Resources and their department.

Every request for leave will be given fair consideration in accordance with the following procedural guidelines and the staffing needs of the employee's department. Any leave approved based on false information is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation may be subject to disciplinary action.

Employees are solely responsible to ensure that they have adequate vacation leave, sick leave and/or personal time when requesting and/or taking paid leave.

11.01 Paid Vacation Leave

The City provides paid vacation leave to full-time and part-time benefits-eligible employees. Vacation accrual is based on years of service and begins accruing on the first day of employment with the City. Employees who have previous service with any political subdivision of the State of Ohio may receive service credit for vacation accrual. To receive credit, employees must provide Human Resources with a service credit verification documentation, completed by their former employer(s), within thirty (30) days of their date of hire. Documentation received after thirty (30) days will be accepted; however, any service accrual granted will start from the beginning of the pay period in which the documentation is received.

Eligible full-time employees in active pay status accrue vacation each pay period based on the following schedule:

Years of Service	Biweekly Accrual Rate
Up to and including the sixth year	3.08 hours
7 up to and including 12 years	4.6 hours
13 up to and including 18 years	6.2 hours
19 or more	7.7 hours

Benefits eligible part-time employees with a base schedule of twenty (20) or more hours per week shall accrue hours based on the actual hours worked in the preceding pay period. The actual hours worked shall be divided by eighty (80) hours and multiplied by the accrual per pay period based on the following schedule:

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Years of Service	Biweekly Accrual Rate
Up to and including the fourth year	1.54 hours
5 up to and including 6 years	3.08 hours
7 up to and including 11 years	4.6 hours
12 up to and including 17 years	6.2 hours
18 years or more	7.7 hours

Vacation leave requests will be granted by the department heads in line with the needs of the department. To accommodate scheduling needs, vacation leave may be taken before actually accrued only upon approval of the Mayor. When an employee terminates his employment with the city, the Mayor shall deduct from the employee's final pay periods the number of hours of vacation leave taken but not yet accrued. No more than the amount of vacation accrued in the previous twelve-month period may be carried forward into the next calendar year.

Employees shall be paid for vacation leave accrued, but unused, at the time of separation provided the paid vacation does not exceed the employee's eligible annual accrual and further provided that such employee has worked six (6) months or more.

For purposes of this Section, the hourly rate of payment for accrued vacation leave shall be determined by the following formula: annual base pay at the time of employee separation divided by 2,080 hours.

There is no waiting period after an employee is hired or promoted before accrued vacation time can be used. Employees must have their supervisor's approval to use vacation leave.

An employee separating from the City is eligible for payout of their accrued vacation leave balance, minus any fees, charges or outstanding financial obligations the employee may have to the City.

11.02 Paid Holidays

The City provides full-time and part-time benefits-eligible employees with paid time off on the following, recognized holidays:

1. The first day of January;
2. The third Monday in January;
3. The third Monday in February;
4. The last Monday in May;
5. The nineteenth day in June
6. The fourth day of July;
7. The first Monday in September;
8. The eleventh day of November;
9. The fourth Thursday in November;
10. The fourth Friday in November;
11. The twenty-fifth day of December;
12. Personal Day;
13. Personal Day

If any such day falls upon a Sunday, the Monday following shall be deemed to be the holiday. If any such day falls upon a Saturday, the Friday immediately preceding shall be deemed to be the holiday.

Eligible employees who fail to work the scheduled day preceding and/or following a City-recognized holiday shall not receive pay for said holiday.

Part-time benefits-eligible employees are entitled to holiday pay for their scheduled hours if the recognized holiday falls on their regularly scheduled workday.

Part-time benefit non-eligible employees and temporary employees are not entitled to holiday pay or premium holiday pay even if they work on a recognized holiday.

11.03 Paid Sick Leave

The City provides paid sick leave to full-time benefits-eligible employees. Sick leave can be used for the following reasons:

- illness, injury, or pregnancy-related condition of the employee or the employee's immediate family member
- exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees
- death of an employee's immediate family member (*in conjunction with the bereavement policy*)
- healthcare appointment with an appropriate healthcare practitioner for the employee, or the employee's immediate family member where the employee's presence is reasonably necessary

For purposes of this section, immediate family member includes the employee's spouse, child, or parent.

