



# CITY OF NEW ALBANY POLICY AND PROCEDURE MANUAL

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# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **100 Introduction**

This employee handbook is intended to serve as a resource to provide guidance and answer many of the questions employees may have about their employment with the City of New Albany. It is not a contract nor is it intended to cover all circumstances or questions regarding your employment, nor is it intended to be a binding contract constituting any guarantee of benefits or obligation with respect to any provision or term contained herein. In the event a conflict exists between a department policy or procedure, this policy and procedure manual shall prevail.

The manual is designed to provide you with information about working conditions, employee benefits, and the policies affecting your employment. You are responsible for knowing and understanding the contents of this handbook. It describes your responsibilities as an employee.

No employee manual can anticipate every circumstance or question about policy or procedure. As our organization continues to grow, the need may arise, and the city reserves the right to revise, modify, supplement, or implement new or different procedures or policies should it choose to do so at any time, in its sole and absolute discretion. Additionally, the city may revoke, suspend, or terminate any or all of these policies in whole or in part, at any time and with or without prior notice to employees. The city will endeavor, however, to notify you if such need occurs. Employees will be notified in writing when any of these policies are revised, modified, or supplemented or when new policies are implemented. The only recognized revisions of these policies are those in writing. "In writing" for the purposes of this section shall mean transmittal by electronic (e-mail exhibit) or hard copy means. Employees will be required to sign an acknowledgement indicating receipt of a new policy or policies.

Full-time, part-time, seasonal, temporary, intern, and reserve officer are affected employees for the purposes of this employee handbook\*.

\*unless otherwise specified within a particular policy or collective bargaining agreement

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **101 Work Environment**

If employees have any concerns about working conditions, they are strongly urged to voice these concerns directly and as soon as possible to their supervisors.

The City of New Albany is committed to providing a safe work environment free of discrimination.

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **102 Changes to Personal Data**

It is the responsibility and obligation of all employees to promptly notify the city of any changes in their personal information. It is vital that the employee's personal mailing address, telephone number(s), name and address of spouse/dependent(s), payroll deductions, insurance beneficiaries, marital status and other pertinent information be accurate and current at all times.

Any changes should be communicated through the use of an Employee Payroll Status Change form located on the city's intranet. The status change form is the official form to be used to make any changes to an employee's personal information. Employees should complete the form, sign and provide it to their supervisor. The form shall then be forwarded to the administration. Administration will retain a copy for the purpose of maintaining a complete and accurate personnel file and forward a copy to the finance department for the purpose of updating all relevant systems. All correspondence will be mailed to the last known address on file.

Personal data provided will be maintained and disclosed consistent with Ohio's Public Records law and/or the city's Public Records Policy.

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **103 Emergency Contact Forms**

Upon employment, employees will be required to complete an Emergency Contact Information form. Administration will request updated information annually; however, the employee is responsible for providing updates to administration as they occur. All emergency contact information will be kept separate from the employee's personnel file.

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **104 Outside Employment**

A full-time position with the City of New Albany is considered the employee's primary employment responsibility. All other employment shall be subject to prior review and approval by the department head. Should an employee desire to work for another employer or be self-employed, in addition to their New Albany employment, it is recommended that they discuss the work with their department head prior to seeking approval. Once a decision has been made to seek outside employment, the employee must first notify the department head in writing, stating where the employee will be working, the hours, the type of work the employee will be performing, and the telephone number where the employee can be reached in case of the necessity to report to work.

This information shall be provided utilizing the Request for Outside Employment form located on the city's intranet. Police department employees shall utilize the department provided Request for Special Duty/Off-duty Employment form. If a request for outside employment is denied, the department head will provide the reason(s) in writing on the form. The employee is requested to update the form for outside employment annually in January, giving interim notice to the department head if there are changes to the information contained in the original request form.

In the event the outside employment being performed conflicts in any way with municipal work requirements, or adversely affects the employee's attendance or capability to perform assigned duties, the employee will be notified by the department head to immediately terminate employment with either the outside employer or New Albany.

Additionally, in accordance with the Ohio Ethic's Law, outside employment shall not involve any representation of a client (or in a representative capacity for any person) on any matter which the employee personally participates(ed) as a public official through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other substantial exercise of administrative discretion. An employee wishing to maintain any outside employment is required to review both Ohio Ethics Law and the city's Commitment to Ethics policy.

Employees are not permitted to use city time or equipment (i.e. copier, fax, computers, telephone system, electronic communication, tools, etc.) for outside employment purposes. Employees who are on sick or injury leave from their New Albany employment are not permitted to work at an outside job.



The city manager may make exceptions on a case-by-case basis at the request of the employee. An employee may be disciplined, up to and including termination, in the event that outside employment conflicts with his/her New Albany employment or if the employee provides false information in an attempt to obtain approval for outside employment.

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **105 Attendance and Punctuality**

The city provides essential public services to the residents of our community. Regular and punctual attendance is an essential job function of every position. The city must be ready to meet demands for service throughout the day and night. To fulfill this obligation, the city needs each and every employee on duty every shift on which the employee is scheduled to work. Absence weakens the city's ability to provide public services. Every employee is expected to report to work regularly and punctually. All employees shall take the appropriate and necessary actions to maintain a standard of good attendance.

To maintain a safe and productive work environment, the city expects prompt and reliable attendance. Tardiness, leaving early, and/or excessive absenteeism shall not be tolerated. The city, in its sole discretion, will treat such attendance problems on an individual basis. Excessive absenteeism and tardiness place a burden on other employees and on the employer. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee is responsible for notifying (via voice notification) their immediate supervisor.

This notification shall occur as soon as possible or no later than prior to the scheduled start time. For public safety employees, the notification shall occur as soon as possible or no later than prior to one-(1) hour of commencement of the shift. The actual location of the voice notification (i.e. office phone, cell phone, home phone) shall be at the discretion of the individual supervisor. If an emergency should arise after the employee has left for work, as a result of which the employee finds it impossible to report for work as scheduled, the employee must notify his or her immediate supervisor as soon as possible.

The mere fact that an employee has reported an absence does not excuse an absence. It is the employee's responsibility to ensure that the city is properly notified and any failure to do so may result in disciplinary action. If the immediate supervisor is not available, the employee shall contact the department head. The city is unable to accept the excuse that the employee asked another person, including but not limited to employees, to advise his or her immediate supervisor of their absence.

The city strongly urges employees to schedule medical, dental, or optical related examination and care appointments, for themselves and/or their children, during off-duty hours. Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period of time, the employee may be required to secure and present a certificate from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave

in the remainder of that twelve month period. The documentation shall be sent to administration to be placed in the individual's personnel file.

Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

Employees shall not be absent without being covered by a city leave. Absences without leave may result in disciplinary actions up to and including termination. An employee's absence of more than three consecutive work days without approved leave shall be considered a voluntary resignation of their position.

The section of this policy applicable to procedure for reporting an absence may be superseded by a department procedure established by the department head with the approval of the city manager. In the absence of a department policy, this procedure shall apply. For union employees covered under a collective bargaining agreement (CBA) please refer to the applicable CBA for complete information regarding attendance and punctuality.

