

# CITY OF OBERLIN, OHIO

## ORDINANCE 17-54 AC CMS

### AN ORDINANCE APPROVING AMENDMENTS TO THE CITY OF OBERLIN EMPLOYEE POLICY MANUAL AND DECLARING AN EMERGENCY

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

SECTION 1. That Section 1 of Employee Benefits as it relates to the authority of the Appointing Authority to award days of vacation as a recruitment tool for FLSA-exempt employees is hereby amended to read as follows:

<u>Length of Service</u>	<u>Vacation</u>
After 1 year of service	15 days
After 15 years of service	20 days
After 25 years of service	25 days

As a recruitment tool for FLSA-exempt employees, the respective Appointing Authority may *make such adjustments to the length of service requirements as he or she shall deem to be appropriate under the circumstances.*

SECTION 2. That Section 3 of Employee Benefits as it relates to the observation of holidays is hereby amended to read as follows:

### 3. HOLIDAYS

The City will observe the following Holidays:

New Year's Day	Labor Day
Martin Luther King Day	<i>Indigenous Peoples' Day</i>
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas

SECTION 3. That all other provisions of said sections not expressly amended herein shall be preserved.

SECTION 4. 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.

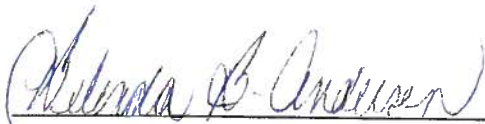
SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department to wit: to amend the City of Oberlin Employee Policy Manual to implement the directive of Council as set forth in Resolution No. R17-10 which became effective on September 20, 2017 and to confer upon the Appointing Authorities the flexibility necessary to attract and recruit top-tier candidates for the appointed positions within their respective departments and shall take effect immediately upon passage

PASSED: 1st Reading: November 6, 2017 (E)

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

ATTEST:



BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

POSTED: 11/07/2017

EFFECTIVE DATE: 11/06/2017

# **CITY OF OBERLIN**

## **EMPLOYEE**

### **POLICY MANUAL**



**Adopted by Oberlin City Council  
Ordinance No. 03-75 AC CMS  
Effective October 7, 2003**

**As Amended:**

- Ord. # 04-07; Effective Jan. 20, 2004**
- Ord. # 04-43; Effective June 7, 2004**
- Ord. # 07-15; Effective Jan. 16, 2007**
- Ord. # 08-02; Effective Jan. 7, 2008**
- Ord. # 10-85; Effective February 2, 2011**
- Ord. # 13-70; Effective December 16, 2013**
- Ord. # 15-16; Effective April 6, 2015**
- Ord. # 15-26; Effective June 15, 2015**
- Ord. # 17-54; Effective November 6, 2017**

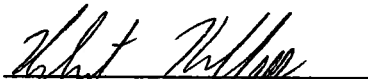
Dear City of Oberlin Employee,

The City of Oberlin has established a positive reputation for providing our community with excellent municipal government services. This reputation is owed in large part to the quality of people who are employed by the City, and their high standards of performance.

To help assure employee success, we have developed a comprehensive program of employee policies and benefits that are summarized in this publication. Employees are expected to read this manual, abide by its terms and use it as a reference.

Our continued success in providing excellent service to the community depends on how well we work as a team in communicating with and supporting each other. Each person is expected to treat one another, our residents and visitors with dignity and respect in accordance with the public trust placed in each of us. Your suggestions for improving processes and procedures are always welcome.

If questions arise concerning interpretation of these policies and procedures, please speak with your supervisor. Thank you for your cooperation and the quality service you provide to the City of Oberlin.

  
Rob Hillard  
City Manager

  
Jon D. Clark  
Law Director

  
I. Salvatore Talarico  
City Finance Director

  
Belinda B. Anderson  
Clerk of Council

**CITY OF OBERLIN  
EMPLOYEE POLICY MANUAL  
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NOTE: Policies and procedures referenced, but not contained, within this manual can be obtained from your supervisor, the HR Department, or the City of Oberlin website ([www.cityofoberlin.com](http://www.cityofoberlin.com)).

## **General Provisions**

### **1. Purpose**

The purpose of this manual is to set forth the policies and procedures that will be followed by the City of Oberlin in the administration of its Human Resources program. The City's policies and procedures are intended to establish an efficient, equitable and functional system of Human Resources administration based on merit principles which govern employee selection, promotion, transfer, layoff, dismissal, discipline and other conditions of employment.

The information contained in the City of Oberlin Employee Policy and Procedures Manual has been prepared as a management guide to general human resource methods at the City of Oberlin. If anything has been stated that is different from actual provisions of benefit plan documents, the actual provisions will govern.

The policies and procedures contained in the manual may be changed from time to time, at the City's discretion for any reason, with or without notice. The policies and statements contained in the manual, as in other provisions that may be modified or added from time to time, are not direct or implied contractual commitments between the City of Oberlin and its employees with respect to duration of employment, level of compensation, or any other terms or conditions that are a part of the employment relationship. It does not promise that the policies mentioned will be applicable in any given instance.

For those who are at-will employees, the policy manual does not change the employment-at-will relationship in any way. Employees who fall under the provisions of an executed Collective Bargaining Agreement, or the City of Oberlin Civil Service Rules, shall be guided by relevant provisions regarding the employment relationship.

The policy manual is not an employment contract and does not provide any enforceable contractual rights to the employee with respect to his/her terms or conditions of employment. Neither these guidelines, nor any written or oral policies, practices or procedures which may develop from these guidelines create either an express or implied employment contract.

### **2. Scope**

This manual is prepared for all employees of the City of Oberlin. **For employees who are covered under collective bargaining agreements or the Civil Service Commission Rules, the provisions in those agreements/documents will prevail.** Specific department rules and standard operating procedures that have been reviewed and approved by the Appointing Authority will also prevail (see section 4 below).



### **3. Administration and Approval**

The City's Appointing Authorities (or his/her designee), shall be responsible for the overall administration of these policies and procedures, the City's Human Resources Administrator (HRA), shall serve as the City Manager's designee. City Council approval may be required for some of the policies referenced herein.

### **4. Department Policies and Procedures**

Individual Department Directors have the right to establish certain policies and procedures that are unique to the department, and if reviewed and approved by the Appointing Authority, they are given the same weight as if they were contained in this manual.

## **Responsibilities for Managing Information and Serving the Public**

### **1. Contact with the Public**

The City of Oberlin's employees will, at all times, treat the residents of Oberlin and the general public with patience, courtesy, dignity and respect.

Beyond acts that are obviously illegal and/or unethical, any behavior that is not conducive to properly and effectively serving the citizens of Oberlin is prohibited, and may be subject to corrective action.

In addition, the City of Oberlin and its employees will make every effort in dealings with the general public to make reasonable accommodations for persons with disabilities.

While employees are encouraged to be helpful and courteous to the public, responses to requests for information should comply with the *City's Public Records Policy*, as amended, which is available in the City's Clerk's Office. Questions about the City's policy should be referred to the employee's supervisor.

### **2. Contact with City Council**

All employees are expected to respond to requests from City Council through the appropriate Appointing Authority in a timely manner.

Neither City Councilmembers nor Board or Commission members can act directly to resolve employee concerns or issues. Thus, employees are encouraged to use steps under the section covering "*Problem Solving*" of this manual to address and resolve issues and concerns.

### **3. Contact with the Media**

Representatives of the media who are seeking information or opinions concerning pending legislation, litigation, or other matters of apparent interest to the general public may contact City of Oberlin employees from time to time. Any requests for non-routine information from media representatives must be immediately referred to the appropriate Department Director and be reported to the Appointing Authority. It is important that the media be provided accurate and timely information. Accordingly, in the context of City government business, employees should not initiate contact with the media unless assigned as his/her responsibility by an Appointing Authority.

### **4. Release of Information and Public Records**

It is the policy of the City of Oberlin that openness leads to a better informed citizenry, which leads to better government and better public policy. The City of Oberlin policies and practices regarding release of information and public records adhere to the State of Ohio Public Records Act and employees receiving requests for public records should refer and adhere to the City's *Public Records Policy*.

