

RESOLUTION NO. 07-2011

Amending the Personnel Rules and Regulations of the City of Worthington to Comply with Provisions of the City's Collective Bargaining Agreements and to Update Provisions for All City Employees.

WHEREAS, provisions of the City's Collective Bargaining Agreements necessitate the periodic updating of the City's Personnel Rules and Regulations; and,

WHEREAS, the Collective Bargaining Agreement with the Fraternal Order of Police Capital City Lodge No. 9 provides for accumulation of vacation credit up to 288 hours for 40-hour employees with 21 or more years of service, and increases the amount for tuition reimbursement; and,

WHEREAS, City Council wishes to add new language to provide a one time Supplemental Pay Provision to Rule V and to clarify language regarding Civil Leave in Rule X; and,

WHEREAS, City Council wishes to amend additional provisions of the Personnel Rules and Regulations;

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the Personnel Rules and Regulations of the City of Worthington be and the same are hereby amended as per the Personnel Rules and Regulations attached hereto and made a part thereof.

SECTION 2. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted March 21, 2011

[signature on file]
President of Council

Attest:

[signature on file]
Clerk of Council



CITY OF WORTHINGTON

PERSONNEL RULES

AND

REGULATIONS

February 2011

CITY OF WORTHINGTON
PERSONNEL RULES AND REGULATIONS

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PERSONNEL RULES AND REGULATIONS

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CITY OF WORTHINGTON
PERSONNEL RULES AND REGULATIONS

INTRODUCTION

A. Purpose

It is the purpose of these rules to give effect to the provisions of the City Charter and the ordinances of the City of Worthington by establishing standards and procedures to ensure fair and consistent employee relations. These rules are not intended to create, nor is the language set forth by the rules to be construed to create, a contract of any kind, either express or implied, between the City and its employees.

B. Amendment of Rules

From time to time, it may be necessary to amend these Personnel Rules. The City retains the right to amend, modify, revoke or suspend any or all rules consistent with this provision. The Personnel Director shall prepare, in consultation with the City Manager, such amendments to these rules as may be deemed desirable. Such amendments shall be reported to City Council. Unless amended or disapproved by resolution of City Council within thirty (30) days after such report, they shall become effective.

C. Application

These Personnel Rules and Regulations apply, unless noted otherwise, to all City personnel to the extent the Personnel Rules and Regulations do not conflict with, or a subject is mutually addressed by, the express terms of an applicable collective bargaining agreement. To the extent that a Personnel Rule addresses a subject in conflict with or mutually addressed by a collective bargaining agreement, only the collective bargaining agreement applies.

RULE I

DEFINITIONS

SECTION 1. APPLICANT. A person requesting consideration for employment in the classified or unclassified service of the City.

SECTION 2. APPOINTING AUTHORITY. The officer or agency having authority under the charter to make appointments to positions in the Classified Service of the City. Unless otherwise specified by ordinance or these Personnel Rules, the City Manager shall be the Appointing Authority.

SECTION 3. CERTIFICATION. Endorsement by the Director of Personnel that an Applicant has met required minimum standards for a vacant position.

SECTION 4. CLASS OR CLASSIFICATION. A group of positions with the same Class Title (as hereinafter defined), having similar duties and responsibilities and requiring similar qualifications which can be distinguished from other groups of positions (such as Maintenance Technician). There may be only one job or position in a particular Class (such as Police Chief).

SECTION 5. CLASS SPECIFICATION. The written description of a Class, containing a Class Title, a statement of the duties, authority and responsibilities of the positions within the Class, and the qualifications which are necessary or desirable for the satisfactory performance of the duties of positions within the Class. The Class Specification may also include, where appropriate, the usual lines of promotion to and from the Class.

SECTION 6. CLASSIFIED SERVICE POSITIONS. Positions in the service of the City established either by Charter or Ordinance which are subject to examination and not specifically excluded and placed in unclassified service.

SECTION 7. CLASS TITLE. The official and identifying name of a Class. The Class Title shall be used in all official documents including budgets and payrolls and in the announcement of examinations.

SECTION 8. COMPENSATORY TIME. Compensation granted in the form of time off from regular duties in lieu of salary or wages.

SECTION 9. CONTINUOUS SERVICE. Continuous service means employment in the service of the City without break or interruption. Employees of the City's Division of Fire and Emergency Medical Services as of January 1, 1994, and Division of Police employees in the position of Communication Technician as of January 1, 1994, shall be given credit for years of service with the Sharon Township Division of Fire preceding January 1, 1994. Leaves of absence with pay shall not interrupt Continuous Service and shall not be deducted from the employee's total service time unless such paid leave extends beyond twelve (12) months. Leaves of absence without pay for injury or disability and those granted under the Family Medical Leave Act shall not interrupt Continuous Service and shall not be deducted from the employee's total service time unless such unpaid leave extends beyond twelve (12) months. Any other leaves of absence without pay in excess of thirty (30) days, except for extended service with the armed forces of the United States, shall be deducted in computing total service time, but shall not serve to interrupt Continuous Service. Resignations to immediately accept another position in the services of the City shall not be an interruption of Continuous Service.

SECTION 10. DEMOTION. The change of an employee from a position in one Class to a position in another Class having a lower maximum salary rate.

SECTION 11. DEPARTMENT. Any City department identified as such in the Administrative Code or Codified Ordinances of the City.

SECTION 12. DEPARTMENT HEAD. The individual identified by ordinance or the organizational chart as the Department director.

SECTION 13. DIVISION. A major separate functional component of a Department (such as the Division of Police and Division of Fire and Emergency Medical Services within the Department of Public Safety).

SECTION 14. DIVISION CHIEF. The individual identified on the organizational chart as directing a division of the City (Police Chief and Fire Chief).

SECTION 15. ELIGIBLE LIST. A list of Eligible Persons determined in order of their final grades on an open competitive examination, or in an order determined by these Rules, prepared by the Personnel Director.

SECTION 16. ELIGIBLE PERSON. A person whose name is on a list prepared by the Personnel Director, as a result of that person earning a passing grade on an open competitive examination for a position or on a re-employment list for a position. For purposes of this definition, a "passing grade" shall be that which is determined by the Personnel Director.

SECTION 17. EXEMPT SERVICE. Those positions not included in the Classified Service Positions as provided by Section 11.02 of the City Charter.

SECTION 18. FLEXIBLE TIME. A work schedule that provides flexible starting and ending times for employees assigned a standard forty (40) hour work week, and as approved by the employee's Department Director or Division Chief.

SECTION 19. FULL-TIME EMPLOYEES. Employees that are scheduled to work not less than forty hours per seven (7) calendar days. Full time employees are of two types, described as follows:

- A. Forty Hour Employees. The seven (7) day work period shall consist of five (5) eight (8) hour days with two (2) days off or four (4) ten (10) hour days with three (3) days off. The rates of pay and ranges prescribed in the pay plan for the respective positions are based on an average work week of forty (40) hours and a typical work year of 2,080 hours.
- B. Fifty- three Hour Employees. Regular hours for 53 hour employees shall be 212 hours in a 28-day period with an average of fifty-three (53) scheduled hours per week. The 28-day period shall be assigned and scheduled by the Department Head or Division Chief. The hourly wage is based upon a yearly schedule of 2,756 hours worked.

SECTION 20. IMMEDIATE FAMILY. An employee's spouse, parents, step-parents, children, step-children, grandparents, siblings, step-brother, step-sister, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, legal guardian or other person in loco parentis, unless otherwise provided in a specific Rule or policy.

SECTION 21. OVERTIME. That time during which an employee is on duty, actually working for the City of Worthington, in excess of eight (8)

hours in any one calendar day or in excess of ten (10) hours in any one calendar day, per an employee's respective regular work day, or in excess of forty (40) hours in any calendar week for 40-hour employees or in excess of 212 hours in any 28 day work period for 56-hour employees. Overtime shall only be earned and paid for employees assigned a flexible time schedule for those hours actually worked in excess of forty (40) hours in any calendar week. Overtime must be authorized to be worked by the Department Director or Division Chief and approved for payment by the City Manager.

SECTION 22. PART-TIME EMPLOYEES. Any employee who routinely works less than forty (40) hours per week or, for certain employees in the Division of Fire, any employee who routinely works less than an average of fifty-three (53) hours per seven (7) consecutive days within a twenty-eight (28) day period, and whose employment is provided for in the annual budget.

SECTION 23. POSITION. A group of duties and responsibilities designed to be performed by an employee. Positions shall be created and abolished by City Council.

SECTION 24. PROBATIONARY PERIOD. A test period, during an employee's initial employment in a Position, in which an employee is required to demonstrate his or her fitness by actual performance of the duties of the Position to which he or she has been appointed. The Probationary Period shall be as specified in the most recent Pay Resolution adopted by City Council.

SECTION 25. PROMOTION. The change of an employee from a position in one Class to a position in another Class having a higher maximum salary rate.

SECTION 26. PROVISIONAL APPOINTMENT. An appointment of an Applicant made in the absence of an Eligible List for a Class, and determined by the Applicant's grade on a non-competitive test.

SECTION 27. REGULAR EMPLOYEE. A person who has been appointed to a Classified Service Position from an Eligible List and who has satisfactorily completed his or her Probationary Period.

SECTION 28. RETIREMENT. An employee's voluntary separation from service with the City not by resignation, layoff, or discharge and whose application for retirement benefits has been approved by the retirement system to which the retiring employee subscribes.

SECTION 29. SEASONAL APPOINTMENTS. An appointment to a Position that only exists during a particular season of the year, not to exceed five (5) months. A Seasonal Employee is not a Regular Employee.

SECTION 30. TEMPORARY APPOINTMENT. An appointment to a Position lasting for a limited period of time, as designated on the City's most recent Pay Resolution.

SECTION 31. WORK PERIOD. Any established and regularly recurring period of work which is not less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days. A work period may be any length and need not coincide with the pay period or with a particular day of the week or hour of the day. Once a beginning time for a Work Period is established, it remains fixed, regardless of how many hours are worked within that Work Period, unless changed by the Department Director.

RULE II

CODE OF ETHICS

SECTION 1. CONDUCT OF CITY EMPLOYEES. The City's reputation for integrity is determined by the conduct of its employees. Employees must avoid situations that may lead to a conflict of interest or the appearance of a conflict of interest between self interests and the duty to their department and community. Employees of the City shall conduct themselves in a manner which is conducive to public trust and respect, accountability and-independent objective judgment.

SECTION 2. GIFTS AND FEES. Employees shall not accept any unlawful remuneration nor accept any personal gifts, excessive entertainment or other questionable fees, discounts, and considerations that are not available to the general public from individuals or organizations to whom the City provides or may provide service, or from any other individual or group with whom the City has or may have business dealings.