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# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **106 Performance Evaluation**

Employees are encouraged to discuss job performance on an informal, regular basis with their supervisors. Formal performance evaluations are conducted annually to coincide with the employee's anniversary date. The anniversary date shall be the effective date of appointment to the current classification or date of employment. Interim, informal performance reviews may be conducted to provide both supervisors and employees the opportunity to discuss job tasks, attendance, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting performance goals.

The purpose of the Employee Performance Evaluation is to:

- Serve as a mechanism to assist in the development of City of New Albany employees.
- Measure employee performance relative to established performance standards.
- Determine eligibility for annual merit compensation based upon the employee's job performance.
- Develop voluntary annual goals for professional development and increased employee performance.
- Encourage discussion between the employee and supervisor(s), so that the employee may better understand and participate in department performance strategies.
- Reinforce and evaluate the daily activities of employees in meeting the Mission, Vision and Core Values of both the City of New Albany and the employee's Department.
- Assess employee performance of the duties required of their position in order to better develop as an employee of the City of New Albany.

All evaluations shall be on a form prescribed by the city manager. It shall be the responsibility of each department head or other supervisory personnel to evaluate their employees using the performance evaluation instrument in a fair, equitable, non-discriminatory, confidential, and consistent manner. Upon completion of an evaluation, the supervisor shall review the performance evaluation with the department head. The performance evaluation shall then be reviewed in a personal interview with the employee. This personal interview shall be used to expand upon the written evaluation by providing feedback on the employee's performance and outlining those

areas in need of improvement. Because of the great importance of performance evaluation, all ratings should be supported with a written explanation by the evaluator.

After the personal interview above, if the employee wishes to have the evaluation reviewed, such review shall be conducted by the department head jointly with the immediate supervisor. In the case where the immediate supervisor is the department head, this review may be conducted by the personnel officer. The employee must request (in writing) this conference within five (5) working days of the receipt of their evaluation and said request shall be addressed to the applicable superior immediately above the employee's immediate supervisor in the organizational "chain-of-command". The decision of the department head or personnel officer, whichever is applicable in the resolution of any dispute, shall be final.

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# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **107 Seniority**

The purpose of this section is to address questions regarding the application of seniority within a department, applicable to full-time employees. This policy refers specifically to seniority, not “years of service”. Years of service are used to determine vacation accrual and eligibility for other provisions of Codified Ordinance 155.

In determining seniority within a given position/class, the date of hire or promotion into the current position/class is used to determine seniority, not number of hours worked. The city reserves the right to choose or assign an employee on any or all of a number of factors, including, without limitation, the job or position to which employees are assigned, the skills and abilities of employees, the job performance of employees, the attendance of employees, the disciplinary record of employees, or their respective continuous length of service dates.

The following situations shall not constitute a break in continuous service: absence while on approved leave of absence, absence while on approved sick leave or disability leave, military leave, and a layoff of two (2) years or less. The following situations constitute a break in continuous service for which seniority is lost: discharge, retirement, layoff for more than two (2) years; failure to return to work within fourteen (14) calendar days of a recall from layoff absent extenuating circumstances such as illness, injury or disability; and, failure to return to work at the expiration of leave of absence.

Seniority does not transfer between positions.

In the event an employee, in good standing, accepts a promotion to a position of a higher classification and subsequently requests to return to the original position/classification (may not be related to disciplinary action), the employee will retain their seniority in the original classification.

A former employee who has separated from the city retains seniority if the employee is rehired/reinstated within one (1) year of separation provided that the following apply:

- The employee is rehired into the same position
- The employee separated from the city in good standing
- The employee had previously completed a one- (1) year probationary period as defined in Codified Ordinance 155.

If more than one employee is rehired into the same position, seniority will be calculated based upon the time of service prior to the separation of employment and the time of service subsequent to re-employment by the city. For union employees covered under a collective bargaining agreement (CBA) please refer to the applicable CBA for complete information regarding seniority.

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# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **108 Employees Working Out of Assigned Classification**

**The procedure established in this section shall serve as a supplement to the provisions in Codified Ordinance 155 which state that:**

“Any employee assigned temporarily to a position of higher classification shall be compensated at the minimum of that class or seven percent (7%) above the employee's present rate, whichever is higher, for all hours worked at the higher classification, provided a minimum of eight (8) hours are worked in the higher class. When an employee does not possess the necessary minimum training, experience and/or special requirements to independently perform the essential duties and responsibilities of a position, the city manager shall have the discretion to establish a training wage. Such wage shall be agreed upon, in writing, by the affected employee and the city manager.”

Unless otherwise approved by the city manager, an employee may be temporarily assigned to a position of higher classification when the department head or supervisor will be absent from their normal working hours for an extended period of time. In cases where the department head or supervisor is away from the office but is available by phone or other communication, it may not be necessary to assign an employee to the position. The discretion to assign an employee to an acting position shall remain solely with the department head. In accordance with C.O. 155, the employee temporarily assigned will be compensated for each day that they are actually assigned to the higher classification, provided at least eight (8) hours are worked in the higher class. Prior to assigning an individual to a higher classification, the department head may record the responsibilities that will be required in order to qualify as “working out of classification”. When an individual is appointed to a higher classification, the employee may be required to maintain a log of all activities and decisions that they made during the regular employee’s absence.

The administration/enforcement of employee’s working out of assigned classification is delegated to the department head. For union employees covered under a collective bargaining agreement (CBA) please refer to the applicable CBA for complete information regarding employees working out of assigned classification.



# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **109 Post-Employment Driving Checks**

In the interest of public safety, maintaining a safe working environment for employees, limiting the liability exposure to the city and upholding the city's reputation, this policy has been established to define the standards which will be applied in evaluating employees' driving records and to identify consequences associated with the failure to comply with such standards.

The city and/or the city's insurance company may perform a driving record check on any existing employee who is required to drive a city owned vehicle or their own vehicle in the course of employment as part of their normal job function. The purpose of conducting such checks is to monitor employee driving records for off-duty offenses/violations which could result in an increased liability exposure, which could detract from the reputation of the city, or which could erode the public's confidence in the city. An employee who is required to drive a vehicle as part of their normal job function shall remain insurable under the city's insurance policy. Such employee that is not insurable will be deemed incapable of performing an essential function of their position and may be separated from service with the city.

All employees required to drive a public vehicle or their own vehicle in the course of employment shall notify their supervisor in writing each time they receive a moving violation. No city employee will drive a city vehicle without a valid Ohio driver's license. All employees required to drive a city vehicle in the course of employment will immediately notify their supervisor, in writing, when their license has been suspended and/or revoked. Any 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, OVI, failure to comply with lawful order of a police officer, fleeing/alluding a police officer, hit skip, etc.) shall report it immediately, in writing, to the employee's supervisor or department head.

Employees whose driving records display the above indicated offenses/violations may be subject to administrative or disciplinary actions and may be precluded from driving a public vehicle or their own private vehicle during the performance of their normal job duties. If such a restriction results in an inability to perform the employee's assigned duties, the employee may be terminated from the position with the city. Should an employee be placed on a driving restriction and not terminated, the employee shall be required to complete a remedial driving course. An employee placed on a driving restriction shall remain under such restriction until the employee's driving record improves and no longer displays the above referenced violations.