Sick leave accrues at the rate of 4.6 hours per pay period. Employees must be on active pay status to accrue sick leave. Sick leave payment shall not exceed the normal, scheduled workday earnings.

Employees must follow their department's guidelines regarding appropriate notification for using sick leave. When the need for leave is foreseeable, the employee must notify their supervisor by making a leave request in advance. In unforeseen circumstances, an employee must follow their department guidelines regarding notification.

The employee shall record their absence in the applicable timekeeping system. If the pay period ends before the employee returns to work, the employee's supervisor shall record the employee's absence.

The City reserves the right to require documentation to support the employee's sick leave request (i.e., medical certification) for all absences of three (3) or more days, or when the City has a reasonable suspicion that sick leave is being abused. Abuse of sick leave may subject the employee to disciplinary action.

An employee's supervisor must notify Human Resources anytime an employee is out on sick leave for 3 consecutive work days to ensure the employee receives information regarding FMLA.

All full-time, permanent employees who are in the employ of the City and who have been in the employ of the City for over ten (10) consecutive years may be eligible for payment for accrued unused sick leave earned at the City of Cleveland Heights, accumulated from January 1, 1969 upon termination of their employment for other than disciplinary reasons. The aforesaid requirement that the sick leave be earned at the City of Cleveland Heights shall apply only to employees hired after April 1, 1990. An employee shall be paid out one-quarter (.25) or 25% of sick time accumulated with a maximum of 960 hours for payout purposes. Therefore, the maximum payout that could be achieved is 240 hours.

Sick Leave Credit

Employees who transfer from any public agency in the State of Ohio to the City of Cleveland Heights may receive credit for unused sick leave accrued during such prior public employment, in accordance with the provisions of the Administrative Code. Employees who wish to receive credit for accrued sick leave under this subsection shall obtain a certified copy of their sick leave record from their former employer.

For purposes of this Section, the hourly rate of payment for accrued sick leave shall be determined by the following formula: annual base pay at the time of termination of employment divided by 2,080 hours.

No employee shall be entitled to sick leave compensation in the event of injury, occupational disease or sickness resulting directly and proximately from the performance of any gainful employment or self-employment other than with the City of Cleveland Heights. A determination not to provide sick leave compensation under this Section shall be made by the Mayor, who shall adopt rules relating to the making of such determination.

11.04 Paid Bereavement Leave

All full-time employees who experience the loss of a spouse, child, stepchild, parent, stepparent, parent-in-law, grandparent, grandchild, and sibling will be granted up to three (3) days of paid bereavement leave. Bereavement leave will be charged against accumulated sick or vacation balances.

To be eligible for bereavement leave, the employee must provide appropriate documentation supporting the request for leave (e.g., obituary, funeral/memorial service program, death certificate, etc.). Bereavement leave may be taken as a continuous period or on an intermittent basis. If an employee needs additional time away from work, the employee may request to use additional accrued sick leave, vacation leave and/or personal time with the approval of their supervisor. Once these paid leaves are depleted, employees may request an unpaid personal leave of absence.

11.05 Paid Legal Proceedings Leave

Employees may receive legal proceedings leave when they are:

- summoned for jury duty by a court of competent jurisdiction
- subpoenaed to attend a court proceeding for a matter that is work-related and employee acted within the proper scope of their employment

To receive this leave, employees shall submit, to their supervisor, a copy of the summons or request as soon as the notice is received.

An employee out on legal proceedings leave is required to immediately report to work after they are released, unless there would be less than one (1) hour left in the employee's regularly scheduled work day upon reporting to work. For example, an employee on an 8:30 – 4:30 schedule who is released from jury duty at 1 p.m. is required to immediately report to work. If the employee is released from jury duty at 4 p.m., they would not be required to report to work.

The City will compensate an employee on legal proceedings leave at their normal rate of pay, provided that the employee, upon receipt of any compensation paid by the court, submits the compensation to the City. Checks received in the name of the employee must be endorsed and provided to Human Resources for deposit to the City Treasurer. The employee, however, shall not be granted any mileage, travel or other related expenses.