SECTION 3. CONFIDENTIAL INFORMATION. Confidential information with respect to the City acquired by employees through their employment or otherwise is considered privileged and must be held in confidence, and is to be used solely for departmental or City purposes. Financial information regarding the City and its employees is not to be released to any person unless it is generally available to the public.

SECTION 4. RELATIONS WITH VENDORS. City employees will select supplies impartially based on price, quality, performance, and suitability to the product or service. Each employee shall avoid any activity that could imply selection on any basis other than the best interest of the City or which could give any supplier an improper advantage.

SECTION 5. OUTSIDE ACTIVITIES & EMPLOYMENT. Employees shall not engage in business activity or employment which interferes with their duties to the City. Employees shall disclose to their Department Directors all outside employment. Under no circumstances shall an employee accept a position or enter into a business venture or partnership which will result in, or foreseeably result in, a conflict of interest. If there is any possibility of a conflict, the employee must inform his or her Department Director or Division Chief and obtain approval before accepting the position.

SECTION 6. PERSONAL CONDUCT. During work hours or during off duty hours employees shall not engage in any conduct that adversely reflects on their professional reputation, reputation of their department or the City, or which evidences a lack of integrity or lack of fitness to perform the duties as employees of the City.

RULE III

EQUAL EMPLOYMENT OPPORTUNITY

The City of Worthington offers equal opportunity and equal consideration to all persons who seek employment with the City, and to those who are already employed by the City. No employee or applicant will be discriminated against on the basis of race, color, ancestry, religion, creed, national origin, sex, age, veteran status, disability, and/or any other characteristic protected by applicable federal, state, or local law.

It is our policy to recruit, hire, train and promote the most qualified persons. It is the firm belief that our Equal Employment Opportunity Policy will be furthered in an environment of mutual trust where employees are encouraged to discuss their problems with members of management. As a City, we have pledged to pursue this policy and, as an employee, you will be expected to comply with this policy in every respect.

RULE IV

HARASSMENT AND NON-DISCRIMINATION POLICY

SECTION 1: POLICY. The City of Worthington strongly disapproves and expressly prohibits any form of unlawful harassment or discrimination based on race, color, religion, sex, national origin, age, disability, **military status**, status as a veteran or special disabled veteran, or any other characteristic protected by applicable federal, state, or local laws.

The City of Worthington also specifically prohibits sexual harassment of our employees in any form. It is our policy to provide an employment and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature constituting sexual harassment as defined and otherwise prohibited by federal and state law.

Specifically, no supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career advancement.

Other sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel is impermissible and prohibited because it creates an intimidating, hostile, or offensive working environment and/or unreasonably interferes with an individual's work performance. This includes, but is not limited to, any conduct of a sexual nature, including verbal conduct, touching, solicitation or the display in the workplace of sexual objects or pictures, where there has been an indication that such conduct is unwelcome.

Any conduct, as described above, whether by supervisors or non-supervisory personnel, may result in disciplinary action, up to and including discharge.

SECTION 2. GUIDELINES. It is our policy to investigate thoroughly and remedy any known incidents of harassment or discrimination. In order to accomplish this, however, incidents must be brought to the attention of management. Accordingly, employees who feel aggrieved have an obligation to communicate their problem immediately.

Employees who feel comfortable doing so should directly inform the person engaging in unwelcome conduct that such conduct is offensive and must stop; however, employees are not required to first directly address the person who is harassing them. The following steps should be taken by an employee who has a complaint:

Any individual that believes that he or she has been subjected to unlawful harassment or discrimination, or witnessed unlawful harassment or discrimination, should promptly file a written report of that fact to the Personnel Director or the individual's immediate supervisor/manager. If the individual alleges harassment or discrimination against the Personnel Director and the individual's immediate supervisor/manager, the individual need not report the incident to the alleged harassers and, instead, may report the incident to the City Manager. The written report should identify the alleged incidents, the alleged perpetrators of the harassment or discrimination (if known), and any witnesses to the harassment or discrimination. The report will be kept confidential to the extent possible consistent with a thorough investigation and any remedial action required.

Upon receipt of a report, the City of Worthington will investigate the allegations. If the City of Worthington determines that an individual has violated this policy, the City of Worthington will take appropriate disciplinary action, up to and including termination.

The City encourages individuals who believe they have been victims or witnesses of harassment or discrimination to come forward and report such harassment. The City will not take any adverse action against an individual who in good faith comes forward to report misconduct, or provides assistance in an investigation, regardless of whether the allegation is substantiated.

Any questions concerning this policy should be directed to the Personnel Department.

RULE V

CLASSIFICATION AND PAY PLAN

SECTION 1. CLASS SPECIFICATIONS. The Personnel Director shall prepare specifications for each class or position included in the classification plan approved by resolution of Council under Section 139.04 of the Codified ordinances. The Personnel Director shall be responsible for seeing that the specifications are kept current, by preparing amendments for consideration by the City Manager and the Council to cover new positions and changes in duties of old positions whenever such amendments are deemed necessary.

SECTION 2. PAY PLAN. The Personnel Director shall prepare a uniform pay plan as provided in Section 139.05 of the Codified Ordinances. Such plan shall consist of minimum and maximum rates of pay for each class or position and such intermediate rates as shall be deemed desirable. Salary ranges shall be linked directly to the position classification plan, as determined by the City Manager with the approval of the City Council.

SECTION 3. APPLICATION OF PAY PLAN. After the adoption of the pay plan, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for the class or position. New appointments shall normally be made at the minimum rate for the class. Except for the positions of Police Officer, Police Sergeant, and Police Lieutenant, appointments above minimum rate may be made upon approval by the City Manager when new employees have exceptional qualifications or when no eligible person will accept appointment at the minimum rate. No applicant for employment shall be given a probationary or provisional appointment at a starting rate in excess of Step B of the appropriate range for the particular position to which said applicant is assigned. Exception to this section will be by Council resolution only, upon request of the City Manager. Reinstatements will be made at the Range Level and Step paid at the time of termination.

SECTION 4. PAY INCREASES. Salary increases within an established range shall not be automatic, but shall be dependent upon merit. Fourteen (14) days before the anniversary of an employee's hiring, the appointing authority shall initiate a performance evaluation of the employee on a form supplied by the Director of Personnel. This evaluation and other pertinent data shall form the basis for awarding or denying merit step increases.

The effective date of all merit increases shall be the anniversary of the initial hire date or the date of promotion to the current position if the position held is not the position occupied at the date of hire.

Additional salary increases, not to exceed one a year for any employee, may be made for highly meritorious service or to maintain proper staffing, but such increases may be granted only in exceptional cases and only after prior approval of the Director of Personnel and the City Manager. Such increases shall not have any effect on the scheduled date of subsequent pay increases.

In any case where, by reason of unusual circumstances, rigid adherence to the foregoing principles relating to salary adjustments would cause a manifest injustice, the City Manager may make such order relating thereto as in his discretion is proper.

SECTION 5. TOTAL REMUNERATION. Salary payments and any other monetary remuneration to any employee shall be based only upon the Charter and ordinances of the City of Worthington, authorization by City Council, or these Personnel Rules.

No reward, gift or other thing of value received from any source for the performance of his or her duties shall be retained by an employee unless approved by the City Manager. All such fees and rewards shall be accounted for and paid into an appropriate account designated by City Council.

SECTION 6. PART TIME WORK. Whenever an employee works for a period less than the regularly established number of hours per day, days per week, or weeks per month, the amount paid shall be proportionate to the time actually employed, based on the salary for the class or as otherwise specified in the City's pay resolution. The payment of a salary from two or more departments or funds for duties performed for each is permissible if the total salary does not exceed the maximum rate of pay for the class.

SECTION 7. HOURLY & DAILY RATES. Hourly paid employees, including temporary and part-time employees, are to be paid only for time actually worked.

SECTION 8. Daylight Savings Time. Changes from or to daylight savings time will not result in overtime due to the time change alone; rather, employees will be compensated for their actual hours worked.

SECTION 9. OVERTIME. Subject to the provisions of the Administrative Code, authorized overtime will be compensated as stated below, multiplied by the hourly rate for the particular employee's range and step as set forth by the current authorized pay plan. Overtime must be pre-approved and will only be pre-approved if within budgetary limitations and if such overtime is specifically authorized by the Department Director or Division Chief and approved for payment by the City Manager. An employee may be disciplined for working unauthorized overtime. The classified employees in the positions of Chief of Police and Fire Chief shall not receive compensation for overtime work unless authorized in writing by the City Manager.

For forty-hour classified employees:

- a) More than eight straight-time hours in any one work day or more than eight consecutive hours - time and one-half - except for employees assigned to four ten hour weekdays per week where in excess of ten hours per day shall be compensated at time and one-half and for employees assigned a flexible time schedule where overtime shall only be earned and paid for those hours actually worked in excess of forty (40) hours in any calendar week and shall be compensated at time and one-half. A workday is defined as a calendar day except for classifications of the Division of Police who work on a three-shift schedule where a workday commences at the beginning of the first shift;
- b) More than forty straight-time hours paid in any one workweek - time and one-half;
- c) Work on a holiday except for employees in the Department of Safety who are regularly scheduled to work holidays will be as follows:

Double time for work on a holiday shall be paid for all hours worked on the day or portion of the day that represents the actual holiday (example: December 25 for Christmas Day or January 1 for New Year's Day) regardless of whether the holiday occurs on a regularly scheduled work day or a Saturday or Sunday. Double time for work on a holiday shall not be paid for work performed on a day when a holiday is observed if that observance falls on a day other than the holiday (example December 26 is observed as the Christmas

holiday because December 25, the actual holiday, falls on a Sunday).

- d) Full-time employees in the Department of Parks and Recreation working a flexible time schedule shall still be eligible to receive holiday pay. However, the maximum amount of holiday pay that may be earned on any given day shall be eight (8) hours. (Example: an employee working 12 hours on a holiday shall receive pay for eight (8) hours at the holiday rate and four hours at his or her regular rate.)
- e) Part-time employees in the Department of Parks and Recreation working on Thanksgiving Day, New Year's Day, Memorial Day, Independence Day, and Labor Day will receive time and one-half for all hours worked. Part-time employees in the Division of Fire working on Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, Independence Day, and Labor Day will receive time and one-half for all hours worked.

At the direction of the Department Director and with the approval of the City Manager, for all employees except those employed by the Division of Fire and Emergency Medical Services, overtime may be compensated with compensatory time off. Such compensatory time off shall equal the number of hours required for any such employee to work at his regular hourly rate to earn the monetary compensation to which he is entitled under the provisions of this section.

