

BELLBROOK CITY COUNCIL AGENDA
November 14, 2016



City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

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www.cityofbellbrook.org

5:30 pm –Work Session-Service Dept. & Admin Budget Review

7:00 pm—Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Work Session and Regular Meeting Minutes of **October 24, 2016.**
5. Mayor’s Announcements/Special Guest
 - Employee Service Recognition
6. Public Hearing of Ordinances

Ordinance 2016-12 An Ordinance Adopting the Revised City of Bellbrook Personnel Manual.
(McGill)
7. Introduction of Ordinances
8. Resolutions
9. City Manager’s Report
10. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs-Recommend appointment of Philip Ograd to serve on the Board of Zoning Appeals, term expires 12-31-18.
11. Old Business
12. New Business
 - Accept the resignation of Scott Carlson from the Village Review Board.
13. Open Discussion
14. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
Work Session
October 24, 2016

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Mr. Mike Schweller
Mayor Bob Baird

ABSENT: Mrs. Dona Seger-Lawson

GUESTS: Fire Chief Neidhard
Police Chief Doherty

This is a summary of the City Council work session held on October 24, 2016 at 5:30 pm to discuss the 2017 Budget.

Fire Chief Neidhard and Mr. Schlagheck discussed the Fire Department's proposed 2017 budget. This included a five-year capital plan which detailed anticipated costs and replacement of equipment. Fire Chief Neidhard and Mr. Schlagheck also discussed the future financial needs of the Fire Department.

Police Chief Doherty and Mr. Schlagheck shared the Police Department's proposed 2017 budget and five-year capital plan with Council. Mr. Schlagheck and Chief Doherty talked about the future financial needs of the Department with Council.

After the budget was discussed, Mr. Schlagheck talked with Council about the purchase of holiday banners for the downtown area.

Being no further business the work session ended at 6:45 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

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PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Deputy Mayor Mike Schweller
Mayor Baird

ABSENT: Mrs. Seger-Lawson

Mrs. Seger-Lawson was absent. **Mrs. Middlestetter moved to excuse Mrs. Seger-Lawson.** Mr. Greenwood seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

This is a summary of the City Council meeting held on Monday, October 24, 2016. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

After polling members of City Council, as there were no corrections or additions to the **work session minutes and regular meeting minutes of October 10, 2016** Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Baird swore in Dana Duckro. She is filling an unexpired term on the Village Review Board that expires on 12-31-17.

PUBLIC HEARING OF ORDINANCES

Mr. Greenwood **read Ordinance 2016-11.** An Ordinance approving an addendum to the Solid Waste and Recyclable Material Collection and Disposal Contract with Rumpke of Ohio, Inc. This ordinance will allow for a one year extension of the contract with Rumpke of Ohio. The price for 2017 will be \$13.11 per customer per month. It is a slight increase from \$12.86. Mr. Schlagheck said that Rumpke provides good service and the City receives very few complaints from residents. Mr. Schlagheck also said that the rate charged to the residents will not need to be changed. This is the final extension that can be executed and bids will be solicited in 2017 for 2018 and beyond.

Being a public hearing, Mayor Baird opened up for public comments. Seeing no comments from the public the Mayor closed the public hearing and asked for a motion.

Mr. Greenwood made a motion to adopt Ordinance 2016-11. Mr. McGill seconded the motion. The Clerk called the roll: Mr. Greenwood, yes; Mr. McGill, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

INTRODUCTION OF ORDINANCES

Mr. McGill read Ordinance **2016-12.** An Ordinance approving the revised City of Bellbrook Personnel Manual. Mr. Schlagheck said that each year the Personnel Manual is reviewed and changes are

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October 24, 2016

recommended. There were changes to the vacation section and also the reimbursement of expenses section. This ordinance is set for public hearing at the Council meeting on November 14th. Mr. Schweller said it looks like one of the changes is to eliminate Finance Director as a separate title and just use City Manager. It is only one position so Mr. Schweller thought it was a good idea.

Mr. McGill made a motion to introduce Ordinance 2016-12. Mr. Schweller seconded the motion. The Clerk called the roll: Mr. McGill, yes; Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion carried 6-0.

CITY MANAGER REPORT

Mr. Schlagheck said that Halloween will be on Monday, October 31st from 6-8 pm. Sugarcreek Township is observing it the same night.

Mr. Schlagheck next updated Council on the Planation Trail project. The six new box culverts were to be delivered and installed today. Five of the six box culverts are in place but the truck that was hauling the last culvert overturned this morning and damaged the culvert beyond repair. Mr. Schlagheck said he will keep Council updated on this project. The City will do what they can to re-open the road but it may not get paved before the asphalt plants close for the winter.

Mr. Schlagheck said that the Financial Statements were released by the Auditor of State for the 2015 fiscal year today. They will be available on the City's website and they will be submitted to the different agencies that require them. Mr. Schlagheck also said he will give Council a brief presentation at the next Council meeting on November 14th. Mr. Schweller wanted the residents of Bellbrook to know that they push the State Auditors hard to get the financial statements released sooner as they do not like the lag time but mostly it is out of the City's control.

COMMITTEE REPORTS

Service: No Report.

Safety: No Report.

Finance/Audit: No Report.

Community Affairs: Mrs. Middlestetter said Community Affairs is in the processing of interviewing candidates for the vacancy on the Board of Zoning Appeals. They should have a recommendation for Council at the November 14th meeting.

OLD BUSINESS-

NEW BUSINESS-

OPEN DISCUSSION-

Mayor Baird reminded residents to get out and vote on Tuesday, November 8th.

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Kim Tomlinson, 2007 S Linda Dr.- She currently has chickens and wants the City of Bellbrook to create an ordinance to allow chickens in residential areas. She has started a written petition too. She also has put together a proposed ordinance and read it aloud to Council. This was talked about in 2013 and Council voted that they did not want to move forward. Council also discussed having chickens at the last meeting on October 10th and the majority voted not to allow chickens.

Mayor Baird said that Mr. Schweller was not here and he wanted to know his thoughts. Mr. Schweller said he would have to vote against having chickens. He has been contacted by several residents. One resident did want chickens but others did not want chickens, so he would stand with the people and say no to allowing chickens.

Mr. McGill said he visited the property at 2007 S. Linda Dr. He has done research since the last meeting. He noted several studies about whether there is coexistence between chickens in a residential area and non-chickens in a residential area. Many of the items that Mrs. Tomlinson read aloud were discussed in the studies but Mr. McGill said that what stands out to him is the issue of how the area is zoned. Mr. McGill told Mrs. Tomlinson while he can sympathize with her he cannot vote on allowing chickens.

Mayor Baird did say he received an email from someone that was in favor of having chickens. He also said about eight other residents he spoke with were opposed to having chickens. The Mayor said he goes back to the plat covenants that say chickens are not allowed. The Mayor further said he does not want the City to be in the middle of neighbor disputes.

Kim Tomlinson-2007 S. Linda Dr. asked Council how the plat covenants affected the keeping of bees when they approved the ordinance. The Mayor said he does not think the plat covenants list bees. Mr. Schlagheck also said he does not think the discussion of plat covenants came up when they were discussing bees.

Mr. Schweller said he talked with a resident that was concerned about plat covenants and the comment the resident said was Council will act on this and they will have to end up suing their neighbor over this. Mr. Schweller said he does not think the City wants to use their resources to chase these down either. Mrs. Tomlinson said if it is not the City's law then the City would not be in charge of enforcing it. Mr. Schweller replied to that and said the City would be in charge of any violations. Mrs. Tomlinson again asked Council that she would like to request a public hearing to hear what the residents have to say. Mayor Baird said he does not think the vote has changed.

Francoise Ullrich-2384 S. Linda Dr.- She wants Council to know that several young families have moved into their neighborhood and they are bringing a different feel to the area. She also said that young families have different priorities. She does support having chickens.

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Louie Schatzberg-4082 Ridgetop Dr. His concern is putting code in place that allows residents to have chickens and then the chickens are not cared for properly. He said that chickens do not belong in the city.

Nina Herzog-255 Upper Hillside Dr. She is concerned with having six chickens on a half-acre lot. She also is concerned with the increase in wildlife and the safety of children.

Kim Tomlinson-2007 S. Linda Dr. She said that generally chickens only require one square foot of roosting space per chicken. She has not seen an increase in predators since she has had the chickens. If you are going to let them roam, you can clip a wing so they will not fly away. If this would go forward to allow chickens, it could have a one year limit and after that time, it could be evaluated. Mrs. Tomlinson said that if the plat covenants allow for chickens then the ones that say you can't have chickens should not affect the ones that can.

Francoise Ullrich-2384 S. Linda Dr. She asked Council what would change their minds on allowing chickens. What if they went door to door in their neighborhood and asked what their neighbors had to say about allowing chickens. Mayor Baird asked Council their thoughts.

Mr. Edwards asked if it would be door to door in just her neighborhood or the entire city. Francoise replied just her neighborhood initially. Francoise said if they got a positive response in her neighborhood and then reached out to other neighborhoods and got a positive response, would that change Council's mind. Mr. Edwards said he listens to all the citizens in Bellbrook on decisions like this but he does not think it would change his mind. Mr. Edwards also said that he has heard from several residents in his neighborhood and they are not in favor of having chickens.

Mr. Greenwood said he would like to hear what the public has to say.

Mrs. Middlestetter said she would like to hear what the residents have to say too. She is concerned about the plat covenants though.

Mr. McGill said he did give Mrs. Tomlinson the benefit of the doubt but he does have a concern about the plat covenants. In his Home Owners Association, chickens are not allowed. He said it should not be the Home Owners Association that would pay to change the plat covenants but it should be the person that wants the chickens. Mr. McGill said it could be a viable expense to have the plat covenants changed.

At 7:42, a motion was made by Mr. Edwards to adjourn to executive session to discuss the purchase of property. Mr. McGill seconded the motion and the Clerk called the roll: Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

Council exited executive session at 8:16 to resume the regular session of City Council.

ADJOURN

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October 24, 2016

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:18 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2016-12

November 14, 2016

City of Bellbrook

Ordinance No. 2016-12

An Ordinance Adopting the Revised City of Bellbrook Personnel Manual.

WHEREAS, the City of Bellbrook periodically reviews its personnel policies and procedures; and

WHEREAS, the City has made revisions to the Personnel Manual that incorporates these policies and procedures; and

WHEREAS, the City desires to adopt the revised Personnel Manual.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That the revised Personnel Manual attached hereto and incorporated herein by reference, setting forth personnel policies and procedures for employees of the City of Bellbrook, is hereby adopted.

