

## **REGULAR HANDBOOK**

### **38.010 INTRODUCTION**

(A) This manual has been prepared by the Village of Bellville to provide guidance with respect to your job; its benefits and responsibilities. Please read this manual carefully to become familiar with your employment responsibilities and the benefits provided for you. After reading this manual, if you still have questions, you are welcome to discuss them with your supervisor or the village Administrator, Mayor, or Fiscal Officer. The policies and procedures set forth in this manual are designed to promote safety, high morale, and foster good working relationships among employees of the various departments and offices of the Village by providing consistent and well-understood personnel policies, equal opportunities for advancement, and appropriate consideration of employee needs.

(B) The Village of Bellville hopes your employment with us will be rewarding. We are a dynamic organization that will occasionally implement changes in these policies and regulations for the betterment of our Village.

### **38.020 ESTABLISHMENT OF POSITIONS AND COMPENSATION**

All positions to be staffed by village employees shall be first established by Village Council. Village Council shall also possess the exclusive authority to establish rates of compensation and benefits for Village employees.

### **38.030 EQUAL EMPLOYMENT OPPORTUNITY**

(A) It is hereby declared personnel policy of the Village of Bellville that the Village will provide equal employment opportunity for all qualified applicants and employees consistent with the requirements of state and federal law. Accordingly, discrimination against any person or employee because of race, color, religion, sex, age, marital status, national origin, citizenship status, disability, or veteran status in each instance as proscribed by state or federal law shall be prohibited.

Equal opportunity extends to all aspects of the employment relationship, including hiring, promotions, training, dismissals, working conditions, compensation, benefits, and other terms and conditions of employment.

(B) Village policy expressly prohibits discriminatory hiring and personnel practices against qualified individuals with disabilities. Reasonable accommodation of known physical or mental limitations will be made, unless the accommodation would pose an

undue hardship on the Village. Individuals will not be placed in positions where, with or without a reasonable accommodation, they create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct threat will be confirmed by an opinion in writing from an appropriate professional selected by the Village.

(C) An employee or applicant for employment who believes that he/she has been discriminated against on the grounds of age, race, national origin, color, religion, sex, marital status, ancestry, or disability may consult with the Fiscal Officer who is hereby designated the Village's Equal Employment Opportunity Officer (EEOO) in an effort to resolve the matter. If the matter cannot be resolved to the aggrieved party's satisfaction, the aggrieved party shall be informed in writing of his/her right to file a formal complaint with the EEOC of Ohio.

(D) In addition to the duties described above, the EEOO shall be responsible for (1) seeing that all announcements or advertisements for positions of employment with this Village contain information that informs applicants that the Village of Bellville is an equal opportunity employer; (2) collect and keep in a separate confidential file all voluntary data forms compiled for affirmative action purposes.

### **38.040 APPLICANTS**

Each prospective employee shall complete and submit an application form with qualifications to be reviewed by the department head, Village Administrator, and submitted for approval by the Mayor. All applications for employment shall be filed by the Fiscal Officer.

(A) An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information or examination is job-related, including criminal background checks, driving history checks, medical examinations, fitness tests, and any other information requests and testing as deemed necessary for evaluation of the candidate for employment.

(B) The appointing authority shall make the appointment conditional pending the passing of the necessary checks or tests as referenced in paragraph (a) above.

(C) The applicant may be scheduled for a post-offer medical examination and may subsequently receive a drug test by a Village-contracted medical facility. Such examinations are taken to ensure that the selected job applicants are professionally qualified to perform the essential duties of the position. Failure to pass a physical and/or drug test may be grounds for elimination from the selection process.

### **38.050 WAGES & COMPENSATION**

(A) An annual salary and pay rate schedule for the Village employees shall be prepared by the Finance Committee of the Village Council and presented to Council by the second meeting in October of each year. Said pay rate shall be effective the first pay period of January in the following year.

(B) No employee of the Village work force shall be paid a wage lower than the minimum rates as established in the Fair Labor Standards Act 29 U.S.C. 201 et seq. or pursuant to Article II, Section 34(a) of the Ohio Constitution, whichever is higher. Every Village employee shall be advised of his starting rate of pay before beginning employment.

### **38.060 APPOINTMENT OF THE WORK FORCE**

(A) The Mayor shall appoint the Village Administrator, Fiscal Officer, and Police Chief, subject to approval by Council. These employees, except the Chief of Police (O.R.C. 737.171), shall serve at the pleasure of the Mayor and Council and may be removed without cause by the Mayor with the approval of a majority vote of Council, or by Council by a vote of 3/4 of its members without the consent of the Mayor.

(B) The Mayor shall also appoint a Clerk of the Mayor's Court, who shall serve at the pleasure of the Mayor, and the Mayor may remove this employee without cause at any time. The Mayor shall also appoint all full time and part time police officers in accordance with Sections 737.16 of the Ohio Revised Code.

(C) The Administrator shall serve as the appointing authority for employees of the Village's Utilities departments, Street & Parks department. All appointments by the Administrator shall be approved by the Mayor.

#### **(D) NEPOTISM**

(1) Immediate family members shall not be hired into the same department. The employment of persons who establish immediate family relationships after employment shall be prohibited if such employment will result in one immediate family member exercising supervision over the other or otherwise having the ability to influence the terms or conditions of the other's employment.

(2) For the purpose of this policy, "immediate family" shall be defined as the following relatives of the employee or the employee's spouse: spouse, parent, child or sibling including the spouse of any such relatives; and the following relatives of the employee: aunt, uncle, nephew, niece, first cousin, grandparent or grandchild including the spouse of any such relatives.

In the case of Village employees who become immediate family members after employment and whose relationship would violate the policy as set forth herein, the employees shall determine which of them will seek employment elsewhere in the Village or, as necessary, outside the organization. Said decision shall be conveyed in writing to the appropriate department head and Human Resources Director no later than thirty (30) days from the date the relationship was legally established. Said employees will be given a reasonable period of time, not to exceed ninety (90) days from the date the relationship is legally established, to make that decision. If the decision is not made within ninety (90) days, the Village reserves the right to transfer, demote or dismiss the affected employee(s) to resolve the nepotism violation. In the case of dismissal, the most senior of the employees, as determined by length of service with the Village, will be retained. If seniority is equal, the Village shall consider the qualifications and job performance of the employees in determining which will be retained.

(3) This policy shall cover the immediate family relationships of all employees of the Village of Bellville whether they are part-time or full-time.

(4) This policy is not intended to alter the employment terms of any current full-time or part-time employee whose employment violates the above provision but did not violate the policy in force at the time of employment or at the time the immediate family relationship took place. In the case of a part-time employee who is separated from employment at the end of a season, said employee shall be allowed to reapply for employment, providing re-application is made for the next season and is in the same capacity that the Village the employee worked prior to separation. Department managers shall assure that supervisory and work assignments of said employees minimize the appearance of and opportunity for conflicts of interest or impropriety. Department managers and the Human Resources division shall assure that these “grandfathered” exceptions gradually cease as attrition occurs.

### **38.070 ORIENTATION/PROBATION PERIOD**

(A) Your immediate supervisor will see that you are acquainted with your fellow employees and informed of the duties and responsibilities of your job. He/she will be available to answer questions, offer advice and to inform you of your work progress. You should also receive any specific rules/regulations regarding your specific job, starting and ending times for your shift, and forms for recording work time, work logs, and any other required documents that you may be expected to maintain and file. The first 90 calendar days of employment shall be considered an orientation/probation period during which you have an opportunity to acclimate yourself to your job and your fellow employees, and it gives your supervisor an opportunity to observe your work habits, skills, and suitability for your job. At the end of the orientation period, or sooner, your performance will be evaluated by your

supervisor. This evaluation will be reviewed with you and your supervisor may offer suggestions of how your performance can be improved. Your supervisor will submit one of the following recommendations:

1. Retain as permanent employee
2. Extension of orientation period for no more than 90 calendar days
3. Unsited for employment

### **38.080 EMPLOYEE STATUS**

(A) All Village employees are to be classified as full-time, part-time, temporary or seasonal, auxiliary, or probationary employee as defined below:

- (1) Full-time Employee
  - (a) Full-time Hourly Employee (Non-Exempt) -- an employee normally scheduled to work a minimum of 32 hours per week, or some other regular and consistent work schedule.
  - (b) Full-time Salary Employee (Exempt) -- an employee normally scheduled to work a minimum of 32 hours per week, or some other regular and consistent work schedule. Current positions include Fiscal Officer, Village Administrator and Chief of Police.
- (2) Part-time Employee -- an employee who is normally scheduled to work less than 32 hours per week.
- (3) Temporary Employee -- an employee hired for a limited period of time, either full-time or part-time.
- (4) Seasonal Employee -- an employee who works in a position that may only be performed during certain times of the year, whether full-time or part-time.
- (5) A Contractual Employee--One who is employed by a special contract, ordinance, or other agreement within the Village.
- (6) Probationary Employees --Serve at the will of the appointing authority, and may be removed at any time during the probationary period
- (7) Exempt Employees are those supervisory employees who are paid a fixed salary and meet the criteria for Exempt Employees under the Federal Fair Labor Standards Act.
- (8) Non-Exempt Employees are all those who do not meet the criteria for Exempt Employees.