For fifty-three hour classified employees:

Employees shall be compensated at a straight time hourly rate for 53 hours and three hours at the rate of 1/2 times the employee's regular hourly rate. Such rate shall be determined by dividing an employee's annual salary by 2,756. Any non-FLSA exempt employee requested by the Division to work unscheduled overtime (except as stipulated in Emergency Call-In) shall be paid at a rate of 1 1/2 times the regular hourly rate for all hours worked.

SECTION 10. CALL-IN AND CALL-BACK MINIMUMS. Whenever classified employees are called in or called back to work hours which do not abut their shift hours, they shall receive pay or compensatory time credit at the rate of 1-1/2 times the regular hourly rate of pay or time for all such hours worked. They shall be guaranteed a minimum of three hours pay at this rate for each call-in or call-back. Any hours over and beyond

the three hour minimum shall be compensated at the rate of 1-1/2 times the regular hourly rate and no additional three hour minimum block shall be granted. Police Officers shall be compensated at the same rate for time spent in connection with appearances in Mayor's Court. Classified Personnel, except for the Police Chief, Fire Chief and Assistant Fire Chief, who are required to appear in court or in any court proceeding related to their employment with the City during hours other than scheduled work hours shall receive pay in accordance with this section and for all such hours worked if the hours do not abut the employee's shift hours (or the minimum hours provided, whichever is greater).

Whenever classified employees, except the Police Chief, Fire Chief, and Assistant Fire Chief, are required by the City Manager to be on standby status during their non-working hours, they shall receive 1- 1/2 times the regular hourly rate of pay for all such hours required in such status. They shall be guaranteed a minimum of two hours pay at this rate of 1-1/2 times the regular hourly rate for each such standby. Any hours over and beyond the two hour minimum shall be compensated at the 1- 1/2 times regular pay rate and no additional two hour minimum block shall be granted. Only the City Manager may require standby status, except as otherwise provided for in an applicable collective bargaining agreement.

Communication Technicians in the Division of Police that receive a court subpoena for City business, may be placed in standby status during their non-working hours by the Chief of Police or his or her designee. Communication Technicians placed in standby status during their non-working hours shall receive 1-1/2 times the regular hourly rate of pay for all such hours required in such status. They shall be guaranteed a minimum of two hours pay at this rate of 1-1/2 times the regular hourly rate for each such standby. Any hours over and beyond the two hour minimum shall be compensated at the 1-1/2 times regular pay rate and no additional two hour minimum block shall be granted.

Section 11. ANNUAL SERVICE CREDIT. ~~From~~ **Effective** January 1, ~~2009-December 31, 2009~~ **2011**, all full-time classified and exempt employees of the City, except for Police Lieutenants, Police Sergeants, and Police Officers, shall receive an annual service credit payment based on completed years of continuous service according to the following schedule:

Five through Ten Years	\$ 1050.00
Eleven through Fifteen Years	\$ 1200.00
Sixteen through Twenty Years	\$ 1300.00
Twenty-one years and above	\$ 1400.00

From January 1, 2009-December 31, ~~2009~~ **2011** Police Lieutenants, Police Sergeants, and Police Officers shall receive an annual service credit payment based on completed years of continuous service according to the following schedule:

Five through Ten Years	\$ 1150.00
Eleven through Fifteen Years	\$ 1300.00
Sixteen through Twenty Years	\$ 1400.00
Twenty-one years and above	\$ 1500.00

The annual service credit payments shall be made in accordance with the above schedule, in a separate lump sum payment based on completed years of continuous service as a classified or unclassified employee of the City of Worthington, or in the case of employees of the Division of Fire and Emergency Medical Services, as a classified employee of Sharon Township and the City of Worthington. The payment shall be based on completed years of service as of the first day in July and paid during the second pay period in July each year.

In addition, each Firefighter, Fire Inspector, Fire Lieutenant, Inspector Lieutenant and Fire Captain with 20 or more years of service as of the first pay period in January 1995, shall receive a transition allowance of One Thousand Three Hundred and Seventy-Five Dollars (\$1,375.00) paid in the second pay period of July each year.

If an employee resigns or retires before or after the payment of the annual service credit, he or she shall be paid a prorated share of the

annual service credit payment for the partial year of service, if in good standing at the time of resignation or retirement. Employees who resign or retire prior to the 15th calendar day of any month shall receive credit for all months of service prior to the current month. Employees who resign or retire on or after the 15th calendar day of any month shall receive credit for all months of service including the current month.

SECTION 12. Communication Technician Compensation.

Effective January 1, 2009, all employees in the classifications of Full-time and Part-time Communication Technician shall receive, in addition to their regular wage, sixty cents (\$.60) per hour shift differential for all hours worked in second and third shifts (2:30 PM - 6:30 AM). Special or adjusted regular schedules that begin prior to 2:30 PM shall not be paid a shift differential, however, additional hours worked past a special or adjusted regular schedule will be paid a shift differential. Shift differential shall be paid in a lump sum during the second pay period of January for the prior year. An individual designated as the Technical Agency Coordinator (T.A.C.) Communication Technician shall receive one dollar (\$1.00) per scheduled hour T.A.C. differential, to be paid in a lump sum during the second pay period of December.

SECTION 13. Supplemental Pay

All fulltime employees, not covered by a collective bargaining agreement, shall receive a one time lump sum payment from the City in the amount of one thousand dollars (\$1,000), minus applicable withholdings, payable in the first full pay period of 2011 following City Council approval of the 2011 Personnel Rules and Regulations. This lump sum payment is unrelated to hours of employment or service, and shall not be calculated or considered in or with overtime or other payments.

RULE VI

APPLICATIONS & APPLICANTS

SECTION 1. ANNOUNCEMENT. All entrance examinations shall be publicly announced by the Personnel Director by publication in at least one newspaper of general circulation in the City and announcements may specify the title and salary range of the class for which the examination is to be held, the time, place and manner of making application, the closing date for the applications and any other information deemed pertinent by the Personnel Director. All announcements shall include the statement: The City of Worthington is an Equal Opportunity Employer.

SECTION 2. APPLICATION FORMS. Applications shall be made on forms prescribed by the Personnel Director.

SECTION 3. DISQUALIFICATION. The Personnel Director shall reject any application which indicates that the applicant does not possess the minimum qualifications required or which is not received within the time limit fixed for filing for the position. Notice of such rejection may be given to the applicant with the reasons therefor, and such rejection shall be final.

SECTION 4. MINIMUM QUALIFICATIONS. All applicants must be legally able to work in the United States, and meet all educational, experience and physical abilities required for the position as included in the class specification for the position.

SECTION 5. FINGERPRINTING. All police applicants shall be fingerprinted and be cleared by the competent law enforcement agencies before being appointed. Other applicants shall be fingerprinted and cleared prior to appointment if the Personnel Director determines it necessary for verification or if required by law.

SECTION 6. VERIFICATION. The Personnel Director shall make suitable inquiry of employers, educational institutions and character references given by the applicant to verify the statements made in the application. Driving records, criminal history records, credit records, and psychological exercises may be required of applicants, depending on the position being sought. If facts so ascertained indicate the unsuitability of an applicant, the Personnel Director may reject his application and notify him or her to that effect, and such rejection shall be final.

SECTION 7. POLICE AND FIRE APPLICANTS. Every applicant for entrance examination for the uniformed police or fire service shall, in addition to the requirements set forth in Section 3, 4, 5, & 6 of this rule, be at the time of his or her application not less than 21 years of age.

RULE VII

EXAMINATIONS

SECTION 1. NATURE OF EXAMINATIONS. All examinations shall test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties of the class or position for which the examination is given. Their content shall be determined by the Personnel Director who shall be responsible for the evaluation of the results. The examinations may be written or oral, physical or performance tests or components, and may be assembled or unassembled or any combination thereof. When several different tests are used in a single examination, the Personnel Director shall determine and announce to the candidates the weight to be assigned to each or the minimum score for each component and the grade which must be attained to qualify for a place on the eligible list.

SECTION 2. INFORMATION REQUIRED AT EXAMINATION. Personal photographic identification is required to be submitted at the examination. The Personnel Director may require applicants to submit proof that they are at least 21 years of age for applicable positions, legally able to work in the United States, and military service at the time of the examination.

SECTION 3. NOTIFICATION OF RESULT. Each person who takes an examination shall be given written notice of whether they passed or failed such examination and of their relative standing on the eligible list if they passed. Each person shall be entitled to inspect their own papers (but not those of other candidates) during regular office hours under the supervision of the Personnel Director, unless specifically prohibited by agreement with a testing agency or organization.

SECTION 4. MEDICAL EXAMINATION. After an applicant has accepted an offer of employment but before such applicant is appointed, whether as a provisional employee or as a probationary employee, the applicant shall be required to submit a medical examination administered by a physician selected for that purpose by the Personnel Director. A certificate by such physician that the person so examined is physically able to perform the essential functions of the position with or without reasonable accommodation shall be a prerequisite to appointment. The expense of this pre-employment physical examination shall be paid by the City.

All employees other than full-time classified employees will be required to submit a statement from a qualified physician that they are physically able to perform the essential functions with or without reasonable accommodation of the position in their employment for the City of Worthington. This provision applies particularly to seasonal, temporary and part-time employees. Employees will not be permitted to begin work for the City until this statement has been received, accepted and approved by the Personnel Director.

SECTION 5. RE-EXAMINATION. No person who has failed a competitive examination shall be re-examined for the same class or position within one year from the date of such failure unless the Personnel Director determines that such re-examination is in the best interest of the employee recruitment program.

SECTION 6. NON-COMPETITIVE EXAMINATION. As a general rule, all examinations shall be open and competitive. However, before a nominee may receive a provisional appointment he shall submit an application therefor, await responses from references given in his application, take a pre-employment physical examination, and shall be approved by the Personnel Director as meeting the minimum qualifications established by the classification plan. This procedure shall be known as a non-competitive examination.

SECTION 7. PROMOTIONAL EXAMINATIONS. Whenever, in the judgment of the City Manager and the Personnel Director, vacancies in positions above the entrance level should be filled by promotion, a promotional examination shall be given. Such examination shall be competitive unless the Personnel Director finds the number of persons qualified for promotion is insufficient to justify competition, in which case the promotional examination shall be non-competitive in character. Eligibility to take promotional examinations shall be determined according to the normal lines of promotion established in the classification plan, and the City Manager and the Personnel Director shall determine the classes eligible to compete. Such examinations shall include, in addition to tests, an allowance for the quality of performance as determined by ratings of the previous service of the candidate as well as for seniority. No person shall be examined for promotion until he has served for at least one year in the rank from which promotion is sought.