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **110 Individuals with Disabilities**

In accordance with Codified Ordinance 155.25 “Individuals with Disabilities”, the city will adhere to all applicable state and federal provisions including the American with Disabilities Act. Discrimination on the basis of disability is prohibited. The city provides equal employment opportunities and reasonable accommodation for qualified individuals with disabilities.

It is a violation of this policy to discriminate in employment against a qualified person in regard to any employment practice or term, condition, or privilege of employment because that person currently has a disability, at one time had a disability, or is regarded as having a disability. It is also a violation of this policy to deny an employment benefit or otherwise discriminate against an individual, whether or not the individual has a disability, because that individual has a known relationship or association with a person who has a disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position he/she holds or desires and must be able to perform the essential functions of the position, with or without reasonable accommodation.

The city will determine essential job functions based on an individualized inquiry into each position filled and to determine whether the person with a disability can perform these functions unaided or with reasonable accommodation. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall submit a written request for accommodation to the personnel officer. The employer and employee will meet and discuss whether an accommodation is appropriate, and, if applicable, the type of accommodation to be given.

# New Albany Policy and Procedure Manual

## Section 1 CONDITIONS OF EMPLOYMENT

### 111 Family and Medical Leave Act Policy

#### **Statement of Policy:**

Eligible employees may request time off for family and/or medical leave of absence with job protection provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993 (FMLA).

#### **Definitions:**

As used in this policy, the following terms and phrases shall be defined as follows:

- a. "Family and/or medical leave of absence" means an approved absence available to eligible employees for up to 12 weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
  - Upon the birth of an employee's child and in order to care for the child.
  - Upon the placement of a child with an employee for adoption or foster care.
  - When an employee is needed to care for a family member who has a serious health condition.
  - When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
  - Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on "covered active duty" or being notified of an impending call or order to covered active duty in the Armed Forces. In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to 26 weeks of leave within a "single 12-month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established for other types of FMLA leave.
- b. "Per year" means a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the

employer will compute the amount of leave the employee has taken under this policy, and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four weeks of FMLA leave beginning February 4, 2010, four weeks beginning June 1, 2010, and four weeks beginning December 1, 2010, the employee would not be entitled to any additional leave until February 4, 2011.

- c. "Serious health condition" means any illness, injury, impairment, or physical or mental condition that involves:
- Inpatient Care.
  - Any period of incapacity of more than three consecutive calendar days that also involves:
    - Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity with both visits completed within thirty (30) days; or
    - Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
  - Any period of incapacity due to pregnancy or for prenatal care;
  - A chronic serious health condition which:
    - Requires periodic visits for treatment to a health care provider (at least two per year);
    - Continues over an extended period of time; and
    - May be periodic rather than a continuing incapacity.
  - Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.).
  - Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days at a later date without medical intervention at the present time (i.e. chemotherapy for cancer, dialysis for kidney disease, etc.).
- d. "Licensed health care provider" means a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- e. "Key employee" means the highest paid 10% of all employees in the organization. An employee will be notified in writing of his status as a key employee, if applicable, at the time leave is requested.
- f. "Family member" means a spouse, child, parent or a person who stood *in loco parentis* to the employee.
- g. "Covered Service member" means either 1) a member of the Armed Forces including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy is otherwise in outpatient status or, is otherwise on the temporary disability retired list, for a serious injury or illness; or, 2) a veteran who is

undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.

- h. "Outpatient Status" means the status of a member of the Armed Forces assigned to:
  - A military medical treatment facility as an outpatient; or
  - A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- i. "Next Of Kin" as used with respect to a service member means the nearest blood relative of that individual.
- j. "Serious Injury Or Illness" for purposes of the 26 week military caregiver leave means either:
  - In the case of a member of the Armed Forces, including as a member of the National Guard or Reserves, an injury or illness incurred in line of duty on active duty in the Armed Forces (or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating; or,
  - In the case of a veteran who was a member of the Armed Forces, including as a member of the National Guard or Reserves, at any time during a period described in 2 (g)(2) of these definitions, a qualifying injury or illness that was incurred in the line of duty on active duty in the Armed Forces( or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
- k. "Covered Active Duty" for purposes of the 12-week qualifying exigency leave is defined as either:
  - In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; or,
  - In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- l. "Qualifying Exigency" for purposes of the 12-week qualifying exigency leave, includes any of the following:
  - Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days notice;

- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Rest and recuperation leave of up to five days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment;
- Attending certain post-deployment activities within 90 days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member; and
- Any qualifying exigency which arose out of the covered military member's active duty or call to active duty status.

**Leave Entitlement:**

To be eligible for leave under this policy, an employee must meet all of the following conditions:

- a. The employee must have worked for the agency for at least 12 months, or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive.
- b. The employee must have actually worked at least 1,250 hours during the 12 month period immediately prior to the date when the FMLA leave is scheduled to begin.

The entitlement to FMLA leave for the birth or placement for adoption or foster care of a child shall expire at the end of the 12 month period beginning on the date of such birth or placement. In the event spouses are both employed by the city, they are jointly entitled to a combined leave total of 12 weeks (rather than 12 weeks each) for the birth of a child, upon the

placement of a child with the employees for adoption or foster care, or for the care of certain family members with serious health conditions.

An employee may only take FMLA leave because of his own serious health condition if such condition renders the employee unable to perform the functions of his position.

**Use of Leave:**

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

- a. Generally, whether the leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of 12 weeks of leave per year under the FMLA. Employees will be required to exhaust all accumulated paid leave as allowed by law prior to being granted leave without pay for FMLA leave requests and may be required to use the type of leave that best fits the reason for taking leave in compliance with all procedures for requesting that type of leave as stated in the relevant policy. In addition, any time off that may, by law, be counted against an employee's 12 week FMLA entitlement will be counted against such time.
- b. FMLA Leave Use for Birth of An Employee's Child: An employee who is taking leave for the birth of the employee's child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the 12 week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will also be required to exhaust all of the employee's sick leave prior to using unpaid leave for the remainder of the 12 week period. [Note: See section e. below for information on disability leaves.]
- c. FMLA Leave Use for Placement of a Child for Adoption or Foster Care: An employee who is taking leave for the placement of a child with her for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the 12 week period.
- d. FMLA Leave Use Because of the Employee's Own Serious Health Condition or the Serious Health Condition of a Family Member: An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available accrued paid sick and vacation, leave prior to using unpaid leave for the remainder of the 12 week period.
- e. FMLA Leave and Disability/Workers' Compensation Plans or Programs: An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the employer may designate the absence as FMLA leave, and count it against the employee's 12 week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor

can the employer require him to do so, while the employee is receiving compensation from such a program.

**Procedures for Requesting FMLA Leave:**

Requests for FMLA leave must be submitted in writing at least 30 days prior to taking leave or, if this is not possible, as soon as practicable prior to the commencement of the leave. If the employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence. Requests for FMLA leave must be submitted on a standard leave form prescribed by the employer. The employer will determine whether the leave qualifies as FMLA leave, designate it as leave that counts against the employee's 12 week entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave. When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's immediate family as defined in this policy, which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of the employer, subject to the approval of the health care provider of the employee or the employee's family member.