Section 2. This ordinance shall take effect January 1, 2017.

PASSED this ____ day of _____, 2016.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:
Patricia N. Campbell, Municipal Attorney

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Section 1 Introduction

Section 1.1

Preface

- A. Intent. The contents of this manual are prepared to provide guidelines for employee conduct. The personnel policies are an administrative guideline and do not create a contract for employment.
- B. Scope of Coverage. The policies, rules and regulations contained in this manual will apply to all employees except where there is a conflicting contract provision. Each employee is responsible for familiarizing himself or herself with these policies. These rules do not apply to persons who are employed on a retainer basis, or to independent contractors. Except where explicitly stated, these rules do not apply to City Council.
- C. Amendments. As conditions warrant, these policies may be amended, revised, or deleted by approval of the City Manager and consent of City Council. Such revisions, amendments, or deletions will be published in a conspicuous place, or employees will be otherwise notified of their existence, on or prior to their being effective.

City management personnel and City employees may submit proposals for additions or amendments. All such proposals must be submitted in writing to the City Manager, with a copy provided to the Department Director, who will review and forward all proposals, with recommendations, to the City Manager for his or her consideration.

- D. Dissemination. All personnel shall be notified of the existence of these policies/rules, and all personnel through their supervisors shall have a copy available for review. Each employee will be required to sign an acknowledgement that they know where to access a copy of this manual and is advised to read the manual in its entirety.
- E. Savings Clause. If any section(s) of this personnel manual or any amendment(s) thereto shall be invalidated by law, rule, regulation, or binding legal decision rendered by a person or entity of competent jurisdiction (e.g., court decision, administrative ruling, etc.), or if compliance with or enforcement of any section(s) of this manual shall be restrained by such person or entity, the remainder of this personnel manual and any amendment(s) thereto shall not be affected and shall remain in full force and effect.

Section 1.2

Overview of the City of Bellbrook

The City of Bellbrook was settled in 1816 and named for one of its founders, Stephen Bell, who helped form part of what is now the downtown area. The second part of the City's name refers to the many local waterways including the Little Sugarcreek, Sugarcreek and Little Miami River.

The legislative and policy-making body of the City is comprised of a Mayor and six Council members elected at large on a non-partisan basis. The Council hires a professional City Manager who operates the city on a day-to-day basis. The Department Directors (Police Chief, Fire Chief and Service Director) work under the leadership of the City Manager. The City is proud of its efforts to provide the best possible services at the lowest possible cost.

Section 2 Employment

Section 2.1

Equal Employment Opportunity

- A. Equal opportunity for employment and/or promotion is open to any person who possesses the requisite qualifications for an open position. The City policy is that there shall be no discrimination on the basis of race, color, religion, sex, national origin, age, ancestry, disability, genetic information, military status, or other protected group status with regard to employment, job assignment, promotion or other terms or conditions of employment. Any employee who in good faith brings a complaint of discrimination will not be adversely affected with respect to the terms or conditions of his/her employment because of having made such a complaint. Any employee who is deemed to have retaliated against an individual for bringing a complaint of discrimination will be subject to discipline, up to and including termination.
- B. An employee who feels he or she has been discriminated against because of race, color, religion, sex, national origin, age, ancestry, disability, genetic information, military status, or other protected group status may seek redress internally by filing a complaint with the employee's supervisor, the City Manager or his/her designee. If the employee's supervisor is the source of the alleged discrimination, the complaint may be filed with the City Manager or his/her designee. If the complaint is not addressed through the internal grievance procedure, an employee may file a charge with the Ohio Civil Rights Commission or the Equal Employment Opportunity Commission as appropriate.
- C. Employees submitting an Equal Employment Opportunity Complaint should reference Section 2.12 *Complaint Handling Procedure*.

Section 2.2

Americans With Disabilities Act

- A. The City is in compliance with all regulations as set forth in the Americans with Disabilities Act ("ADA") and all applicable State and local laws. The City prohibits discrimination against qualified individuals with a disability with regard to employment, job assignment, promotion or other terms or conditions of employment. If you, as an employee of the City, have a disability (as defined under applicable State and/or Federal law) and need a reasonable accommodation (as defined under applicable State and/or Federal law), it is your responsibility to let the City Manager or his/her designee know both about the disability and the accommodation you need to perform your job. The City will provide a qualified individual with a disability a reasonable accommodation, as required by law, except where such accommodation would create an undue hardship on the City.
- B. Although the City may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and may ask the applicant to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions, the City will not require a medical examination (as defined under the ADA) until after extending a conditional offer of employment. Information obtained by the City regarding the medical history or condition of any employee shall be collected and maintained on separate forms and in separate medical files and shall be treated as a confidential medical record, except as otherwise provided under the ADA.

Section 2.3

Nepotism

No applicant for employment or promotion shall be hired to a position that will cause him or her to be directly supervised by a member of his or her immediate family or will place him or her in a situation where a member of his or her immediate family can influence working conditions, hours or wages.

Section 2.4

Immigration Law Compliance

All offers of employment are contingent on verification of your right to work in the United States of America. On or before your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign Form I-9, Employment Eligibility Verification. If you, at any time, cannot verify your right to work in the United States, the City of Bellbrook may terminate your employment.

Section 2.5

Pre-employment Requirements

- A. Employment Applications. The city relies upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.
- B. Medical Examinations.
1. A physical and/or psychological examination by a qualified physician may be required following a conditional job offer, to ensure that selected job applicants are physically and psychologically able to perform the duties of the position for which they are applying. No medical examination will be conducted until after the City has made the applicant a conditional offer of employment.
 2. The City shall select the physician to administer the City's examination and the City shall pay the cost.
 3. Any offers of employment shall be contingent upon the new employee's test results for the presence of any unlawful substances. Refusal to submit to a drug test by any new employee or prospective employee shall be considered as a voluntary resignation or voluntary withdrawal from any selection process by the employee.
- C. Background Investigations. All offers of employment are contingent upon clear results of a thorough background investigation. Background investigations will be conducted by trained personnel. Individual departments may require additional investigation methods and research. Background investigations will include at a minimum:
1. Social Security validation including the applicant's social security number, date of birth, and former addresses.

City of Bellbrook Personnel Manual

2. Criminal history checks covering local, state, and federal courts for crimes committed in the last seven years. Individuals may be excluded from employment for past criminal conduct if it is job related. The applicant will have the opportunity to explain why the exclusion does not apply to him or her.
3. Employment verification of the applicant's present and/or former employers using information provided on the employment application. Employment verification items include dates of employment, position(s) held, and tasks performed.
4. Personal and professional references provided by the applicant will be contacted.
5. The following additional searches will be required if applicable to the position:
 - a. Education verification to confirm the claimed educational institution, the years attended, and the degree or diploma received.
 - b. Driver's license report to review an individual's driving history.
 - c. Credit history report to review the applicant's financial status. This search will be conducted for positions that involve the handling of City funds and/or cash.
6. A background check will be performed after a contingent offer of employment and written consent of the applicant. If there is negative or incomplete information on the background check, the City Manager or designee will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired.

Section 2.6

Position Classifications

- A. Exempt Employees. The positions of Mayor, Council Member, Clerk of Council, City Manager, Finance Director, Assistant to the City Manager, Police Chief, Fire Chief, Service Director, Police Lieutenant and Fire Captain are considered exempt positions under the provisions of the City Charter. All other positions shall be considered non-exempt positions under the provisions of the Charter. Exempt employees are paid a salary and are not paid overtime for hours worked in excess of 40 hours in a workweek. When a newly-hired exempt employee can demonstrate that related full-time experience through previous employment will benefit the City, the Manager may place him or her on the City pay scale at the salary commensurate with his or her years of experience and/or his or her previous salary level. Prior service may also be considered in establishing seniority for benefits. Exempt employees under the City Manager serve at the pleasure of the City Manager.
- B. Full-time Employees. A full-time employee shall be defined as one who has worked, is working and/or is scheduled to work 40 hours per week or more for a minimum of 52 consecutive weeks and who shall continue such a schedule for the foreseeable future until separation from the City.
- C. Fire Department Volunteers. Fire Department Volunteers shall be classified and compensated according to provisions established by the Fire Chief and approved by the City Manager.

Section 2.7

Anniversary Date

The first day you report to work in a specific position classification is your official anniversary date. Your anniversary date is used to compute various conditions and benefits described in this personnel manual.

Section 2.8

Performance Evaluations

It is the policy of the City to expect and promote optimum employee performance and to encourage growth and development. This policy recognizes employee training as a departmental responsibility, including regular performance evaluations and discussion between supervisors and subordinates. The following procedure is established as a guideline for all City supervisors and may be modified by the City Manager when warranted by special circumstances.

- A. General Procedures. Supervisors shall evaluate the performance of their employees before such employee is eligible for a regular salary increase. This evaluation must be recorded on the applicable performance evaluation form approved by the City Manager's office. Performance evaluations must be discussed fully with each employee.
- B. Probationary Employees. The probationary period for newly hired, promoted or transferred employees shall be 12 months. Prior to the end of the probationary period, the employee shall receive a performance evaluation. This evaluation shall include a recommendation to retain as a permanent employee, dismiss the employee or extend the probationary period for the employee. A probationary employee may be dismissed at any time during the probationary period without any appeal rights.
- C. Permanent Employees.
 1. If a performance evaluation shows an overall rating of "Needs Improvement" or "Unsatisfactory," then a second evaluation should be completed within 60 days. During this period, the salary increase shall be delayed until the next evaluation.
 2. If the second evaluation shows inadequate improvement, then disciplinary procedures should be followed. At this point, the salary increase shall be denied indefinitely until authorized by the City Manager.
 3. If the second evaluation indicates improved performance, but is still a "Needs Improvement" overall rating, then a third evaluation will be completed within 30 days. The salary increase will be delayed during this period.
 4. If an overall evaluation of "Needs Improvement" results at the end of the aforesaid thirty-day review, then procedures on discipline should be followed. At this point, the salary increase shall be denied indefinitely until authorized by the City Manager.
- D. Areas of Performance. During a formal performance review a supervisor may cover the following areas:
 1. Job knowledge and skills
 2. Work product
 3. Interpersonal relations

4. Work habits
5. Supervisory skills (if applicable)

Section 2.9

Public Relations

The success of the City of Bellbrook depends upon the quality of the relationships between employees, residents and the general public. Each employee is the City of Bellbrook's ambassador. The more goodwill employees promote, the more City residents will respect and appreciate City employees and services.

Below is a summarized list of actions you can do to help give residents and the community a good impression of the City of Bellbrook. These are the building blocks for continued success.