RULE VIII

ELIGIBLE LISTS

SECTION 1. ELIGIBLE LISTS. There shall be three types of eligible lists:

1. Original Appointment Eligible Lists
2. Re-employment Eligible Lists
3. Promotional Eligible Lists

Such lists shall be maintained for each class or position in the service of the City, so far as necessary or practicable. They will be established and maintained in the manner and for the purpose stated in the personnel ordinances.

SECTION 2. VACANCIES. Whenever a vacancy is to be filled in the classified service, as determined by the Personnel Director he or she shall provide the appropriate authority with the names of all candidates certified for possible appointment to the position in which the vacancy exists.

SECTION 3. CERTIFICATION. If a re-employment eligible list exists for the class or position in which the vacancy exists, the name which has been longest on the list shall be certified and the Eligible Person appointed if he or she is willing to accept. If there is no such re-employment eligible list, certification shall be made from the appropriate original appointment eligible list or promotional eligible list as provided by the Administrative Code.

SECTION 4. ADDITIONAL CERTIFICATIONS. When any certified eligible person shall decline in writing to accept appointment, or when any certified eligible person is determined to be disqualified for the position, the appointing officer shall receive one additional name or names in the case of tied scores in testing from the list in substitution therefor.

SECTION 5. RE-EMPLOYMENT ELIGIBLE LISTS. Regular employees laid-off for lack of funds or work shall be placed on a re-employment eligible list.

SECTION 6. RESTORATION TO ELIGIBLE LIST. A probationary employee who is laid-off while the original employment eligible list from which he or she was appointed is still in effect, shall be restored to his or her original place on that list.

SECTION 7. DURATION OF ELIGIBLE LISTS. Original appointment eligible lists and promotional eligible lists shall be valid for one year from the date of their original creation. They may be extended for any additional period, not to exceed one year, by order of the Personnel Director, who shall recite the reasons therefor. Re-employment eligible lists shall be valid until used or until all those whose names appear thereon, have declined appointment.

SECTION 8. REMOVAL FROM ELIGIBLE LIST. If, after an Eligible List has been established, it shall be determined that any person whose name appears thereon has obtained his or her place thereon by fraud, either in the application or in the examination, or has lost the qualifications which formed the basis of his or her inclusion on the list, his or her name shall be removed therefrom by order of the Personnel Director, and duly entered on his or her journal reciting the reasons for such action. Any Eligible Person who has been certified twice for appointment and has declined to accept, shall have his or her name removed from the Eligible List.

RULE IX

APPOINTMENT & PROBATION

SECTION 1. APPOINTMENT. After certification has been made, the appointing authority shall appoint one of the persons so certified to fill the vacancy. The notice of appointment shall be filed with the Finance Director. Those certified but not appointed shall be restored to their original places on the eligible list.

Section 2. PROBATION. Every original or promotional appointment from an eligible list or otherwise shall be for a probationary period of one year unless otherwise specified or extended by the Personnel Director. During the probationary period, the work and conduct of the employee shall be evaluated in writing by the employee's supervisor who shall file such report(s) with the Personnel Director. In instances where an additional period of time is desired to evaluate an employee, the Department Director or Division Chief may file a written recommendation during the initial probationary period with the Personnel Director to extend the probationary period up to an additional 200 days.

SECTION 3. REGULAR STATUS. Probationary employees shall become regular employees at the end of their probationary period provided the evaluation reports indicate satisfactory performance of their duties and provided that at least ten (10) days before the conclusion of such period, the Department Director or Division Chief files with the Personnel Director a written recommendation that regular status be given.

SECTION 4. PERSONNEL ACTIONS DURING PROBATION. Probationary employees may be removed or demoted at any time during the probationary period by a written notice to the employee by the Appointing Authority indicating that their services are not satisfactory. Such removals or demotions shall not be subject to appeal in any manner, including but not limited to appeal through the grievance process, Personnel Appeals Board, or other avenue of appeal. Copies of all such notices shall be filed with the Personnel Director and Director of Finance.

SECTION 5. EMERGENCY APPOINTMENTS. Whenever an emergency exists which requires that a vacancy be filled at once in order to maintain public services, the Appointing Authority may appoint any qualified person temporarily to perform the duties of the position. Such appointment shall be made in writing, a copy of which is filed with the Personnel Director and the Director of Finance. No such appointment

shall be for a period longer than thirty (30) days and it shall not be extended or renewed.

SECTION 6. PROVISIONAL APPOINTMENTS. Whenever there is no eligible list from which a certification can be made, the Personnel Director shall so inform the Appointing Authority, and, if in the judgment of the Appointing Authority, it is not expedient to await the establishment of such a list before making an appointment, the Appointing Authority shall submit to the Personnel Director the application of a person deemed by him to be suitable for non-competitive examination and provisional appointment. A provisional appointment shall be for not longer than three (3) months, during which time an examination shall be given and an eligible list established. The provisional appointee shall not be eligible for probationary status unless he or she has taken the examination and is placed high enough on the eligible list to qualify for certification. The probationary period of a provisional appointee subsequently appointed as a probationary employee may be shortened by the length of time that the employed remained in provisional status.

SECTION 7. TEMPORARY APPOINTMENTS. Temporary appointments for short term employment may be made of any qualified person following a non-competitive examination. Temporary appointments of the same person to the same position shall be for not more than six (6) months in any calendar year. Temporary service shall not be counted as part of the probationary period in case of subsequent appointment of the same individual to a permanent position.

SECTION 8. SEASONAL APPOINTMENTS. Seasonal appointments for short term employment shall be made from current applications on file for such positions. If no applications for seasonal positions exist, the director of the department concerned may appoint any qualified person to fill such position. Seasonal appointments of the same person to the same position shall be for not more than five (5) months in any calendar year. Seasonal service shall not be counted as part of the probationary period in case of subsequent appointment of the same individual to a permanent position.

RULE X

ATTENDANCE

SECTION 1. HOURS OF WORK. Except as otherwise provided, the standard work week for full-time employees shall consist of forty (40) hours. Part-time employees' work weeks vary by department and position.

SECTION 2. HOLIDAYS. All eligible full-time employees, other than specific personnel within the Department of Safety, shall be entitled to be absent from work with pay on the following holidays:

1. New Year's Day - January 1
2. Martin Luther King Day - 3rd Monday in January
3. President's Day - 3rd Monday in February
4. Memorial Day - Last Monday in May
5. July 4th
6. Labor Day - 1st Monday in September
7. Columbus Day - 2nd Monday in October
8. Thanksgiving Day - 4th Thursday in November
9. Day following Thanksgiving Day - 4th Friday in November
10. Christmas Day - December 25
11. The half-day before Christmas Day is observed
12. The half-day before New Year's Day is observed
13. Employee Personal Holiday

Any department that finds it necessary to do so, may with the approval of the City Manager, direct some or all employees of the department to report for work on any of these holidays. Work on a holiday, except for Police, Communication Technicians, and 53-hour employees of the Division of Fire and Emergency Medical Services, shall be considered as overtime and shall be subject to all of the requirements established as to its authorization and payment. Should any holiday fall on a Saturday, the Friday before shall be observed as a paid holiday. Should any holiday fall on a Sunday, the Monday following shall be observed as a paid holiday. Holidays which occur during annual leave shall not be charged against annual leave.

SECTION 3. HOLIDAY LEAVE PAY.

DIVISION OF POLICE. ~~Effective January 1, 2009,~~ Holiday leave pay for all Division of Police personnel who are required to work on holidays on a regular basis shall be compensated by crediting each employee with 112 hours of holiday leave. Holiday leave pay may be taken in one (1) hour increments.

DIVISION OF FIRE AND EMERGENCY MEDICAL SERVICES FIFTY-THREE HOUR EMPLOYEES. Holiday leave pay for all fifty-three hour employees who are required to work holidays on a regular basis shall be compensated by crediting each employee with 168 hours of holiday leave in 2009, 192 hours in 2010, and 216 hours in 2011. Holiday leave must be taken in minimums of four (4) hour increments, and in a maximum of one-half of the employees' annual accumulation.

For an employee hired during a calendar year, the number of leave time hours will be prorated on the basis of the number of holidays occurring after the employee's first scheduled day of work. Any balance of unused time remaining as of December 1 shall be paid in an additional check in the first pay period of December. Should an employee resign, retire, or be separated from employment prior to the end of the calendar year, the City shall withhold from the last pay due to the employee pay for any holiday for which the employee was compensated but that occurs after his resignation, retirement, or separation.

The foregoing holiday leave days shall be taken in the year in which they are earned. To receive holiday leave pay for an observed holiday, an employee must not have been absent without authorized leave on either the day before or after the holiday. An employee on sick leave the day before or after a holiday may be required by the City to present a doctor's certificate to become eligible for holiday leave pay.

SECTION 4. ANNUAL LEAVE. The following provisions shall apply to the administration of annual leave for all Full-time Employees.

- A. Annual Leave Accrual for Employees Working 40-hour Work Weeks. Employees shall be entitled to annual leave based upon the following accrual schedule:

Beginning Years of City Service	Annual Vacation Accrual Hours	Hours Accrued Per Month
0-4	96	8
5-8	104	8.66
9-12	144	12
13-15	168	14
16-20	200	16.66
21+	216	18

The City will grant credit for years of service with other State of Ohio Government agencies or political subdivisions of the state of Ohio and shall apply to annual leave only.

- B.(1) Annual Leave for Fifty-Three Hour Employees. All employees with eight (8) years or less of continuous service with the City shall be entitled to 120 hours of paid annual leave per calendar year. Employees with more than eight (8) years, but less than twelve (12) years of service shall accrue paid annual leave at the rate of 176 hours per calendar year. Employees with more than twelve (12) years, but less than sixteen (16) years of service to the City shall accrue paid vacation at the rate of 232 hours per calendar year. Employees with sixteen (16) or more years of service shall accrue paid vacation at the rate of 288 hours per calendar year. The City will grant credit for years of service with other State of Ohio agencies or political subdivisions of the state of Ohio and shall apply to annual leave only.