(B) Part-time employees who work 20 or more hours per week are entitled to paid life insurance benefits. All employees are eligible for Bureau of Workers' Compensation coverage.

### **38.90 COMPENSATION AND HOURS OF WORK**

(A) PAY PERIODS-The employee of the Village of Bellville shall be paid every two weeks by Friday, with department heads approving and submitting time sheets to the Administrator or Mayor for the pay period by 9:00 A.M. On the Monday immediately

preceding each payday. Should a payday fall on a holiday, the payday will move to the day before the holiday.

(B) Elected officials, including Council Members, Zoning Inspectors, and Members of the Cemetery Board, shall be paid monthly except as determined by separate contract.

(C) OVERTIME, NON-EXEMPT

Supervisors will be accountable for controlling overtime situations and the associated expense. Whenever possible, work schedules shall be adjusted to avoid or reduce routine overtime work. In situations where unexpected changes in workload require additional hours mandated by the supervisor, overtime hours may be authorized.

(D) Overtime work shall, whenever possible, be on a voluntary basis, however an employee's supervisor, or the supervisor's designee, reserves the right to require any employee to work extra hours when the need arises. All overtime must be authorized by the appropriate department head or the Mayor or Administrator.

(E) SCHEDULED HOURS

- (1) The current weekly payroll period shall begin at 12:01 A.M. on Monday and continue for seven consecutive days to end at 12:00 Midnight the following Sunday. Department heads shall establish the appropriate work schedule for their department, in consideration of public service, workload, and operational needs after approval by the Administrator or Mayor.
- (2) All employees working a full work shift will, to the extent practicable, receive a meal period that is normally one unpaid half hour, except those working in the Police Department. Designated lunch periods are not compensated as work time; therefore, employees shall be relieved from work for that time period. Employees shall not waive/forfeit their meal or break periods to reduce their workday or work week.
- (3) With the exception of employees exempt from overtime according to the Fair Labor Standards Act, employees shall be entitled to overtime compensation at the rate of one and one-half (1.5) hours for each hour worked in excess of 40 hours or other permitted work schedule in the designated work week. For purposes of calculating overtime pay, sick leave shall be excluded if taken within 24 hours of the overtime opportunity.
- (4) Compensatory time may be granted to nonexempt employees only in lieu of cash for any overtime worked. Compensatory time is accrued at a rate of one and one half (1.5) time basis, and may be used at a time mutually convenient to the employee and the Village. Employees may "bank" compensatory time, but under no circumstances shall an employee "bank" more than eighty (80) hours of unused compensatory time without the approval of the Village Administrator or Mayor. Any remaining Compensatory Time up to 80 hours shall be paid the first pay of December of each calendar year. Any overtime earned after the Compensatory payout in the current year will be paid as overtime.

- (i) Due to the nature of the role, the Cemetery Sexton has the option to be exempt from this policy and continue accruing compensatory time. The Sexton's decision to carryover accrued compensatory time or to be cashed out must be submitted in writing to the Fiscal Officer by November 15<sup>th</sup> of each year.
- (5) Whenever a nonexempt employee is called into work at a time other than his/her planned work schedule, thereby necessitating additional travel to and from work, he/she shall be guaranteed two (2) hours of pay. Utility Department employees required to perform weekend checks and sampling shall be compensated for a minimum of two hours for each day, or for actual hours worked, whichever is greater.
- (6) During any given work week, a supervisor may alter an employee's schedule, hour for hour, to avoid the employee working in excess of the regular scheduled work week of 40 hours.
- (7) Village employees shall not serve as a volunteer for the same job in which he or she is employed full time by the Village.
- (8) Break periods shall be granted only at the discretion of the supervisor and may be granted only to the extent practicable without interference with normal work operations.
- (9) In order to avoid undue hardship on employees, advance notice of schedule changes will be given whenever possible. You are expected to be at your assigned job punctually at starting time and remain until proper quitting time .

### **38.091 MILITARY LEAVE**

The Village will comply with federal and state laws regarding military duty.

### **38.100 PAID TIME OFF**

Scheduled Paid Time Off is distinguished from Unscheduled Paid Time Off by the degree of control or discretion that the Village, through its supervisors and department heads, exercises in the scheduling of leave time.

#### **(A) SCHEDULED LEAVE**

- (1) The scheduling of time off shall be at the discretion of the supervisor and/or department head based upon operational considerations. Every effort will be made to accommodate the employee's requested dates for Paid Time Off.
- (2) To be considered scheduled leave, a Leave Request form must be submitted in advance of the use of the leave to the supervisor or department head and the supervisor or department head shall have the option of denying or rescheduling the leave to another date and/or time based upon operational or business considerations.

### **38.101 Sick Leave**

Sick leave is a benefit provided to eligible full-time employees to aid them in offsetting the financial burden of an illness. Employees are expected to be in attendance daily, and sick leave is only to be used in cases of illness or recovery from an injury. Sick leave is a form of insurance, and is not intended to be extra days off.

(A) An employee may request sick leave for absence resulting from illness or injury as described below:

- (1) Illness or injury of the employee or a member of his or her immediate family: mother, father, brother, sister, child, step-child or spouse.
- (2) Exposure of an employee or a member of his or her immediate family to a contagious disease, -- that would have the potential of seriously jeopardizing the health of the employee or the health of others.
- (3) Death of a member of the employee's immediate family or extended family (family of spouse), in excess of what is permitted under funeral leave in Section 7. This extended leave is at the discretion of the department head.
- (4) Medical, dental, optical, or psychological examinations or treatment of employee or a member of his or her immediate family, requiring the employee's presence,
- (5) Pregnancy, childbirth, or related medical conditions of the employee or member of his or her immediate family.

**(B) Sick Leave Accrual** -- All eligible employees of the Village shall earn sick leave at a rate of six (6) hours per month while in paid status, which time may be accumulated to a maximum of 960 hours.

**(C) Transfer of Sick Leave**-- Employees who transfer from another public agency, or who are reappointed to the workforce may be credited with a negotiated amount of sick leave. The words "public agency" as used above include the State, counties, municipalities, all boards of education, libraries, townships, and other public appointing authorities within the State of Ohio.

**(D) Notification**--In the event that the employee is unable to work due to unforeseen personal illness or injury, or for other unforeseen reasons, the following provisions shall apply:

- (1) If unable to report for work for any reason, employees shall communicate this fact to the supervisor or his/her designee, as early as required by the individual operating department but not less than ½ hour before the start of your shift. Such notification shall be made each time a scheduled work shift will be missed unless authorization has been granted by the supervisor covering a prolonged absence of specified duration. Employees failing to comply with this provision (except for a showing of good cause to the appropriate supervisor, and if approved for pay by the department head), shall not be paid for an unscheduled absence. Furthermore, absences not reported in accordance with these provisions shall be subject to disciplinary action.

- (2) Three unscheduled occurrences without medical documentation in a six-month period could result in disciplinary action. All consecutive workday absences due to the same illness shall be considered as one occasion for the purpose of this policy
- (3) Any employee of the Village who shall miss more than three (3) consecutive days of regularly scheduled work without written prior notice and written approval by the Mayor, Administrator or Chief of Police or without a reasonable and verifiable excuse may be subjected to immediate termination.