**Certification of Need for FMLA Leave:**

An employee requesting FMLA leave due to a serious health condition of the employee or her family member must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or when the need for leave is not foreseen, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation as required by the employer at the time FMLA leave is requested. The employer, in its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider.

If the medical certification is incomplete or insufficient the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency, the employer may require a second medical opinion prior to granting FMLA leave, Such opinion shall be rendered by a health care provider designated or approved by the employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the employer. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to a serious health condition of the employee or her family member may be required to submit periodic written reports to the employer in order to assess the continued qualification for FMLA leave. The employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's



stated reason for the absence. The employee must provide the requested additional reports to the employer within 15 days. Any costs associated with the additional reports requested by the employer shall be at the employee's expense.

**Intermittent/Reduced Schedule Leave:**

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition of the employee or a serious health condition of an employee's family member. Upon approval of the appointing authority, an employee may take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee. In all cases, the FMLA leave granted to any employee shall not exceed a total of 12 weeks per year.

Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least 30 days prior to taking leave, or, if this is not possible, as soon as practicable. To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification as prescribed by the employer which establishes the medical necessity for such intermittent or reduced schedule leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying.

The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave must meet with her supervisor and/or the personnel officer to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the employer.

**Employee Benefits:**

Except as provided below, while an employee is on FMLA leave, the employer will continue to pay the employer portion of premiums for any life, medical, and dental insurance benefits which the employee receives through the employer under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he/she would have been required to pay had he/she not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave.

Employee contributions are subject to any change in rates that occurs while the employee is on leave. The employer will not continue to pay the employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums, if any, or, if the employee's payment for her portion of the premium is late by more than 30 days. If the employee chooses not to

return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the employer may seek reimbursement from the employee for any amounts paid by the employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave.

Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee. FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

**Reinstatement:**

An employee on FMLA leave must give the employer at least two business days notice of her intent to return to work, regardless of the employee's anticipated date of return. Most employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave. Upon request for reinstatement, if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave.

The determination as to whether a position is an "equivalent position" will be made by the employer. An employee will not be laid off as a result of exercising her right to FMLA leave. However, the employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during her FMLA leave. Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work. The return to work certification must specifically address the employee's ability to perform the essential functions of the position. Key employees may be denied reinstatement if:

- a. In the sole opinion of the employer, denial of reinstatement is necessary to prevent substantial and grievous economic injury to the employer; and
- b. The employer notifies the employee of its intention not to restore the employee to duty before the leave begins; or
- c. The employer notifies the employee of its intention not to restore the employee to duty after the leave begins, and the employee does not elect to return immediately to work and be restored to the same or a similar position.

In order to determine whether the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the Employer, the Employer may consider its ability to replace the employee on a temporary basis, whether a permanent replacement of the employee is unavoidable, and the cost of reinstating the employee.

**Records:**

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

# **New Albany Policy and Procedure Manual**

## **Section 1 CONDITIONS OF EMPLOYMENT**

### **112 Military Leave**

In accordance with Codified Ordinance 155.16 “Military Leave”, the municipality will adhere to all applicable state and federal provisions for military leave.

All 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 Ohio Revised Code, for periods of up to one hundred and seventy-six (176) hours within one (1) calendar year. This military leave policy will remain consistent with the Ohio Revised Code.

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 and seventy-six (176) hours. Employees of those components listed in the paragraph above will be granted emergency leave for mob, riot, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Employees who are called or ordered to service by the President of the United States or an act of Congress for periods beyond the authorized military leave for the calendar year shall be compensated consistent with the Ohio Revised Code. The leave will cover the official period of the emergency. This policy will remain consistent with the Ohio Revised Code and applicable federal laws regarding rights of reinstatement.

Periods of military leave shall not reduce the employee’s seniority status, vacation, sick leave, or other benefits. The employee does have the option of requesting vacation time for use with military leave or for military purposes.

Full-time city employees called to Active Duty by an order of the Governor or President shall be paid the difference of the military wage and their city forty (40) hours per week wage for active military leave beyond the 176 hours granted each calendar year. If the military wage is higher than the city wage, no difference will be paid. Employees will be responsible for all regularly deducted payments for benefits.

# City of New Albany Policy and Procedure Manual

## Section 1 CONDITIONS OF EMPLOYMENT

### 113 Anti-Fraud Hotline

Complaints or any matter regarding fraud, including any matter that alleges mismanagement of City resources or misuse of public money can be made to the Auditor of the State of Ohio through the Ohio fraud-reporting system.

Complaints made to the Auditor of the State of Ohio through the Ohio fraud-reporting system are anonymous. Complaints may be made in three ways:

A. File a written complaint at:

Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

B. Call the Fraud Hotline:

1-866-FRAUD OH (1-866-372-8364)

C. Online:

<https://ohioauditor.gov/fraud/default.html>

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 201 Safety

Establishment and maintenance of a safe work environment is the shared responsibility of the city and employees at all levels of the organization. Common sense and personal interest in safety are still the greatest guarantees of safety at work, on the road, and at home. The city takes safety seriously and any willful or habitual violation of safety rules may be considered as cause for dismissal. The City of New Albany is sincerely concerned for the health and well being of each employee.

The city's Health and Safety Committee ("HSC") brings employees together to achieve and maintain a safe and healthy workplace. The committee's goal is to eliminate workplace injuries by involving employees in the identification of potential hazards and the means for preventing them. The team has four objectives:

- Involve employees in achieving a safe and healthy workplace.
- Promptly review any safety-related incident, injury, accident, or death.
- Conduct workplace inspections in order to identify hazards and recommending methods for eliminating or controlling the hazards.
- Annually evaluate the workplace safety and health process and recommend ways for improvement.

Employees are encouraged to identify workplace health and safety hazards and present their concerns to the HSC in writing.\*

The cooperation of every employee is necessary to make New Albany a safe place in which to work. Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor.

#### **Specific safety rules and guidelines**

To ensure workplace safety, please observe and obey the following rules and guidelines in addition to any other department rules:

- Observe and practice established safety procedures for the job.
- In case of sickness or injury, report as soon as possible to the supervisor. In case of injury resulting in possible fracture to legs, back, or neck, or any accident resulting in an unconscious condition, and/or a severe head injury, the employee is not to be moved until medical attention has been given by authorized personnel.
- Do not wear loose clothing or jewelry around machinery. It may catch on moving equipment and cause a serious injury.