B. (2) Annual Leave for Non-bargaining Unit Fifty-Three Hour Employees

Beginning Years of City Service	Annual Vacation Accrual Hours	Hours Accrued Per Month
0-4	120	10
5-8	130	10.83
9-12	176	14.67
13-15	232	19.33
16-20	300	25
21+	324	27

C. Annual Leave Accumulation and Pay. Accumulation of unused vacation credit up to thirty-one (31) workdays (248 hours) for 40-hour employees, and 336 hours for 53-hour employees shall be permitted if it is not practicable for the City to grant leave to the employee to take his or her vacation annually. **Effective January 1, 2011 accumulation of unused vacation credit up to 288 hours shall be permitted for 40-hour employees with twenty-one (21) or more years of service if it is not practicable for the City to grant leave to the employee to take his or her vacation annually.** Pay shall be based on the hourly rate in effect at the time such leave is taken. Requests for annual leave for 40-hour employees shall be made in conformance to the Administrative Regulations, which require at least forty-eight (48) hours advance notice to the Department Head and can be taken in not less than one-half (1/2) hour increments. Requests for annual leave for 53-hour employees shall be made to the Fire Chief during the month of January and requests shall be granted at the discretion of the Fire Chief. Annual leave must be taken in minimum of four (4) hour increments, which may be increased by hourly increments after the initial four (4) hours.

D. Pay in Lieu of Vacation. ~~Police Lieutenants, Police Sergeants, and Police Officers~~ **All employees working forty (40) hour workweeks** with eight (8) years of continuous service with the

City may request that up to forty (40) hours of vacation leave be converted to pay after they have taken three (3) weeks, one hundred twenty (120) hours, of vacation. All employees working 53 hour workweeks with eight (8) years of continuous service with the City may request that up to forty nine (49) hours of vacation leave be converted to pay after they have taken one hundred forty seven hours (147) of vacation. Requests shall be submitted in writing to the Finance Director by November 15, to be paid with the first payroll in December. If the requests exceed the yearly appropriated amount, each request would be granted on a pro-rata basis. Vacation leave taken shall be based on a fiscal year beginning November 16th of prior year to November 15th of current year.

Annual leave may be taken prior to one (1) year of continuous service in direct ratio to time worked. Probationary status shall be included with regular status in the computation of continuous service.

Upon separation of service with the City for any reason, an employee's accumulated but unused annual leave shall be paid in cash to an employee at the rate of pay in effect at the time of separation. However such payment, except in the case of death of the employee, shall not exceed the maximum accumulation and carry-over amounts listed above. An employee who resigns without giving at least ten (10) calendar days prior written notice prior to his or her last working day with the City, shall forfeit any unused annual leave to his or her credit, or pay in lieu thereof. Employees who resign or retire prior to the 15th calendar day of any month shall receive credit for all months of service prior to the current month. Employees who resign or retire on or after the 15th calendar day of any month shall receive credit for all months of service including the current month.

SECTION 5. SICK LEAVE. The following provisions shall apply to the administration of sick leave for all employees:

- A. Sick Leave Accrual. Employees working a 40-hour week shall be entitled to sick leave with pay at the rate of ten (10) hours per each calendar month as either a probationary or regular employee. Sick leave may be accumulated without limit.

Employees working a 53-hour work week shall be entitled to sick leave with pay at a rate of fourteen (14) hours leave for

each calendar month of service as either a probationary or regular employee. Sick leave may be accumulated without limit.

The City will grant credit for sick leave days to employees with other Federal Government, State of Ohio Government agencies or political subdivisions of the state of Ohio. A maximum of three (3) years credit can be given and shall apply to sick leave only.

- B. Sick Leave Use. Sick leave shall be allowed only in case of actual illness, injury, disability, or pregnancy-related condition of the employee; or illness, injury or pregnancy-related condition of the employee's immediate family reasonably requiring the presence of the employee; or for necessary appointments with licensed health care providers; or for confinement because of quarantine, communicable disease or death in the immediate family. Immediate family is defined as an employee's spouse, parents, step-parents, children, step-children, grandparents, siblings, step-brother, step-sister, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, legal guardian or other person in loco parentis.

If sick leave is used because of death in the immediate family, such leave use shall be limited to five (5) days for 40-hour personnel and two (2) duty days for 53-hour personnel.

Sick leave may also be used in the case of adoption or natural childbirth should either parent choose to be the primary caregiver. Such use of sick leave shall be allowed only until the child is six (6) weeks of age.

- C. Sick Leave Verification. Whenever an employee uses sick leave, he or she may be requested by the Department Head, Division Chief, or by the Director of Personnel to submit a certificate from a licensed health care provider verifying his or her use of sick leave. Sick leave usage where the reason for leave no longer exists or where the employee has misrepresented the reason for leave is prohibited. Further, the City shall take disciplinary action against any employee using deception or fraud under this policy. Whenever an employee uses the day immediately preceding or following a holiday or

day for which overtime rates are paid as sick time he or she may be required to provide the Director of Personnel with a signed certificate from a licensed health care provider verifying his or her use of sick leave.

D. Sick Leave Notification. In requesting sick leave, an employee shall notify his or her supervisor as far in advance as possible; however, such notification shall be made not later than one (1) hour prior to the time the employee is scheduled to report to work for employees of the Department of Safety and not later than the time the employee is scheduled to report to work for all other employees. This provision may be waived by the Director of Personnel if the employee submits evidence to the Director of Personnel which indicates that was impossible to give such notification or if the use of sick leave is for a continuous period of time such that daily notification is not warranted. Sick leave requests for appointments with a licensed practitioner must be submitted forty-eight (48) hours in advance.

E. Sick Leave Payments Upon Separation.

1. Forty-hour Employees. An employee who is to be separated from City service through disability retirement, retirement, layoff or resignation in good standing after completion of fifteen (15) years of continuous service with the City may, if he or she so desires, be paid in lump sum according to the following schedule:

- a. No lump sum payment to employees with less than two hundred thirty-two (232) hours:
- b. Employees with two hundred thirty-two (232) hours or more shall be able to convert all accrued hours at a rate of thirty (30) percent up to a maximum of six hundred forty (640) converted hours.
- c. Paid at the average hourly rate of pay for the last three (3) years prior to the time of separation.

2. Division of Fire and Emergency Medical Services Fifty-Three Hour Employees.

- a. No lump sum payment for the first two hundred thirty-two (232) hours;

- b. Conversion for all accrued hours over two hundred and thirty-two (232) hours at a rate of twenty-five (25) percent up to a maximum of six hundred (600) converted hours;
 - c. Paid at the average hourly rate of pay for the last three (3) years prior to the time of separation.
3. Separation Calculation. Employees who separate prior to the 15th calendar day of any month shall receive credit for all months of service prior to the current month. Employees who separate, as stated above, on or after the 15th calendar day of any month shall receive credit for all months of service including the current month.
- F. Sick Leave Payments Upon Death. An employee who dies shall be paid in a lump sum for his accrued but unused sick leave hours according to the following schedule:
- 1. If an employee is killed while in the performance of his or her job duties, or dies as the result of an injury, illness and/or disease sustained or contracted in the line of duty, his or her surviving spouse, or secondarily his or her estate, shall be paid one hundred percent (100%) of the value of the employees accrued sick leave at the regular rate of pay in effect at the time of his or her death.
 - 2. If an employee dies other than in the manner specified in subsection (F)(1), sick leave hours accrued but unused by an employee shall be paid in accordance with subsection (E).
- G. Initial Grant of Sick Leave. New employees shall be granted at the date of their initial hire an "advance" of five (5) days of sick leave for 40 hour employees and 56 hours of sick leave for 53-hour employees. No additional sick leave will be allowed to accumulate until the "advance" is actually accumulated.
- H. Special Sick Leave Conversion. Any 40-hour employee who has accumulated six hundred forty (640) or more hours of sick

leave as of the first pay period in December in any calendar year may elect to convert a maximum of eighty (80) hours of such unused sick leave to thirty-two (32) hours of annual leave. Any 53-hour employee who has accumulated six hundred forty (640) or more hours of sick leave as of the first pay period in December in any calendar year may elect to convert a maximum of sixty-four (64) hours of such unused sick leave to twenty-four (24) hours of annual leave. This special conversion option may be exercised only in the first pay period in December. In order to participate in this conversion, employee annual leave totals must be at or below 248 hours for 40-hour employees, and 336 hours for 53-hour employees by December 1. An employee's Pay in Lieu of Vacation/Annual Leave conversion will be considered in their Sick Leave Conversion request.

SECTION 6. MILITARY LEAVE. Employees who are members of the Ohio National Guard, the Ohio Defense Corps., the State and Federal Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay, and without any offset for receipt of military pay, for the time they are performing service in the uniformed services, as defined in Section 5903.01 of the O.R.C., for periods of up to one hundred and seventy-six hours (176) hours within one (1) calendar year.

Employees are required to submit to the City an Order or statement from the appropriate military commander as evidence of such duty. There is not a requirement that the service be in one continuous period of time. The maximum number of hours for which payment will be made in any one (1) calendar year under this provision is one hundred seventy-six (176) hours. Members of those components listed in paragraph one above will be granted emergency leave for mob, riot, civil defense, or similar duties when so ordered by the Governor to assist Civil Authorities. Such emergency leave will be without pay if it exceeds authorized military leave for the year as indicated above. The leave will cover the official period of the emergency.

Employees who have been employed by the City of Worthington for at least one year and are called or ordered to service by the President of the United States or an act of Congress (but not those employees who voluntarily enlist or otherwise volunteer for active service) for periods

beyond one hundred and seventy-six (176) hours within one (1) calendar year are entitled to leave of absence and to be paid the difference between the employee's gross monthly wage and the sum of the employee's gross uniformed pay and allowances for the month while on active duty. No pay for such periods will be received if the employee's military pay exceeds the pay as a City employee. To be eligible for such expanded payment, the employee must provide to the Finance Director any military pay documentation or other information the Finance Director may request. Such expanded payment is in lieu of, and not in addition to, the aforementioned prior military pay provisions.

Employees who may be eligible for such expanded pay shall meet with the Personnel Director to review any administrative and/or other requirements of the City. Such meeting shall be initiated by the employee either before such leave and payments begin, or if such a meeting is not possible than as soon as is practical upon the return of the employee from the call or order to duty. By accepting payments under this provision, the employee understands, authorizes and agrees that if a mistake or error is made in the calculation or payment of benefits, either on the part of the City or the employee, the employee will reimburse the City for any such mistake or error. In this regard, the employee shall meet with City representatives to determine a repayment schedule, which may include deductions from wages and/or payments or other monies owed to the employee.

Periods of military leave shall not reduce the employee's seniority status, or annual leave and sick leave accruals.

SECTION 7. INJURY LEAVE. All employees shall be allowed injury leave with pay not to exceed one hundred eighty (180) working days for 40-hour employees and 250 calendar days for fifty-three hour employees for an injury incurred in connection with an incident related to his or her employment with the City. After all injury leave is used, the employee may elect to use accumulated sick leave, vacation, or other paid leave due him. Injury leave may be granted to an employee only for injuries or other disabilities determined by a licensed physician, in consultation with a physician selected by the City, to have so disabled such employee that he or she cannot perform the duties of his or her position. The City Manager has the discretion to extend paid injury leave for up to an additional one hundred eighty (180) working days for 40-hour employees and 250 calendar days for 53-hour employees. The City Manager's exercise of discretion as to whether to grant or not grant this additional extension is not subject to the grievance procedure.