11.06 Unpaid Personal Leave of Absence

Full-time benefits-eligible employees may apply for an unpaid personal leave of absence. A personal leave involves a temporary separation from active pay status. Employees may apply for a personal leave of absence without pay for a maximum of one (1) month, unless approved for a longer period by the Mayor.

Job performance, absenteeism and departmental requirements may be considered before a request is approved. Approval for leave is within the sole discretion of City management. Leave must not unduly disrupt the department's normal operations.

Employees requesting a personal leave must submit the request in writing. The request must be submitted to the employee's supervisor at least sixty (60) days prior to the beginning of the leave, or as soon as possible when extenuating circumstances make it impossible to give at least 60 days' notice. If the employee's supervisor approves the request, then request must then be forwarded to the employee's department director and Human Resources for approval, in that order.

An employee must exhaust all applicable paid leave before beginning a personal leave of absence. The effective date of the personal leave will be the employee's first non-working day following the exhaustion of any of the employee's applicable, available paid leave balances (i.e., sick and vacation leave, and personal time).

A personal leave is a temporary separation from active pay status. Sick and vacation leave and OPERS service time do not accrue during the leave. However, an employee on personal leave may continue their voluntary benefits, at their own expense.

If the employee chooses to continue their benefits, the employee must pay for coverage by prepaying, in full, their contributions for the duration of time they will be on a personal leave of absence. Payment must be received by the end of the month prior to the month for which the leave has been approved. If the employee does not pay for their contribution for their benefits while on a personal leave of absence, benefits will be cancelled.

Any extensions for personal leaves of absence beyond the maximum one (1) month period will be considered on a case-by-case basis by the department director and Human Resources.

Failure to return to work upon the expiration of the personal leave, without reasonable explanation, may subject the employee to disciplinary action. An employee who fails to return to service from a personal leave and who is subsequently terminated or voluntarily resigns from service shall not receive service credit for the time spent on personal leave. In this case, the employee's termination date will be the start date of the personal leave.

An employee may be permitted to return to work prior to the originally scheduled expiration of the personal leave if the earlier return date is agreed to by both the employee and Human Resources.

11.07 Family Medical Leave

The Family and Medical Leave Act (FMLA) and its amendments provide employees with the right to take job-protected unpaid time off for various identified reasons.

Employees with at least one (1) year of service who have worked at least 1,250 hours in the previous year are eligible, and can request up to twelve (12) workweeks (480 hours) of Family Medical Leave (FML), during a 12-month period, for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- The birth or placement of a child for adoption or foster care
- To care for an immediate family member (as defined by this procedure to only include spouse, child or parent) with a serious health condition
- To take medical leave when employees are unable to work because of their own serious health condition

Employees may take up to twelve (12) weeks of approved leave within a rolling twelve (12) month period. The twelve (12) month period is measured backward from the commencement date of FML, during this time the employee must have worked 1,250 hours.

A serious health condition is defined as a condition that requires in-patient care at a hospital, hospice or residential medical care facility, or a condition that requires continuing care by a licensed healthcare provider as defined in the FMLA. In general, a period of incapacity of more than three (3) days, and two

(2) visits to a healthcare provider within thirty (30) days (the first within seven [7] days of the onset of incapacity), would be considered a serious health condition. A serious health condition leaves employee unable to perform their job. Questions about what health conditions are covered under this procedural guideline should be directed to Human Resources.

Employees must use all accumulated paid time off allowances during their FML. FML that exceeds an employee's accumulated paid time off allowance is unpaid, and employees are responsible for financially arranging to continue their benefit coverage, at their expense, during the absence. For serious health conditions, employees must provide a healthcare provider's verification of the medical need for leave. On return from FML, employees are placed in their former or comparable jobs.

Leave Categories

- Continuous Leave: Employees may take leave in a continuous block of time.
- Intermittent Leave: Employees may take leave in separate blocks of time due to a single illness or injury, rather than for one continuous period and may include periods of leave from an hour or more (with appropriate notice for non-emergency circumstances such as regular treatment visits, etc.) to several weeks. Examples of intermittent leave would include leave taken for chemotherapy that includes time taken on an occasional basis for a medical appointment or leave taken several days at a time spread over a period of six (6) months. Intermittent leave increments are limited to a minimum of one (1) hour and are calculated in hours in light of employees' regular work schedule.
- Reduced Leave Schedule: Employees may take leave that reduces their usual number of working hours per workweek, or hours per workday. In other words, a reduced leave schedule is a change in the employee's schedule for a period, normally from full-time to part-time. Such a schedule reduction might occur, for example, when employees work part-time after the birth of a child or employees recovering from a serious health condition cannot work a full-time schedule. The difference between the employee's reduced schedule and regular schedule will be charged against the employee's available FML weeks/hours. Documentation of medical necessity of reduced schedule is required.