- When necessary to get the attention of another employee, wait until it can be done safely.
- Where required, you must wear appropriate protective equipment, including but not limited to goggles, safety glasses, masks, gloves, hair nets, etc.
- Safety equipment such as restraints, pull backs, and two-hand devices are designed for your protection. Be sure such equipment is properly fitted and adjusted.
- Pile materials, skids, bins, boxes, or other equipment so as not to block aisles, exits, fire fighting equipment, electric lighting or power panel, valves, etc. Do not block access to fire extinguishers. All stored equipment must comply with local fire codes.
- Keep your work area clean.
- Use compressed air only for the job for which it is intended. Do not clean your clothes with it or use it in a manner that is not specifically intended.
- Shut down your machine before cleaning, repairing, or leaving.
- Tow motors and lift trucks will be operated only by authorized personnel. Walk-type lift trucks will not be ridden and no one but the operator is permitted to ride the tow motors. Do not exceed a speed that is safe for existing conditions.
- Running and horseplay are strictly forbidden.
- Do not tamper with electric controls or switches.
- Do not engage in such other practices as may be inconsistent with ordinary and reasonable common sense safety rules.
- Report any UNSAFE condition or acts to your supervisor.
- Use designated passages when moving from one place to another; never take hazardous shortcuts.
- Lift properly—use your legs, not your back. For heavier loads, ask for assistance.
- Do not adjust, clean, or oil moving machinery.
- Keep machine guards in their intended place.
- Do not throw objects.
- Clean up spilled liquid, oil, or grease immediately.

### **Safety checklist**

It's every employee's responsibility to be on the lookout for possible hazards. If one of the conditions on the following list or any other possible hazardous situation is noticed employees are to report it to their supervisor immediately.

- Slippery floors and walkways
- Tripping hazards, such as hose links, piping, etc.
- Missing (or inoperative) entrance and exit signs and lighting
- Poorly lighted stairs
- Loose handrails or guard rails
- Loose or broken windows

- Dangerously piled supplies or equipment
- Broken windows or windows that are inappropriately opened
- Doors or gates that are inappropriately unlocked
- Electrical equipment left operating
- Open doors on electrical panels
- Leaks of steam, water, oil, etc.
- Blocked aisles
- Blocked fire extinguishers or fire doors, hose sprinkler heads pursuant to local fire code
- Evidence of any equipment running hot or overheating
- Oily rags
- Evidence of smoking in non-smoking areas
- Roof leaks
- Directional or warning signs not in place
- Safety devices not operating properly
- Machine, power transmission, or drive guards missing, damaged, loose, or improperly placed

### **Safety equipment**

Use safety equipment as instructed and with care. Employees may be charged for loss or destruction of these articles if it occurs through negligence. Where required, the wearing of safety glasses by employees is mandatory. Strict adherence to this policy can significantly reduce the risk of eye injuries. This includes protective coverage for eyes during such activities as welding. An employee may be disciplined, up to and including termination, for failing to wear any required safety equipment/clothing.

### **Good housekeeping**

Employee's work locations should be kept clean and orderly. Keep machines and other objects (boxes, equipment, etc.) out of the hallways. Clean up spills, drips, and leaks immediately to avoid slips and falls.

\*A complete copy of the HSC Rules is available on the city's intranet



# **City of New Albany Policy and Procedure Manual**

## **Section 2 WORKPLACE RULES**

### **202 Care of City Property**

City-owned equipment, technology, tools, supplies, facilities, etc. represent a considerable investment of the public tax dollars. Care shall be used in the operation and security of all city-owned property. Vehicles shall be secured when not in use. Keys should be removed from the vehicle and placed in a designated, central, secure area.

City employees are prohibited from using the city facilities for personal repairs or city equipment for personal use without first obtaining prior approval from a department head.

Vehicles and equipment shall be used only in the manner for which they have been designed and intended. In the event that city-owned property is damaged by an employee, the employee shall notify the supervisor as soon as possible. An incident report shall be completed in accordance to Section 205 of the Policy and Procedure Manual. A copy of this report, Incident Report – Property Damage, can be found on the city's intranet.

#### **Additional Considerations**

An important cost-item that is consistently rising is the cost of energy to light, heat, and cool city buildings. Electrical equipment and lights not in use should be turned off. Employees are encouraged to continually look for ways to conserve energy.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 203 Use of City-Owned Property

Equipment, tools, supplies, technology, vehicles, etc. essential in accomplishing job duties are expensive and may be difficult to replace. When using such property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

IRS regulations require the city to account for employee use of certain assets as a taxable fringe benefit. As such, employees may be responsible for any tax obligations as the result of the use of a city-owned vehicle. The finance director shall determine the taxability of any such benefit.

Employees shall immediately, or as soon as reasonably possible, notify their supervisor if any property is damaged, defective, or in need of repair, including but not limited to equipment, machines, tools, vehicles, or facilities. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job should be referred to a supervisor or department head. Failure to report damage to city property may result in disciplinary action. Refer to Section 2, policy 205, of the Policy and Procedure Manual for additional information regarding property damage incident reports.

The city incurs costs in acquiring and equipping motor vehicles and trucks. In addition to the purchase price, the city must pay additional expenses, including but not limited to gas, oil, parts, maintenance, and insurance. The following standards are established to control the indiscriminate use of city vehicles.

The city manager, designated department head, or supervisor will establish vehicle assignments for employees as applicable.

A staff member who is assigned a vehicle may be allowed to use the vehicle for commuting if the staff member is required to perform official duties during non-scheduled working hours on a call out basis. Prior approval must be received from the city manager, or designee, upon a recommendation by the department head.

A staff member may be authorized to take a vehicle home on a temporary basis if official duties make it impractical to first report to work to pick up the assigned vehicle. The city manager, or designee, may approve the temporary use of a vehicle for commuting. City vehicles may be equipped with GPS devices that allow the city to monitor their location.

During normal working hours, a vehicle may be used for minimal personal use such as a stop for a personal errand on the way to or from a business stop or driving to lunch. Such use should be brief in duration, and consideration should be given to the public perception of such use. Apart from the exception above, personal use of city vehicles on normal work hours is prohibited.

Outside of normal work hours, city vehicles may not be used for any personal activity.

Employees are responsible for the proper operation of the vehicle. Employees shall observe all state and local traffic laws. The employee driving the vehicle and any passengers shall properly wear the factory installed vehicle safety belts. While driving a city vehicle, employees are prohibited from wearing any personal audio equipment that requires use of a headset. Employees are prohibited from sending, reading, or writing a text message or accessing the Internet while driving as set forth in local codified ordinance and/or applicable state law. The city shall not be responsible for the penalty incurred as a result of any violations of state or local traffic laws whether the violation occurs during or after work hours.

At no time shall a city vehicle be used to transport an employee's family member, friend or members of the general public for purposes other than official city business.

Interested citizens who request to "ride-along" to observe the daily operations of a department must complete and sign a ride-along request and release form, located on the city intranet. The request must be approved by the department head or supervisor. The department head/supervisor may deny the request based upon the citizen's prior criminal record, prior problems the department may have had with the citizen, inappropriate dress, or other just cause as determined by the supervisor. Citizens participating in a "ride-along" must dress appropriately. Citizens shall not wear clothing or head wear that may falsely lead others to believe that the individual is a city employee. Employees who have citizens riding with them should consider the citizens' safety in the performance of their duties. Media representatives are permitted to participate in the ride-along program. However, employees should be aware that pursuant to a Supreme Court decision, media representatives are not permitted onto private property while participating in a ride-along program without first obtaining the expressed consent of the private property owner. The employee shall ensure that media representatives do not violate this directive.

Any violation of this section shall be reported to a supervisor, department head or the city manager for investigation and possible disciplinary action.

Deliberate damage, neglect, or misuse of city-owned property may subject the employee to disciplinary action, up to and including dismissal.