Injury leave shall be granted only upon written recommendation of the City Physician or other physician selected by the City, the department Head or Division Chief and with approval of the City Manager and shall be cumulative.

Should an employee incur an injury during off-duty hours, not related to his or her employment acting within the scope of his or her duty, he or she shall use sick leave, compensatory time, and then other paid leave, or at his or her option, utilize disability leave. If more leave is required, the employee may request of the City additional unpaid leave time.

SECTION 8. RESTRICTED DUTY. In cases where an employee who is on injury leave, sick leave, or disability leave has received medical certification to return to restricted (light) duty, the City may require, or the employee may request, to be placed in a restricted (light) duty assignment. If the employee requests such restricted (light) duty assignment, the City shall make reasonable efforts to accommodate the employee's request to be placed in a restricted (light) duty assignment.

SECTION 9. LEAVES OF ABSENCE. Temporary leaves of absence with or without pay, for training purposes or for any other objective related to the employee's work may be granted and renewed by the City Manager for such periods as he or she may consider justifiable, within the limitations of the budget.

SECTION 10. CIVIL LEAVE. An employee shall be given time off without loss of pay when performing jury duty, when subpoenaed **in the course of their employment** to appear before a court, public body or commission; or for the purpose of voting.

The provisions of this section shall not apply if an employee is involved in an action as a personal matter or if an employee is responsible for an action requiring attendance as a witness or as a party in an action, such as traffic court, divorce proceedings, custody matters etc... These absences are to be charged as annual leave, compensatory time or approved leave without pay.

SECTION 11. UNAUTHORIZED LEAVE. Unauthorized absence shall constitute cause for disciplinary action.

SECTION 12. DISABILITY LEAVE. In addition to the use of paid sick leave, an employee who is disabled and who will be unable to work for

a period of more than two full weeks shall be allowed to take an unpaid disability leave of absence, for a period of time reasonably related to the nature and severity of the medical condition or disability. An employee shall provide a notice of not less than two (2) weeks prior to the date of actual departure unless an emergency medical condition prohibits such notice. Said notice shall include: (1) date of departure; (2) whether the employee intends to return to employment with the City; and (3) the employee's anticipated date of return to employment. Before returning from this unpaid leave, the employee shall provide certification from a physician that he or she is able to return to work and is able to perform his or her duties. Should an employee decide not to return to work while on unpaid leave of absence from the City, notification shall be provided to the City. Pregnancy related disabilities shall be treated as any other non-work related disability.

SECTION 13. COMPENSATORY LEAVE. The following provisions shall apply to the administration of compensatory leave for all forty-hour employees, except the City Manager, Department Heads, Assistant City Manager, Administrative Assistants, and Division of Fire/EMS employees.

- A. Compensatory Leave Accrual. In lieu of payment for overtime worked, an employee may elect to receive compensatory time off. An employee may accumulate not more than two hundred forty (240) hours of compensatory time for hours worked. Any employee who accumulates more than two hundred forty (240) hours of compensatory time shall be compensated by cash payment for the hours in excess of two hundred forty (240) hours.
- B. Compensatory Leave Use. An employee who has accrued compensatory time and who has requested the use of such time shall be permitted to use such time at the requested time or within a reasonable time after making the request, provided that the use of time does not unduly disrupt the operations of the Department. Compensatory time may be taken in ~~one (1) hour~~ **one-half (1/2)** hour increments.
- C. Compensatory Leave Payments Upon Separation. An employee who has accrued compensatory time shall, upon separation of employment for any reason, be paid the unused compensatory time at the regular rate of pay received by the member at time of separation.

SECTION 14. FLSA LEAVE. All full-time employees in the classification of Firefighter, Fire Lieutenant, Fire Captain, and Battalion Chief of the City working a full calendar year or hired during the month of January shall receive fifty-two (52) hours of FLSA leave. Of the fifty-two (52) hours, forty-eight (48) hours shall be scheduled in increments of two (2) 24-hour days, not occurring in a 28-day pay period that the employee is scheduled to work 240 hours. The remaining four (4) hours may be taken at any time.

No FLSA leave can be scheduled until the Kelly Days and the regular vacation picks have been completed. All FLSA Leave shall be requested to the Fire Chief prior to the first of each year. FLSA Leave may not be scheduled during a pay period when a Kelly Day has been scheduled. FLSA Leave cannot be carried from one year to the next. Unused FLSA Leave cannot be converted to cash. Therefore, if remaining FLSA Leave is not scheduled by October 1, the Fire Chief shall schedule the employee's FLSA Leave at his discretion which shall be taken by the employee before the end of the year.

SECTION 15. LEAVE WITHOUT PAY. All leave without pay may be granted with prior approval by the Department Head or Division Chief and the City Manager. If prior approval is not obtained, unauthorized absences may constitute cause for disciplinary action.

SECTION 16. LEAVE DONATION POLICY.

A. Purpose

1. This policy allows employees to voluntarily donate annual leave, personal leave, holiday leave or sick leave to another employee when the employee experiences a temporary traumatic/catastrophic illness/injury, or when such an employee's immediate household family member experiences such an illness/injury requiring the employee's personal care and attendance, and the employee has exhausted all of his/her sick leave, annual leave, personal leave, holiday leave, or other applicable paid leave balance.
2. Operation of this leave donation policy shall be at the sole discretion of the City Manager.

B. Definitions

1. Traumatic/Catastrophic Illness/Injury - a devastating illness or injury constituting a great misfortune that is expected to incapacitate the employee or a member of the employee's immediate household family for an extended period of time, provided that taking extended time off from work creates a financial hardship for the employee because he/she has exhausted all leave balances. Traumatic/Catastrophic illnesses or injuries would commonly include, but are not necessarily limited to, the following: cancer, AIDS, ALS, heart attack, heart surgery, stroke, permanent paralysis, severe burn of the body, or other condition the City Manager concludes is a covered illness or injury.
2. Donation - the act of voluntarily, unconditionally, and irrevocably surrendering a portion of one's sick leave, annual leave, personal leave, and/or holiday leave to a qualified employee.
3. Immediate Family Member - Mother, father, spouse, son, daughter, step-son, step-daughter, legal guardian, or someone who legally stands in place of a parent.

C. Procedure

1. Eligibility

Eligibility to donate leave or to receive donated leave under this program shall be limited to all personnel of the City serving in full-time permanent positions. Eligibility to receive donated leave under this program shall also be limited to those employees who have a total of 160 hours or less in all forms of paid leave in the aggregate (i.e., sick leave, annual leave, personal leave, holiday leave) at the time of their written request to receive donated leave, and who have not been disciplined for leave abuse the three (3) years prior to the date of their request to receive donated leave.

2. Request for Leave

When an employee has less than a total of 160 hours in all forms of paid leave (as specified above) in the aggregate, the employee or the employee's representative (with the employee's consent) may initiate a request for assistance.

Requests shall include the medical facts to support such request; a physician's statement as to the condition and the need for leave; the projected date of return to duty, if known; and, any other pertinent information that the applicant wishes to submit for consideration. The request shall be forwarded to the City Manager for review and consideration of the facts and circumstances specific to the employee's need. Such review shall include, but not necessarily be limited to, an assessment of a written certification from the employee's physician regarding the employee's or family member's medical condition, an analysis of the employee's sick leave usage and overall work history with the City of Worthington, and consideration of input provided by the employee's supervisor/managerial staff. Following this review by the City Manager, the City Manager may approve the receipt of donated leave. The final decision to approve or disapprove the request rests within the sole discretion of the City Manager.

3. Donation Process, Procedures & Requirements

Should the employee's request to receive donated leave be approved by the City Manager, employees (herein called "donors") who desire to contribute leave time shall complete a "Leave Donation Form". Such forms shall be made available by the City Manager and by each Department/Division. The donor shall designate on the form the name of the employee who is to be the recipient of the donated leave and the amount of such donated leave.

Leave shall be donated in the following sequence in the following amounts for each approved recipient:

- a. The first eight (8) hours of any donation shall be annual leave or personal/holiday leave. If the donor does not have annual leave or personal/holiday leave available, this requirement may be waived or reduced by the City Manager.
- b. After eight (8) hours of annual leave or personal/holiday leave has been donated by a specific donor, or waived as specified above, sick leave may then be donated. Sick leave donations shall be limited to sixty-four (64) hours per donor. After sixty-four (64) hours of sick leave donation has

been reached, the entire donation sequence may begin again.

4. Minimum Donation Increments

The minimum amount of leave time which can be donated shall be one (1) hour. Donors may contribute any amount of time at or above the one (1) hour minimum in whole amounts (no fractions of an hour can be transferred). However, the donor shall not be allowed to donate an amount of leave which would reduce the donor's leave balance or combination of balances below one hundred and sixty (160) hours of available leave time.

5. Donation Credited/Irrevocable Nature

The City Manager will credit all donated leave time to the employee's sick leave balance. Any sick leave time remaining in the temporary sick leave bank after eligibility ceases shall not be returned or available for any future use.

6. Conditions on Receipt of Leave

Before an employee may receive the donated leave, he/she must have exhausted all of his/her sick leave, annual leave, personal leave, holiday leave, or other applicable leave balances available to him/her (excluding the exception listed below).

Exception.- One leave balance designated by the employee (other than sick leave) may contain no more than twenty-four (24) hours of leave time. Such leave time will be held in reserve to allow the employee the opportunity to take some time off following the end of the catastrophic situation, should such time off be needed to attend to family needs.

7. Continued Accrual of Leave

While using donated leave, the employee shall continue to accrue or receive any leave time in excess of the twenty-four (24) hours identified in item (6) above.

8. No Conversion to Annual Leave and/or Cash

Donated leave time shall be considered to be sick leave and shall only be used under the conditions of sick leave as set forth in a collective bargaining agreement or the City's Personnel Rules and Regulations (whichever is applicable). However, such leave is not eligible for leave conversion to any other type of leave or cash, by any party. The donated balance, which is unused, is not eligible for cash payment upon separation.

9. Continuation of Medical, Dental, Vision, Life Insurance and Other Benefits

Employees using donated leave shall be considered to be in paid status solely for the purpose of receiving all medical, dental, vision, and life insurance benefits, step increases, merit increases, longevity payments, and seniority credit to which they would have otherwise been entitled. However, original or promotional probationary employees using such leave shall have their probationary periods extended by the same length of time for which the employee has used the donated leave.