All requests for information regarding the plans or business affairs of the City, or the personal and/or business affairs of its employees, except routine matters relating to day-to-day operations, shall be immediately referred to the Department Director or Appointing Authority. Employees are prohibited from releasing such information without specific authorization of the Department Director or as may be authorized by departmental policies and procedures.

## **Employment Policies and Procedures**

### **1. Equal Employment Policies**

The City of Oberlin's policy is to employ and treat all employees and employment applicants without discrimination on the basis of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, marital status, military veteran status, political beliefs or affiliation, or any other legally-protected attribute.

The City will comply with all local, state and federal laws relating to equal employment practices.

The City of Oberlin's policy on non-discrimination applies to all levels of employment and personnel policies, including but not limited to the following: advertisement, recruitment, selection, promotion, demotion, transfer, compensation, benefits, work assignments, layoff and return from layoff, termination, training, retirement,

and City-sponsored educational, social and recreational programs.

Questions and concerns should be addressed to the employee's supervisor, Department Director, or to the Human Resources Administrator (HRA), who serves as the City of Oberlin's EEO compliance officer.

## **2. Methods of Appointment**

City vacancies shall be filled either by original appointment, promotion, reassignment, transfer, demotion, or re-employment, and shall require submission of an application. Police officers, fire fighters, except as provided otherwise by ordinance of City Council, and civil service non-exempt competitive class positions shall be filled by competitive testing.

In case a vacancy must be filled immediately, the Appointing Authority may make an interim, temporary appointment, for a period of no longer than ninety (90) days; additional periods of temporary appointment, not to exceed ninety (90) days, may be granted only through written agreement and approval of the Appointing Authority. During the period of such interim appointment, the recruitment and selection processes will proceed (refer to *Recruitment Guidelines* document).

No person shall hold more than one City of Oberlin position at the same time without prior approval of both Department Heads (if applicable) and the respective Appointing Authority(ies).

## **3. Types of Appointments**

Employees shall be appointed to one of the following classifications in consultation with the respective Appointing Authority or the HRA:

(a) Regular full time: A position which requires working a full department schedule per week, which is generally between thirty-five (35) and forty (40) hours per week. Regular full-time positions will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act. These positions may or may not fall under provisions of one of the City's collective bargaining agreements.

(b) Regular part-time: A position which requires consistently working a part-time schedule, which is generally between twenty (20) and thirty-four (34) hours per week and which is not classified as an intermittent, seasonal or special classification. Regular part-time employees will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act.

(c) **Limited Part-Time:** A position which requires working a limited schedule, of generally nineteen (19) or fewer hours per week, on a regular or irregular basis, and is typically performing work associated with a particular project, season or recreational activity. Limited part-time positions may be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act, and are not represented by a bargaining unit. Appointments to limited part-time positions may run consecutively from one season to the next, and an employee may work in multiple limited part-time positions consecutively.

(d) **Intermittent/Seasonal/Special:** A position which requires working either a full-time, part-time or variable schedule, and requires working to complete special projects where additional resources are required, to cover fluctuations in work, to fill vacancies for employees absent from the workplace or to fill other employment needs that may arise. Intermittent/Seasonal/Special positions may be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), and may be paid on various pay schedules, including piece rate, depending on their job duties, in accordance with the Fair Labor Standards Act.

All required payroll forms must be completed and submitted to the Finance Department and employee orientation administered by respective Appointing Authority or designee at the start of employment with the City.

In situations where an employee retirement or resignation can be anticipated or planned for, a position may be filled, with the approval of the Appointing Authority, up to several months early to allow for education and training for the individual replacing the departing employee.

#### **4. Present Employee Consideration**

When a City position becomes vacant, the City may initiate both internal and external recruitment processes simultaneously. Supervisors should refer to the *Recruitment Guidelines*.

#### **5. Employment of Relatives**

The City of Oberlin permits the employment of qualified relatives of employees, of the employee's household or immediate family as long as such employment does not create actual conflicts of interest. That is, the intent is that no employee is permitted to work within the "chain of command" of one's relative and be in a position of influence over the work responsibilities, salary, schedule, career progress, benefits or other terms and conditions of employment. For purposes of this section, "relative" is defined as a spouse, child, parent, sibling, grandparent,

grandchild, aunt, uncle, first cousin, corresponding in-law, “step” relation, or any member of the employee’s household.

The City will use sound judgment in the placement of related employees in accordance with the following guidelines:

- There will be no direct reporting or supervisor to subordinate relationship allowed
- No relatives of Department Directors will be permitted to work within the chain of command of his/her department
- No relatives of City Council Appointees or the Human Resources Administrator will be a permitted to work in any department
- Employees who marry or become part of the same household while employed are treated in accordance with this policy and may be transferred at the earliest practicable time
- No relatives of City Councilmembers shall be hired by the City during that Councilmember’s term in office.

The only exceptions to this policy are pre-existing situations which are grandfathered in and may remain in place as long as the employees are retained by the City in those employment positions. Once an employee is transferred or separated from employment, these pre-existing situations are no longer permitted.

## **6. Length of Service/Anniversary Dates**

The employee’s anniversary date is defined as the date an employee reports to work following appointment to a regular full-time or regular part-time position with the City. The anniversary date is important in relation to any type of merit pay consideration, certain benefits and paid vacation. Specific application of anniversary dates and length of service information are covered in other sections of this manual.

## **7. Immigration Requirements**

Federal law requires that all individuals who become employees of any organization be authorized to work in the United States. Upon hiring, every individual will be required to submit documentation to prove his or her authorization to work in accordance with relevant federal regulations.

## **8. New Employee Orientation**

To help each employee get off to a good start in his/her employment with the City of Oberlin, a “New Employee Orientation” will be provided. This orientation will include a range of information, administrative matters, and personal introductions.

## **9. Probationary Periods**

The probationary period shall be utilized as an opportunity to observe a new employee's work, to train and aid the new employee in adjustment to his/her position, and to terminate any new employee whose work performance fails to meet required work standards.

All new exempt and non-exempt employees shall serve a twelve (12) month non-contestable probationary period. A newly hired probationary employee may be terminated at any time, with or without cause, during the probationary period.

Supervisors shall observe the employee's work performance and counsel any probationary employee whose work performance is marginal or inadequate. Supervisors shall document said counseling and any deficiencies.

Promotional employees placed internally shall serve a probationary period of up to 12 months in the new position. Such promotional appointees, at the discretion of the Appointing Authority, who exhibit inadequate performance during the probationary period, may be placed in another position, subject to a 12 month probationary period in the new position.

## **10. Layoffs/Bumping**

The Appointing Authority may lay off any employee without prejudice due to lack of funds, curtailment of work or abolishment of a position. At the discretion of the Appointing Authority, employees shall be laid off in reverse order of anniversary date unless there are compelling operational needs. No regular full-time employee will be laid off while there are newly-hired probationary or intermittent employees working in the same or related classes of positions in that department, unless the probationary employee is applying a special and unique skill set, or the intermittent employee is working on a unique project for which training another individual is exceptionally costly or time-consuming.

An employee who is to be laid off may choose to return to a previously held lower classification position and cause an employee in that class to be laid off instead, provided the employee's performance evaluation was acceptable while in that lower classification and length of fulltime service with the City is longer than the employee being bumped. The bumped employee may then exercise his/her bumping rights also. In order to maintain sound and efficient service delivery to our residents, there may be exceptions made to the bumping policy, in cases where the person under consideration for bumping is applying a special and unique skill set or is working in a position or on a project for which training is exceptionally costly or time-consuming.

To the extent provided by the Ohio Revised Code, an employee who is laid off may

retain reinstatement rights for up to one year. Questions concerning reinstatement rights should be directed to the respective Appointing Authority.

## **11. Resignations/Retirement/Separation from Service**

An employee who resigns from the City is expected to present a letter of resignation to his/her supervisor, including reason for leaving, at least two (2) weeks prior to his/her departure. Department Directors are encouraged to provide at least 30 days notice of resignation.