**(E) Medical Assessment Prior to Return to Work\_** In the case of any unscheduled use of general leave due to personal illness or injury, the supervisor or department head may require, at the expense of the employee, medical confirmation that the employee was unable to perform work during said leave. The Village reserves the right to require that such confirmation is obtained from the Village's health care provider. If the employee is required to obtain confirmation from the Village's health care provider, said confirmation shall be at the Village's expense.

**(F) Transitional Work**

- (1) The Village recognizes that in particular circumstances of an employee's injury or illness, an employee is not able to return to work in a full duty work status; but is capable of performing limited job assignments. Such assignments are temporary, and are not to be considered an accommodation to a permanent illness or injury.
- (2) The determination of placing an employee on Transitional Work status shall be made by the Village Administrator and Mayor. The Village is not required to provide transitional work.

**38.102 HOLIDAYS**

- (A) All full-time are entitled to the following paid holidays also holidays are paid to the Administrator and part time office personnel when the holiday falls on a scheduled work day.

**New Year's Day**  
**Good Friday**  
**Memorial Day**  
**Independence Day**  
**Labor Day**  
**Veterans Day**  
**Thanksgiving Day**  
**Day after Thanksgiving**  
**Christmas Eve**  
**Christmas Day**  
**New Year's Eve**

- (B) If a holiday falls on a Saturday, then it will be observed on the preceding Friday. If the holiday falls on a Sunday; the holiday will be observed on the following Monday.
- (C) In observance of each authorized holiday, employees will normally be granted the day off from work. Full-time employees shall receive 8 hours' straight time pay for each authorized holiday. Employees on alternative work schedules, such as the Utilities Department or Police Department shall be paid accordingly.
- (D) When a full-time employee is required to work on the day observed as a holiday, he shall be entitled to pay for such time actually worked at 1 1/2 times his regular base rate of pay.
- (E) If a holiday occurs while an employee is on vacation, that day will not be charged against the employee's leave (i.e., one day off with pay, as if not on vacation).
- (E) Employees must be in active duty status the day before and the day after the holiday and at the commencement of the holiday in order to receive holiday pay unless on approved scheduled leave.
- (G) Upon the request of the supervisor, an employee must produce a satisfactory physician's statement to verify any use of sick leave on the day before or the day after a Holiday. Failure to produce such a requested statement may result in denial of both holiday and sick leave pay and such disciplinary action as may be appropriate.

**38.103 VACATION, PERSONAL LEAVE, AND PAID TIME OFF**

- (A) All full-time employees who have completed their probationary period will have 40 hours of vacation in their initial year with the Village. After that initial year of continuous service with the Village, you are eligible for vacation in accordance with the following schedule. Each employee's eligibility for vacation shall be determined based on a monthly accrual base. Each employee's eligibility for vacation shall be determined based on hire date.

**TIME EMPLOYED:**

Year 1	40 Hours of vacation deposited at completion of probationary period
Years 2-5	80 hours of vacation
Years 6-15	120 hours of vacation
Years 16-25	160 hours of vacation
Years 26 or more	200 hours of vacation

- (B) Vacation leave accrues while on paid status except injury leave. No vacation credit is earned while an employee is on unpaid status.
- (C) Vacation leave shall be taken in units of not less than 1 hours.

- (D) Vacations are scheduled at management's discretion in accordance with workload requirements of the individual departments.
- (E) Due to department operational requirements, management may block out periods of time which are not available for vacation.
- (F) Up to 40 hours of an employee's unused yearly vacation leave may be carried over into the next vacation year only under extenuating circumstances and only with prior approval by the Mayor or Village Administrator. No more than one week of unused vacation leave may be carried forward at any time.
- (G) In the case of death of an employee, the employee's accrued vacation leave will be converted to a lump sum payment payable to the employee's beneficiary or estate.
- (H) Personal Leave. --After six months of employment or completion of the employee's probation period, each full-time employee shall be allowed 3 Personal Leave Days per year. Time off for personal business shall be taken in no less than Two (2) hour increments, at the discretion of the department head. Personal days cannot be carried over to the next calendar year.
- (I) Any exceptions must be approved by Council.

### **38.104 FAMILY AND MEDICAL LEAVE**

Consistent with the Family and Medical Leave Act of 1993 (FMLA), full-time, part-time and seasonal employees may be entitled to a family or medical leave of absence if certain conditions are met.

#### **(A) Eligibility for Family and Medical Leave**

Any employee who has been employed by the Village of Bellville for at least twelve (12) months, and who has worked at least 1250 hours with the Village during the twelve (12) months preceding the request for a leave of absence, shall be eligible for a family or medical leave of up to twelve (12) weeks in a twelve (12) month period.

An eligible employee must submit applicable FMLA paperwork after 5 days of sick leave for the following reasons:

1. To care for a newborn child or newly adopted or newly placed foster care child, as long as the leave is taken in the year following the child's birth or placement:
2. To care for their child, spouse, or parent who has a serious health condition: or
3. To attend to their own serious health condition which prevents them from performing the functions of their job.

**(B) Length of Leave**

Each eligible employee may be granted FMLA leave for a period up to twelve (12) workweeks during any twelve- (12) month period, measured backward from the date an employee uses FMLA, with the following exception.

When a husband and wife both work for the village, the two employees are limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period following the birth or placement of a child. If the leave is necessitated by the serious health condition of the employee or that of the employee's spouse or child, the employees are not limited to a combined total of twelve (12) weeks.

**(C) Substitution of Other Leave Programs**

If an employee is entitled to paid leave the employee must take the paid leave as provided under the other leave programs and must simultaneously request FMLA leave. Use of paid leave does not extend the family or medical leave of absence period. The total of paid and unpaid leave provided shall not exceed twelve (12) workweeks unless specifically approved by the employee's department head. When accrued leave has been exhausted or does not apply, FMLA leave shall be without pay.

**(D) Reduced Work Schedule/Intermittent Leave**

Employees taking leave because of their own or their eligible family member's serious health condition may take their 12 weeks of FMLA leave intermittently or on a reduced hour's basis, if such leave is medically necessary. Certification of medical necessity shall be required. If intermittent or reduced hours leave is required, the village may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the employee's recurring periods of leave.

**(E) Paid Sick Leave must run congruent with Approved FMLA leave**

Once sick leave is depleted, remainder of FMLA will be unpaid. Exception: Unused Vacation pay and/or Personal Time can be used after leave is exhausted and with Village Administrator approval.

Employees taking leave to care for a newly born or newly placed child do not have the legal right to take intermittent leave; such a request for intermittent leave may be approved by the employee's department head.

**38.105 COURT LEAVE**

(A) The Village shall pay court leave according to an employee's regular salary when an employee is summoned for any jury duty or subpoenaed as a witness by any court or other legal proceeding regarding village business during the employee's regularly scheduled work day.

(B) Employees should honor any subpoena issued to them for testimony involving Village

business, including those from state or local agencies involving workers' compensation and unemployment compensation.

- (C) All compensation received from the summoning agency for such duty shall be paid to the Village unless such duty is performed completely outside of normal work hours.
- (D) The employee will be expected to report to work following jury duty, if a reasonable amount of time remains during his or her scheduled work day.
- (E) An employee shall not be entitled to paid court leave for any matter in which the employee has a personal interest or in which the Village is an adverse party.
- (F) If an employee is taking part in a court case not related to their Village employment, he or she must use vacation leave, compensatory time off, or leave without pay for the period of absence.
- (G) The Village will have to evaluate, on a case-by-case basis, paying for extended leaves for jury duty beyond 30 workdays.

### **38.106 FUNERAL LEAVE**

- (A) Full-time employees will be granted up to three (3) days leave with pay at their regularly hourly rate of pay for scheduled work days lost because of death in their immediate family. Immediate family means the employees mother, father, mother-in-law, father-in-law, spouse, children, stepchildren, brother, and sister, grandparents, grandchildren, grandparents-in-law.
- (B) Full-time employees will be granted one (1) day leave due to death of non-immediate family member. Non-immediate family means the employees brother-in-law, sister-in-law, aunts and uncles and other village employees.