10. Eligibility Ceases

Eligibility to receive donated leave under this program shall cease upon certification from the employee's physician that he/she is capable of engaging in sustained regular employment (which the City may seek), certification from the employee's family member's physician documenting the family member's recovery from the traumatic/catastrophic illness/injury (which the City may seek), an employee's application for disability retirement which is approved by the appropriate retirement system (Police and Firemen's Disability and Pension Fund or Public Employees Retirement System of Ohio, etc.), the expiration of a twenty-four (24) month period beginning at the initial onset of leave, or death of the employee or employee's family member, whichever should first occur.

RULE XI

ALLOWANCES

SECTION 1. AUTO ALLOWANCES. Whenever a City employee uses their private automobile in the conduct of official City business they shall be compensated for such use at the rate provided for in the current administrative regulations pertaining to such allowances. Such use must be authorized in advance by the department head and approved by the City Manager.

SECTION 2. TRAVEL ALLOWANCES. Employees of the City who are authorized by the City Manager or by the Council to travel on official City business shall be entitled to reimbursement of expenses in accordance with the current administrative regulations and other requirements pertaining to such allowances.

SECTION 3. UNIFORM ALLOWANCE. Uniforms for employees shall be supplied in accordance with the current administrative regulations pertaining to uniforms.

SECTION 4. TUITION REIMBURSEMENT.

A. Reimbursement Program. Each forty (40) hour employee shall be eligible for reimbursement of tuition and fees, up to a maximum of ~~Two Thousand Dollars (\$2,000.00)~~ **Two Thousand Five Hundred Dollars (\$2,500.00)** per calendar year and each fifty-three (53) hour employee up to a maximum of One Thousand Five Hundred Dollars (\$1,500.00) per calendar year, in courses of instruction voluntarily undertaken that are job related. Reimbursement for each forty (40) hour employee, except Police Lieutenants, Police Sergeants, and Police Officers,

shall be based on 90% of tuition and fees for all courses where a final grade of "A" is attained, 80% of tuition and fees for all courses where a final grade of "B" is attained, and 70% of tuition and fees for all courses where a final grade of "C" is attained.

~~Effective January 1, 2009,~~ Reimbursement for Police Lieutenants, Police Sergeants, and Police Officers shall be based on 90% of tuition and fees for all courses where a final grade of "C" is attained or a passing grade where the course is pass-fail. No reimbursement shall be made when the final grade attained is less than a "C".

Reimbursement for each fifty-three (53) hour employee shall be based on 80% of tuition and fees for all courses where a final grade of "A" is attained, 70% of tuition and fees for all courses where a final grade of "B" is attained, and 60% of tuition and fees for all courses where a final grade of "C" is attained. No reimbursement shall be made when the final grade attained is less than a "C."

"Job relatedness" will be determined by the Department Head or Division Chief and approved by the City Manager, whose decision shall be final and unappealable.

Reimbursable courses of instruction will include all required courses necessary for job-related degree programs. Job-related courses are generally those considered to be courses that improve and enhance an employee's ability to complete his or her job tasks. Additional job-related training or job-related courses of study not necessarily within a degree program may also be approved for reimbursement with the consent of the Department Head or Division Chief and final approval by the City Manager. All courses and training undertaken must be given by a recognized organization approved by the Department Head or Division Chief. No reimbursement shall be provided for correspondence courses, except for correspondence courses approved by the Department Head or Division Chief.

- B. Necessary Approval. All course work subject to reimbursement shall be approved by the Department Head or Division Chief and given final approval by the City Manager not later than thirty (30) days after the date of enrollment. An employee may receive blanket approval for an entire degree program or a continuing course of study if all courses within the program are identified. If all or part of

the program is approved, the employee need not reapply for approval of each course within the portion(s) approved, except for the reimbursement procedure as defined in Subsection D.

- C. Course Attendance. Courses are to be taken on times outside your working hours, unless leave is authorized by the Department Head or Division Chief.

- D. Reimbursement Procedure. Reimbursement shall be made upon successful completion of the course with a grade of "C" (2.00) or better. The employee shall submit an official transcript or certificate demonstrating successful completion of the course and a receipt of payment or a copy of the unpaid bill from the institution. Any financial assistance available to an employee shall be deducted from the amount of reimbursement that would otherwise be available. The employee shall not be reimbursed for incidental expenses such as textbooks, paper or supplies, mileage, parking, meals or other expenses other than tuition and fees.

RULE XII

PERFORMANCE MEASURES AND PERSONNEL FORMS

SECTION 1. PERFORMANCE EVALUATION. In cooperation with Department Heads and Division Chiefs, the Personnel Director shall establish a performance evaluation system to determine employee performance. Employee performance measures shall include quality and quantity of work, attendance and attainment of departmental or divisional objectives and any other evaluations and/or measures as the Personnel Director so determines.

The performance evaluation ratings shall be considered in determining salary increases and decreases within the limits fixed by the compensation plan; as a factor in determining the order of lay-off; and as a factor in determining the demotion or dismissal of an employee. Performance evaluation forms shall be reviewed with the employee being evaluated.

SECTION 2. FORMS. The Personnel Director shall prescribe the necessary forms for personnel reports, leave authorizations, employee status and pay and performance evaluation. All departments shall utilize the forms prescribed by the Personnel Director.

RULE XIII

DISCIPLINE

SECTION 1. DISCIPLINE. The City of Worthington's policies, procedures and guidelines are expected to be followed. The City may discipline an employee if necessary, be it progressive or general discipline, up to and including discharge as determined by the City in its discretion. The City maintains the discretion to classify offenses and violations of its policies, procedures and guidelines and to determine the level of discipline on a case-by-case basis.

SECTION 2. Work Rule Examples. In addition to violations of Laws and Ordinances, Personnel Rules and Regulations, and Departmental Rules and Regulations, examples of activities that may result in discipline include, but are not limited to, the following:

1. Failure to follow the lawful orders of a supervisor or department head;
2. Absence from work without permission;
3. Habitual absence or tardiness;
4. Failure to perform assigned work in an acceptable manner;
5. Waste of material, property or working time;
6. Inability to get along with fellow employees so that work is hindered or does not meet required standards;
7. Drinking or using a drug of abuse on the job or appearing for work under the influence of alcohol or a drug of abuse;
8. Rudeness or disrespect in dealing with the public;
9. Any conduct which adversely reflects on the professional reputation of the employee or the City, or which evidences a lack of fitness or ability of the employee to perform the duties of an employee of the City; or

10. Any criminal offense.

SECTION 3. PROGRESSIVE DISCIPLINE. When in the best interest of the City as determined by the City Manager, the principles of progressive disciplinary action will be followed with respect to minor offenses.

When in the best interest of the City as determined by the City Manager, disciplinary action shall first be taken by the employee's immediate supervisor. The failure of the immediate supervisor to take action shall not preclude any higher supervisory authority from initiating disciplinary action. At the City's sole discretion, such action may consist of, and in any order or step:

- A. Minor reprimand, or a formal written reprimand which shall become part of the employee's personnel file;
- B. Suspension from duty without pay;
- C. Demotion or reduction in salary;
- D. Dismissal.

Any disciplinary action which affects the pay or status of an employee shall be reviewed and approved by the City Manager prior to becoming effective. Nothing in this Section shall be deemed to preclude an employee from being relieved of duty, with pay, if in the judgment of any higher supervisory authority such action is necessary. In all cases of discipline, the Grievance Procedure set forth in these Personnel Rules and the Worthington Codified Ordinances shall control, unless otherwise provided for by a collective bargaining agreement entered into by the City.

SECTION 4. RESPONSIBILITY FOR DISCIPLINE. The duty of maintaining discipline among employees shall rest initially with the immediate supervisor and finally with the City Manager.

SECTION 5. COPY OF DISCIPLINE RECORD. Whenever a disciplinary action is taken which results in a written reprimand or greater the employee shall be given a copy of such record.

SECTION 6. GRIEVANCE PROCEDURE. Whenever an officer or permanent employee of the City feels aggrieved by the action of their

supervisor in the administration of discipline, they may present a written statement of their grievance to the immediate supervisor of the supervisor who administered the discipline within five working days of the effective date of the disciplinary action taken against them, asking for a review and reversal or modification of the disciplinary action. If such grievance is not resolved to the satisfaction of the aggrieved employee by the superior so addressed within a period of five working days, they may request in writing, a review of their grievance by their department head, and if still unresolved within five working days, they may request a review by the Personnel Director who shall, after the close of the hearing detailed below, issue a written finding of the issues, including any information that the Personnel Director determines would be beneficial to the record, and forward such findings to the City Manager; upon receiving the written submission from the Personnel Director, the City manager shall issue a decision on the appeal.

In all cases, the written ruling of the City Manager shall be final and binding unless the disciplinary action taken against the employee and approved by the City Manager involves suspension from duty without pay or demotion or discharge, in which case the employee affected shall have the right to request a hearing before the Personnel Appeals Board for purposes of reviewing the final decision of the City Manager. Any such request for a hearing before the Personnel Appeals Board must be submitted to the City Manager in writing within five working days of the date of the City Manager's final decision and shall specify in detail the reasons why the City Manager's decision is in error.

SECTION 7. PERSONNEL DIRECTOR HEARING. A result of an appeal taken through the Grievance Procedure regarding disciplinary action, the matter may be presented to the Personnel Director for a written finding of the issues, including any information that the Personnel Director determines would be beneficial to the record, and forward such findings to the City Manager. The Personnel Director shall hold a hearing at which a department representative shall present the facts and circumstances upon which the disciplinary action was taken. Prior to such hearing the Personnel Director shall notify the employee in writing and reasonably in advance of the time and place of the hearing and of the specific matters or charges which will be considered at such hearing. At the hearing, the employee may be represented by an individual of his or her choosing; he or she will be permitted to present witnesses. The employee's personnel file shall be made available for review prior to the hearing upon written request to the Personnel Director.

The Personnel Director shall, after the close of the hearing, issue a written finding of the issues, including any information that the Personnel Director determines would be beneficial to the record. Such submission shall be forwarded to the employee as soon as practical.

SECTION 8. CITY MANAGER DECISION. Prior to any request for a hearing before the Personnel Appeals Board, in the case of suspension, demotion, reduction in pay, or dismissal, an employee may request in writing within five (5) working days of such action becoming effective, a hearing as indicated herein. If such a request is not made within five (5) working days, the matter shall be closed and no further appeal shall be taken.