- A. Act competently and deal with residents and the public in general in a business-like, courteous and respectful manner.
- B. Communicate pleasantly and respectfully with other employees at all times.
- C. Follow up on questions promptly, provide business-like replies to inquiries and requests, and perform all duties in an orderly manner.
- D. Take pride in your work and enjoy doing your very best.

Section 2.10

Professional Development

- A. Employees are encouraged to take classes and courses of study by way of self-improvement. Some of these courses may be suggested by a Department Director when offered by area schools or by other governmental jurisdictions or agencies. Upon the submission of an estimate of the costs involved and upon the prior written approval of the City Manager, the employee will be reimbursed for registration fees.
- B. An employee may wish to take other courses of study on his or her own time. If such courses are job-oriented, then with the prior joint, written approval of the appropriate Department Director and the City Manager, the employee may be reimbursed for his or her expenses up to the amount of tuition. Approval for reimbursement will be subject to budget constraints in each fiscal year. Reimbursement will be made only upon presentation by the employee of a receipt or cancelled check verifying payment and a certificate verifying the receipt of a grade of C or higher in an undergraduate course or a grade of B or higher in a graduate course. The course must be taken for credit and a grade if the employee is to be eligible for reimbursement.
- C. An employee who terminates employment with the City within one year after completing a course for which he or she was reimbursed shall refund to the City all money received for courses taken within one calendar year of the employee's termination date. The amount to be refunded may be withheld from any termination pay due such employee. Employees whose services are terminated by the City are not required to make such a refund.

Section 2.11

Discipline

- A. Discipline Defined. Discipline is the application of a method, through a system of rules, to ensure orderly conduct of an employee. It involves training and counseling to improve performance and penalties to correct behavior. Disciplinary penalties must be clear and consistent in their application. Disciplinary action should be taken as soon as the facts are known and a fair judgment can be made. The following procedures pertain to non-exempt employees only. Discipline for exempt employees shall be set by the City Manager based upon the circumstances of each individual case.
- B. Progression of Corrective Action. The progression of corrective action in instances where an employee violates any rule or regulation and requires disciplinary action is as follows:
1. Oral reprimand;
 2. Written reprimand;
 3. Suspension with pay;
 4. Suspension without pay;
 5. Discharge.

Discipline shall be commensurate with the offense.

- C. The City Manager may reduce, suspend, or remove any person under his jurisdiction for incompetency, inefficiency, immoral conduct, dishonesty, conviction of a felony, drunkenness, insubordination, discourteous treatment of the public, neglect of duty, conviction of a misdemeanor involving moral turpitude, insanity, abuse of authority, repeated failure to meet personal financial obligation, or for any other just and reasonable cause.
- D. A probationary employee may be discharged at any time within the probationary period. The progressive disciplinary steps do not have to be followed in the case of a probationary employee. Probationary employees should be given a fair opportunity to succeed. It is equally important that departments release probationary employees who fail to meet standards of performance and conduct.
- E. When an employee is to be disciplined, the City Manager or designee shall have the charges against the employee reduced to writing and served on the employee. For instances of misconduct which may result in suspension or discharge, a pre-disciplinary conference with the City Manager or designee shall be held on a date and time no sooner than 24 hours after the charges have been served on the employee.

The employee shall have the right to be represented at the pre-disciplinary conference and the representative shall have the right to attend the conference. The employee shall have the right to respond, have a representative respond on their behalf, or waive the right to a pre-disciplinary conference. During the pre-disciplinary conference, the employee and/or employee's representative will have no right to call or cross-examine witnesses. The pre-disciplinary conference is simply an opportunity for the employee to respond to the allegations.

The City Manager or designee shall hear the evidence in support of the charges and the evidence in defense of the charges and shall endeavor to ascertain the truth of the charges in order to render a fair and just decision based on the evidence submitted at the pre-

disciplinary conference. The City Manager shall render his/her decision within three workdays after the day of the conference.

- F. In case of a removal, reduction, or suspension of more than 24 hours, employees exempt from overtime pursuant to the Fair Labor Standards Act (FLSA) or more than 40 hours, employees non-exempt from overtime pursuant to the FLSA, the City Manager shall serve on the employee, personally or by certified mail, at the last known address of such employee, a written statement concisely setting forth the reasons for which the employee is removed, reduced, or suspended and the duration of any such suspension. The employee may appeal to the City within 10 workdays from the date such written statement is served upon them so long as a right to appeal exists pursuant to Ohio Revised Code, Section 124.34.

When notified of an employee's appeal, the City Manager shall transmit to the Personnel Board a copy of the written statement sent to such employee, together with a statement of the time and manner of service thereof. The Personnel Board shall hear such appeal within 30 days from the filing of the same with the City and may affirm, disaffirm, or modify the judgment of the City Manager issuing such order and the Personnel Board's judgment in the matter shall be final except as otherwise provided by law.

In an appeal of a removal based upon a "last chance agreement" between the City Manager and the employee, the only issue in which the Personnel Board may determine is whether the employee violated the last chance agreement. The Personnel Board may only affirm or disaffirm the judgment of the City Manager. For purposes of this provision, "last chance agreement" has the same meaning as set forth in Section 124.34(E) of the Ohio Revised Code.

Section 2.12

Complaint Handling Procedure

- A. The purpose of this section is to set guidelines and principles by which the complaint procedure might improve employee relations within the City. A complaint is defined as an allegation that a violation or conflict in the interpretation of City policy or procedure has occurred.
- B. When an employee has a complaint, the following procedure is available to such employee as a means of attempting to resolve the problem.
1. The employee shall present the complaint to his or her immediate supervisor. The supervisor shall hear and reply to the complaint. If the complaint relates to the supervisor, the employee shall present the complaint to his or her Department Director. The Department Director shall hear and reply to the complaint. If the complaint relates to the Department Director, the employee shall present the complaint to the City Manager. The City Manager shall hear and reply to the complaint.
 2. In the event the supervisor's reply does not resolve the complaint to the satisfaction of the employee, the complaint may be taken to the Department Director within five working days after receipt of such reply. The Department Director shall consult with the City Manager to resolve the complaint. The Department Director shall hear and reply to the complaint.

3. If the reply of the Department Director does not resolve the matter to the satisfaction of the employee, the complaint may be submitted to the City Manager within five work days after receipt of such reply. The City Manager shall hear and reply to the complaint.
4. In the event the reply of the City Manager does not resolve the matter to the satisfaction of the employee, the complaint may be submitted to the Personnel Board within five work days after receipt of such reply. The Personnel Board shall review the complaint and shall render an advisory opinion to the City Manager, based on its findings, sending a copy of such opinion to the aggrieved employee.

Section 2.13

Uniforms

A. Police, Fire and Service Departments.

1. Police, Fire and Service employees will be provided with a complete uniform as required by regulations. Employees may receive uniform replacement parts upon application to and approval by the City.
2. Upon the departure of any employee, whether voluntarily or involuntarily, that employee shall return to the City any piece of equipment, uniform part and clothing purchased with City funds.

B. Service Department. Service Department personnel are provided with uniforms, the cost of which will be borne by the City. Safety shoes shall be worn as required by the City or the Industrial Commission of the State. Direct payment for or reimbursement of the cost of safety shoes will be made. The replacement of safety shoes will be paid for by the City at a frequency and in an amount to be determined by the City Manager.

C. General. Other employees may be required to have full or partial uniforms or other specific items of equipment. When required, an initial issue of uniforms or equipment will be provided and a periodic allowance will be established by the City Manager for replacement uniforms.

D. Department Directors or the City Manager have the authority to determine when a uniform should no longer be worn due to age, style, or condition.

E. Employees are responsible for any tax liabilities resulting from the provision of City uniforms.

Section 2.14

New Employee Orientation

On or before your first day of work, you will be asked to complete employment paperwork. Depending on your department's workload, your supervisor will introduce you to your co-workers and the layout of the work area. Please feel free to ask your colleagues any questions not answered during your orientation.

Section 2.15

Posted Employment Law Notices

The City of Bellbrook posts all required employment law notices on bulletin boards in each building/work area for employee examination. If you have any questions regarding items contained on the labor posters, you can contact the Administration office.

Section 2.16

Work Schedule

Hours of work and scheduling will be determined and assigned by your supervisor. Should you have any questions concerning your work schedule, please ask your supervisor.

The Department Director shall establish the normal working hours of their department's employees and will maintain daily employee attendance records. Workdays are normally Monday through Friday, except the Department Directors, with the concurrence of the City Manager, may adjust normal work schedules for departments.

Section 2.17

Personnel Records and Reference Check Disclosure

A. Personnel Records.

1. The Administration office shall maintain official personnel files for all City employees. Such files shall include, but may not be limited to: individual employment data, payroll information, records of additions or deductions paid, application forms, records pertaining to hiring, promotion, demotion, transfer, layoff, termination, etc. Employee medical records will be kept in a separate file.
2. An employee shall have a right to inspect his or her official personnel file. The employee may see information and documents in the file and request copies of all documents signed by the employee; provided the city reserves the right to redact confidential information on personnel documents. If an employee wishes to review their file they must contact the Administration office to schedule an appointment. An employee may review their personnel file in the presence of an Administration office representative.
3. Employees must advise the Administration office of any change in: name, address, marital status, telephone number, number of exemptions for tax purposes, beneficiaries, citizenship, selective service classification, or association with any government military service organization.

B. Reference Check Disclosure. All requests for information on current or former employees must be referred to the Administration office. Information given by phone will be limited to verification of employment dates, position title, and pay rate. In response to written requests (i.e., mortgage applications), information such as salary, dates of employment, and job position may be provided, if an authorization signed by the employee is provided. Representatives of government agencies, in the course of their business, may be allowed access to information.

Section 2.18 **Separation From Employment**

You are free to terminate your employment with the City of Bellbrook at any time, with or without reason. Likewise, the City has the right to terminate your employment, or otherwise discipline, transfer, or demote you at any time according to Section 2.11. The City of Bellbrook requests that you give at least a two-week notice in the event of your resignation. Failure to provide a two-week notice may prohibit re-employment.

The City of Bellbrook may consider you to have voluntarily terminated your employment if you do any of the following:

1. Resign from the City of Bellbrook;
2. Fail, without prior notice and request for extension, to return from an approved leave of absence, including Family Medical Leave, on the date specified by the City; or
3. Fail to report to work or call in for three (3) or more consecutive workdays.

Employee's benefits will be affected by employment termination. All accrued benefits that are due and payable at separation will be paid in addition to the final paycheck.