### **38.107 MATERNITY LEAVE**

The expectant mother must furnish the payroll office with a physician's statement giving anticipated date of delivery. The Village may request a written authorization from your physician for you to continue working during any time of your pregnancy or before your return to work. Maternity Leave shall be considered the same as any other sick leave accumulated by Village employees. Unused vacation time may be used to supplement accrued sick leave.

### **38.108 UNSCHEDULED LEAVE**

In the event that an employee must be off the job on an unscheduled basis and has not accrued Paid Time Off to cover the absence, he/she may request leave without pay which must be approved by the Mayor, Administrator or Chief of Police.

### **38.109 LEAVE WITHOUT PAY**

- (A) The appointing authority may grant a leave of absence without pay to a regular full-time or part-time employee for a maximum duration of one year for an extraordinary personal reason. Such leave may not be renewed or extended beyond one year.
- (B) Leave without pay may be granted for a maximum period of one year for purposes of education, training, or specialized experience which would be of benefit to the Village service by improved performance at any level; or for voluntary service in any government-sponsored program.
- (C) The decision whether to grant a leave of absence without pay lies in the sole discretion of the appointing authority.
- (D) Excessive Use of Unscheduled General Leave - The unscheduled use of Paid Time Off, which is considered excessive by the supervisor and department head, may be subject to progressive discipline.

### **38.110 EXPECTATIONS OF EMPLOYEES**

#### **(A) WORK HABITS**

All employees are expected to maintain competency to properly perform the duties of their position. Employees shall perform their duties in a manner which reflects the high standards of the Village of Bellville with regards to effectiveness in safely and efficiently carrying out our mission, functions, and objectives.

#### **(B) PUNCTUALITY**

It is essential that you report for work at your scheduled hour. Late reporting and early departing shall be paid accordingly and may be subject to disciplinary action.

#### **(C) CONFLICT OF INTEREST**

- No employee will accept from any contractor or supplier doing business with the Village, any material or service for the private use of the employee.
- No employee shall represent private interests in any action or proceedings against the interest of the Village in any matter in which the Village is part.

- State law prohibits employees and officials from having a financial interest in companies which do business with public agencies with minor exemptions. Employees who have any doubt concerning possible violation of these statutes are advised to consult their own attorney.

Violations of this code may constitute a cause of suspension, removal from office or employment to other disciplinary action.

#### **(D) COURTESY**

Village employees are representatives of the Village of Bellville and as such, their behavior and courtesy reflect upon the village. Therefore, it is expected that all village employees will display tact and courtesy when dealing with the public and with other village employees at all times. Rude or inconsiderate behavior or public insults or profanity will not be tolerated.

#### **(E) POLITICAL ACTIVITY**

Village employees are prohibited from engaging in political activity while on duty.

### **38.111 APPEARANCE AND UNIFORMS**

- (A) Village Council and the Administration shall prescribe the appropriate standards for dress and grooming that presents a positive image for the Village of Bellville.
- (B) Uniformed Employees - Employees required to wear a uniform are expected to wear them properly and keep them well maintained. Your uniform identifies you as a village employee. Safety shoes shall be worn by employees of the Cemetery, Streets, Parks, and Utilities staff.
- (C) Non-Uniformed Employees:
  - (1) Business- casual attire is the minimal acceptable level of attire. Logo clothing in support of the Village of Bellville, Clear Fork Local Schools, or other colleges and universities are permitted, unless otherwise specified. Employees are still expected to present a neat appearance.
  - (2) Employees are not permitted at any time to wear flip-flop sandals, cut-off pants, halter or crop tops, or any other clothing that may be considered offensive or inappropriate.
  - (3) Any employee who does not meet the standards of this policy will be required to take corrective action which may include leaving the premises. Employees will not be compensated for any work time missed because of failure to comply with this policy.
  - (4) Failure to present a professional appearance may also be cause for disciplinary action.

### **38.120 RETIREMENT BENEFITS**

Public Employees Retirement System deductions from gross salary are mandatory for all employees. These funds are credited to the employee's savings account with the respective funds, and a statement of the balance in the account as of December 31 is mailed to each member in early February. Upon enrollment in OPERS you will receive a member handbook for your information.

38.121 An Employee shall be compensated for 25% of his/her unused accumulated sick time as part of their final pay.

### **38.130 PAY DAY and DEDUCTIONS**

- (A) Paychecks will be distributed every other Friday by your supervisor. Each paycheck covers a working period of the two calendar weeks ending the previous Saturday at midnight. Thus, there is an interval of five (5) days between the end of that working period ending Saturday and the issuance of your paycheck on Friday.
- (B) Department Supervisors may pick up pay stubs from the Fiscal Officer by 3:00 p.m. the day before pay day.
- (C) When you believe there is an error in your paycheck or you have questions, contact your supervisor, or in his absence, the Fiscal Officer, immediately before cashing your check. An employee may not draw money in advance of his regular pay.
- (D) Department heads shall see to the maintenance and accuracy of daily time and attendance records for their various divisions. Approval for payment and input of time and attendance records into the payroll system shall be completed by 9:00 A.M. on the Monday proceeding the pay date, unless otherwise authorized.
- (E) Each time you are paid, your payroll stub will show the amount earned all deductions, and net amount you receive. The Village is required to withhold deductions for Income Taxes and OPERS (Ohio Public Employment Retirement System) or Police Pension. Any court ordered deductions, optional insurance coverage and Credit Union deposits may be made through payroll deduction. The amount withheld is determined by the number of exemptions you claim on the Government Form W-4 for Federal Income Tax and on Form IT-4 State of Ohio for State Income Tax. It is the employee's responsibility to be aware of withholdings and if there is a concern they are to contact the Fiscal Officer.

### **38.140 INSURANCE BENEFITS**

- (A) Health insurance coverage is provided for full-time employees and their dependents. Enrollment forms are available from the Fiscal Officer and shall be completed upon date of hire for insurance to become effective upon the first day of work.
- (B) The Village reserves the right to require employees to contribute a share of the cost of the insurance premiums based on market conditions and the Village's financial resources. Each Employee on the Villages Health Insurance shall contribute 10% of each individual's monthly premium per pay.
- (C) Health Insurance and employee group life insurance coverage, ends immediately upon separation from Village employment or upon the due date of the next premium payment unless otherwise negotiated.
- (D) Life Insurance – The Village provides a group life insurance policy (\$40,000) for each full-time employee and for each part-time employee who regularly works more than twenty (20) hours per week. Premiums will be paid by the Village.
- (E) Health Reimbursement Account- For each full time employee that participates in the Village's Health Insurance there is money put in the account for them. If an employee is on a single policy they get \$1,500.00, Employee + 1 \$1,750.00, Family \$2,000.00 per calendar year. When an employee joins the Village's Health Insurance the money will not be put in the HRA account until one year after their hire date. One year after their hire date the money will be prorated for that year and then the following they will get the full amount. If an employee does not use any of the HRA money in a year's time, the remaining balance will be rolled into the next year. An Employee can only carry a maximum balance in their HRA up to the said Employee's deductible amount for their Health Insurance.

### **38.150 WORKERS' COMPENSATION**

Every employee is covered by Workers' Compensation for injuries received while on duty. The coverage is in complete compliance with Ohio laws. The employee shall follow the instructions provided by the Village's Third Party Administrator for Worker's Compensation. Failure to promptly report an accident could endanger your eligibility for coverage for such accident.

### **38.160 UNEMPLOYMENT COMPENSATION**

Employees may be eligible to receive unemployment compensation according to the regulations of the State of Ohio. If you terminate employment with the Village before securing another position, you may contact the Department of Job and Family Services to determine whether you qualify for benefits.



### **38.200 TRAINING AND EXAM FEES**

- (A) The Village of Bellville will pay the cost of the training course and state examination fees leading to the granting of a Class I or Class II Water or Wastewater Treatment Operator's License, Water Distribution or Wastewater Collection License, Laboratory Technician's License not more than twice for those persons authorized and approved by the Administrator to seek these licenses.
- (B) In consideration of the payment of tuition and/or examination fees, and if the employee is successful in obtaining a license, the employee agrees that he/she will remain in the employment of the Village for a period of at least one (1) year from the date of issue of the license. If an employee leaves the employment of the Village voluntarily before the completion of this one-year period, he/she agrees to reimburse the full tuition and exam fees to the Village upon leaving Village employment.