**Expectation of Privacy in/on City Property**

Employees do not enjoy an expectation of privacy in their use of City Property (e.g., desks, lockers, cabinets, City-owned vehicles, City-owned computers, City-owned mobile phones, etc.). Employees storing personal items or information in or on such property do so at their own risk.

The City will provide locks for use by employees' on assigned or unassigned lockers. If an employee chooses not to use a city issued lock they may store personal items in an available locker, with no lock. The city has the right to search any and all City-property with or without notice for legitimate business reasons and to enforce work rules.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 204 Reporting a Traffic Crash Involving a City Vehicle

- 1) Unless otherwise directed by a supervisor, employees involved in a traffic crash, **on public property**, while operating a city vehicle or driving a personal vehicle while on city business shall:
  - Leave the vehicle in the exact position where it came to rest after the traffic crash, unless instructed to move it by a law enforcement official or for safety reasons;
  - Request that all involved parties and/or witnesses remain at the traffic crash scene until a law enforcement representative arrives;
  - Remain polite and helpful at all times and do not speculate about who caused the traffic crash or why it happened;
  - Refrain from making any statements about the traffic crash to anyone other than the police department involved and the appropriate city representatives;
  - Notify your supervisor or department head immediately after a traffic crash involving a city vehicle (the supervisor will notify the city manager, or designee).
  - Complete an incident report within 24 hours of the accident, per Section 2, policy 205, of the Policy and Procedure Manual.
  - Note: During snow events or weather emergencies, law enforcement officials may direct those involved in non-personal injury accidents to simply exchange information if the police are unable to respond at that time.
- 2) Unless otherwise directed by a supervisor, employees involved in a traffic crash, **on private property** (without law enforcement involved), while operating a city vehicle or driving a personal vehicle while on city business shall:
  - Immediately contact your supervisor for direction. The supervisor shall either meet the employee, on-site, or require documentation of the crash.

- 3) Section 4509.101 of the Ohio Revised Code requires that a Crash Report, BMV form 3303 (located on the City's intranet), must be filed within six months where a vehicle accident results in personal injury, or property damage in excess of \$400.00. Failure to do so could result in a driver's license suspension.

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# **City of New Albany Policy and Procedure Manual**

## **Section 2 WORKPLACE RULES**

### **205 Incident Reports: Personal Injury and Property Damage**

All incidents must be reported as soon as possible after the personal injury or property damage, but no later than 24 hours after the incident or diagnosis of an occupational personal injury. In the case of property damage, the employee shall then forward the property damage form, located on the city's intranet, to the supervisor/department head who shall initiate an investigation within 24 hours of notification of the incident and complete his/her section of the form before forwarding to the administration department. In the case of personal injury, the employee shall complete and forward the personal injury form, located on the city's intranet, to the supervisor/department head and to the finance department.

Employees are not to file a First Report of Injury (FROI) with the Bureau of Worker's Compensation. The finance department is responsible for notifying the city's Managed Care Organization (MCO) upon receipt of the employee's personal injury form. The MCO will complete all applicable First Report of Injury forms.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 206 Travel

#### General Requirements

##### Policy

These regulations establish a standard procedure for paying the authorized expenses incurred by officials and employees of the city while traveling on city business, attending conferences, conventions, or such activities which are deemed to have a proper public purpose, and to reimburse such individuals where they have spent personal funds for such expenses, subject to the limitations set forth herein. All references to reimbursement in this policy also include the direct payment of such expenses on behalf of the employee.

Employees traveling on city business are reminded that they are representatives of the city and are to conduct themselves in a manner that is appropriate and in accordance with the provisions of Codified Ordinance 155 and all sections of this manual.

##### Approval/Authorization

- All travel and travel-related expenses incurred for city business must be authorized in advance by the appropriate department head or the city manager.
- Prior to authorizing an expense for travel, training and affiliated expenses, the department head, or their designee, shall submit a completed requisition containing all actual necessary and reasonable expenses to the finance director. The finance director will certify that sufficient funds have been appropriated and encumbered to pay the expenses. Purchase orders must be approved and received by the department prior to any expenditures being made or committed to.
- The city manager may authorize reimbursement for certain, unique, travel circumstances if incurred for a public purpose.

##### Reporting

Upon return from eligible activity, the employee is required to:

- File an accurate and detailed travel expense report along with all supporting receipts and documentation with the finance director within 5 business days of returning from the trip.
- Reimbursable items shall be actual, reasonable, and necessary expenses incurred while attending an eligible activity. Alcoholic beverages are



never considered a reasonable or necessary expense. Under no circumstance will expenses for alcoholic beverages be considered for payment or reimbursement.

- Receipts are required for all expenditures, including lodging, registration fees, meals, travel (including airline and rental car) and extraordinary expenses that are an integral part of the activity.

## **Specifications and Guidelines**

### **Living Expenses**

- **Meals**

- Overnight travel: Employees or city officials who are traveling on city business which requires an overnight stay may be eligible for reimbursement for any meals occurred up to, but not exceeding, the amount specified in the current per diem schedule. In no case, is the meal either directly preceding the commencement of travel or the meal directly after the conclusion of the trip, eligible for reimbursement.

- Local (non-overnight) travel: Employees or city officials travelling on city business which does not require an overnight stay shall not be eligible for reimbursement for meals unless:

- the main purpose of the combined business and meal is the active conduct of business; and
- ii. business is actually conducted during the meal period.
- Same-day, offsite training classes or other meetings where the participants are released for a lunch break would not qualify for meal reimbursement.

Meal Per Diem: Reimbursement for meals will be made for the actual cost on a per diem basis up to the limits specified in the current per diem meal schedule. Gratuity shall not be counted toward per diem limits. Tips or gratuity shall not exceed fifteen percent (15%). The per diem rate is available through city's finance director per the U.S. General Services Administration (GSA) per diem website.

In the event an employee is eligible for the entire per diem amount, the employee may allocate the per diem amount as they wish, subject to substantiation requirements.

In the event the employee is not eligible for one or more meals, the per diem maximum shall be reduced by the amount of the excluded meals.

If a meal is served on the plane, included in a conference registration fee, built into the standard hotel single room rate or replaced by a legitimate business meal, the per diem allowance for that meal may not be claimed. This exclusion, however, would not apply to a continental breakfast.

Original receipts generated by the restaurant and which identified the specific meal items as well as any proof of payment (i.e. credit card receipt) shall accompany the expense report.

- **Lodging**

- Employees are expected to use accommodations appropriate to the nature of the business trip which are consistent with the employee's normal standard of living. In-room entertainment (i.e. movies, video games) are not considered part of the lodging expense. Reimbursement for lodging will be made only if such expenses are properly receipted, and the appropriate receipts accompany the travel expense report. Reimbursement for lodging is limited to instances where the city business, conference, convention, or such appropriate activity is located in excess of 50 miles from the City of New Albany. In the case of extraordinary circumstances, the city manager may waive this mileage requirement.
- Overnight lodging prior to the day of the event must be authorized by the department head. In the event the overnight lodging is permitted solely for the convenience of the employee, no meal reimbursement shall be allowed for that day.
- Employees are not required to share lodging accommodations with other employees.