Section 2.19 **Exit Interviews**

In a resignation situation, the Department Director or supervisor may wish to conduct an exit interview to discuss the employee's reasons for leaving the City of Bellbrook. During the exit interview, the employee is encouraged to provide insights into areas for improvement that the City can make. Every attempt will be made to keep all information confidential within management.

Section 2.20 **Return of City Property**

Any City of Bellbrook property and equipment issued to the employee, as well as all documents, including those stored electronically, and all computer software must be returned to the City at the time of termination. The employee's supervisor will assist in collecting all City property.

Section 2.21 **Non-salary Remuneration**

The City Manager is hereby directed to authorize expenditures for non-salary remuneration or other such amenities when, in his or her discretion, he or she determines that such expenditures are necessary to perform a function or to exercise a power expressly conferred upon the City or its officers or employees by the statute or ordinance, or necessarily implied therefrom, provided that the decision of the City Manager is not manifestly arbitrary or unreasonable.

Section 2.22 **Indemnification and Legal Defense**

A. Consistent with Ohio law, the City shall defend each of its employees and elected and appointed officials in and from any and all suits, claims, charges and demands based upon or arising from actions or services such persons have taken or performed within the scope of

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their responsibilities. This obligation of the City to defend such persons shall exclude the defense of any action taken by the City itself against any such person.

- B. The City shall indemnify each of its employees to the extent required by Ohio Revised Code Section 2744.07(A) and shall provide the same extent of indemnification protection to its elected and appointed public officials, even though such indemnification of those officials may not be required by that State statute, and the City shall hold all such persons harmless on such matters.

Section 3 Compensation

Section 3.1

Compensation: City Manager

The salary of the City Manager shall be negotiated and set by action of Council. Increases shall be granted at the discretion of Council. Council shall have the authority to affect increases without amendment to this manual.

Section 3.2

Compensation: Clerk of Council

The salary of the Clerk of Council shall be negotiated and set by action of Council. Increases shall be granted at the discretion of Council. Council shall have the authority to affect increases without amendment to this manual.

Section 3.3

Compensation: Employee Wage Scale

- A. With several exceptions, employees of the City will be shown in a position classification as established by City Council. This position classification determines the wages of various employees of the City.
- B. A position classification may be filled by an outside contractor rather than by a City employee. Such contractor and the related contract must have the approval of the appropriate Department Director and the City Manager.
- C. The wage scale shall be consistent with the scale formally adopted by City Council.
- D. When an employee has received advanced certification required in a job description, the City Manager may move the employee into the corresponding position classification when the employee receives proof of such certification. Such action does not affect the established anniversary date or the annual performance evaluation and possible step increases associated with that anniversary date.
- E. When an employee has accepted additional responsibility and/or has exhibited exceptional performance where a promotion is feasible, the City Manager may move the employee into a higher position classification as long as the employee meets the requirements in the job description. Such action must be preceded by a performance evaluation and will establish a new anniversary date.

Section 3.4

Compensation: Merit Bonus Pay

- A. Definition. Merit Bonus Pay is defined as a management tool to encourage and reward excellence among employees who are at the top of their respective pay scales.
- B. Intent. Merit Bonus Pay is designed to recognize outstanding performance without employee expectation of continual receipt of an award. This bonus pay is not intended to be a compensation benefit or an automatic right.
- C. Guidelines.

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1. Merit Bonus Pay is limited to only those individuals who are at the top of their respective pay ranges. Merit Bonus Pay candidates must meet one of the following criteria:
 - a. Maintaining a Standard of Excellence. The Employee has demonstrated a consistent pattern of outstanding job performance. Here, a single notable achievement by this employee is not required.
 - b. Exceptional Achievement. The employee's efforts have resulted in a special achievement of significant importance to the City. Here, it is not required that the employee's overall performance level be rated outstanding.
2. An employee may be awarded Merit Bonus Pay one time in a calendar year. As a general rule, Merit Bonus Pay may not be awarded to an individual within two consecutive years. Candidates for consecutive year awards shall be evaluated on a case by case basis.
3. The amount of the Merit Bonus Pay awarded to an employee shall be in the range of 1-5% of their base annual salary.
4. A supervisor desiring to award Merit Bonus Pay to a subordinate must receive written approval from the City Manager prior to notifying the employee of the award.

Section 3.5

Pay Period

- A. The pay week shall be from Sunday through Saturday.
- B. Pay periods shall be established by the Finance Director. Pay periods are in two-week increments. Pay days will be on the Friday following the end of a pay period. In the event that a regularly scheduled pay day falls on a holiday, the pay day will be moved to the preceding business day.
- C. Direct deposit is mandatory for all employees. This means the City will deposit the employee's paycheck directly into bank account(s) of the employee's choosing. Pay stubs will be available to employees on the pay day.
- D. Part-time Firefighter Schedule. The City has established a fourteen day work period in accordance with the Fair Labor Standards Act for part-time firefighters. Hours worked in excess of 106 during a fourteen day work period will be compensated at one and one-half times the employee's hourly rate.

Section 3.6

Employee Deductions

- A. Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee and authorized by law. These deductions are itemized on the employee's pay statement, which accompanies the bi-weekly paycheck. Deductions include:
 1. Retirement Plans. State law requires that employees contribute to the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F) rather than Social Security. (Membership in the system is compulsory upon

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being employed except those persons specifically exempted under the provisions of O.R.C. 145.03.)

2. Income Taxes. Federal and state laws, some city ordinances, and some school districts, require that taxes be withheld from each salary and wage payment. The amount of tax to be withheld is determined from tables furnished to the Administration office by the Ohio Department of Taxation and various other entities, and varies according to the amount of salary and number of dependency exemptions.

Employees are required to complete withholding tax certificates upon initial employment and to inform the Administration office of any dependency change whenever such change occurs.

3. Medicare Health Insurance. The federal government requires 1.45% of the salary and wages of employees hired on or after April 1, 1986, be withheld each pay period to pay for Medicare health insurance coverage. The City is also required to contribute a like amount.
4. Medical/Dental Insurance Premiums. The City may require a payroll deduction for the employee's share of medical and/or dental insurance premiums for those eligible employees electing medical and/or dental insurance coverage.
5. Miscellaneous. Examples include Health Savings Accounts, garnishments, deferred compensation, child support, other insurance contributions, etc.

- B. The City may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts determined by the City Manager, which occur at irregular intervals, or for another similar cause; other than those deductions required by law, the City may decline to make a deduction that the employee's check is insufficient to cover. All requests for payroll deductions must be presented in writing to the Administration office for authorization.

Section 3.7

Hours of Work

A. Employees of Police, Fire and Service Departments.

1. The pay period for the full-time employees of the Police, Fire and Service Departments shall be 80 hours per two weeks.
2. The hours of work for the part-time employees of the Police, Fire and Service Departments shall be as scheduled by the Department Director.
3. Nothing contained herein shall be construed as preventing the City from restructuring the normal work day or work week for the purpose of promoting efficiency or improving services; or from establishing work schedules of employees. Supervisory personnel may be assigned a forty-hour per week flex schedule with earned benefits prorated accordingly.

B. Other Full-time Employees.

1. Generally, the hours of work for full-time employees, other than Police, Fire and Service Department employees, is 40 hours per week.

2. The normal weekly work schedule for full-time employees, other than Police, Fire and Service Department employees, is eight hours per day, Monday through Friday.
- C. Grounds for Disciplinary Action. Employees are expected to report to work at the designated starting time. Failure to report on time, unless excused by the immediate supervisor, will constitute grounds for disciplinary action. Taking excessive time for lunch and other breaks, stopping work before the designated quitting time, and wasting time on the job, are also grounds for disciplinary action.

Section 3.8 **Overtime Pay and Compensatory Time Off**

A. Non-Exempt Employees.

1. Non-exempt employees shall be paid one and one-half times their regular rate of pay for overtime hours worked. Overtime hours are any hours over forty hours per week in active pay status. Overtime will be credited in fifteen-minute increments.
2. To the greatest extent possible, all overtime shall be offered to all qualified personnel in the work unit, and the overtime actually worked shall be spread as evenly as possible over all interested employees in the work unit. However, employees who consistently refuse overtime when offered it shall waive their rights to an equal number of overtime hours.
3. The City Manager may require prior approval of all overtime, except in the case of an emergency when contact with the City Manager is attempted but cannot be made. If prior approval is not required, a record must be kept by the respective Department Director showing the reasons for the overtime.

B. Exempt Employees. The salaries of management employees are on an annual basis and unless specifically authorized by the City Manager (through a letter of justification placed in the employee's personnel file), such employees are not subject to overtime pay.

C. Fire Department Employees. Any non-exempt employee who responds to a fire station for an emergency situation calling for additional personnel shall receive a minimum of one hour of overtime, payable at one and one-half times the employee's hourly rate, and the supervisor may hold the employee for the full sixty minutes, if warranted.

D. Call-In Pay. Call-in pay means payment for emergency work performed by an employee who has been recalled to work outside his or her normal work day. In such cases, employees shall be offered a minimum of three hours of work which must be in excess of the regular work hours in order to qualify for overtime pay. In the case of regularly scheduled and continuing work in checking the water system on weekends, employees shall be offered a minimum of three hours of work on both Saturday and Sunday.

E. Compensatory Time Off. Employees are permitted compensatory time off in lieu of immediate overtime pay in cash, at a rate of not less than one and one-half hours for each hour of overtime worked. The maximum compensatory time which may be accrued by an affected employee shall be 120 hours. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work. Exceptions to the maximum compensatory time balance may be

made with the approval of the City Manager. Employees may elect to cash in all or a portion of their accumulated compensatory balance once per year.

An employee shall be permitted to use accrued compensatory time within a reasonable period after it is requested if to do so would not unduly disrupt the operations of the employee's department. Payment for accrued compensatory time upon termination of employment shall be calculated at the final regular rate received by the employee.

Section 3.9

Allowances: Vehicles

- A. The City will provide an appropriate vehicle for the business use by the City Manager, the Police Chief, the Fire Chief and the Service Director. Authority to drive City vehicles to and from work may be granted by the City Manager. City vehicles driven by designated employees must be used for official purposes only and not for personal errands or business. Use of a City vehicle for other than business or driving to and from work may be approved by motion of Council, but such other use shall not extend beyond Montgomery or Greene Counties and shall be restricted to the employee himself or herself. Otherwise, the ultimate responsibility for the assignment and review of the use of City vehicles rests with the City Manager.
- B. If the City does not provide a vehicle to an employee, he or she, with the approval of the City Manager, shall use his or her own private vehicle. In this event, the City will provide the employee with a stipend not to exceed six hundred dollars (\$600.00) per month, as determined by the City Manager, for the performance of his or her duties of patrolling the streets within the City limits, for attending business related meetings and/or for driving to and from his or her work site.
- C. Employees are responsible for any tax liabilities resulting from the use of a City vehicle.