### **38.210 GENERAL INFORMATION**

- (A) Promotions – Promotions are made from within the organization when it is both reasonable and prudent. However, it is in the Village's best interests to hire or promote the most qualified person available. Work experience, formal education and special training will be qualifying factors.
- (B) Bulletin Boards – The bulletin boards, located in various places in the Village Hall, are for your general information. Check bulletin boards daily and stay alert for notices of interest and of activities. Anything which would generally be considered obscene or contrary to the policies of the Village may not be posted on any bulletin board.
- (C) Personal Mail – Employees shall not have personal mail delivered to the Village Hall except upon approval by their supervisor. All mail addressed to and received by the Village will be considered business mail and may be opened by other Village employees.
- (D) Timesheets/Activity logs – Employees must maintain daily time sheets and activity logs as provided by the Village accurately documenting work start times and ending times as well as the nature of the work activities during each shift. These records must be reviewed and approved by the Department Supervisor prior to submission to the Fiscal Officer for payroll calculation. Incomplete time sheets or time sheets with major errors or omissions may result in a delay in calculation of a paycheck for the employee in question. Please make sure your time sheets are accurate and complete. Making alterations or entries on another person's time sheets is strictly prohibited and may result in disciplinary action up to and including dismissal. Falsification of your personal time sheet is strictly prohibited and may result in disciplinary action up to and including dismissal. (Approved Time/Activity sheets are attached in Appendix A)

### **38.220 REIMBURSABLE EXPENSES**

- (A) An employee authorized by the Mayor and/or Administrator to travel on official business may be reimbursed for the actual, reasonable, and necessary expenses incurred for lodging.
  - 1) All employees must have prior approval by the appropriate department head.
  - 2) The Fiscal Officer, Village Administrator and Chief of Police must have prior approval by the Mayor.
- (B) The maximum allowable reimbursement for meals is \$10.00 for breakfast, \$15.00 for lunch, and \$20.00 for supper, unless meal functions are included, in which case the actual cost of the meal function will be reimbursed.
- (C) A Village supplied vehicle shall be the preferred method for Village employees to travel on official Village business. When a Village vehicle is not available, employees will be reimbursed for use of their personal vehicle at the maximum rate which Internal Revenue Service allows as a business travel expense deduction for federal income tax purposes. Employees will also be reimbursed for actual necessary and reasonable miscellaneous expenses such as registration, tolls or parking.
- (D) Receipts for all actual expense must be secured and presented to your supervisor and/or Finance Director for approval of payment. Internal Revenue Service regulations will determine whether any reimbursement constitutes taxable or non-taxable income.
- (E) No reimbursements shall be made for the purchase of any alcoholic beverages. No alcoholic beverages may be consumed during the period that an employee is on the clock.

### **38.230 VILLAGE VEHICLES & EQUIPMENT**

The use of Village vehicles is intended for employees only. Under special or emergency conditions, the Mayor or Village Administrator may temporarily waive this regulation. Employees may not use MOTORIZED equipment belonging to the Village of Bellville for personal use.

- (A) Village owned tools and equipment that is NOT MOTORIZED may be borrowed for personal use with prior approval by the Administrator or the Mayor and approval by that department supervisor that would have normal control of such equipment. A request form must be filled out and approved prior to said use providing a complete list of any borrowed tools or equipment and the specific dates, times and locations they will be used. The employee accepts complete financial responsibility for any repairs or damage to such tools and equipment while they are being used for personal purposes.
- (B) The Village's insurance for vehicle and equipment and general liability does not extend coverage while Village equipment is being used for personal use.

### **38.240 DRIVING PRIVILEGES**

#### **(A) General regulations for employees.**

1. A Commercial Driver's License may be required for the operation of certain vehicles as required by State and Federal regulations. No employee may knowingly operate a motor vehicle in violation of these regulations.
2. The Village Administrator shall be notified within 30 days of a conviction for any moving traffic violation.
3. Village employees with a Commercial Driver's License shall notify the Motor Vehicle Licensing Agency within 30 days if you are convicted in any other state of any traffic violation (except parking).
4. All Village employees who drive any Village vehicles including police auxiliary members shall advise the Village Administrator immediately if his/her license is suspended, revoked, canceled or if you are disqualified from driving.
5. All full-time Village employees in the Street and Parks Departments and Water/Sewer Department shall have a Commercial Driver's License.
6. Village employees required to have a Commercial Driver's License shall take the test during regular business hours. If the test has to be taken after regular business hours the employee shall be compensated.
7. The Village will reimburse the employee for the fees required to obtain a Commercial Driver's License of the appropriate class and with only the endorsements needed for village employment under Chapter 4506, Revised Code, minus the fee that would be payable to obtain a driver's license under Chapter 4507, Revised Code. However, the fee shall be reimbursed by the employee if he/she does not stay with the Village as an employee for one year following the application for the license. The employee shall also reimburse the Village if his/her license is suspended, revoked, canceled or they become disqualified for any reason.
8. Village employees required to take a skills test to obtain a Commercial Driver's License shall be permitted to use the Village vehicle that pertains to the skill test he/she is taking.
9. Any employee holding a Commercial Driver's License who is convicted of any motor vehicle traffic control ordinance or statute violation in any type of motor vehicle and in any state or jurisdiction shall notify the Administrator of the conviction in writing within thirty (30) days. The written notice shall contain the driver's full name, license number, date of conviction, the specific offense for which the person was convicted; any

suspension, revocation or cancellation imposed whether the violation occurred in a commercial motor vehicle, the location of the offense and the employee's signature.

10. Violations of any of the above rules are subject to disciplinary action by the Village and possible suspension of your CDL by the State of Ohio.

11. The employee authorizes the Village of Bellville to run a driving record at a minimum annually or at the Employers discretion.

### **38.250 SAFETY**

- (A) It is the objective of the Village of Bellville to conduct all operations as safely as possible and to comply with all requirements of the Public Employment Risk Reduction Program and other applicable regulations. To accomplish this, the responsibility, authority and accountability for safe work practice is assigned to all supervisory personnel within their individual area of operations.
- (B) The Mayor may appoint a Safety Coordinator who will work with the Safety Service Committee of Village Council in developing safety policies, training programs and record keeping procedures.
- (C) The Village of Bellville will periodically offer safety education and training to Village employees and shall provide at least minimal safety equipment such as hard hats, protective eye wear, hearing protection, gloves for specific hazard protection, and other appropriate items. It is the responsibility of the department supervisor to alert the Safety Coordinator or Administrator of any safety equipment needs of his department and to instruct and direct Village employees within his/her department on the proper use of safety equipment and hazard avoidance.
- (D) Any employee of the Village of Bellville shall have the right to refuse to work in certain circumstances because of health or safety violations. If an employee is aware of such hazards in the workplace, he should notify his immediate supervisor of the nature of this hazard, and if he/she takes no action to correct this condition, the employee may file a written complaint with the designated Safety Coordinator or the Administrator. The Safety Coordinator and/or Administrator shall take appropriate action to address this hazardous condition or work practice within ten (10) days or a complaint may be filed with the State of Ohio Department of Industrial Relations, Division of Safety and Hygiene at 1-800-282-3045, Fax: 614-644-5707.
- (D) If a Village employee experiences a work-related accident resulting in injury or work-related illness, he/she should notify their immediate supervisor as soon as possible following the injury or illness so that an investigation may be initiated by the Safety Coordinator or Administrator into causes of the accident or illness. The investigation shall

document the nature of the injury or illness, all of the circumstances surrounding the incident and any determination made as to probable causes or contributing factors.

- (F) The Safety Coordinator shall meet periodically with the Administrator and Chief of Police and the Safety Committee of Village Council to review accident reports discuss work policy or practices and explain safety concerns, new laws, regulations and requirements to Council and the Administration. Safety needs and required funding should also be addressed to the Safety Service Committee of Council.