Employees may retire pursuant to the provisions of the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund. Retirement counseling is available through the employee's respective Pension Board.

In the event a non-probationary employee is involuntarily terminated, the employee will be provided with an opportunity for a final hearing, in accordance with applicable law.

Prior to final separation, it will be the supervisor's responsibility, in collaboration with the HRA, to see that all administrative matters of the retirement, separation or resignation, including the return of City property, computer access and an exit interview, are managed in a timely and appropriate manner.

## **Hours of Work/Attendance**

### **1. Hours of Work**

Regular hours of work for full-time employees consist of 37.5 or 40 hours per week as assigned by the Appointing Authority at the time of hire. Fire Department hours of work will be in accordance with the applicable requirements of the Fair Labor Standards Act. Hours of Court employees are subject to the Municipal Court Judge.

### **2. Attendance Recording**

In order to insure accurate reporting of an individual's time for payroll purposes and attendance record maintenance, each exempt employee is required to complete a *Bi-Weekly Leave Report*, and each non-exempt employee is required to complete a *Time Sheet*, or other approved documentation, in a timely and accurate manner (in accordance with the forms and deadlines established by the Finance Department), including employee signature and supervisory approval and signature.

### **3. Work Schedules**

Work schedules shall be determined by the Department Directors for employees in

their departments, subject to the Appointing Authority's approval and may vary to meet a department's unique needs. Work schedules shall be arranged to meet the needs of the City.

Use of "flex time" is permitted in accordance with the FLSA by exempt and non-exempt personnel. Flex time practices must be pre-approved by the Appointing Authority and specific situations must be approved by the employee's supervisor. Use of flex time may not be approved if absence from work will cause impairment to the performance of the department or the City.

Appointing Authorities may permit employees to occasionally work from home, in lieu of regular work hours, where circumstances are deemed appropriate for an employee to be compensated for performing assigned responsibilities while working at home. Working from home requests must be pre-approved following the determination that all or significant components of the work can be done at home, operational needs of the department are met, and the work is considered official City business. In all cases while working from home, employees may be requested to provide additional documentation of work records, as deemed necessary by their supervisor. The employee must adhere to the *Work From Home Policy*.

Alternative work schedules may be approved by Appointing Authorities when customer service needs, weather, or other circumstances dictate modified schedules.

#### **4. Attendance and Tardiness**

Regular and punctual attendance at work is required of all employees. If an employee will be detained or unable to report for work, he/she must notify the department, within times and in accordance with the procedures established by the employee's department.

#### **5. Break and Lunch Periods**

Each employee is normally entitled to two (2) fifteen (15) minute breaks per assigned work period, and shall be taken separately. Breaks are subject to the discretion and approval of the Department Director, depending on but not limited to staffing levels, level of work and temporary fluctuations in workload. Break periods must be used as assigned and cannot be accumulated nor used in conjunction with start or stop work times or lunch times. Lunch breaks, which shall be unpaid, shall be either one-half hour or one hour in length, depending upon departmental rules, and should not be used in conjunction with start or stop work times or other breaks unless approved by the Department Director on a limited basis.



## **Classification, Performance Evaluation, and Compensation**

### **1. The Classification Plan**

A position classification plan is in place to provide a basis for evaluating positions, assigning a pay grade to each position, and insuring that individual employees are compensated competitively, taking into account both internal and external equity.

A position description will be maintained for each position, including position title, reporting relationship, summary of position, specific duties, education and experience requirements, and any special knowledge and skill requirements.

### **2. Maintenance of the Position Classification Plan**

The respective Appointing Authority shall be responsible for the proper and continuous maintenance of the Position Classification System in accordance with applicable sections of Chapter 145 of the Codified Ordinances of the City of Oberlin.

Methods for requesting or initiating a change to the Plan are established in Chapter 145 of the Codified Ordinances.

### **3. Pay Grades**

Each position within the classification system will be assigned a pay grade that indicates the minimum and maximum pay rates for employees within a particular pay grade. Periodic adjustments may be made to the pay grades, with the approval of City Council.

### **4. Pay Periods**

Paydays shall be on a bi-weekly schedule and will occur on Fridays, unless otherwise scheduled.

### **5. Compensation**

Employee compensation may be comprised of, but not limited to, the wage rate and/or any other special provisions outlined in this Manual or under a collective bargaining agreement.

Wage increases, initiated by the respective Department Director and approved by the respective Appointing Authority, may be granted for meritorious service. Except as otherwise provided, no employee shall receive pay in addition to the wages authorized by the pay plan for services rendered.

## 6. Overtime Compensation

**Eligibility:** All FLSA non-exempt employees shall be eligible for overtime compensation with the exception of firefighters.\* Overtime is time worked in excess of a scheduled workweek as defined in the section of this manual regarding Hours of Work/Attendance. The workweek starts at 12:01 A.M. Saturday and ends at 12:00 midnight, Friday. Compensation for overtime shall be computed at time and one-half for all hours over a forty (40) hour workweek, consistent with the FLSA. In no case will pyramiding of overtime be allowed. (\*NOTE: There are special rules for fire protection employees, please refer to the FLSA Special 7[k] Work Periods rules.)

**Scheduling:** Overtime shall be offered fairly to all employees among those willing to accept the work. Overtime shall be granted to those willing employees before being assigned to non-volunteer workers. Overtime scheduling in all departments must be approved by the Department Director or supervisor prior to overtime work, except in the case of an emergency.

**Premium Pay:** FLSA non-exempt employees shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee for overtime hours worked. Hours worked by regular full-time employees on a holiday observed by the City shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee. When a holiday occurs on a Saturday or Sunday the holiday will be observed and paid on Friday or Monday (in accordance with the section of this manual regarding pay periods), unless Saturday or Sunday is part of the employee's normal work schedule, in which case the holiday will be observed and paid on the actual holiday. If an employee receives holiday pay for a weekend holiday designated as Friday or Monday, and then is required to work the actual holiday on Saturday or Sunday, they are paid their overtime rate when appropriate. An employee shall receive only one paid holiday per holiday.

## 7. Compensatory Time (Comp Time) / Flex Time

This policy applies to all non-exempt employees whose employment status is regular full-time, regular part-time, limited service, or temporary. All non-exempt employees are subject to the overtime pay provisions of the Fair Labor Standards Act and must be compensated for all hours worked, including all hours worked on and off work premises. They cannot donate their services and are not permitted to work in excess of their regularly scheduled work hours without prior supervisory approval.

### **Comp Time as an Alternative to Overtime**

According to the Fair Labor Standards Act, a non-exempt weekly or hourly-paid staff member, who works more than 40 hours in a workweek, must be paid an overtime rate of one and one-half times his/her regular hourly rate of pay for all time actually

worked in excess of 40 hours in the workweek. (\*NOTE: There are special rules for fire protection employees, please refer to the FLSA Special 7[k] Work Periods rules.)

A non-exempt hourly-paid staff member who works in excess of his/her regular schedule (e.g., if full-time: 35, 37.5 or 40 hours in a work week) may be compensated in either of the following ways:

**Overtime Pay:** Pay at one and one-half times his/her regular hourly rate for time worked in excess of 40 hours in a work week; or

**Compensatory Time:** Comp time banked for later use that is equal to one and one-half times the number of hours worked over 40 hours in a work week.

All non-exempt employees should complete and sign a weekly timesheet reflecting actual time worked, if the employee is eligible for overtime and/or compensatory time off, the staff member is to elect on the timesheet if he/she would prefer to receive pay or compensatory time for the time worked in excess of his/her schedule. In the absence of a timely election, employees will be paid overtime for time worked in excess of their regular schedule.

#### **Use of Compensatory Time**

An employee must schedule compensatory time off in advance with his/her supervisor. No more than 40 hours of earned compensatory time may be accumulated.

If an employee transfers or terminates employment, compensatory time is to be paid at the employee's current rate of pay on or about the next regular payday following the date of transfer or termination and will be charged to the releasing department.