Section 3.10

Allowances: Business Expenses

- A. Business Expenses. Officials and employees of the City are entitled to the reimbursement of actual expenses incurred while on official business for the City, with maximum levels of reimbursement for specific items indicated below. Business expenses not indicated, including the cost of paying the meal(s) of official(s) or associate(s) on City business, will be reimbursed in full upon approval of the ~~Finance Director~~ City Manager. The City shall also reimburse ~~workers~~ employees with proper receipts for food consumed during overtime work which conflicts with normal meal times upon approval of the City Manager and Department Director.
- B. Mileage Reimbursement. Employees ~~and members of Council and City boards and commissions~~ who use their personal vehicles on City business will be reimbursed at a rate equal to the current Internal Revenue Service guidelines for mileage driven ~~outside the City~~ limits. All requests for mileage reimbursement must be accompanied by an explanation of the purpose of the trip and the beginning and ending odometer readings.
- C. Conferences and Trainings. A check for expenses will be issued for the actual attendance at a conference, a training session or other official and authorized City business upon the

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submittal of receipts to the City Manager upon return. However, if the exact costs of registration, transportation or lodging are known in advance, such costs may, with the City Manager's approval, be paid in advance directly to the service provider. The following maximum reimbursement levels apply:

1. Transportation. If commercial transportation is used, the actual cost of a ticket shall be reimbursed. For the use of a personal vehicle, mileage reimbursement will be at a rate that does not exceed the current Internal Revenue Service guidelines. If the mileage reimbursement exceeds the cost of an obtainable commercial airline ticket, the ticket cost will be used. City vehicles shall be used when feasible.
 2. Meals. For meals required to be purchased by the official or employee, reimbursement, ~~including gratuity, will be as follows:~~ will be on a per diem basis of \$60.00. Per diem allowances are reimbursable for in-state overnight travel that is 45 miles or more from the employee's home or worksite and all out-of-state travel. Per diem reimbursements are based on departure and return times over the entire 24-hour day and are prorated accordingly. If a meal is included in a conference registration fee, included in the hotel room rate or replaced by a legitimate business meal, the per diem allowance for that meal may not be claimed. For single day trips, reimbursement for breakfast will be \$10.00, lunch will be \$20, and dinner will be \$30.00. Receipts are not required for per diem allowances.
 - a. ~~Breakfast~~ — \$15.00
 - b. ~~Lunch~~ — \$25.00
 - c. ~~Dinner~~ — \$35.00

~~Costs for alcoholic beverages are not reimbursable.~~
 3. Lodging. If official City business requires an official or employee to stay overnight away from the City, reimbursement for lodging will be made on preapproved travel for adequate lodging, including tax, when accompanied by a receipt. The person traveling on City business shall attempt to arrange hotel/motel accommodations which are economical.
- D. The final report of expenses, accompanied by receipts, shall be reviewed, ~~and a positive recommendation concerning it shall be made~~ and approved by the Department Director before such report can be approved by the City Manager. An employee is entitled to actual expenses only. ~~Receipts for all expenditures shall be presented with the expense report to determine the actual amount of expenditures.~~
- E. All expense reports shall be submitted by the employee to his or her Department Director and then to the City Manager not later than three working days after the end of the trip.

Section 4 Benefits

Section 4.1

Medical, Dental and Life Insurance

A. Medical and Dental Insurance.

1. Optional group medical and dental insurance programs, approved by the City Manager, may be offered to full-time employees. All or part of the premium for the insurance program may be paid by the City.
2. The City Manager is hereby authorized to change the City paid portion of the premium without amendment of this manual.
3. The City Manager is hereby authorized to reimburse an employee for insurance costs where such employee declines City coverage and uses a spouse's insurance where a partial or lower premium payment may be required.
4. If cost savings can be achieved, the City Manager is authorized to implement a self-insurance program for the City whereby employees would be directly reimbursed by the City, rather than by the City's insurance carrier, for certain eligible medical expenses, such as in meeting a higher deductible amount.
5. Employees are responsible for keeping the insurance carrier current on any changes affecting their coverage through the Administration office (e.g., marriages, births, change of address, etc.)
6. Employees on unpaid leave may make arrangements to pay insurance premiums directly after the City's obligation has elapsed.
7. For plan specific information, employees should refer to the plan documents provided by the insurance carrier. Plan documents can be obtained through the Administration office or by the insurance carrier.

B. Life Insurance.

1. An optional group life insurance program, approved by the City Manager, may be offered to full-time employees. All or part of the premium for the insurance program may be paid by the City.
2. A voluntary life insurance option may be available to employees in addition to the group life insurance program. Voluntary life insurance premiums are the responsibility of the employee and are to be paid through payroll deduction.
3. Employees are responsible for keeping the insurance carrier current on any changes affecting their coverage through the Administration office (e.g., beneficiaries, change of address, etc.)

Section 4.2

Insurance Conversion Privileges

According to the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of an employee's termination of employment with the City of Bellbrook, or loss of eligibility to remain covered under the City's health insurance, the employee and any eligible dependents may have the right to continued coverage under the City health insurance plan for a

limited period of time at the employee's expense.

The City will provide the employee with written notice of COBRA rights to decide on continuance of insurance coverage benefits.

Section 4.3 **Retirement Plans**

- A. Pension Systems. All employees of the City, except for those specifically exempted by statute, are required to participate in the Ohio Public Employees Retirement System (OPERS) or the Ohio Police and Fire Pension Fund (OP&F).
- B. Social Security. All employees in positions that do not qualify to participate in the pension systems above are required to participate in Social Security.

If employees have any questions regarding these programs, they should contact the Administration office for more information.

Section 4.4 **Changes in Personal Status**

It is important for the City to have accurate information on its employees to keep records current. Therefore, employees are expected to notify the Administration office whenever there is a change in their legal name, address, telephone number, emergency contact, tax withholdings, or if there is any change in dependents, marital status, and/or beneficiary as it relates to benefits.

Section 4.5 **Other Benefits**

- A. Deferred Compensation. A voluntary deferred compensation plan(s) may be offered to employees.
- B. Workers' Compensation. All employees are entitled to Workers' Compensation coverage with the premium to be paid by the City.
- C. Employee Assistance Program. An Employee Assistance Program, approved by the City Manager, may be offered to employees and certain volunteers.

Section 5 Leave

Section 5.1

Holidays

- A. The following days shall be holidays for which full-time employees shall receive their regular compensation:
1. New Year's Day;
 2. Martin Luther King, Jr. Day;
 3. President's Day;
 4. Good Friday;
 5. Memorial Day;
 6. Independence Day;
 7. Labor Day;
 8. Veteran's Day;
 9. Thanksgiving Day;
 10. The day after Thanksgiving Day;
 11. Christmas Eve; and
 12. Christmas Day.
- B. If a holiday falls on a Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.
- C. Full-time Employees. When a full-time non-exempt employee works on a holiday, in addition to the regular day's pay for such holiday, he or she shall be paid one and one-half times their regular rate of pay for hours actually worked.
- D. Part-time Employees. When a part-time employee is scheduled to work on either New Year's Day, Independence Day, Thanksgiving Day or Christmas Day, he or she shall be paid one and one-half times their regular rate of pay for hours actually worked.
- E. Overtime. Holiday pay shall count as time worked when computing overtime pay, except when the holiday occurs on a non-work day.
- F. Vacation. A holiday which is observed on a regular workday occurring during an employee's vacation will not be counted as a day of vacation.

Section 5.2

Vacation Leave

- A. ~~Full-time employees are eligible for:~~ Accrual.
- ~~1. Two weeks Vacation Leave after twelve months of continuous service and thereafter in each calendar year after January 1;~~

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- ~~2. Three weeks Vacation Leave during the calendar year in which their fifth employment anniversary date occurs; and~~
- ~~3. Four weeks Vacation Leave during the calendar year in which their fifteenth employment anniversary date occurs.~~
- 1. Five weeks Vacation Leave during the calendar year in which their twentieth employment anniversary date occurs. All full-time employees accrue Vacation Leave at the rates indicated in the following table.

<u>Length of Service</u>	<u>Vacation Hours</u>
<u>1 Year – 4 Years</u>	<u>80</u>
<u>5 Years – 14 Years</u>	<u>120</u>
<u>15 Years – 19 Years</u>	<u>160</u>
<u>20 Years</u>	<u>200</u>

- 2. Employees hired before January 1, 2017 shall accrue Vacation Leave on January 1 of each calendar year. Any increase in Vacation Leave accrual shall occur during the calendar year in which their applicable anniversary date occurs.
- 3. Employees hired after January 1, 2017 shall accrue Vacation Leave on their anniversary date.

Employee's Anniversary	Eligible Vacation Leave
12 months	80 hours (2 weeks)
5 years	120 hours (3 Weeks)
15 years	160 hours (4 Weeks)
20 years	200 hours (5 Weeks)

B. Carryover. Employees may carryover ~~two (2) weeks~~ 80 hours of Vacation Leave at the end of each calendar year. Any Vacation Leave carryover exceeding ~~two (2) weeks~~ 80 hours must be approved by the City Manager.

C. Vacation Leave Usage.

- 1. An employee must request and receive approval from their supervisor prior to using Vacation Leave. The Department Director will establish the specific vacation request procedure for their department.
- 2. Requests will be evaluated based on a number of factors, including department operating and staffing requirements. Whenever two or more employees in the same department wish to take their vacations at the same time and the work schedule of the department is such that not all employees can take Vacation Leave at the same time, seniority as a city employee shall be the determining factor in deciding who shall have preference in selecting vacation dates.

D. Separation from Employment.

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1. An employee who has voluntarily resigned must provide a two-week notice in order to be entitled to accrued Vacation Leave pay. The employee will be paid a prorated share of their Vacation Leave accrual from their most recent accrual date (January 1 or their anniversary date) to their termination date.
 2. An employee who is terminated from employment for cause or who resigns without providing a two-week notice shall not be entitled to accrued Vacation Leave pay.
- E. Eligibility. Full-time employees are eligible for Vacation Leave. An employee must be in active pay status for at least one year of continuous service to be eligible for Vacation Leave.
- F. Holidays. A holiday which is observed on a regular workday occurring during an employee's vacation will not count as a day of vacation.