### **38.260 AUTOMOBILE COLLISIONS**

(A) In the event you are involved in a collision while driving a Village vehicle:

1. Call local law enforcement for a police report.
2. Obtain names and addresses of any witnesses, any injured person, driver of the other vehicle, and owner of the other vehicle.
3. Do not commit yourself as to responsibility.
4. Do not authorize any repairs to other vehicles.
5. Give the information in Number 3 above to the Mayor or Village Administrator. Prepare a written report of the collision and indicate the serial number, year and make of the vehicle. Promptness in reporting to the insurance company is important.
6. Prepare an accident report which should include (the Police Department has the appropriate forms):
  - a) Serial number, make and type of Village-owned vehicle;
  - b) Driver's name and home address;
  - c) Location, time and date of collision;
  - d) Name and address of person(s) involved or witnesses;
  - e) Name of law enforcement officer who visited the accident scene;
  - f) Name and address of owner and license number of other vehicle involved;
  - g) Nature and details of the collision.
  - h) If you have access to a camera, photograph damage to each vehicle involved.
7. If anyone was injured in the collision, or the damage to either automobile was in excess of \$1,000.00, you are required to file a Motor Vehicle Accident Report with the State of Ohio. The Police Department has the appropriate forms.

### **38.270 HANDLING CITIZENS' COMPLAINTS**

(A) Complaints are important to the Village administration, primarily because they indicate that the desired level of service to the community is not being performed. We, as employees of the Village, are called upon to handle many complaints, and the manner in which we handle them may have far reaching results. By ignoring a complaint, an already bad

situation may be aggravated; handled promptly and efficiently, the Village's public relations with the citizens are improved for the betterment of all.

- (B) When a citizen makes a complaint, it must be remembered; to them their problem is a real and important one, regardless of what you may think of it. It is our responsibility to treat the matter with this thought in mind.
- (C) When handling complaints, be polite and firm but never become angry or argue with the complainant, even if he/she is unreasonable, angry and insulting toward you and the Village. You should not take their comments personally – always say “we” instead of “I.”  
Some suggestions for handling an unreasonable person are:
  1. Let the person talk him out. After a complainant tells you what is on his mind, he/she may calm down and listen to what you have to say.
  2. In your friendliest manner, tell the complainant that you are sorry that he/she has not received the services they need; do not try to excuse or justify the actions of the Village or yourself.
  3. Offer to do what you can to solve the caller’s problems. If he wants to see the Mayor or Administrator tries to schedule this for them. This is no reflection on your own ability, and may go far in calming the complainant down.
  4. Assure the complainant of the good will of the Village, and when the conversation is ended, thank them for calling.
  5. Follow-up on all complaints defining the problem and what action was taken. Notify the appropriate Department supervisor of the nature of the complaint and the relative urgency to resolve the complaint. It is important that this stage be in written form in case reference is made to the problem at a later date.
  6. Finally, notify the complainant as to what action has been, or will be taken regarding their complaint.

### **38.280 PURCHASING (See Ord. 09-36 – Appendix B)**

### **38.290 DISPOSITION OF SURPLUS VILLAGE PROPERTY**

- (A) It is the policy of this Village that all property of the Village, including equipment, supplies, tools and certain saleable refuse is jointly owned by the residents of this Village.
- (B) Therefore, it follows that any property disposed of shall be done according to the laws of the State of Ohio and this policy of the Village of Bellville.
- (C) Any surplus tools, equipment, supplies and saleable refuse including but not limited to wood, wood chips, paving bricks, etc. shall be disposed of in accordance with the appropriate procedure.

- (D) In general, if the property or items to be disposed of has a market value in excess of \$1,000 (per the ORC 721, 15) the sale of such items shall first be authorized by an ordinance approved by Village Council. The sale shall be to the highest bidder by public auction or by sealed bid. This sale will take place after proper advertisement of at least two weeks in a newspaper of general circulation. The Village may also use the internet to post property listed for sale.
- (D) If the fair market value is less than \$1,000, the property may be disposed of by the Administrator by sale to anyone offering a fair and reasonable price for such property. Every effort shall be made to secure the best sale price for any property sold. Non-saleable items may be disposed of in any manner deemed appropriate by the Administrator.
- (E) All funds received from the sale shall be paid to the Fiscal Officer of the Village of Bellville with a proper receipt issued to the purchaser. With proof of purchase, proper arrangements for removal of the goods sold will be made with the Administrator or Mayor.
- (G) Disposal or removal of surplus goods, equipment or refuse by any officer or employee of the Village, except in conformance with this procedure, is a violation of Village policy and may be construed to be a violation of Ohio Ethics laws regarding an unlawful interest in a public contract or theft in office. An exception to this policy is provided to the Police Department for disposition of seized property or evidence which has been released from custody which may be disposed of in accordance with specific directives provided under the Ohio Revised Code.

### **38.300 TELEPHONE, CELLULAR and/or RADIO COMMUNICATION ASSIGNMENT and USE**

- (A) Personal calls during working hours on any Village telephone are discouraged; however, in the event of an emergency, calls will be accepted and the message delivered as quickly as possible.
- (B) The Village will provide and pay for a cellular device for the Utility Superintendent and the Village Police Chief. The Village will also provide and pay for a cellular device to be used as a patrol phone. The Mayor, Village Administrator, Utility Department Staff, Cemetery Sexton, and Cemetery Clerk will be given a monthly allowance towards their personal cell phones for using them for Village business in the amount of \$45.00 per month. Cellular/radio devices and pagers shall be issued only to those employees with a demonstrated need for these types of communication. Cellular/radio devices and pagers shall be requested only by authorized personnel within Departments. Employees who use a Village issued cellular/radio device agree to the following rules of use:

- (1) The use of a Village cell phone for personal calls is strictly prohibited. Department supervisors shall monitor the use of village telecommunications equipment and report any violations to the Fiscal Officer or Mayor.
- (2) Employees must safeguard any cellular/radio and pager equipment in their possession.
- (3) The loss, or damage, of any cellular/radio device or pager equipment shall be reported to the employee's supervisor immediately. If theft is suspected, the Police should also be notified immediately and a Police report must be completed.
- (4) Using their cell phone is prohibited while driving. Unless utilizing a "hands-free" speakerphone option, employees shall stop their vehicle as soon as safely possible before using a cellular/radio device.
- (5) Employees shall limit all cell calls to what is reasonably necessary to conduct Village Business.
- (6) When an employee no longer has a demonstrated need for the cellular/radio device or pager, or when the employee terminates employment with any Village department, that employee shall return any cellular/radio device and pager equipment to that department.
- (7) Costs that is associated with excessive and/or personal costs that are not reimbursed by the employee may be considered theft and will result in appropriate corrective action.
- (8) If an employee uses their personal phone to make personal calls, these calls shall be infrequent and of an emergency nature. Employees may bring camera phones into the workplace, but they are banned from using the camera feature except for official Village use.

### **38.310 VILLAGE CREDIT CARD POLICY**

- (A) Credit cards are for use only when purchase orders are not accepted by the Vendor or to facilitate out of town travel on Village business by employees or officials.
- (B) The Fiscal Officer is hereby designated as responsible for all credit card issues, including issuing to employees, collecting receipts, monitoring statements to compare to receipts, and reporting lost or stolen cards. The Fiscal Officer and the Mayor shall monitor the use of Village credit cards. The Finance Committee chairman shall review all credit card activity. Only cards with no annual fees will be acquired, and all accounts shall be paid within the grace period so no interest is paid. All credit cards shall be issued in the name of the Village of Bellville unless an individual must be designated.
- (C) Credit cards may only be used for Village purchases. Personal use, even if reimbursed, is never permitted. Cash advances are never permitted.
- (D) Lost or stolen credit cards must be reported immediately by the employee to the Fiscal Officer, who shall report to the issuer as soon as possible. Any cash back, discounts,

coupons, bonuses or other benefits derived based upon use of the credit card belongs to the Village, not to the employee.

- (E) Any violation of this policy is a basis for discipline up to and including termination and restitution if necessary.