**Flex Time – Exempt and non-exempt employees** are eligible in certain circumstances to adopt a flexible work schedule, either continuous or intermittent. The flexible work schedule—whether it's only for a particular day or week, must be arranged in advance, and the staff member and immediate supervisor must mutually agree upon the schedule. At all times, normal business hours, as well as the operational needs of the department, must be maintained. In addition, the immediate supervisor is to conduct a periodic review of the staff member's flexible work schedule to determine whether it should continue or not. No flex schedule is to be considered as permanent or in perpetuity. Flextime is not to be used as a means of facilitating or responding to tardiness. Employees are expected to be on time for the designated starting hour of work.

## **8. Compensable Benefits**

In accordance with IRS regulations, certain benefits, such as those pertaining to vehicles, communication services/devices or uniforms, may be considered compensable, and therefore, subject to certain taxes.

## **9. Performance Review**

The City of Oberlin recognizes that timely, candid performance feedback and discussion with employees is essential to good work performance and employee development. To that end, supervisors should review each employee's individual performance at least annually.

The purposes of the Performance Review program are to create an understanding with the employee as to how well he/she is performing, and establish a plan for improved work performance and future job/professional growth, in accordance with the procedures and guidelines for Performance Evaluation as established by the respective appointing authority. In accordance with a merit-based pay system, the results of a Performance Evaluation may impact an employee's pay.

The performance of all regular full-time and part-time employees will be reviewed at approximately mid-point of their probationary period and again approximately one month before the probationary period ends. Individual employees may be required to complete a self-appraisal as part of the overall performance review process.

Human Resources, supervisors, Department Directors, and Appointing Authorities are responsible to see that this program is implemented in a timely and consistent manner.

## **10. Employee Records**

The following individual employee records will be maintained in the Human Resources Department files located in City Hall, except for those maintained by the Finance Director, the Law Director the City Clerk, the Municipal Court, and the City Council for their Appointees:

- Application/Job Description
- Compensation History/Status Changes
- Performance Reviews
- Disciplinary Documents
- Training/Certifications
- Commendations/Miscellaneous

- **Medical/HIPAA Documents**

The Finance Assistant coordinating payroll will maintain records relating to payroll, taxes, employment verification, unemployment compensation, and various benefits-related information. The City's HRA will maintain records relating to workers compensation, FMLA leaves, and other non-payroll employee-related items.

Employees should contact the Human Resources Administrator, the Finance Director, the Law Director, the City Clerk, the Municipal Court Judge or Clerk of Courts, or City Council as applicable, if they would like to review their personnel records.

## **Employee Benefits**

### **1. Vacation**

Vacations are earned by working. Each regular full time employee is eligible for paid vacation on his or her employment anniversary date as follows:

<u>Length of Service</u>	<u>Vacation</u>
After 1 year of service	10 days
After 5 years of service	15 days
After 15 years of service	20 days
After 25 years of service	25 days

Each FLSA-exempt employee is eligible for paid vacation on their employment anniversary date as follows:

<u>Length of Service</u>	<u>Vacation</u>
After 1 year of service	15 days
After 15 years of service	20 days
After 25 years of service	25 days

As a recruitment tool for FLSA-exempt employees, the respective Appointing Authority may make such adjustments to the length of service requirements as he or she shall deem to be appropriate under the circumstances.

Each regular part-time employee who has completed two (2) or more years of service and worked a minimum of 1040 hours in the twelve (12) month period preceding his/her anniversary date shall be eligible for an annual paid vacation allowance on a prorated basis, (i.e. number of hours worked compared to 2080 hours).

Up to two (2) years of accrued but unused vacation can be carried over from year to year. When an employee's vacation balance reaches an accrual equal to twice his/her annual accrual rate, additional accrual will cease. The responsible Appointing Authority may override this limitation under exceptional circumstances.

Vacations may be taken in **one-quarter hour increments but not less than one hour**, and must be approved in advance by the employee's supervisor. In scheduling department vacations, supervisors will take into account the need to maintain City services, plus length of service and timeliness of requests from individuals.

Vacation credit will not accrue during periods of unpaid leave, except for unpaid leave taken in accordance with *Leave Without Pay* section (see *Time Away From Work, §6[c] Leave Without Pay section*).

Regular full-time and regular part-time employees leaving City employment shall be compensated for vacation earned but not taken to the date of retirement, separation or resignation. In the event of an employee's death, any remaining compensation will be forwarded to the employee's estate.

Full-time firefighter-drivers – (effective 1/1/13) upon completion of one year of continuous employment, shall be eligible for a combined paid leave allowance, which shall be administered as vacation, to be scheduled in accordance with Fire Department rules established by the Fire Chief, that includes Vacation, Holidays, and Personal leave converted to firefighter shifts (one shift is equal to 24 hours) as outlined in this table:

<u>Years of Service</u>	<u>Shifts</u>
1-4 years	11
5-14 years	14
15-24 years	16
25+ years	18

## 2. Personal Leave

All regular full-time employees shall, in addition to all other leave benefits, be granted personal leave days (per the following table) each year which are to be taken within the year earned or be forfeited. Newly hired employees shall receive a pro-rated personal leave benefit, calculated from the hire date to the end of the year, and rounded up to the nearest half hour. This personal leave shall be available at the time of hire. Personal leave may be taken in one-quarter hour increments but not less than one hour.

Requests for the use of personal leave shall be approved by the employee's supervisor based upon scheduling needs.

Department Heads – Six (6) Personal Days

FLSA-Exempt Employees – Six (6) Personal Days

All Other Regular Full-time Employees – Four (4) Personal Days

### **3. Holidays**

The City will observe the following Holidays:

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Indigenous Peoples' Day

Thanksgiving Day

Day after Thanksgiving

Christmas

When a holiday falls on a Saturday, the preceding Friday will be the observed Holiday. When a holiday falls on a Sunday, the following Monday will be the observed Holiday.

If an employee is absent from work the day before or after a holiday, holiday pay will not be provided until proof of sickness or excusable absence is established to the satisfaction of the Department Director.

### **4. Employee Assistance Program (EAP)**

The City of Oberlin recognizes that problems of a personal nature can have an adverse impact on an employee's family life and job performance. In order to provide resources to employees dealing with personal problems, the City has contracted with an employee assistance organization to provide confidential counseling and referral services.

The Employee Assistance Program (EAP) is designed to assist with a broad range of problems including family and marital discord, nervous or emotional disorders, drug or alcohol abuse, poor physical health and other personal problems. Services provided by EAP counselors may include some combination of assessment, direct problem assistance, referral and follow-up.

The Employee Assistance Program (EAP) provides early identification, short-term problem solving and referral to appropriate care in order to enhance the treatment process.

The EAP is available to all City employees, including elected officials, their spouses,

and dependents residing in the employee's home. Participation in the program and all records and discussions will be handled in a strictly confidential manner, in accordance with applicable law.

If employees or their dependents realize they have personal problems that could be resolved through the EAP, they are encouraged to seek assistance on their own by contacting the EAP directly. In certain situations, management may opt to refer an employee (or employees) to the EAP.

The City will assume charges for this service, per the City's contract with the EAP provider. Charges for additional services will be subject to insurance coverage and/or may be the personal responsibility of the employee. For additional information about the EAP, employees are encouraged to contact the HRA or their supervisor.

#### **5. Health, Dental and Vision Insurance**

Regular full-time employees, including any eligible family members, and such other employees as authorized by City Council, are eligible to enroll in the City's health, dental and vision insurance plans. Initial enrollment takes place the first of the month following the employee's one-month anniversary of employment. Employees hired at Department Director level or above shall be eligible for enrollment immediately and will not be subject to a waiting period.

The employee and the City share the cost for these programs. Plan coverages and employee contribution amounts, as determined and adjusted periodically by the City, are available from the Finance Assistant coordinating payroll.

#### **6. Life Insurance**

The City currently provides regular full-time employees, without charge, term life insurance coverage.