Section 5.3

Paid Personal Time

- A. Full-time Employees. Full-time employees are eligible to accrue Paid Personal Time according to the Sick Leave Incentive in Section 5.4.
1. Paid Personal Time can only be used within the calendar year in which it is earned. If the Paid Personal Time is not used, the balance of hours will be paid to the employee on the first pay day of the subsequent calendar year.
 2. Usage of Paid Personal Time shall follow the same Vacation Leave requirements in Section 5.2.
- B. Part-time Employees. Part-time employees, excluding those in the Police and Fire Departments, shall accrue 0.05 hours of Paid Personal Time for every hour of regular time worked.
1. Paid Personal Time may be used for absences from work. If the employee is sick and requests to use Paid Personal Time for their absence, they shall follow the same Sick Leave requirements in Section 5.4. If the employee is taking vacation and requests to use Paid Personal Time for their absence, they shall follow the same Vacation Leave requirements in Section 5.2.
 2. If a part-time employee becomes a full-time employee, the Paid Personal Time balance may be transferred to Vacation Leave on a one-for-one basis.
 3. Part-time employees may carryover a maximum of 40 hours of Paid Personal Time at the end of each year. Any Paid Personal Time exceeding 40 hours must be approved by the City Manager.
- C. Separation from Employment.
1. An employee who has voluntarily resigned must provide a two-week notice in order to be entitled to accrued Paid Personal Time pay.
 2. An employee who is terminated from employment for cause or who resigns without providing a two-week notice shall not be entitled to accrued Paid Personal Time pay.

Section 5.4

Sick Leave

- A. Each full-time employee shall accrue 4.6 hours of Sick Leave with pay for every eighty hours of regular time worked.
- B. Sick Leave may be granted to an employee for the following reasons:
1. Physical disability, injury or illness of the employee, exposure to contagious disease, or the requirement of additional recuperation time after the expiration of Injury Leave; or
 2. Illness or injury in the immediate family of the employee which requires his or her personal care and attendance. The following guidelines will be used by the City Manager in making judgments on individual cases:
 - a. An employee may use one-half day of Sick Leave to take a member of his or her immediate family to or from a hospital and/or a doctor, or to make arrangements for the care of the ill or injured person.
 - b. An employee may use one day of Sick Leave on the day surgery is to be performed on his or her spouse and/or children, if such surgery occurs on a working day.
 3. An employee may be granted two days of Sick Leave for his or her child's birth.
- C. Notification. An employee must notify his or her supervisor, Department Director, or the City Manager's office, of an illness or disability causing absence, at least fifteen minutes before normal starting time. Such notice must continue to be given on each successive day of absence. If no Sick Leave has been accumulated, the employee may take vacation time or be absent without pay. Unreported or unexcused absences will be without pay. Three days of absence without notification shall be deemed a voluntary resignation. The City may withhold Sick Leave payments to any employee who is guilty of submitting a false claim or abusing sick-leave privileges. Disciplinary action, up to and including termination, may be taken for submitting a false claim. Repeated absences for illness may indicate a pattern of excessive absenteeism and disciplinary action may be warranted.
- D. Contact With Employee Required. Whenever an employee is absent due to illness for three consecutive working days, personal contact with the employee shall be made by the employee's supervisor or Department Director. The results of that contact shall be transmitted to the City Manager. A written statement by a physician may be required at the discretion of the employee's Department Director or the City Manager.
- E. Sick Leave Eligibility. Only full-time employees may be paid for sick time off. Such employees may be paid up to a total per day of the hours normally worked on their assigned shifts.
- F. Sick Leave Payout at Retirement.
1. At the time of retirement from OPERS or OP&F, any employee hired on a full-time basis before October 1, 2008 shall receive payment for accrued Sick Leave in excess of 75 days, but in no event shall any employee receive more than 45 days or 360 hours of pay pursuant to this section. The payment shall be based on the employee's rate of pay at the time of retirement and eliminates all Sick Leave credit accrued but

unused by the employee at the time payment is made.

2. At the time of retirement from OPERS or OP&F, any employee hired on a full-time basis on or after October 1, 2008 with 10 or more years of service with the City shall be paid in cash for one-fourth (1/4) the value of the employee's accrued but unused Sick Leave credit. The payment shall be based on the employee's rate of pay at the time of retirement and eliminates all Sick Leave credit accrued but unused by the employee at the time payment is made. The value of accrued but unused Sick Leave credit that is paid shall not exceed the value of 30 days or 240 hours of accrued but unused Sick Leave.

G. Sick Leave Incentive.

1. A full-time employee who completes an entire calendar year without the use of any Sick Leave is eligible ~~for 24 hours of~~ to accrue Paid Personal Time. ~~An employee who uses 0.25 to 8 hours of Sick Leave is eligible for 16 hours of Paid Personal Time and an employee who uses 8.25 to 16 hours of Sick Leave is eligible for 8 hours of Paid Personal Time~~ Employees shall accrue Paid Personal Time at the rates indicated in the following table. An employee will be credited with Paid Personal Time on January 1 of the following calendar year.

Sick Leave Usage in One Calendar Year	Eligible Paid Personal Time
0 hours	24 Hours
0.25 – 8.00 Hours	16 Hours
8.25 – 16.00 Hours	8 Hours
16.25+ Hours	0 Hours

2. Paid Personal Time can only be used within the calendar year in which it is earned. If the Paid Personal Time is not used, the balance of hours will be paid to the employee on the first pay day of the subsequent calendar year.
3. Usage of Paid Personal Time shall follow the same requirements as Vacation Leave.
4. Full-time employees who begin service with the city during the calendar year will not be eligible for Paid Personal Time, as described in sub-section 1 above, until they have completed the calendar year in which they started employment.

H. Sick Leave Transfer. The City may credit new employees with Sick Leave accrued while with a previous public employer up to a maximum of 160 hours. It is the employee's responsibility to secure from the former employer a letter for confirmation of the employee's prior Sick Leave balance.

Section 5.5

Injury Leave

- A. Full-time employees who are injured on the job may be paid to the extent of 90 working days for each new and separate injury, in addition to and prior to the use of Sick Leave accumulation. Such Injury Leave shall be in accordance with the following rules:

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1. An on-duty injury of any nature shall be immediately reported to the Department Director. The employee shall complete an employee injury report and the supervisor shall complete a supervisor investigation report. The length of Injury Leave shall be based on the written verification of the employee's standing physician; such verification shall be provided to the City Manager or his/her designee within forty-eight hours of the injury. To confirm the projected length of Injury Leave, the City may require that the employee be examined by a physician designated and paid for by the City. If there is a difference of opinion between the employee's physician and the City's physician concerning the length of Injury Leave, the opinion of the City's physician will take precedence. Requests for extension of leave beyond thirty days shall be submitted to the City Manager and such requests for extension shall be made in increments of thirty calendar days.
 2. When an employee is unable to work as a result of an on-duty injury, the City Manager or his/her designee shall cause to be filed an application for Workers' Compensation for the employee.
 3. After all Injury Leave is used, the employee may elect to use any Sick Leave or vacation time due him or her at the time of injury.
 4. Where disability caused by an on-duty injury continues for a period of twelve months after the use of all Sick Leave and vacation time accrued and due, the employee shall apply for disability retirement.
 5. As soon as it is determined by the employee's physician or the City's designated physician that the injured employee is able to return to full or limited duty, the City may require the employee to report to work and terminate Injury Leave. The City will require a written determination of the employee's ability to return to work by a physician at least at the beginning of each thirty-day interval and more often if warranted. Again, if there is a disagreement between the employee's physician and the City's physician concerning the employee's ability to work, the opinion of the City's physician takes precedence.
- B. An employee who is receiving Sick Leave or Injury Leave with pay while simultaneously receiving compensation under Workers' Compensation, or who is receiving benefits under paragraph (A) hereof, shall receive only that portion of his or her regular salary which will, together with such compensation, equal his or her regular salary.
1. Charges shall be made against Sick Leave accruals for any waiting period not covered by the Workers' Compensation statutes. Upon qualification for Workers' Compensation, Sick Leave accrued may be reinstated retroactive to the date of the injury.
 2. After payment and use of the 90 working days Injury Leave, charges shall first be made against Sick Leave accruals. After Sick Leave accrual is used, an injured employee may elect to use whatever accumulated vacation time he or she may have at the time of injury.
- C. The City shall require the employee to furnish medical proof or submit to medical examination by the City and at the City's expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury sustained while in City service.

- D. Leave of absence without pay may be granted by the Department Director, with the approval of the City Manager, for off-duty injury or illness.

Section 5.6 **Return to Work from Injury Leave or Sick Leave**

- A. When an employee, who has been absent for three or more consecutive days due to illness or accident, desires to return to work, he or she shall have his or her physician issue a report to the City Manager, or, in the case of an illness that was unattended, he or she shall personally issue a report to the City Manager. This report of illness will cover the following:
1. The general nature of the illness or accident;
 2. The date the employee is able to return to work; and
 3. Restrictions or cautions on the employee's work activity, if any.
- B. The City Manager will review the report of illness and will advise the Department Director if any change in conditions of the return to work seem advisable. In this regard, the City Manager may wish to have the employee, before he or she return to work, examined by a local physician at the expense of the City.
- C. If approved by the City Manager as submitted, the report of illness will be filed in the employee's personnel file and no further action will be necessary.
- D. If the report of illness is deemed to be unsatisfactory (e.g. it reveals an abuse of Sick Leave privileges), the report shall be returned to the Department Director who shall then advise the employee. Depending on the circumstances of the disapproval, penalties could include the loss of pay for the time absent from work and disciplinary action up to and including termination. The decision imposing any penalty shall be made by the City Manager after consultation with the Department Director.
- E. If the medical examination requested by the City determines that the employee is not physically fit to return to work, the physician shall notify the City Manager who will advise the employee to continue his or her medical absence, using Sick Leave, vacation time or leave without pay.

Section 5.7 **Funeral Leave**

Employees will be granted up to three days paid Funeral Leave when a death occurs in the immediate family. The immediate family includes a spouse, parent, parent-in-law, step-parent, child, step-child, brother, sister, grandparent and grandchild. Employees of the Fire Department working a 24/48 hour shift schedule are eligible for one shift of Funeral Leave unless additional leave is approved by the City Manager. The City Manager may approve Funeral Leave for relatives other than those listed above (e.g. aunt or uncle).

Section 5.8 **Jury Duty**

Employees shall promptly notify their Department Directors of their being served with a notice to perform Jury Duty or to appear as a witness at a hearing or trial. An employee will be paid his

or her regular salary for performing Jury Duty or appearing as a witness if work related. The previously mentioned conditions shall not apply to an employee who is the plaintiff in a court action.