Military Family Leave Entitlement

Eligible employees with a spouse, child or parent on active duty or called to active duty status in the National Guard or Armed Forces Reserves in support of a contingency operation may use their 12-week leave entitlements to address qualifying exigencies. Qualifying exigencies may include attending military events, arranging for alternative childcare, addressing financial and legal arrangements, attending counseling sessions and attending post-deployment reintegration briefings.

FML also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. This type of Military Family Leave is available only once. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Armed Forces Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation or therapy, is in outpatient status or on the temporary disability retired list.

Applying for Leave

Employees must contact Human Resources to initiate FML and must provide Human Resources with a thirty (30) day notice, if the leave is foreseeable. The City reserves the right to require an employee delay the start of their FML if thirty (30) days' advance notice is not provided when the need for FML is foreseeable. If the leave is not foreseeable, notice must be given as soon as possible.

Certification and Recertification of Serious Health Conditions

The City will ask for certification of the employee's serious health condition or that of a family member. Employees must respond to such a request within fifteen (15) days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification form.

Certification of a serious health condition will include the following:

- The date when the condition began
- The condition's expected duration
- The medical facts regarding the condition; and
- A brief statement of treatment

For employee's serious health condition, a statement noting the employee is unable to perform work of any kind or unable to perform the essential functions of the job. For a seriously ill family member, a statement indicating assistance is required, what that assistance is and/or that the employee's presence would be beneficial.

The City reserves the right to ask for a second opinion and will pay for employees to get a certification from a second healthcare provider selected by the City.

If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third healthcare provider. The City's healthcare provider and the employee's healthcare provider will jointly select the third healthcare provider, and the City will pay for that opinion. The third opinion will be final.

The City may request recertification of a chronic or episodic serious health condition requiring intermittent leave or reduced schedule every six (6) months, or less, as indicated by the healthcare provider's certification. No additional opinions or re-certifications will be requested in the case of leave to care for a military service member, in conformance with the regulations.

Status and Benefits While on FML

While on paid FML, the City will continue employees' benefit coverage at the same level and under the same conditions as if they had continued to work. All available paid leave must be used and charged against the employee's FML before unpaid FML will be initiated. The employee's accrued time must be used in the following order: Sick, Personal, Vacation. Sick and vacation leave will accrue during the employee's paid FML as it normally would; however, the time accrued during the leave may not be used

until the employee returns to work. All usual payroll deductions will be taken during the employee's paid FML.

While on unpaid FML, if employees choose to continue their benefit coverage, employees will be responsible for making payment arrangements for the employee paid portion of benefits for the duration of unpaid FML. If for any reason employees allow their benefit coverage to lapse while on unpaid FML, benefits will be cancelled. Vacation and sick leave do not accrue during unpaid FML.

Returning from FML

Most employees who take leave under this procedural guideline will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms and conditions. The job will be the same or one that requires substantially equivalent skill, effort, responsibility and authority. However, employees' rights to reinstatement cease if the employment relationship ends (e.g. loss of job due to reduction in force while on leave or situations where the organization learns of circumstances that would otherwise result in the termination of employment). The City may exempt certain highly-compensated employees from this requirement and not return them to the same or similar position.

Before employees may return to work from a leave of absence, they may be required to present to the City a medical certificate from their healthcare provider indicating any restrictions on their ability to perform the essential functions of the job to which they are returning. For scheduling purposes, this release must be received no less than two (2) business days before the employee's anticipated return date. The City may also require a physical examination at its expense to determine fitness for duty.

All family and medical leave taken, for whatever reason (including leaves for workplace injury), will be counted against employees' available leave of absence period under the FMLA.

11.08 Military Leave

The City supports employees who volunteer or are called to active military service. Military leaves are governed by federal and Ohio law and will be treated in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA).