The City Manager shall, after receiving the written submission from the Personnel Director, issue a written decision which shall be forwarded to the employee as soon as practical. The City Manager may further examine the issues and appeal in his or her discretion before reaching a decision, including but not limited to speaking with the appellant, witnesses, City staff or any other person deemed beneficial to the process. The City Manager shall make a good faith effort to notify the employee prior to the making of any public statement. The written decision of the City Manager shall be a prerequisite to a request for a hearing on appeal before the Personnel Appeals Board.

RULE XIV

INVESTIGATIVE PROCEDURES

SECTION 1. PROCEDURE. Investigative procedures may be undertaken anytime an employee is suspected of or charged with an act which could result in criminal charges being filed against such employee.

- A. An employee shall be informed of the nature of an investigation prior to any questioning.
- B. If legally required, an employee shall be advised of their constitutional rights in accordance with law and shall then and continually thereafter have a right to counsel or other representative of their choosing.
- C. An employee who declines or refuses to answer questions or to otherwise participate in an investigation may be charged with insubordination or a like offense, except where such refusal is based on an exercise of his/her constitutional rights as referenced above.
- D. The interrogation of an employee in connection with an investigation shall be conducted at reasonable times and for reasonable periods of time which shall include rest periods and time to attend to physical necessities.
- E. Commencing at the time during an investigation when an employee is advised of their constitutional rights as provided above, any interrogation shall be recorded at the request of either party.
- F. The use of administrative pressures, threats, or coercion shall not be employed for any purpose during the course of an investigation regarding any employee.
- G. In the course of an investigation, an employee may be given a polygraph examination. The admissibility of the results of such an examination in any subsequent criminal proceeding shall be determined by the court. If disciplinary action is taken in lieu of the filing of criminal charges the results of the polygraph examination shall be used only if the City can

produce additional corroborative evidence to support the allegations.

- H. During the course of an investigation, interviews of employees not the subject of such investigation may be conducted. Where appropriate, the procedures set forth above shall be followed with respect to such other employees.
- I. When any anonymous complaint is made against an employee and there is no corroborative evidence of any kind, as determined in the sole discretion of the City Manager, then the complaint shall be classified as unfounded and the accused employee shall not be required to submit a written report.
- J. Upon request, an employee shall be afforded reasonable access to written documents and to taped interviews made in accordance with Subsection E above during which time he or she may listen to and make personal notes. If a written transcription of a recorded interview is made, the employee will be provided a copy of such transcript upon written request to the City Manager.
- K. If in lieu of the filing of criminal charges an investigation results in the necessity of scheduling a hearing in accordance with the Personnel Rules and Regulations, it shall be held before the City Manager and subject to the provisions regarding such hearing.
- L. If any of these procedures are alleged to have been violated, such allegations shall be subject to the Grievance Procedure beginning at the level of the Director of Personnel.

RULE XV

LAYOFF AND REINSTATEMENT

SECTION 1. LAYOFF. Whenever there is lack of work or lack of funds requiring a reduction in the number of employees of the City, the City Manager shall determine the classes of employment in which such reduction shall be made and the number to be laid off. Employees shall be laid off at the time and in the number specified by the City Manager in inverse order of their relative length and quality of service, the latter as established by service ratings. Within each affected class, all temporary employees shall be laid off before provisional employees, and all probationary employees before regular permanent employees.

SECTION 2. CALL BACK. When the work or financial situation permits, those who have been laid off shall be called back to work and reinstated in the positions they held before layoff with the same status and seniority as they had at the time of their layoff, in the inverse order of their layoff, if they are still available. If not immediately available, the names of those not restored to duty shall be placed upon re-employment eligible lists for future employment.

SECTION 3. REINSTATEMENT. Any employee who resigns voluntarily may be reinstated to any position in the same class and salary if there is need for their services within two years after the date of their resignation, subject to the approval of the Personnel Director. If there is no vacancy at the time of the request for reinstatement, the Personnel Director shall place the name of the applicant for reinstatement at the bottom of the appropriate re-employment eligible lists for the remainder of the two year period.

RULE XVI

PERSONNEL RECORDS

SECTION 1. PERSONNEL FILE. One personnel file shall be maintained for each employee and shall be in the custody of the Personnel Director. The personnel file shall contain all the official records of the City regarding an individual employee. Where past disciplinary actions or allegations of misconduct are relevant to considerations of future disciplinary action or of promotion, only those disciplinary actions of record contained in the personnel file shall be considered. An employee may review their personnel file at reasonable times upon written request to the Personnel Director. Copies of documents shall be made available to the employee at a reasonable charge; said copies shall be marked "Employee's Copy". The confidentiality of matters contained in a personnel file shall be the responsibility of the Personnel Director who shall release only such information permitted by law. The City shall comply with the provisions of Ohio law regarding personnel records, including the provisions of Section 149.43 of the Ohio Revised Code. In recognition of the legal requirement to protect an employee from disclosure of certain personal information, the City shall (1) request that any person seeking to inspect the personnel records of an employee to identify himself or herself and (2) prior to inspection, redact any information which is not subject to inspection pursuant to applicable law. The employee shall be notified of any inspection of his or her personnel file made pursuant to Section 149.43 of the Ohio Revised Code. The City shall request a written request for copies of all or a portion of the personnel file of an employee.

SECTION 2. RETENTION OF RECORDS. All actions of record, including written reprimands, suspensions, or dismissal, will be maintained in each employee's personnel file with the exception that records of written reprimands will be removed from the file upon the request of the employee two (2) years after such was given if no further disciplinary action has occurred. In any case in which a suspension, reduction in pay or position, or dismissal is disaffirmed through the Grievance Procedure or by the Personnel Appeals Board, or by a court of competent jurisdiction, the personnel record shall clearly indicate such disaffirmance. Copies of commendations, letters of appreciation and like matters concerning an individual employee shall also be maintained in his personnel file. The City shall take such steps as are necessary pursuant to Section 149.351 of the Ohio Revised Code to comply with the provisions of this Section.

SECTION 3. INACCURATE DOCUMENTS. If, upon examining his or her personnel file, an employee has reasons to believe that there are inaccuracies in documents contained therein, he or she may write a memorandum to the Personnel Director explaining the alleged inaccuracy. If the Director concurs with the employee's contentions, he or she shall either correct or remove the faulty document or attach the employee's memorandum to the document in the file and note thereon concurrence or disagreement with the memorandum's contents. The decision of the Personnel Director in regard to inaccurate documents shall be final.

SECTION 4. PLACEMENT OF MATERIAL IN PERSONNEL FILE. No document which does not include as a part of its normal distribution a copy to the employee, or which does not originate with the employee, shall be placed in the personnel file unless the employee is provided a copy.

RULE XVII

POLITICAL ACTIVITY

SECTION 1. CANDIDACY. No officer or employee in the non-exempt service of the City shall continue therein after becoming a candidate for nomination or election to any incompatible public office.

SECTION 2. POLITICAL ASSESSMENTS. No person shall orally or in writing solicit or be in any manner concerned with soliciting any assessment, subscription or contribution of any type for any political party or political purpose whatsoever from any person holding a position in the service of the City.

SECTION 3. PARTICIPATION IN PARTY MANAGEMENT. No person holding a position in the non-exempt service of the City shall take any part in the management of the affairs of a political party, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

SECTION 4. PROCEDURE. Any violation of this rule shall be reported by the person having personal knowledge of the facts thereof to the City Manager who shall cause an investigation to be made and if they are found to be substantiated, cause the offender to be suspended from duty for an indefinite period, and notify the Director of Law to bring the necessary action to cause their removal.

SECTION 5. PENALTY. Any person who violates any of the provisions of this rule shall for a period of five (5) years be ineligible for appointment to or employment in any position in the City service and shall if they are an officer or employee of the City be guilty of malfeasance in office and upon conviction shall forfeit the office or position they hold. (Charter provision)

RULE XVIII

FAMILY MEDICAL LEAVE ACT

SECTION 1. GENERAL. In accordance with the Family and Medical Leave Act (FMLA), as amended by the National Defense Authorization Act, it is the policy of the City of Worthington to grant eligible employees an unpaid leave of absence for certain qualifying family and medical needs defined by the FMLA.

Please see Appendix I to these Personnel Rules for a summary of employee rights and responsibilities under the FMLA. If you have any questions and/or want a full copy of the City's FMLA policy and/or desire applicable forms, please see Personnel.

SECTION 2. POLICY LIMITS. The FMLA leave policy will not cover situations where the reason for leave no longer exists, where the employee has not provided required notices or certifications, or where the employee has misrepresented the reason for leave. Further, the City shall take disciplinary action against any employee using deception or fraud under this policy.

RULE XIX

WORKPLACE VIOLENCE PREVENTION

All persons should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay", or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on City property.

Conduct that threatens, intimidates, or coerces another employee, vendor, or member of the public will not be tolerated.

All threats of (or actual) violence, both direct and indirect, made by an employee, vendor, or member of the public should be reported as soon as possible to your immediate supervisor or to any department director. All suspicious individuals or activities should also be reported. If you see or hear a disturbance near your work area do not attempt to intercede. Instead, immediately notify your supervisor or, if necessary, the police.

All reports of threats, violence, and suspicious individuals and activity will be investigated promptly and thoroughly. The identity of the reporting individual will be protected to the extent practical. In order to maintain workplace safety and the integrity of the investigation, employees may be suspended with or without pay pending the outcome of the investigation.

Any employee responsible for conduct in violation of this policy will be subject to discipline up to and including discharge, as well as the possibility of prosecution.

Rule XX

EMPLOYEE DRIVING RECORDS CHECK

From time to time, the City of Worthington may perform a driving record check on City employees. At times, this record check may be in conjunction with the renewal of the City's fleet insurance.

An employee who receives a six-(6) point warning letter from the Ohio Bureau of Motor Vehicles or receives a major/serious moving violation/offense (including, but not limited to, reckless operation, vehicular homicide, DUI, failure to comply with lawful order of a police officer, fleeing/alluding a police officer, hit skip, etc. or any BMV or Court ordered suspension) shall report it immediately to their supervisor or department head.

Employees whose driving records display the above indicated offenses/violations may be precluded from driving a City vehicle or their own private vehicle during the performance of their normal job duties and also may be subject to administrative or disciplinary actions.

RULE XXI

EMPLOYMENT AT WILL

Unless otherwise protected by law or agreement, employment with the City of Worthington is not for any definite period of time and is employment at-will. Both the City and the employee may terminate this at-will relationship at any time and for any reason not contrary to law. No representative of the City, except the City Manager by express written agreement, has the authority to make representations or agreements with any employee that are contrary to the foregoing. Notably, successful completion of any "probationary" period does not alter your at-will status.