Section 5.9

Military Leave

Employees will be provided Military Leave and re-employment rights consistent with state and federal law.

Section 5.10

Family Medical Leave

A. Eligible Employees. Employees are eligible for Family Medical Leave (FML) if they meet the following criteria:

1. Employee has been employed by the City for at least 12 months; and,
2. Employee has been paid in work status with at least 1,250 hours of service during the 12 month period immediately preceding the start of the leave. (Note: Vacation Leave, Sick Leave, etc. does not count towards the 1,250 hours of service).
3. Employee works for an employer with 50 or more employees who live within a 75 mile radius.

B. Eligible Leave. Employees who meet the above criteria are eligible for up to 12 weeks of FML in any twelve 12 month period for any of the following reasons:

1. Birth of a child, and to care for a newborn child.
2. Placement of a child by way of adoption or foster care.
3. The employee having a "serious health condition" that makes them unable to perform the functions of his or her job.
4. To care for the employee's spouse, son, daughter, or parent who has a "serious health condition."

C. Definitions:

1. Spouse is a husband or wife including common law marriages where/when recognized. Unmarried domestic partners do not qualify for Family Medical Leave to care for their partner.
2. Child is a son or daughter, including a child 18 years or over, who is incapable of self-care because of a mental or physical disability.
3. Parent is a biological parent or an individual who stands in the place of a parent to the employee ("in loco parentis").
4. Foster Care is defined as placement of a child with the employee through a formal agreement for substitute care requiring state action, rather than an informal arrangement to take care of another person's child.

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5. Serious Health Condition means an illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment for more than 3 calendar days and involves two visits to a health care provider within 30 days of the initiation of the incapacity, with the first visit being within the first 7 days. Serious health condition also includes pre-natal care and continuing treatment of chronic or long-term incurable conditions, which is defined as two visits per year.
- D. Request/Notification of Leave. When feasible, employees must submit a written request for leave 30 days prior to the requested leave start date. In situations involving medical emergencies, etc., employees are to submit their request as soon as possible, but not later than 4 days after the beginning of the emergency situation.
- Request for leave will include a brief description of the need for leave, identify whom the leave is for, what relationship the individual is to the employee (e.g. employee, spouse, parent, etc.), and length of leave requested. Along with the request, the employee will also furnish the City Manager with medical certification of the serious health condition from the physical/health care provider. The medical certification shall include the identity of the individual with the serious health condition, date on which the condition began, probable duration of the condition, and, if regarding the employee, whether the employee is unable to perform the essential functions of his or her job. Based upon the request for leave and the medical provider's certification, the City Manager shall authorize or deny the request, or may, at City expense, require the employee to obtain a second medical opinion to confirm the leave request.
- The City Manager may designate that an employee's leave qualifies for and will be counted as Family Medical Leave. The City Manager must make such designation prior to the starting of the leave unless sufficient information as to the reason for the leave is not available until after the leave began.
- E. Approval/Denial of Leave Request. The City Manager shall notify the employee orally or in writing within 5 business days as to the approval or denial of his or her FML Request. Oral notice will be followed by written confirmation by the next payday. The City shall note the starting and ending dates of leave, reinstatement procedures and utilization of accumulated paid leave.
- F. Utilization of Accumulated Paid Leave. The Family Medical Leave Act requires the City allow an employee unpaid leave when he or she is eligible, as described above. The law permits the City to require the employee to use accrued paid leave, which may be counted concurrently with family medical leave. Accordingly, family medical leave will be counted concurrently with other paid leaves (e.g., Sick Leave, Vacation Leave, compensatory time). Therefore, an employee will have his or her paid leave counted toward the 12-week FMLA allowance, until such paid leave has been exhausted. After all applicable paid leaves are exhausted; any remaining FML will be unpaid. Eligible employees may, but are not required, to use accrued compensatory time during family medical leave. If compensatory time is used, it will count against the 12-week leave entitlement. Sick Leave may only be used for an otherwise eligible use of Sick Leave.
- G. Leave Period. An eligible employee may take up to 12 workweeks of FML leave during a 12 month period. The 12 month period shall be measured from the date the employee's first

FML begins.

Employees may request intermittent or reduced leave schedules to accommodate medically necessary treatment in connection with a serious health condition. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular 12 week schedule. If intermittent or reduced leave is approved, the City Manager may require the employee to schedule the leave so as not to unduly disrupt the City's operations or the employee may be placed in an alternate position which better accommodates the intermittent leave schedule.

When both spouses are employed by the City, they are entitled to an aggregate total of 12 weeks of FML for childbirth, adoption placement or Foster Care. This limitation does not apply to FML taken by either spouse to care for the other spouse, a child or parent with a serious health condition.

- H. Insurance Coverage. Employees are entitled to maintain the same health benefits during the FML. Employees are responsible for continuing to pay any share of the health care costs that they were responsible for prior to the leave. Failure of the employee to timely pay their portion of health care costs may result in discontinuation of coverage.

Payment is due at the same time as it would be if made by payroll deduction (i.e., on pay day).

Should an Employee fail to return to work after his or her FML expires; the City may recover from the employee the City's share of health insurance premiums paid during the period of unpaid FML. Insurance premiums may not be recovered if the employee fails to return to work due to the continuation, recurrence, or onset of a Serious Health Condition or circumstances beyond the Employee's control.

- I. Reinstatement. Employees returning from FML shall be placed in their same position or equivalent positions with equivalent pay, benefits, and conditions.

Employees whose FML was for their own personal medical conditions must, prior to reinstatement, submit medical certification to the City as to their ability to return to work, subject to a second medical opinion as deemed necessary by the City or a third medical opinion as provided in the Family and Medical Leave Act.

- J. Service Member Family and Medical Leave. The National Defense Authorization Act (NDAA) expands coverage of the FMLA for military service members and their families. Except as mentioned below, an employee's rights and obligations to Service Member Family and Family Medical Leave are governed by the above FML guidelines.

1. Leave Entitlement: Service Member FML provides eligible employees unpaid leave for any one, or a combination, of the following reasons:
 - a. To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Services, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; and/or
 - b. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the National Guard or Reserves in support of a contingency operation. Contingency operations involve actions, operations or

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hostilities against enemies of the United States or opposing forces or active duty during a war or national emergency.

2. Duration of Service Member Family and Medical Leave: When leave is to care for an ill or injured service member, an eligible employee may take up to 26 weeks of leave during a 12 month period. Leave to care for an ill or injured service member, when combined with other qualifying FML, may not exceed 26 weeks in a single 12 month period. When leave is due to a “qualifying exigency”, an eligible employee may take up to 12 workweeks of leave during any 12 month period.

The following examples constitute “qualifying exigencies”:

Short-notice deployment;

Military events and related activities;

Childcare and school activities;

Financial and legal arrangements;

Counseling;

Rest and recuperation;

Post-deployment activities; and

Additional activities mutually agreed upon by the employee and employer, but not enumerated in the NDAA regulations.

Both paid and unpaid time off may be granted to eligible employees.

Section 6 Employee Conduct

Section 6.1

Ethics/Conflicts of Interest

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code §102.03 and §2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all City officials and employees:

- A. No employee shall use his official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
- B. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.
- C. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of his duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
- D. No employee shall represent private interests in any action or proceeding against the interest of the City in any matter wherein the City is a party.
- E. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independent judgment or action in the performance of his official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of his assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his supervisor or legal counsel. Any employee offered a gift or favor should inform his supervisor of the gift offer. No employee will accept from any contractor or supplier doing business with the City, any material or service for the employee's private use.

State law prohibits City employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

Section 6.2

Unlawful Discrimination and Harassment

- A. Policy. The City is committed to providing a work environment that is safe and free from unlawful discrimination and harassment. Unlawful discrimination and harassment is

behavior directed toward an employee because of his membership in a protected class such as: race, color, religion, sex, national origin, ancestry, disability, genetic information, or military status. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

- B. Definitions. Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotion, raises, and other job opportunities, based upon that individual's membership in that protected class.

Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct based upon a protected classification. However, harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment.
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

- C. Sexual Harassment. The U.S. Equal Employment Opportunity Commission provides that unwelcome sexual advances (verbal and/or physical), requests for favors and other verbal and/or physical conduct of a sexual nature, constitute sexual harassment when:

1. Submission to such conduct is either an explicit or implicit term or condition of employment (such as job promotion, job assignment, overtime opportunity, wage increase, etc.); or
2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
3. The conduct has the purpose or the effect of substantially interfering with the individual's performance or creating a hostile or offensive work environment.
4. Unlawful discrimination and harassment do not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

- D. Examples of Sexual Harassment. Sexual harassment under the above definition may include, but is not limited to:

1. Verbal - sexual innuendo, suggestive comments, insults, threats, jokes about personal or physical traits, jokes of a sexual or demeaning nature, or sexual propositions;
2. Nonverbal - suggestive or insulting noises, leering, whistling, obscene gestures, threatening gestures, and the posting or possession at the workplace of literature, calendars or pictures that are suggestive, revealing, demeaning, or pornographic; or

3. Physical - unwelcome touching, pinching, brushing, rubbing, or groping of the body, unnecessary closeness, threatening or intimidating actions, coercing sexual activity, and assault.
- E. Off Duty Conduct. Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the work place. Conduct that occurs off duty and off premises may also be subject to this policy.
- F. Reporting a Problem. Using and insisting upon good manners, behavior and the exercise of good sense will go a long way in avoiding and preventing the inappropriate conduct prohibited by this policy. It is every employee's responsibility to help maintain a work environment free from harassment. Employees who believe they have experienced or observed harassment must report the harassment immediately to the employee's direct supervisor, the Administration office, or any other member of City management. In the event an employee believes that he or she is being harassed by his or her direct supervisor, the employee should promptly report the harassment to the next higher level of administration or supervisor.
- G. Retaliation Prohibited. The City encourages employees to raise questions or concerns regarding harassment and will not permit any form of retaliation against employees who have made a claim or report of harassment, or against any employee who has provided information to the City during the investigation of the claim or report of harassment. An employee who believes that he or she has been retaliated against should immediately contact his or her direct supervisor, the Administration office, or any other member of City management.
- H. Investigation and Disciplinary Action. Every allegation of harassment under this policy will be the subject of a prompt investigation by the City. Upon receiving a complaint of alleged harassment, the City Manager or designee shall promptly initiate an investigation into the matter. After the investigation has been completed, a determination will be made by the City regarding the resolution of the matter. If, following the investigation, the City concludes that the harassment occurred, prompt disciplinary action will be taken, up to and including termination.