Paid Military Leave

Under Ohio law, employees who are members are the Ohio National Guard, the Ohio defense corps, the Ohio naval militia, or any reserve component of the United States armed forces are entitled to a paid leave of absence not to exceed twenty-two (22) workdays in any one (1) calendar year. The leave can be continuous or intermittent.

Unpaid Military Leave

Under federal law, employees who are members of the United States armed forces shall be granted up to five (5) years of unpaid military leave with reinstatement rights to serve in the armed forces. The five (5) year maximum may be extended in certain cases, consistent with applicable law.

An employee on unpaid military leave of thirty (30) days or less may continue their healthcare benefits by directly paying the employee's portion of their health insurance premium. An employee on unpaid

military leave longer than thirty (30) days will be provided information on continuation of benefits for up to twenty-four (24) months at the employee's expense.

An employee on unpaid military leave may use vacation leave or exchange/compensatory time to cover part or all of their military leave.

An employee returning from unpaid military leave must apply for reinstatement within the timeframe established by applicable law. The City will promptly reinstate the employee in the position they would have attained had they not been on unpaid military leave and with the same seniority, status, and pay, as well as other rights and benefits determined by seniority.

Requesting Paid or Unpaid Military Leave

An employee seeking military leave (paid or unpaid) should contact Human Resources as soon as possible. Any supervisor or department director who becomes aware of an employee's possible need for military leave should immediately notify Human Resources.

12 MISCELLANEOUS

12.01 Personnel Information and Privacy

The City is committed to treating personal information about employees as sensitive and respects the need to protect each employee's privacy. Human Resources manages and maintains official personnel records for all City employees.

Access

Personnel files are stored in secured areas (e.g., within locked file cabinets, on secure computer servers). Authorized supervisors may review their employees' personnel files, in coordination with Human Resources. Employees are granted access to their own personnel file and records in accordance with the procedures outlined herein.

Medical information about employees is maintained separately from other records. Access to medical information is restricted to appropriate Human Resources and Law Department employees on a need-to-know basis.

Handling Personnel Information

If an individual requests copies of information in an employee's personnel file, Human Resources will provide to the Law Department to make copies of the information and to work with the appropriate authority to distribute the copies to the requesting party. Copies may be redacted, consistent with applicable law.

Questions or issues about the application or enforcement of these security measures should be addressed to the Director of Human Resources and/or the Director of Law.

Employees' Access to Information

Employees may review information contained in their personnel file during non-working time (e.g., breaks, lunch, before or after work). All reasonable and timely requests for access to personal information will be honored on employees' own time (e.g., paid time off).

Employees interested in reviewing the contents of their personnel file shall contact Human Resources and provide at least two (2) working days' notice of their desire to schedule a mutually convenient time for an appointment.

Accuracy of Information

To ensure that personnel files are up to date and contain accurate, complete information, employees must notify Human Resources of any change in their personal information. It is the responsibility of employees to notify Human Resources of any changes in the following, within one (1) month of the event, by making updates with a Human Resources representative or in the employee self-service system:

- Legal name
- Telephone number(s)
- Home address
- Marital status
- Number of dependents
- Beneficiary designations
- Scholastic achievements, other awards or certifications
- Emergency contacts

It is in the employee's interest to keep records of acquired new skills or experience, if the employee wants those records to be reviewed for any job advancements.

In addition, the City may initiate personal information updates by requiring all employees to review and verify their personal information on file.

Additions, Deletions or Changes

Employees may request corrections or deletions of information in their personnel records, as appropriate, to Human Resources. Human Resources ordinarily checks with the department director where the record originated, if applicable, and with the Director of Law as to any public record restrictions. Human Resources will notify the employee, in writing, as to whether the requested amendment will be made. A copy of the written response will be included in the employee's record.

12.02 Recording of Conversations

The City has established the following guidelines for the recording of conversations concerning City business. This policy shall not apply to public meetings or any other meeting or forum involving the discussion of City business that is open to members of the public, including, but not limited to, public hearings. Any violation of this policy could result in disciplinary action.

