

ORDINANCE NO. 08-02 AC CMS

AN ORDINANCE APPROVING CERTAIN AMENDMENTS TO THE CITY OF OBERLIN HUMAN RESOURCES POLICY MANUAL TO COMPLY WITH DEPARTMENT OF LABOR DIRECTIVES AND RECENTLY ENACTED CHANGES TO STATE PUBLIC RECORDS POLICY AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That there is hereby added a Section 1, paragraph 9, entitled "Public Records Policy" to the City of Oberlin Human Resources Policy Manual, which shall read in accordance with Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. That Section VII, Paragraph 3, entitled "Family and Medical Leave" of the City of Oberlin Human Resources Policy Manual is hereby amended to read in accordance with Exhibit B attached hereto and incorporated herein by reference.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to approve modifications to the City of Oberlin Human Resources Policy Manual as soon as possible in order to timely comply with U.S. Department of Labor and State of Ohio directives", and shall take effect immediately upon passage.

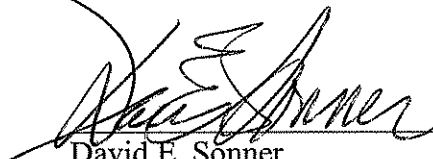
PASSED: 1st Reading: January 08, 2008 (E)
2nd Reading:
3rd Reading:

ATTEST:



Belinda B. Anderson

CLERK OF COUNCIL



David E. Sonner

PRESIDENT OF COUNCIL

POSTED: 01/08/08

EFFECTIVE DATE: 01/08/08

Exhibit A
Ordinance No.08-02 AC CMS

CITY OF OBERLIN, OHIO
PUBLIC RECORDS POLICY

Introduction:

It is the policy of the City of Oberlin, Ohio, that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of Oberlin, Ohio, to strictly adhere to the state's Public Records Act.

Section 1.Public Records

The City of Oberlin, in accordance with the Ohio Revised Code, defines records as including the following: Any document - paper, electronic (including, but not limited to, e-mail), or other format - that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the City of Oberlin that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy).

Section 2.Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requester of the manner in which the City office involved keeps its records.

Section 2.2

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the City's general policy that this information is not to be requested.

Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately, if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see above) or be acknowledged in writing by the City within five (5) business days following the City's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:

- An estimated number of business days it will take to satisfy the request.
- An estimated cost if copies are requested.
- Any items within the request that may be exempt from disclosure.

Section 2.5

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3.Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The charge for paper copies or City supplied compact discs shall be in accordance with the City's current fee schedule, a copy of which is on file with the City Clerk.

Section 3.2

There is no charge for documents e-mailed.

Section 3.3

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4.E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City of Oberlin are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the City's records custodian.

Section 4.2

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with Public Records Act.

Exhibit B

Ordinance No.08-02 AC CMS

3. Family and Medical Leave

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General Provisions

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Employees who have been employed for at least twelve (12) months, and who have worked for at least 1250 hours during the preceding 12-month period are eligible for unpaid Family and Medical Leave.

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If a leave is requested for an employee's own serious health condition, or for the serious health condition of an immediate family member of the employee, the employee must use all of his/her accrued sick leave and accrued vacation prior to taking Family and Medical leave on an unpaid basis.

Reason for Leave

Reasons for a Family and Medical Leave, which can accumulate up to twelve (12) weeks on a rolling twelve (12) month basis, are:

- to care for a child born to or placed for adoption or foster care with an employee.
- a serious health condition of the employee.
- to care for an employee's parent, spouse or child with a serious health condition.

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Notice of Leave

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Employees anticipating a leave must provide notice to the City at least thirty (30) days before the leave is expected to begin. If the leave is anticipated to begin in fewer than thirty (30) days, the employee must notify the City as soon as is practical.

In all cases, an employee requesting leave must fill out an "Application For Family and Medical Leave" form, available from the Payroll Coordinator, and return it to his/her department head. The department head will then provide the application to the appointing authority and the City Auditor for approval.

Medical Certification

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The City may require the employee requesting an anticipated leave for a serious health condition of the employee or the employee's family member, or an employee on leave for a serious health condition of the employee or the employee's family member, to submit a completed "Medical Certification Statement".

Employer Response to Notice of Leave

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Once the employee has provided proper notice of the need for leave to the

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City, the City will respond within two (2) days with an "Employer Response to Employee" form, which may contain conditions under which the leave will be granted, such as the timely submission of a completed "Medical Certification Statement". The Finance Director or Payroll Coordinator will coordinate this response in conjunction with the department head and respective appointing authority.

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Benefits Coverage During Leave

During a period of family or medical leave, an employee will be retained on the City of Oberlin's health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that he/she made before taking leave.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the City of Oberlin for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or due to circumstances beyond the employee's control. An employee shall not be entitled to the accrual of any seniority or employment benefits (i.e. paid Holidays, paid vacation accrual, etc.) while on unpaid leave. An employee while on family and medical leave will not lose seniority or employment benefits that accrued before the date the leave began.

Restoration of Employment

An eligible employee returning from a Family and Medical Leave will be restored to his/her most recently held position or an equivalent position in terms of pay, benefits, and other terms and conditions of employment, as determined by the City.

Return from Leave

If an employee is able to return to work prior to the anticipated expiration of the leave, the employee may be required to notify his/her supervisor at least two (2) working days prior to the planned return date.

An employee whose leave was necessitated by his/her own serious health condition may be required to provide a fitness-for-duty certification from his/her health care provider prior to returning to work.

Failure to Return from Leave

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The failure of an employee to return to work upon the expiration of a Family and Medical Leave will subject the employee to immediate termination unless an extension is granted. The City, at its sole discretion, may grant additional one (1) month extensions of leave, to a maximum of three (3) extensions, for a total of three (3) additional months, under the same terms and conditions as the original leave. Extensions must be requested in writing. The request must be made as soon as the employee knows that he/she will be unable to return at the expiration of the leave period.