Section 6.3

Workplace Violence

- A. Policy Statement. The City is committed to providing a safe, secure work environment for its employees and to preventing violence, threats or intimidating actions by or against any employee, citizen, vendor, customer, or visitor on or off City property.
- B. Zero Tolerance for Workplace Violence. It is the City's policy to maintain a zero tolerance for workplace violence. "Zero tolerance for workplace violence" means that an act of violence shall be deemed unacceptable in any form. Those who engage in such behavior will be held accountable and dealt with in a manner consistent with maintaining a violence-free workplace, which may include discipline, up to and including termination. Alleged violations of this policy will be reviewed on a case-by-case basis.
- C. Definition of Workplace Violence. "Workplace violence" is defined as any behavior that is intended or likely to be perceived as intending to create a fear of bodily harm, actual physical injury, or damage to City property. Examples of workplace violence include, but are not

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limited to: homicide, assault with a weapon, rape, assault under the guise of an accident, hostage taking, armed robbery, hostile destruction of property, abusive conduct, and verbal, written, or implied threats or intimidation.

- D. Complaint and Investigation Procedure. In order to promote the prevention of threats and violent acts, the City requires employees to immediately report all threats and overt acts of violence to their direct supervisor. In addition, the City encourages employees to report other behavior that may indicate the potential for a violent act. Upon learning of a threat or other violent act, supervisors are required to immediately report the threat or other violent act to the City Manager, who will promptly initiate an investigation into the matter. Employees are required to fully cooperate during the investigation of such an incident. Failure to cooperate in such an investigation may lead to discipline, up to and including termination.
- E. Discipline. Upon completion of its investigation, the City will assess disciplinary action, up to and including termination, against any employee that the City finds to have committed or threatened an act of violence or otherwise violated this policy. In addition, the City will pursue its right to criminally prosecute any person who commits, or threatens, an act of violence in violation of Federal, State or local ordinances.
- F. Pre-Employment Criminal Background Checks. In keeping with the City's commitment to providing a safe, secure working environment for its employees, vendors, suppliers, visitors and citizens, the City shall require that all applicants consent to a criminal background check as a condition of employment.
- G. Review of Communications, Files and Other Data Management Systems. The City provides employees with a number of communications and data management systems. These communications and data management systems include, but are not limited to, paper files, electronic files (i.e., data stored and/or saved by electronic means on computer hard drives, , etc.), telephones, e-mail, voice mail, fax machines, servers, computers, cell phones, internet access and other network tools. These systems are owned and/or controlled by the City and employees have no expectation that any communication or other information made with, or stored on, these systems is private. Accordingly, in the interest of preventing workplace violence and enforcing this policy, the City expressly reserves its right to monitor employees' use of the above systems and to access these systems and any information or data saved or stored therein at any time, with or without notice.
- H. Emergency Procedures. In the event of an emergency, defined as a situation involving imminent death or serious bodily injury to a person, employees should immediately attend to their own safety by departing the area and reporting the situation to their direct supervisor or, in that person's absence, any other member of City management. In the event an employee reports the emergency to his or her supervisor or another member of City management, that individual will immediately report the matter to the City Manager. The City Manager will immediately notify the appropriate law enforcement agency.

Section 6.4

Sexual Misconduct

A. Sexual Misconduct.

1. Policy statement. The City will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another adult or toward a child. For the purposes of this policy, "sexual misconduct" means any actual or attempted criminal sexual contact, sexual assault, sexual abuse, sexual exploitation, indecent or sexual solicitation, public indecency, or other criminal conduct of a sexual nature as defined under Ohio law. "Sexual misconduct" does not include "sexual harassment." Nothing contained in this policy shall be deemed to conflict, contradict or supersede the reporting requirements contained in any existing local, State or Federal law.
2. Reporting procedures and Designated Point of Contact.
 - a. The City's Designated Point of Contact is the City Manager or his or her designee.
 - b. It is the express policy of the City to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The City has a Designated Point of Contact, who shall remain accountable for the implementation and monitoring of this policy. The identity of the Designated Point of Contact shall remain on file with the City. In order to conduct an immediate investigation, any incident of sexual misconduct must be reported as quickly as possible, in confidence, as follows:
 - 1) Employees and volunteers. Employees are required to report any known or suspected incidents of sexual misconduct to the appropriate authority pursuant to applicable State, local or Federal law. Employees must also report to their direct supervisor, the City Manager or the Designated Point of Contact. If the report is made to the supervisor, that individual shall notify the Designated Point of Contact. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervisor.
 - 2) Parents and guardians. Each year, parents or legal guardians of children participating in City-sponsored functions shall be advised of the contents of this sexual misconduct policy and be instructed to report any incident of known or suspected sexual misconduct in accordance with applicable State, local or Federal law. The City also encourages parents or legal guardians to report any incident of known or suspected sexual misconduct to the Designated Point of Contact, unless the allegations involve that person. If the allegations involve the Designated Point of Contact, the report should be made to the City Manager, who will immediately follow all applicable State law reporting requirements.
3. Investigation and confidentiality. All complaints of sexual misconduct will be promptly investigated and reported in accordance with applicable State, local or

Federal law. During such investigation, while every effort will be made to protect the privacy concerns of all parties, confidentiality cannot be guaranteed.

4. Discipline. Upon completion of its investigation, the City will assess disciplinary action, up to and including termination, against any employee that the City finds to have engaged in sexual misconduct in violation of this policy. False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action, up to and including termination. Any City employee who retaliates against an individual for reporting alleged sexual misconduct (or for testifying, assisting or participating in an investigation, proceeding or hearing related to an allegation of sexual misconduct) shall be subject to disciplinary action, up to and including termination.

B. Child Abuse.

1. Sexual abuse of a minor is a crime.
2. Any case of known or suspected child abuse must be reported immediately in accordance with applicable State, local or Federal law. In addition, any case of known or suspected child abuse must be immediately reported to the Designated Point of Contact.
3. In the event the Designated Point of Contact is the first person notified in an incident of known or suspected child abuse, the Designated Point of Contact shall immediately notify the child's parent or legal guardian, as the case may be, and the appropriate legal authorities as required by State, local or Federal law.
4. Any employee involved in a reported incident of sexual misconduct or child abuse shall, at the City's discretion, either be immediately relieved of responsibilities that involve interaction with minors or be suspended (with or without pay) pending the results of the City's investigation of the matter. Employees identified in an allegation of child abuse shall be reinstated to duties involving interaction with minors only after the City's investigation is complete and only if reinstatement is warranted.

Section 6.5

Political Activity

- A. Employees shall not directly or indirectly solicit or receive any assessment, subscription or contribution for any political party or political purpose whatsoever.
- B. Employees, or persons seeking employment, shall not be appointed, reduced, promoted or removed, or in any way favored or discriminated against, because of political opinions or affiliations.
- C. Employees are prohibited from filing a petition as a candidate for partisan elective office, including ward leader, precinct committee person, Mayor, or Council member of the City, or accepting nomination or appointment to a partisan elective office.
- D. Employees are prohibited from circulating nominating petitions for candidates for Municipal, County or Township office, with the exception of boards of education and the judiciary.

Petitions for State and national offices are exempted from this prohibition.

- E. Employees are prohibited from all partisan and nonpartisan political activities performed on City time, on City premises, using City resources or City equipment.
- F. Employees are prohibited from taking part as an official in the management or supervision of a campaign of any person campaigning for the office of Mayor or Council Member of the City.
- G. Questions about this section should be presented to the City Manager for interpretation.

Section 6.6

Outside Employment

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives, and operations of the several offices of the City. In addition, an employee shall not become obligated through employment to a second employer whose interests might be in conflict with those of the City department in which he or she works. Employees shall not work in any other position without written approval of the Department Director. Each change in outside employment shall require separate approval.
- B. Employment "conflicts," as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his or her position.
- C. Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. "Outside" employment, or "moonlighting," shall be a concern to the City only if it adversely affects the job performance of the employee's City job. Two common employment conflicts, which may arise, are:
 - 1. Time Conflict - defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the City, or when the demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality of the employee's job performance with the City.
 - 2. Interest Conflict - defined as when an employee engages in "outside employment" which tends to compromise his or her judgment, actions, and/or job performance with the City.
- E. Should the Department Director feel that an employee's outside employment is adversely affecting the employee's job performance, the Department Director may recommend - but may not demand - that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment will subject the employee to discipline or discharge, in a manner that is otherwise consistent with the policies set forth in this manual.

Section 6.7

Smoking and Tobacco

The City is committed to providing a healthful environment for its employees. Employees are not permitted to use or smoke any tobacco product, smokeless tobacco, vapor pens, or electronic

cigarettes in any City-owned facility or vehicle. Further, each department may have additional prohibitions on smoking and tobacco use.

Smoking and tobacco use may be permitted in areas designated by the Department Director.

Section 6.8

Building Security

Maintaining the security of City of Bellbrook buildings is every employee's responsibility.

- A. Employees are expected to know the location of all alarms and fire extinguishers, and familiarize themselves with the proper procedure for using them, should the need arise.
- B. If you are the last to leave your work area, make sure that all entrances are properly locked and secured, all appliances and lights turned off (except security lights).
- C. Report any suspicious activity or person(s) on City property to your supervisor.

Section 6.9

Safety and Management Advisory Committee

The City Manager may appoint a Safety Coordinator to form a Safety and Management Advisory Committee, whose responsibilities shall include:

- A. Recommend and review policies, programs, training and procedures affecting employee safety which can then be presented to the City Manager for consideration.
- B. Review past accidents involving employee safety and make recommendations for future prevention.
- C. Discuss and provide feedback on the safety programs in the committee member's respective departments.
- D. Meet quarterly and record all meetings with a summary of what was discussed.

Section 7 Other Policies

A separate manual containing other city-wide policies approved by the City Manager shall be maintained by the Administration office and distributed in accordance with this personnel manual.

All City employees, in addition to the policies contained herein, shall be subject to those rules and regulations promulgated by their Department Director and approved by the City Manager. Any additional policies or rules will be posted or otherwise made available to all affected employees.

Section 8 Summary Statement

As a valued employee of the City of Bellbrook, your compliance with this personnel manual is an expectation of management. Therefore, should you have any questions with regard to any of the information in this manual we ask that you bring them to the attention of your supervisor, Department Director or the Administration office. As an organization which strives to be the best, we are constantly seeking ways to do things better. Consequently, you are encouraged to make your recommendations for improvement known.

In closing, we trust you will find your employment with the City of Bellbrook both personally rewarding and professionally challenging. We believe in what we do for the community, the residents we serve and our staff.