#### **7. Retirement/Pension Plan**

Employees will be enrolled in their respective Ohio Retirement Pension Program or Social Security.

#### **8. Workers' Compensation**

In accordance with applicable state laws, employees may be eligible for workers' compensation benefits in the event of accidental injury or occupational disease arising out of employment with the City of Oberlin, requiring medical treatment,



hospitalization or loss of work time.

## **9. Injury Leave**

An employee who is disabled as a result of the performance of duties within the scope of his/her employment as a regular full-time employee of the City, and is prevented from performing his/her duties, may be paid regular compensation during the continuance of service-related disability, for a period not to exceed a cumulative total of sixty (60) calendar days from the date that such service-related disability was incurred. In cases where the City initiates salary continuation and the employee's disability continues beyond sixty (60) calendar days, the individual's pay will be in accordance with provisions of the State of Ohio's Workers Compensation program.

In the event accumulated sick leave is available, and a service-related disability within the meaning of this section is incurred, the first ten (10) days of service-related disability shall be charged to the individual's accumulated sick leave credit, or if less than ten (10) days of accumulated sick leave credit is available, the existing sick leave credit then available may be charged, and any remaining service-related disability leave shall be charged to Injury Leave. In no event will an employee receive more than his/her regular compensation while on injury leave.

The City shall have the right to require an employee to have a fitness-for-duty examination by a physician appointed and paid by the City, resulting in the physician's certification that the employee is able to return to work, or is unable to return to work due to an initial or recurring injury as a condition precedent to the employee receiving any benefits under this program. The designated physician's opinion shall govern whether the employee is able to return to work.

If the injury or disease is later determined to not be service related, the employee must repay compensation received pursuant to this policy. If the employee does not have sufficient leave time to substitute for the injury leave, it may be necessary to execute an agreement authorizing the City to withhold the required repayment from future wages.

## **10. Unemployment Insurance**

In accordance with applicable state laws, City of Oberlin employees may be eligible to receive unemployment compensation if laid off for reasons including budgetary or grant limitations and elimination of positions.

For additional information related to your benefits while on unemployment, contact the Finance Assistant coordinating payroll.

## **Continuing Education**

The City encourages employees to share information with each other and to continually enhance their knowledge and skills. This process will assist in keeping current with technology changes and will result in improved service to our residents. Following are two (2) approaches to continuing education:

### **1. Attendance at Conferences and Seminars**

The Appointing Authority may approve attendance at non-mandatory conferences and seminars and other training sessions that are work-related and in the best interest of the City after recommendation of the Department Director. At times, the City may opt to provide on-site training in City facilities to meet employee training needs.

If approved, the City will normally cover costs of conference, seminar and other training sessions including registration, travel, lodging, parking and meals. Employees will be paid at their regular pay rates while attending training sessions, in accordance with the Fair Labor Standards Act. Budgetary constraints may limit or negate conference attendance. Participants are encouraged to share information obtained at conferences and seminars with other interested employees.

### **2. Tuition Reimbursement**

The Tuition Reimbursement Plan provides eligible employees with the opportunity to obtain, maintain, or improve job-related capabilities through participation in courses of study at accredited colleges and universities and organizations specializing in job and career-related education and training.

Please refer to *Tuition Reimbursement Program Procedures* policy for details on eligibility, reimbursement amounts and documentation required.

## **Time Away from Work**

There are times, for a variety of reasons, when an employee must be away from work. The following guidelines will apply to time away from work:

### **1. Leave Application Process**

Prior to any planned absence from work, employees must complete and sign a Leave Request Form indicating date(s) of absence and the type of leave being requested. The employee must submit the form to his/her immediate supervisor for approval and signature.

In the event of an unplanned absence, the employee should complete a Leave Request Form at the earliest opportunity following the initial absence from work.

The original of the fully signed and approved Leave Request Form must be reconciled with the time sheet by the department supervisor and then submitted to the payroll office along with the time sheet.

For employees utilizing flextime, a written leave form is not required. (See *Compensatory Time/Flex Time* section in this manual.)

## 2. Sick Leave

Each regular full-time employee shall earn fifteen (15) days of paid sick time per year, accrued bi-weekly based on regular hours worked, and with unlimited carry-forward to subsequent calendar years. Each regular part-time employee shall earn sick leave, accrued in accordance with the number of hours that employee worked, and with unlimited carry-forward to subsequent calendar years. Sick Leave may be taken in one-quarter hour increments but not less than one hour. Sick leave is applied in the following situations:

- Actual personal illness or injury not otherwise subject to Workers Compensation provisions
- Up to the first ten (10) days of work related injury leave (*see Injury Leave Section*)
- For scheduled doctor's appointments
- Documented exposure to contagious disease
- To care for an ill or injured member of the employee's immediate family
- Funeral leave (up to three [3] days in-state and up to five [5] days out-of-state) to make arrangements for and/or attend the funerals of immediate family members.

The City may require a medical excuse and/or medical return to work certification if the time away from work exceeds five (5) consecutive days, or medical return to work certification if the time away from work exceeds thirty (30) days or if the leave is specific to the employee's serious health condition (refer also to FMLA policy). Abuse of Sick Leave will be cause for corrective action. If the City believes an abuse of Sick Leave is taking place, a physician's statement can be required at any time.

There is unlimited accumulation of sick time. Payment of unused sick time at an employee's separation from employment will be as follows:

Reason for SeparationPayment for Sick Leave

Retirement

100% of accrued, but unused sick leave, to a maximum of 40 days

Voluntary Resignation or Discharge Without Cause  
25% of accrued, but unused sick leave, to a maximum of 30 days

Discharge for Cause

Not eligible for payment

Lump sum payments will be based on the employee's base rate of pay at the time of retirement or separation. Supervisors are referred to the *Absence Control Procedures* which are available in the Human Resources office.

**Sick Leave Donation:** The City of Oberlin sick leave donation program provides the means for eligible City of Oberlin employees to voluntarily donate sick leave to be used by eligible employees who have already exhausted their own paid leave benefits and are in need of additional leave because of a serious illness for themselves or for a family member as defined by the Family and Medical Leave Act. For more specific information about donating sick leave or applying for donated leave, please contact Human Resources for a copy of the Sick Leave Donation Policy.

**3. Family and Medical Leave**

In certain circumstances, employees may be eligible for Family and Medical Leave. This benefit is designed to assist certain eligible employees who need time away from work to care for themselves or certain family members when they are experiencing a serious health condition, as defined by the Family and Medical Leave Act (FMLA). This benefit has also been expanded to provide leave for eligible employees when certain circumstances arise that cause a "qualifying exigency" arising out of service in the Armed Forces, or to care for certain family members experiencing a serious injury or illness when those members are covered service members of the Armed Forces. For more specific information and procedures pertaining to the FMLA, contact Human Resources for a copy of the *Family and Medical Leave Act (FMLA) Policy*.

**4. Military Training and Active Duty Leave**

Any regular City of Oberlin employee who is a member of the Ohio organized militia or members of the other reserve components of the armed forces of the United States, including the Military Reserves or National Guard shall be entitled to leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one calendar

month, for each calendar year in which they are performing in the uniformed services.

In addition, any regular City of Oberlin employee who is serving active duty in any branch of the United States military service for *longer* than one month shall be entitled to receive annually up to two full bi-weekly pay periods of City pay based upon their normal work schedule, and prorated based upon the amount of active military service.

Any employee who returns from military leave shall be entitled to re-employment without loss of salary, seniority or other benefits, provided he/she has been honorably discharged, is able to perform the work, and applies within a ninety (90) day period after the date of conclusion of the military service, in accordance with all applicable State and Federal Laws in effect at the time of the military leave.

#### **5. Civic Duty Leave**

Any regular full-time employee subpoenaed as a witness before a court, grand jury, or other public body or commission, or called upon to serve as a juror, shall be granted paid time off at the employee's regular compensation rate.