City employees shall not record any conversations involving the discussion of City business unless at least one of the following applies:

- The Director of Law or designee authorizes in writing an employee to record a conversation;
- All parties first consent in writing; or
- The department director, with the approval of the Director of Law, authorizes recording as a standard course of business in the interest of the public (e.g., all telephone calls to the 696-KIDS hotline and 911 calls are recorded).

12.03 Workplace Search

The City has the right to conduct investigations pertaining to security or work-related matters. During these investigations, authorized personnel may request that employees open for inspection any package, bag or container brought into or taken from the City premises. In addition, work areas (e.g., desks, files, computers, cabinets and lockers) are City property and may be subject to search when the City reasonably suspects a policy violation has occurred. Failure to cooperate with an investigation or search is a violation of City guidelines and the employee may be subject to disciplinary action.

This does not apply to inspections of work areas to locate documents or information when an employee is unavailable. The City reserves the right to conduct such inspections and retrieve documents, other work materials, information, etc., based upon operational needs.

A supervisor, department director or Human Resources may question employees and/or search any personal property or any area from which the City conducts business, including any/all spaces, facilities and/or vehicles leased by the City, when there are reasonable grounds for suspecting that the search will enable the City to:

- safeguard another employee's safety or property
- safeguard a City visitor or their property
- protect City property from destruction and/or theft
- investigate possible violations of City policy
- carry out an internal workplace investigation

Some storage equipment (e.g., cabinets, lockers) may be locked to secure its contents from theft or damage. The City reserves the right to search locked storage equipment when there are reasonable grounds to do so. City management will obtain authorization from either Human Resources or the Mayor prior to conducting a workplace search.

In the event a search is initiated the following procedures will be followed:

- The employee, a supervisor, or law enforcement, and a union steward/representative (for bargaining employees) should be notified of and present for a search. Lack of availability of any of the above will not delay or prevent a search.

- If the employee is not present during a search, law enforcement will be instructed to remove any locking device, if one is present. The employee can receive reimbursement for their personal lock, at a reasonable cost, if applicable. If the employee is present, they will be directed to open/grant access to the area. If the employee refuses to grant access, the lock will be removed, at the employee's expense. An employee may be responsible for any damage occurring from gaining access to areas secured by the employee.
- All property obtained from a search will be inventoried. After the inventory is complete, all observers will sign the inventory sheet. Items identified to be inappropriate for the workplace will be confiscated. The following are some items that are prohibited in the workplace:
 - drugs (without prescription in employee's name)
 - alcohol
 - guns and other weapons prohibited by law
 - pornography

This list is not exhaustive. If any of the items removed from City property violate the law, law enforcement will be contacted. Inventoried items that are confiscated may be returned to the owner for removal from City premises or in the case of City property, returned to its appropriate area(s). Employees may be subject to disciplinary action for inappropriate items brought onto City property.

12.04 Health Insurance Portability and Accountability Act (HIPAA)

On occasion, the City receives Personal Health Information (PHI) relative to an employee's employment. Under the Health Insurance Portability and Accountability Act (HIPAA), the originator of the information is required to advise affected employees of how this information may be used or disclosed and how employees can receive a copy of the information being sent. The actual Privacy Notice can be obtained from the Human Resources Department and/or on the City's Intranet web page.

Types of Personal Health Information Received by the City

The following list, though not all-inclusive, represents the type of information received by the City and which may be shared as requested under Ohio law, such as through a subpoena:

- Pre-employment clearances
- Workers' Compensation documentation
- Return-to-Work testing results
- Fit-for-Duty exam results
- Substance-testing clearances
- FMLA medical certifications
- Disability accommodation documentation

Retention of Personal Health Information

The City takes reasonable precautions to protect employees' personal health information. Information received that contains genetic information or is otherwise not applicable to one's employment, benefits

or required by federal, state or local law is either redacted or destroyed, consistent with the City's records retention policy.

12.05 Professional Licenses

Any City employee who is required, as a condition of employment, to possess and maintain in good standing, a professional license (e.g., commercial driver's license, social worker license, license to practice law, etc.) shall immediately report any change in the employee's licensure status to their department management.

12.06 Other Policies

The City may adopt other policies that affect employees (e.g., public records policy, travel policy, electronic communications and equipment policy). Employees are expected to know and comply with policies that apply to their employment and may be subject to disciplinary action for failure to follow these policies.