- **Incidental Living Expenses**

- Expenses incurred for laundry and dry cleaning may be reimbursed if the employee is in continuous travel status in excess of five days without returning home during that time. These items must be receipted and itemized.
- Telephone Calls/Internet Use. Reimbursement is authorized for one personal telephone call for each day of travel, not to exceed \$3.00. Internet service charges incurred for work-related purposes will be reimbursed.

## Travel

- **Travel by city-owned vehicle**

- Employees shall travel using a city-owned vehicle, unless approved by the city manager or designee. Reimbursement is authorized for incurred expenses necessary to the efficient and safe operation of the vehicle. This includes reimbursement for the purchase of gasoline for the vehicle, if a city credit card is not available.

- **Travel by privately owned vehicle**

Employees may be authorized to travel by privately-owned vehicle if the owner is insured under a policy of liability insurance. Authorization for use of privately-owned vehicles will only be considered upon proof of the owner's insurance policy. Employees who use a personal vehicle for municipal use shall be reimbursed at the per mile rate set annually by the Internal Revenue Service (IRS) as the tax deductible mileage rate. The city's finance director shall publish this rate as soon as it has been communicated to the city by the IRS. Employees must request mileage reimbursement using an approved travel/expense form, located on the city's intranet.

Reimbursement for mileage to and from city-authorized professional development training or other city business-related meetings will be determined as follows:

Employees who drive directly from their primary workplace and return to their primary workplace shall be reimbursed for actual mileage driven.

When employees are authorized to drive directly to the off-site meeting from their personal residence and/or return directly home at the conclusion of training, mileage reimbursement will be based on actual mileage to and from the training minus their average daily commute. The average daily commute is defined as mileage from place of residence to the workplace and back to the place of residence. Only miles in excess of the daily commute may be claimed as mileage.

Employees who are required to travel a longer distance to an off-site meeting or training may be permitted to elect a fuel replacement option in lieu of receiving the mileage reimbursement. If this option is selected, employees should begin their trip from their primary workplace with a full fuel tank, and return directly to the city's fuel depot. Employees are then permitted to fill-up their tank to the same level from which they started the trip. The employee must then complete and submit a Fuel Replacement Election form for approval by their

immediate supervisor or their department head. If the round-trip requires more fuel than one tank, the employee may fill their tank up during the trip and submit that receipt for reimbursement.

- **Travel by common carrier**

Travel by common carrier is authorized at the lowest available regular rate. Employees are encouraged to take advantage of advance purchase (i.e. super saver fares) for air travel whenever possible. If a discounted fare is only available when travel is started one day early, or requires the stay of one extra day, travel for the additional day may be authorized provided that the savings in fare offsets the lodging and meal cost of the extra day. Receipts must be obtained and submitted with travel expense report.

Whenever electronic or e-ticket documents are issued, receipts are to be obtained at the check-in terminal. Such receipt shall be submitted with travel expense report. In addition, a printed copy of the on-line search for airfare should be submitted with the requisition for the airfare.

The city prohibits the accumulation of “frequent flyer” miles by officials, officers or employees earned on official travel which is paid for or reimbursed by the city.

- **Vehicle Rental**

- Reimbursement may be authorized for car rental if it can be demonstrated that vehicle rental is more economical than other modes of transportation or if the employee’s destination is not easily accessible by any other available mode of transportation. Prior approval for car rental is required.
- Only a city employee may drive a rental vehicle that has been paid for by the city. The employee shall adhere to rental requirements and restrictions imposed by the rental company.
- The city’s insurance coverage does not extend to rental vehicles; therefore, Collision Damage Waiver (CDW) and Lost Damage Waiver (LDW) coverage shall be elected if the agency does not include these insurance packages with the rental vehicle cost. The city will reimburse the cost of CDW and LDW coverage – all other insurance reimbursements will be denied.

- Employees are encouraged to fill the gas tank at a service station before returning the vehicle to the rental agency to avoid service fees and more expensive fuel rates.
- **Miscellaneous transportation expenses**
  - Reimbursement is authorized for parking charges, road tolls, taxi and other reasonably incurred transportation expenses directly related to authorized travel. Receipts shall be obtained for all expenditures. These expenses shall be listed separately on the travel expense report, located on the city's intranet.

### **Registration Fees**

Reimbursement of fees for seminars, conferences, or other activities may be approved provided that attendance by said traveler is deemed beneficial to the city. An itemized report of what the registration fee includes shall accompany the requisition.

### **Travel Advance**

An employee attending a conference, workshop or seminar may request an advance for anticipated travel expenses at the discretion of the finance director. The request for advance is to be shown on the travel request, and must be approved by the department head. Upon completion of the trip, a complete reconciliation of the cash advance and actual expenses will be made on the travel expense report. Employees receiving a travel advance shall remit all unspent funds to the city cashier immediately upon returning from the trip.

### **Compensation During Travel**

Under the Fair Labor Standards Act, (FLSA), a non-exempt employee must be paid for all hours the employee is "suffered or permitted to work." This section addresses under what circumstances time spent traveling is considered compensable (i.e., the time is counted as hours worked).

#### **General Rule**

- In general, the FLSA does not consider ordinary commuting time as hours worked. Excluding such commuting time, employees should be compensated for all travel unless it is:
  - overnight;
  - outside of regular work hours;
  - on a common carrier; or
  - where no work is done.
- The city reserves the right to rearrange the employee's work schedule within the work week (Sunday-Saturday) to avoid

additional compensation hours which may occur as a result of travel time or compensable commuting time as described below. Whenever possible, the employee and their supervisor should discuss the possibility of rearranging the work schedule prior to departure.

- Special rules apply to special situations which are reviewed in detail in the following sections.

### **Commute Time**

- Generally, an employee is not at work until he or she reaches their primary workplace and begins working.
- If an employee is required to report to an alternate location where he or she is required to pick-up materials, equipment or other employees, or to receive instructions before traveling to the work site, time is compensable once the employee reaches the alternate location.
- If the employee is driving a city-owned vehicle, to and from work, the employee does not have to be compensated for that commuting time provided that:
  - driving the vehicle between home and work is strictly voluntary and not a condition of employment;
  - the vehicle is a type normally used for commuting; and
  - the employee incurs no costs for driving the city-owned vehicle or parking it at home.

### **Travel During the Workday – General Rule**

- Travel as part of the city's principal activity must be counted as hours worked. If the travel is for the benefit of the city, it is compensable. For example, an employee drives from Village Hall to the Service Complex during the workday. Such time would be compensable.
- Time spent by the driver in picking up other passengers and transporting them to a specific location is work time and therefore compensable. However, time spent by passengers traveling in a car outside the normal workday hours is not compensable.

### **Out of Town Travel – Special One-Day Assignment**

- If an employee is assigned to work in another city for one day and the travel is performed for the city's benefit and at its' request, it is part of the principal activity of the city and therefore is compensable. This is true even if the employee is traveling by common carrier since this is a special assignment and is not ordinary home to work travel. The assignment is performed for the city's benefit and at the city's special request to meet the needs of the particular and unusual assignment.
- In this special one-day assignment, however, travel time between the employee's home and the airport is home to work travel time and therefore not compensable if outside normal work hours.