#### **6. Leave Without Pay**

- a) Requests for leave without pay will be evaluated on a case-by-case basis and approved at the sole discretion of the Appointing Authority.
- b) During a period of leave without pay, 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 and any other optional benefits that are eligible to be continued, the employee must continue to make any contributions that he/she made before taking leave (please refer to section §1 of Employee Benefits, above). Vacation and sick leave will not accrue during an employee's leave without pay.
- c) At certain times, the City may implement temporary periods during which employees may request a voluntary leave to mitigate certain financial hardship issues facing the City. This decision will be made jointly by the City's Appointing Authorities.

#### **7. Unauthorized Absence**

Any unauthorized absence of an employee from duty shall be considered an absence without pay, and may be grounds for disciplinary action. Any employee who is absent for three (3) or more days without authorized leave, arranged through his/her Department Director, may be discharged for cause. In the event extenuating circumstances are found, a leave may be granted retroactively, based upon

recommendations of the Department Director and approval of the Appointing Authority.

### **Working With Each Other**

In any organization, problems and misunderstandings will occur from time to time. It is the intent of this policy to provide guidelines and a process for addressing problems and concerns in a timely and mutually satisfactory manner. Employees are encouraged to address problems initially in a direct non-confrontational manner with each other. If this approach is not successful, the following multiple-step process will apply.

#### **1. Problem Solving**

##### **Step 1**

An employee with a problem or concern shall first discuss his/her problem with the **immediate supervisor**. The supervisor will work towards a fair and equitable solution, taking into account the perspectives of all parties involved, and providing a response to the employee normally within 5-7 days.

##### **Step 2**

If the problem is not resolved at the supervisory level, the employee may repeat the process in Step 1 with the **next level of supervision**. This individual will gather data, understand the issue or concern, and respond to the employee, normally within 5-7 days.

Note: Step 2 can be repeated with the **next level of management**, (which does not include City Council members) where one exists, prior to reaching Step 3. The individual presenting the problem may wish to provide a written statement at any step in the process.

##### **Step 3**

If the problem is not resolved in Step 2, the employee may take the problem or concern **in writing to their respective Appointing Authority**, who will address the concern and respond in writing, normally within 5-7 days.

Prior to Step 3, the individual may wish to take his/her problem to the "Employee Peer Review Committee", as provided for in Section 151 of the Oberlin Codified Ordinances.

In the application of this policy, employees are assured that at any step of the process, they will be treated with dignity and respect, without restraint, interference, discrimination, or retaliation.

## 2. Corrective Action

The City of Oberlin expects each employee to work productively, responsibly, and professionally at all times, and to treat all persons with consideration, dignity and respect. Employees will conduct themselves in strict conformity with all local, state and federal laws and ordinances. No employee shall attempt to further his/her self-interests through the use of his/her position.

On occasion, negative work performance or negative behavior may arise. It is the objective of the City to correct performance and behavior issues as quickly as possible. Such correction efforts may include a management referral or directive to the Employee Assistance Program.

Examples of unacceptable behavior include, but are not limited to:

- Unsatisfactory work performance, including failure to work productively or in accordance with standards and procedures.
- Failure to respond to an assigned emergency call.
- Poor attendance and tardiness, including failure to adhere to department rules regarding notification of absences.
- Failure to treat all persons with consideration, dignity and respect.
- Unauthorized or careless use of tools, vehicles, equipment or financial resources.
- Operating equipment and vehicles in a careless or unsafe manner. Refer to *“Vehicle Use/Insurability”, Safety and Health, Item 4.*
- Illegal gambling while on duty or while on City property.
- Providing confidential or sensitive information to unauthorized individuals or entities.
- Repeated instances of creating or contributing to unsanitary conditions or poor housekeeping at work.
- Failure to follow prescribed timekeeping procedures.
- Disregard for safety policies, procedures and use of safety equipment and/or clothing.
- Failure to report any personal injury, accident, or unsafe condition to the employee’s supervisor in a timely manner.
- Violation of City smoke-free environment policy.
- Directing abusive or profane language toward co-workers, residents, business representatives, government officials or anyone involved in City business.
- Violation of department rules.
- Failure to adhere to City dress code policy.
- Performing personal work on City time or with City property.
- Unauthorized entry to City facilities.

- Unauthorized use or possession of alcohol, controlled substances or illegal drugs.
- Unauthorized possession of a weapon on municipal property or in a City vehicle.
- Insubordination or refusal to carry out assigned duties.
- Theft or unauthorized possession of City property.
- Sexual harassment or other forms of harassment.
- Fighting, issuing threats or verbal or physical abuse or other disorderly conduct while performing City of Oberlin business.
- Scandalous or disgraceful conduct, either on or off duty where conduct brings employee's department or City into public disrepute.
- Unauthorized absence.
- Conviction of a felony or misdemeanor involving moral turpitude, casting doubt on ability to perform the job. Moral turpitude is defined as an act of baseness, vileness or depravity in private or social duties. Examples of moral turpitude include income tax evasion, perjury or its subornation, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government and illegal drug sales.

Depending on the severity of the offense, the corrective action procedure may include any or all of the following:

- A. Oral Reprimand – A verbal warning to an employee that if his/her actions continue, the formal discipline process will begin.
- B. Written Reprimand – A written warning that places the employee on notice that additional incidents will result in more severe disciplinary action. The notice shall detail the specifics of the problem as well as what further action can be taken. This warning shall be placed in the employee's personnel file.
- C. Suspension – Suspension is the temporary removal from duty status, without pay, of an employee for cause, for a period of one to thirty days. The City also reserves the right to suspend, with pay, at the discretion of the Appointing Authority. Suspension shall be recommended by the Department Director and approved by the Appointing Authority.
- D. Demotion – An employee may be moved to a position in a class with a lower maximum salary rate for serious misconduct. Demotion shall be recommended by the Department Director and approved by the Appointing Authority. This action may be used in selected situations that would not be disruptive to other employees or to the level of service to the public. If a position for demotion is unavailable, the City may implement a period of disciplinary probation, in which the terms and conditions of probationary



status are applied to the employee's appointment, for a period of time to be determined by the Appointing Authority, not to exceed one (1) year.

E. Dismissal – Dismissal is a last disciplinary resort. An administrative review session shall be held for the employee to challenge anything in the employer's report. The Appointing Authority shall make the final decision.

F. Due Process – A non-probationary employee shall not be discharged or reduced in rank or pay until he/she has been presented with reasons for such discharge or reduction, in writing, and has been given an opportunity to be heard in his/her own defense. Reasons for such discharge or reduction, and any reply in writing shall be filed with the Civil Service Commission.

Any non-probationary employee of the City in the Classified Civil Service who is suspended, demoted or dismissed may appeal the action to the Civil Service Commission, unless a current collective bargaining agreement applicable to that employee provides otherwise. The Commission shall define the manner, time and place by which the appeal shall be heard.

If an investigation confirms that unacceptable behavior has occurred, discipline up to, and including termination may result. Suspensions from work may occur immediately if it is determined that an employee should not be at work while a situation or incident is investigated and a decision is made concerning continued employment.

### **3. Harassment & Discrimination**

The City of Oberlin is committed to providing a work environment that is free of discrimination and harassment. Employees will not, by means of speech, touching or body language, abuse, harass or be discourteous to their fellow employees or members of the general public for any reason including someone's age, race, color, creed, citizenship status, sexual orientation, gender/sex, marital status, religious or political beliefs, military/veteran status, ancestry, national origin or disability.

All employees must also be allowed to work in an environment free from all forms of harassment and intimidation.

All employees are to refrain from sexual harassment. Unwelcome sexual advances, flirtations, propositions or requests for sexual favors, or other verbal or physical conduct of a sexual nature are considered sexual harassment under the following conditions:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

- Submission to or rejection of such conduct by an individual is used as a basis for any employment decisions affecting that individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

The display in the workplace of sexually suggestive objects or pictures is prohibited.

If an employee feels he/she is a victim of any form of harassment, the individual should contact any or all of the following: His/her immediate supervisor, Department Director, Appointing Authority, or HRA who serves as the City of Oberlin's EEO Compliance Officer.