### **38.320 DRUG-FREE WORKPLACE**

The Village of Bellville believes that it is important to provide a safe workplace for all of its employees. The Village is taking steps to address the problem of substance use that negatively affects every workplace, including ours. The Village is concerned with the health and well-being of all employees. Behaviors related to substance use can endanger all employees, not just substance users. We cannot condone, and will not tolerate, behaviors on the part of employees that relate to substance use and may be grounds for termination of employment, such as:

1. Use of illegal drugs or misuse of prescription drugs;
2. Misuse of alcohol;
3. Sale, purchase, transfer, trafficking, use or possession of any illegal drugs;
4. Arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected.

The Village is committed to maintaining a workplace free of illegal drugs as well as the use of all intoxicating or mind-altering substances.

- (a) The unlawful manufacture, distribution, dispensing, possession, or use of an illegal or controlled substance is prohibited in the workplace and during working hours.
- (b) The use of an illegal or controlled substance or alcohol prior to beginning work or during meal or break periods is prohibited.
- (c) Use of any illegal substance or abuse of a legal drug is prohibited. An employee is prohibited from being under the influence of alcohol or an illegal substance at work.
- (d) The possession or distribution of alcohol in the workplace is prohibited.
- (e) If a supervisor has documented reasonable suspicion to believe that an employee may have violated paragraphs (a) through (d), the employer may require the employee to undergo tests for the use of drugs or alcohol. The employee shall submit to the drug or alcohol testing immediately upon the request of the employer.
- (f) Failure to pass a drug or alcohol test may result in immediate termination of employment.

- (g) An employee who must use a prescribed medication during work hours that may impair his or her safety or the safety of others or may otherwise impair the employee's ability to perform his or her normal work duties shall so notify the supervisor or department head. The department head may then, at his discretion (1) place the employee on sick leave, (2) reassign the employee to duties posing no such risk, or (3) have the employee's ability to work without impairment evaluated by the employee's physician or a physician selected and paid for by the Village.
- (h) Any village employee involved in a motor vehicle accident or involving an accident while operating any motorized village equipment shall be subject to post accident testing for the possible influence of drugs or alcohol. At the discretion of the Administrator or Mayor testing will be conducted following the same protocol applied for random drug tests.
- (i) An employee who has been convicted of a violation of a criminal drug statute shall notify his or her department head no later than five days after such conviction. The Village may impose appropriate disciplinary action, up to and including termination for the first offense.
- (j) Storage of Test Results and Right to Review Test Results – All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated Village officials. The information contained in these files shall be utilized only to properly administer the Policy and to provide to certifying agencies for review as required by law. Designated Village officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. An employee may request from the Drug-Free Coordinator, in writing, presenting a duly notarized Employee Request for Release of Drug Test Results form, requesting that a copy of the test be provided. The Village will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.
- (k) Positive Test Results – Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.
- (l) Termination Notices – In those cases where substance testing results in the termination of employment, all termination notices will list “misconduct” as the reason. Termination shall be deemed “for cause.”

- (m) In order to ensure a drug free workplace, all applicants for full-time employment positions must submit to urine drug test. An employee-applicant is not required to submit to a urine drug test if:
- (1) The Village can verify that the employee-applicant has participated in a valid drug testing program within the proceeding thirty (30) days;
  - (2) While participating in that program, the employee-applicant was either tested within the past six (6) months or participated in a random selection program for the previous twelve (12) months; and
  - (3) No prior employer has knowledge that the employee violated any part of the regulations within the last six (6) months.

#### Random Drug Testing

- (a) The Mayor of the Village of Bellville shall conduct random drug and alcohol testing. The Village or its agents will submit all employees' names to a random selection system. The random selection system shall provide an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The Village shall drug test, at minimum, fifty percent (50%) of the average number of employee positions in a calendar year or at a higher rate established by the department of Transportation for the given year. Random selection by nature, may result in employees being selected for successive selection or more than once a calendar year. Alternatively, some employees may not be testing in a selected calendar year.
- (b) If an employee is selected at random for either drug or alcohol testing, a Village official will notify the employee. Once notified, the employee must ensure collection occurs as soon as possible but no more than four (4) hours after receipt of notification. If an employee engages in intentional conduct that does not lead to a collection within four (4) hours after notification, such conduct may be considered refusal to test and may be treated with the same consequence as a positive drug or alcohol test.
- (c) Consequences for a positive drug or alcohol test shall be the same as found in 38.320(1).

### **38.330 HARASSMENT**

- (A) The Village of Bellville is committed to maintaining a professional and collegial work environment. Harassment interferes with this desired environment because it is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the effect of creating an offensive, intimidating, or hostile environment, or interferes with or adversely affects a person's work performance.

(B) The Village will not tolerate harassment. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of their employment or at Village-sponsored functions.

(C) Sexual Harassment. Sexual harassment includes unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. It is Village policy to fully support enforcement of state and federal antidiscrimination laws which provide that sexual harassment is prohibited where:

- (1) submission to or rejection of such conduct by an individual is used as the basis for employment decisions (hiring, evaluating, promoting) affecting such individuals; or
- (2) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(D) 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; sexual jokes, flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; touching; pinching; assault; coerced sexual acts; suggestive insulting, obscene comments, or gestures; and display in the workplace of sexually suggestive objects or images.

(E) The Village will investigate all allegations of harassment and encourages reporting of all incidents as soon as possible, regardless of who the offender may be.

(F) In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that the harassment is not appropriate and will not be tolerated. A supervisor shall report harassment cases to his/her department head, who in turn, shall report the matter to the Mayor.

### **How to Report a Complaint:**

(1) The employee who believes that they are being harassed is encouraged to confront the individual and let them know the behavior is unwelcome and ask them to stop.

(2) If for any reason, a person being harassed does not wish to approach the offender directly, or if such action proves unproductive, then the employee should promptly report the conduct to his or her non-involved supervisor, department head, or the Mayor. If the accused offender is the Mayor, then the employee may contact the Law Director.

(3) All complaints will be handled in a timely and confidential manner. Anyone involved should not discuss the subject outside the investigation in order that the confidentiality of the employee who filed a complaint will be protected and to encourage the reporting of any incidents of harassment, as well as to protect the

reputation of any employee wrongfully charged with harassment. Confidentiality cannot be guaranteed, however, as applicable state and federal sunshine and freedom of information laws makes it impossible to maintain confidentiality.

(4) Protection Against Retaliation. No employee shall intimidate, coerce, threaten, retaliate or discriminate against any other employee for filing a complaint of harassment or for participating in the investigation of a complaint.

An employee may be guilty of abusing this process if the employee maliciously makes a false claim of unlawful harassment. Abuse of this process may subject an employee to disciplinary action up to and including termination.

### **38.340 ELECTRONIC MAIL, INTERNET AND COMPUTER USE POLICY**

- (A) Scope – This policy applies to the use of all Village-owned or leased computers, including desktop, laptop and other portable computers such as I-Pads, and also including cellular telephones (i.e. BlackBerry, Palm, Apple and other “smart phones” with text message capabilities as well as access to the internet, and the receipt, sending and storage of electronic messages, hereinafter referred to as “computer equipment and system.” This computer equipment and system is provided in order to allow Village employees to perform their duties more efficiently and may be used only in full compliance with this policy.
- (B) Purpose – The purpose of this policy is to ensure the proper, acceptable use of the Village’s computer equipment and system. The Village reserves the right to amend this policy at its discretion. Internet, e-mail or online services users expressly waive any right of privacy in anything they create, store, send or receive on the village’s computer system. The Village may at any time or from time to time and without notice monitor internet, e-mail or online services usage without prior notification. If there is evidence of violation of this policy, the Village may initiate disciplinary action, including termination and/or legal action. This policy does not grant the employee any contractual rights.
- (C) Requirements – The computer equipment and system are business tools. Users are obliged to use these tools in a responsible, effective and lawful manner and in accordance with this policy. The following rules are hereby created by the Village and are to be strictly adhered to:
1. The computer equipment and system are intended to be used primarily for Village business purposes. Uses which involve solicitation or are associated with any outside for-profit business activities or activities which could potentially embarrass the Village are strictly forbidden.