Concerns will be investigated promptly, thoroughly and discreetly. There will be no discrimination or retaliation against any employee for initiating a harassment complaint.

Any employee who is found, after appropriate investigation, to have engaged in any form of harassment, will be subject to appropriate corrective action, including possible termination. Details of the City's policies regarding EEO (equal employment opportunity) and the prevention of harassment in the workplace are available in Human Resources.

#### **4. Participation in Political Activity**

Involvement in political activities will not be permitted during an employee's work time. Political activities include:

- Solicitation or receipt of any assessment, subscription or contribution for any political party or cause.
- Campaigning for any candidate or issue; including posting, wearing or distributing political material of any kind.

#### **5. Gifts and Gratuities**

City of Oberlin employees will not accept any gratuities, loans, gifts, merchandise, meals or other items of other than nominal value in connection with or resulting from their employment with the City, in compliance with the state of Ohio's ethics laws. Solicitation of gratuities of any sort by City employees is strictly prohibited. Employees are referred to the Ohio Ethics Law and Related Statutes, published by the Ohio Ethics Commission, copies of which are available in Human Resources.

## **6. Outside Employment**

The City of Oberlin will not object to an employee having outside employment as long as the employee is successfully and competently performing his/her job duties, as determined by the Department Director or Appointing Authority, and without negative impact on attendance. For the City to retain a neutral attitude, none of the following conditions may exist:

- The organization providing the employment is doing business with or seeking to do business with the City.
- Such employment will create a conflict of interest or the appearance of a conflict of interest.
- Such employment is a direct conflict with any municipal functions or ordinances.

## **7. Dress Code/Appearance/Uniforms**

All employees are required to maintain a neat and clean personal appearance, including clothing, personal hygiene and grooming appropriate for their positions, and to follow any department dress code and appearance guidelines.

The City may provide uniforms and clothing items for employees in certain positions. The City reserves the right, in the City's best interest, to determine the type(s) of clothing worn by City employees. Employees who are provided uniforms are expected to wear them while at work and while traveling to and from work only.

## **8. Internet & Email Policy**

Internet access is to be conducted in a responsible and professional manner, reflecting the City's commitment to ethical and non-discriminatory government practices. It is also the City's desire to protect the organization, as much as possible, from viruses or illicit attempts to access the City's server. The City of Oberlin maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a Computing Resource Use Policy which explains how email and the Internet must be utilized. Before using e-mail or the Internet, employees must acknowledge that they have reviewed and understand the City's *Computing Resources Use Policy*.

If you have questions regarding appropriate use of the Internet, please contact your supervisor or your respective Appointing Authority.

## **9. Telephone, Cellular Phone and Data Service Policy**

Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons, preferably during breaks and meal periods. Staff should refer to the detailed policy.

Members of City Council and their appointees are authorized to have cellular phones or smart phone, or may be reimbursed for use of their personal cell phones to conduct City business. In addition, Appointing Authorities may receive or authorize a monthly “communications allowance” in lieu of use of a City-issued cell phone, smart phone or data device. The amount of such communications allowance will be established in the City’s policy regarding telephones and data devices. All other City employees must obtain approval from their Appointing Authority for use of a City cellular phone, smart phone or data device. Cellular phone use must be in compliance with the City’s *General Safety Manual*.

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City telephones and cellular phones. Please refer to the City’s detailed policy regarding telephones and data devices.

## **10. Employee Recognition**

The City will recognize employees who uniquely distinguish themselves through outstanding performance or innovation that exemplifies dedication, creativity and personal integrity. Upon recommendation by the Department Director and approval by the Appointing Authority, the employee may receive a letter of commendation and/or may become eligible for consideration for an additional salary increase at the time of their annual review.

Service awards shall be provided to employees as outlined in the *Employee Recognition Program Policy and Procedures*.

## **Safety and Health**

### **1. General Considerations**

The City of Oberlin will provide a reasonably safe and healthy work environment for its employees and the general public. City safety leadership includes sponsorship of safety committees, safety orientation for new employees, employee education and relevant health and safety training, provisions for personal protective equipment as appropriate, accident and/or unsafe acts investigations, as well as other directed training opportunities.

City employees are expected to:

- Work in a safe manner at all times
- Maintain proper housekeeping in individual work areas
- Be alert for unsafe acts or conditions; correct them or report them *immediately* to a supervisor
- Ask for assistance, every time, when attempting to lift, pull or push heavy objects; lift in a proper manner
- Follow the reporting requirements when he/she has been injured or *could have been* injured on the job (please refer to the *Procedures for Reporting Workplace Accidents, Injuries & Near-Misses*) Follow department safety rules (please refer to the City of Oberlin *General Safety Manual* for more information)

## 2. Employee Identification

All City employees will wear or carry a photo ID card or badge, to facilitate recognition by the public, in accordance with the City's *Workplace Violence Prevention Policy*. In certain City facilities or departments, identification may be required to be worn at all times. Also, each employee must carry their City photo ID card or badge in the event that a member of the public requires such identification. Each employee shall be responsible for the condition and/or replacement of his/her ID card. Upon separation from employment, for any reason, the ID card shall be returned to the employee's supervisor or the HRA.

## 3. Accident Reporting

Any employee sustaining an on-the-job injury, following the receipt of any appropriate first-aid treatment, shall **immediately** report the injury to his/her supervisor. In the event that an incapacitated employee requires professional medical care, the supervisor is required to report the injury to Human Resources as soon as practical. Failure to report injuries in a timely manner may result in disciplinary action (please refer to the *Procedures for Reporting Workplace Accidents, Injuries & Near-Misses*). The supervisor will investigate the accident in a timely manner, secure whatever assistance is required, prepare required reports, and determine what preventive measures should be taken in the future.

## 4. Vehicle Use / Insurability

City of Oberlin employees are constantly in the public eye, and those who drive a vehicle in the performance of their duties are representing the City. Employees are not only responsible for their own safety and security, but the safety and security of citizens and visitors to the City. As a result, they are required to exercise the utmost care and caution while operating a motor vehicle on City business. **Employees who**

**operate City owned vehicles, or personally owned vehicles while performing City business, are required to abide by all applicable State laws in addition to the following rules and regulations.**

City owned or leased vehicles are to be used for the following purposes:

- a. Transportation to conduct official City business during the normal working day.
- b. Transportation to conduct official City business before and/or after the normal business day.
- c. Transportation between the employee's principal work location and the employee's residence in order to facilitate quick response by those authorized and assigned to drive City vehicles by the respective Appointing Authority.
- d. Transportation to conventions, conferences, meetings and training programs. If using a personal vehicle for approved City business, when no City vehicle is available, employees will receive mileage reimbursement at the mileage rate as determined by the Internal Revenue Service.
- e. Rental Cars may be used for both in-state and out-of-state travel, if authorized by the respective Department Director or Appointing Authority.

Use of City vehicles for day-to-day operations must be approved by the Department Director. Assignment of a City vehicle to an individual for a continuous, regular or indefinite period must be approved by the Appointing Authority (please refer to the *Take Home Vehicle Policy*).

**Employee Responsibilities:** Those driving vehicles in the course of their employment:

- Must have a valid license for the type of vehicle being driven and must obey all traffic laws.
- Must provide a copy of their driver's license to their Appointing Authority when hired in order to verify that the driver's license is valid.
- Will have their driver's license reviewed at least annually to verify validity.
- Are responsible for ensuring a current, valid copy of their license is on record with the City.

Any employee who is required to operate a City-owned or private vehicle to perform City business must *immediately* report any license suspension, revocation or serious violation to his/her supervisor, ideally within 24 hours of the action. An employee must immediately report to the department director any motor vehicle violations while performing City business, including parking violations incurred while utilizing a City vehicle, before the end of the work day in which the violations occur. The supervisor will notify the Appointing Authority of any suspensions, revocations and violations that affect the employee's ability to drive. Any license suspension, revocation or serious violation not reported immediately to the supervisor will be

subject to disciplinary action up to and including termination.

If operating a vehicle to perform City business, employees are required to be insurable through the City's insurance carrier.

Employees must wear a seat belt at all times when operating or riding in a City vehicle.

City vehicles and/or fuel shall not be used for personal use. Only City employees may operate City vehicles. No employee under the age of eighteen (18) is allowed to operate a City vehicle.

Employees are prohibited from transporting passengers except: 1) Other City employees; or 2) individuals conducting business with or on behalf of the City.

Personal vehicles shall not be used to pull trailers or haul equipment while being used in City-related business.

Employees are prohibited from making any modifications, alterations or additions to any City vehicle or equipment without the prior express approval of his/her supervisor.

## **5. Smoke-Free / Tobacco-Free Environment**

The City respects the rights of employees who do not smoke. The following "Smoke-Free Environment" policy applies:

*Smoking is prohibited in all enclosed areas (under the direct or indirect control of the City of Oberlin) that employees use for work or any other purpose, including but not limited to, offices, meeting rooms, production and storage areas, restrooms, stairways, hallways, distribution plants, warehouses, garages, City-owned vehicles and all other areas designated as "No Smoking;" or as otherwise required by state law and local ordinances. An enclosed area, as described herein, is a place of employment without regard to the time of day or the presence of employees. Use of "e-cigarettes" is prohibited anywhere smoking is prohibited in Oberlin.*

*Outdoor (or open-air) smoking is prohibited within 20-feet of City of Oberlin facility entries, outdoor air intakes and operable windows. In addition, smoking and tobacco use is prohibited in designated areas of City parks and recreation areas, as posted.*

Questions concerning the application of this policy should be directed to the individual's supervisor.

## **6. Alcohol & Drug-Free Workplace**

The City of Oberlin has adopted a Drug-Free Workplace policy (please refer to *Drug-Free Safety Program Policy*). The goal of this policy is to maintain a safe and healthy work environment. The successful implementation of this policy will also enable the City to provide quality service to the public by maintaining efficiency and productivity. The use of illegal drugs and/or the misuse of alcohol are inconsistent with this goal.

The City of Oberlin does not permit the use of illegal drugs; the misuse of alcohol; the sale, purchase, transfer, trafficking, use or possession of any illegal drugs; or arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected. Use of prescription drugs are only permitted when prescribed by a physician who has determined that the substance will not adversely affect the employee's ability to safely perform his or her duties. Specific requirements and implementation procedures are detailed in the Drug-Free Safety Program Policy, and the City requires full compliance with said policy.

Employees will receive and acknowledge a copy of the Drug-Free Safety Program Policy during new employee orientation. Additional copies are available in the office of the HRA.

See also *Worker's Compensation* section (page 18) and *Corrective Action* section (page 24). Additional provisions apply to drivers of City vehicles and are outlined in "*Vehicle Use/Insurability*" (page 31).

### **Administration**

#### **1. Travel Expenses**

The City will reimburse employees only for travel and related expenses while carrying out official City business or attending approved conferences and training courses. Employees are expected to use sound judgment in managing travel expenses.

The following approved expenses will be reimbursed according to established allowances or actual documented cost:

- A. Air travel at coach or economy fares, approved by the Department Director or Appointing Authority.
- B. Ground transportation including bus, train, taxi or rental car.
- C. Direct travel by personal vehicle at the established IRS rate per mile.
- D. Parking fees and tolls.



- E. Overnight lodging approved by the Department Director or Appointing Authority.
- F. Meals in accordance with current City policy.

All requests for reimbursement must be properly documented, supported with receipts, and approved by the Department Director and the Appointing Authority. The City does not provide travel advances.

Refer also to “*Vehicle Use/Insurability*” (page 31) and the City’s policy on travel reimbursement (please refer to *City of Oberlin Travel Reimbursement Policy*).

If an employee on his/her own initiative attends a lecture, meeting, training program, class or similar activity after hours, the time is not hours worked even if the courses are related to his/her job.

Traveling to training which occurs during the course of a regular work day must be counted as compensable time, but the City can deduct the employee’s regular commuting and meal time from the time recorded for the day.

## **2. Other Expense Reimbursement**

The City will reimburse employees for necessary business expenses beyond travel, provided these expenses have been approved by a Department Director or Appointing Authority and are submitted on the proper form with supporting receipts.

### **Modifications to This Manual**

This manual will be modified from time to time as conditions change. Members of management will normally initiate modifications and updates; however, any employee may suggest changes and discuss them with his/her supervisor. The City Council will be involved appropriately to review and approve changes. Appointing Authorities will be responsible for reconciling modifications with the City Charter and Civil Service Regulations.

### **Glossary of Terms**

**Anniversary Date:** The date an employee reports to work following appointment to a regular full-time or regular part-time position with the City of Oberlin. For purposes of performance evaluation, the review date shall be date of the most recent appointment or promotion.

**Appointing Authority:** Any officer, employee or board having the power of appointment over subordinate positions in any office, department, or division, or any person or group of persons having the power by virtue of ordinance or other lawfully delegated authority to make appointments to positions in the municipal service (i.e. Judge, City Manager, City Finance Director, City Law Director, City Clerk).

**Appointment:** The designation of an individual to a position who has qualified for the appointment through an appropriate selection process.

**Class:** A grouping of positions that is sufficiently similar in responsibility, education and experience requirements that the positions will carry the same salary range.

**Classified Employee:** An employee whose position has been determined to be classified by the Civil Service Commission and is subject to the rules of the Commission. Classified positions are identified in the position classification ordinance and its attachments.

**Corrective Action:** The process of correcting or addressing negative or unprofessional work performance and employee behavior.

**Demotion:** The movement of an employee from a position in one class to a position in another class having a lower salary range.

**Department:** A grouping of positions by function (i.e. Public Works Department, Finance Department).

**Department Director or Department Head:** The individual responsible for overall operations of a department, including Council Appointees.

**Discharge for Cause:** Involuntary separation or dismissal from employment with the City of Oberlin due to unsatisfactory work performance or behavior.

**Exempt Employee:** Professional, administrative and executive employees who are paid a fixed salary rather than an hourly wage, and who are exempt from overtime provisions in the Fair Labor Standards Act (FLSA). Exempt employees *do not* receive payment for overtime hours worked.

**FLSA (Fair Labor Standards Act):** An act passed by the Federal Government in 1938, regulating minimum wage payments and overtime payments for non-exempt employees.

**Job Description:** See *Position Description* (below)

**Immediate Family:** Immediate family consists of the employee's current spouse, parent, child, sibling, grandparent, grandchild, mother-in-law, father-in-law or any relative residing in the employee's home.

**Layoff:** The temporary, indefinite or permanent separation of an employee due to lack of funds, curtailment of work or abolishment of a position.

**Non-exempt Employee:** An employee who is not exempt from the provisions of the Fair Labor Standards Act of 1938. Non-exempt employees are normally paid overtime for hours worked beyond 40 in a week.

**Pay Grade:** The minimum and maximum compensation that a position can be paid.

**Position Description:** A summary document which defines the position title, i.e. department, reporting relationship, status, pay grade, schedule, summary of position, specific duties, education and experience requirements and any special knowledge and skill requirements essential to successful job performance.

**Probationary Period:** A trial period of twelve (12) months for a newly appointed or twelve (12) months for a promoted employee, during which an employee will receive frequent feedback regarding his/her performance. An employee may be placed on probationary status after the initial probationary period as a result of disciplinary action.

**Promotion:** The movement of an employee from one position in one class to a position in another class with a higher maximum salary rate.

**Regular Full-time Employee:** An employee who normally and regularly works a full department weekly schedule.

**Regular Part-time Employee:** An employee who normally and regularly works less than a full department schedule, generally between twenty (20) and thirty-four (34) regularly scheduled hours per week.

**Suspension:** Involuntary time away from work, imposed on the employee as part of the corrective action process.

**Transfer:** The movement of an employee from one department, division or unit of the municipal government to another.

**Vacancy:** An officially created, approved and funded position not currently filled.