2. Employees shall not use the computer equipment and system for operating an outside business for personal gain, sending chain letters, forwarding non-Village related e-mails, soliciting money for religious, political or any other cause, or visiting social networking sites such as Facebook or Twitter. An exception is granted to Police Officers during the conduct of a specific investigation.
3. Employees shall not use the computer equipment and system to transmit or download material that is offensive, obscene, pornographic, threatening, or racially or sexually harassing.
4. Employees shall not use the computer equipment and system to make unauthorized entry or illegal entry into any part of the Village's computer which the employee is not authorized to access.
5. Employees shall not use the computer equipment and system to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws.
6. Employees shall not use the computer equipment and system to gain access to confidential information except as part of the employee's job responsibility. Employees shall not use these services to provide access to public information without following the existing rules and procedures of the Village and/or the Ohio Revised Code for dissemination.
7. Employees shall not use an internet, e-mail or online services account or signature line other than their own, nor shall any employee disguise or attempt to disguise the source of an e-mail sent.
8. Employees shall take all reasonable precautions to prevent the inadvertent dissemination of anyone else's information via the internet, e-mail or online services.
9. The computer equipment and system are subject to limitations as imposed by this policy to prevent excessive or improper use. Although the computer equipment and system are meant for business use, the Village allows occasional personal usage if it does not interfere with work. However, all messages distributed or received via the Village's e-mail system are the Village's property.
10. Employees are also reminded that access to and use of the internet, including communication by e-mail, is not confidential.
11. Employees shall not delete an e-mail message which constitutes a public record that has not met or exceeded the appropriate retention period as set forth by the Village Records Commission unless printed and retained. E-mails that are strictly of a personal or incidental nature and having no administrative necessity, and not defined as a Public Record may be periodically deleted.

12. Employees are reminded that deleted e-mails can still be recovered by the Village.
  13. Employees shall not engage in unauthorized interference or tampering with any hardware device which is used within the system or in the connection to an outside network, shall not delete any browsing history or cookies, and shall not add any hardware or software, including screen savers, without approval.
- (D) Records Management and E-mail Retention – E-mail and/or online services are a means of transmission of messages or information and are considered a record if they meet the criteria of Ohio’s public records laws, Ohio Revised Code Section 149.01.1(G). The content of e-mail or online services messages will vary considerably, and therefore this content must be evaluated to determine the length of time the e-mail must be retained. Scheduling and retaining e-mail or online services messages shall be established by the Village Records Commission.
- (E) Encryption – Users may not encrypt any e-mails, except in PDF where appropriate, without obtaining written permission from the Village.
- (F) Avoidance of Confidential Information – Because e-mail and/or online services transmissions are public records, they should not be used to discuss questions of liability or any matters that could or do involve potential, threatened or pending claims or lawsuits against the Village. Certain confidential communications between the Police Department and the Law Director or another attorney may be exempt from Public Records Law under attorney/client privilege or under Section 149.43 of the O.R.C.
- (G) Viruses – Computer viruses are more and more prevalent in today’s world. They can cause considerable damage to a computer or entire network. An infected computer may not be readily identified, even though damage may be occurring. The utmost care must be taken in adhering to strict anti-virus precautions. These include:
- (1) Do not use or exchange disks or diskettes with other outside computers, including an employee’s home computer.
  - (2) Do not download programs from the internet or electronic bulletin boards without express approval.
  - (3) Do not activate programs that have been attached to an e-mail message unless necessary to carry out Village business and received from a reliable source.
  - (4) Do not open e-mails from unknown or suspicious sources. Seek technical assistance whenever necessary to avoid infection of the Village system with a virus.

### **38.350 DISCIPLINE AND GRIEVANCES**

- (A) An employee may be disciplined for just cause which includes incompetence, inefficiency, dishonesty, alcohol/drug abuse, immoral conduct, insubordination, neglect

of duty, conviction of criminal charges, misfeasance (improper performance), malfeasance (misconduct), or nonfeasance (failure to act), violent conduct, violation of Village policies and procedures or an accumulation of minor infractions.

(B) The following may be considered in determining appropriate discipline:

- (1) Seriousness of incident
- (2) Circumstances surrounding the incident
- (3) Employee's disciplinary history with Village
- (4) Overall negative impact of incident on the organization
- (5) Probability of future similar infractions
- (6) Other pertinent factors

(C) The following types of disciplinary action may be administered:

- (1) Verbal Reprimand,
- (2) Written Reprimand,
- (3) Suspension without Pay,
- (4) Demotion,
- (5) Termination.

(D) Disciplinary action should be initiated at the immediate supervisory level. Disciplinary cases shall be discussed with and approved by the Mayor and Village Solicitor prior to taking disciplinary action.

(E) A copy of all recommended disciplinary actions shall be sent to the Fiscal Officer for inclusion in the employee's personnel file following disciplinary action.

### **38.351 PRE-DISCIPLINARY CONFERENCE**

(A) All disciplinary action involving reduction, suspension or removal of any employee shall be subject to a pre-disciplinary conference before the Mayor prior to formal disciplinary action. The Fiscal Officer or the Village Administrator will be asked to serve as a witness in this process.

(B) At this pre-disciplinary conference, the employee is entitled to have a representative or an attorney present at his/her own expense to respond to the notice of the charges Against them and a statement of the evidence supporting the charges. An employee shall be granted an opportunity to respond in person, or through an attorney, or in writing to any charges.

(C) Within fourteen (14) days following the pre-disciplinary conference, the Mayor shall implement the appropriate disciplinary action, and will issue a final written decision to the employee. In matters of discipline of Police Officers, the procedures of the Ohio Revised Code shall be followed.

### **38.352 APPEALS FROM DISCIPLINARY ACTIONS**

Appeals from disciplinary actions may be taken in accordance with, and to the extent provided by the Ohio Revised Code. **This policy does NOT grant or authorize any right of appeal not otherwise granted by the Ohio Revised Code.**

### **38.360 MISCELLANEOUS POLICIES**

#### **A) EMPLOYEE WORK AREAS, LOCKERS, CABINETS AND VEHICLES**

In order to maintain security and to operate efficiently, Village management reserves the right to have complete access to all Village work areas, property, offices, and equipment. Accordingly, employees who store personal items in Village-owned lockers, desks, cabinets, storage areas, or vehicles do so at their own risk and should have no expectation of privacy for items maintained in these areas.

#### **B) PERSONNEL FILES**

- (1) The Village shall maintain official personnel files for all employees.
- (2) Under current Ohio public records law, the Village cannot assure absolute confidentiality of these records.
- (3) Employees must advise their department head, Administrator, Chief of Police, or Fiscal Officer, as appropriate, of any change in name, address, marital status, telephone number, and any other pertinent personnel-related information.
- (4) An employee shall have a right to inspection of their own personnel files.

#### **C) EMPLOYMENT-RELATED REFERENCE CHECKS**

All requests for a reference for a current or former employee, whether in writing or by telephone, shall be referred to the Mayor or Chief of Police. No other employee shall respond to any request for a reference or other information regarding the work performance of a current or former employee.

#### **D) TOBACCO POLICY**

- (1) Employees shall not smoke or use smokeless tobacco products while on duty unless they are on break and remain in a designated smoking area.
- (2) Employees are not permitted to smoke or use smokeless tobacco products while in any Village owned vehicle or facility.

### **38.370 RESIGNATION AND DISCHARGE**

- (1) Should an employee wish to resign and the Village requests sufficient notice to fill the vacated position. For clerical and non-professional positions, this will be two week's notice which does not include scheduled time off; for professional and supervisory personnel this will be a minimum of one (1) month. Final paychecks will be issued on the next scheduled

pay day following the last day worked.

- (2) Employees who are discharged will be notified of such discharge in person by their immediate supervisor and/or the Mayor. The Employee shall be asked to turn in all Village Property and to leave their workplace immediately after termination. No advance notice of discharge, or salary in lieu thereof, will be given the employee whose conduct jeopardizes the work of the Village. Should it become necessary to discharge an employee, his/her check will be ready on the next payroll processing date after discharge, and will only be issued upon surrender of all Village owned property, uniforms or equipment.

### **38.380 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of these rules and regulations is found to be illegal, such findings shall not affect the validity of the remaining portions of these rules and regulations. In the event of a conflict between any sections of these regulations, or with another village ordinance, the Village Solicitor will determine which regulations take precedence.