### **Overnight Travel**

- Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's regular workday hours and is compensable. If this travel occurs during normal work hours on non-working days (i.e. Saturday or Sunday for an employee who works Monday through Friday) the time is also compensable.
- Overnight travel that occurs outside of the employee's normal working hours is not compensable whether it is on a common carrier or as a passenger in a car. The driver of the vehicle shall be compensated, however, as driving is work time.
- Leisure time, sleep time or time spent at a hotel with freedom to use time for the employee's own purposes is not compensable.

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# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### **207 Tobacco; Tobacco Products, Waste, Paraphernalia, and Electronic Cigarettes (E-cigarettes)**

The city and the State of Ohio recognize that tobacco and nicotine use is dangerous to an individual's health. The city and State also recognize that involuntary exposure to tobacco by-products can also cause disease in healthy individuals. Therefore, in accordance with the provisions of Codified Ordinance Chapter 745 "Smoking Prohibition" adopted by Council via Ordinance 08-2005 on May 17, 2005, as well as Ohio Revised Code Chapter 3794, smoking is prohibited in all public buildings without exception. (A complete copy of C.O. Chapter 745 is attached and hereby made a part of this policy.) This smoking prohibition applies to all areas of public buildings including common work areas, elevators, hallways, restrooms, break rooms, conference and meeting rooms as well as in any vehicle owned, leased, or operated by the city. Such restriction also applies to e-cigarettes.

In keeping with the city's intent to provide a safe and healthful work environment, use of all other tobacco products and e-cigarettes is also prohibited in the workplace and during the employee's working hours. Tobacco products, paraphernalia and e-cigarettes shall not be displayed during work hours and shall not be stored within any city vehicle or in any city building.

Compliance with the smoke-free policy and all other provisions of this policy is mandatory for all employees and persons visiting public buildings. The city will not discharge, refuse to hire, or in any manner retaliate against an employee applicant for employment or visitor because that employee or visitor exercises any rights afforded by the provisions of C.O. Chapter 745 or anyone who reports or attempts to prosecute a violation of C.O. Chapter 745.

The city encourages all public employees using tobacco products or e-cigarettes to quit. For further information employees should contact the Ohio Tobacco Quit line at 800-934-4840. Any questions regarding this policy or C.O. Chapter 745 should be directed to the administration department.



## **CHAPTER 745**

### **Smoking Prohibitions**

- 745.01 Definitions.
- 745.02 Prohibitions.
- 745.03 Smoking in prohibited areas.
- 745.04 Areas where smoke is not regulated.
- 745.05 Construction; other applicable laws.
- 745.06 Declaration of establishment as nonsmoking.
- 745.07 Posting of signs; prohibition of ashtrays; responsibilities of proprietors.
- 745.08 Enforcement.
- 745.99 Penalties.

#### **745.01 DEFINITIONS.**

For purposes of this chapter:

- (a) "Business" means a sole proprietorship, partnership, association, joint venture, corporation, or any limited liability form of any of the foregoing, or any other entity formed for any legal purpose, whether for profit, not-for-profit or charitable purposes, including, but not limited to retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, financial, counseling, or other professional or consumer services are provided.
- (b) "Employee" means a person who is employed by an employer, or who contracts with an employer or who contracts with a third person to perform services for an employer, or who otherwise performs services for an employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services to such employer for no monetary compensation.
- (c) "Employer" means an individual person, business, partnership, association, corporation, including a municipal corporation, trust, or any nonprofit entity that accepts the provision of services from one or more employees in a place of employment.
- (d) "Enclosed Area" means all space closed in by a roof or other overhead covering of any kind and walls or other side coverings of any kind on at least three sides with openings for ingress and egress. "Enclosed" area shall not include designated smoking shelters provided by an employer when such shelters are located more than ten feet from any point of ingress, egress,

ventilation system operable window or other opening which could provide a means for smoke to enter into the place of employment or public place.

(e) "Outdoor Patio" means an outdoor area, open to the air at all times, that is either:

A. Enclosed by a roof or other overhead covering and not more than two walls or other side coverings; or

B. Has no roof or other overhead covering at all regardless of the number of walls or other side coverings.

(f) "Place of Employment" means that portion of any enclosed, public place under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, such areas in office work places, factories, warehouses and laboratories. An enclosed area as described herein is a "Place of employment" without regard to time of day or actual presence of employees. "Place of employment" only includes private residences, whether single or multi-family, if used as a child care, adult day care, or health care facility, or if a person uses a private residence in any way otherwise qualifying that person as an employer with respect to the use of that private residence; provided, however, that private residences are exempt from this chapter to the extent that the services being provided include housecleaning, home maintenance, cable or telephone repair, personal care services, domestic services, or food and beverage services in the private residence. Persons utilizing a private residence in a home occupation wherein no employees are present or in which employees are present infrequently are not a "place of employment", provided that no employee shall be required to enter into the private residence within 15 minutes of a person smoking.

(g) "Private Club" means a club as that term is defined in Ohio R.C. 4301.01(B)(13) and that is organized as not-for-profit.

(h) "Proprietor" means the owner, manager, operator, liquor permit holder, or other person in charge or control of a public place or place of employment.

(i) "Public Place" means an enclosed area to which the public is invited or in which the public is permitted and includes service lines.

(j) "Retail Tobacco Store" means a retail store used primarily for the sale of smoking materials and smoking accessories in which the sale of other products is incidental and where smoking is permitted within the public place. "Retail tobacco store" does not include a tobacco department of a larger commercial establishment such as a department store, discount store, or bar or retail stores used primarily for the sale of smoking materials where no provisions for smoking within the public place are provided or permitted.

(k) "Service Line" means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

(l) "Smoke" or "Smoking" means inhaling, exhaling or carrying any lighted and/or burning smoking materials. "Smoking" does not include the burning or carrying of incense in a religious ceremony or the use of matches or lighters for non-smoking purposes. "Smoke" shall also mean the by-product of the burning of any smoking materials.

(m) "Smoker" means a person or persons smoking.



(n) "Smoking Materials" means any cigar, cigarette, pipe, weed, plant or other organic substance grown, manufactured or processed which is intended to be used for smoking in any form. "Smoking materials" do not include candles, incense or other similar items.

(o) "Work Area" means any room, desk, station or other area normally occupied by an employee while carrying out his or her primary work function.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.02 PROHIBITIONS.**

(a) No proprietor of a public place or employer of a place of employment shall negligently permit smoking in said public place or place of employment within the Village, except as provided in Section 745.04.

(b) All enclosed areas, including buildings and vehicles owned, leased, or operated by the Village shall be subject to the provisions of this chapter.

(c) All areas within ten feet of the ventilation intake system, any ingress, egress, windows or any other means of access capable of being opened that are part of any enclosed area shall be subject to the provisions of this chapter so as to ensure that smoke does not enter the enclosed area through entrances, windows, ventilation systems, or other means.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.03 SMOKING IN PROHIBITED AREAS.**

(a) No person shall smoke in a public place, or place of employment within the Village, except as provided in Section 745.04.

(b) No person shall smoke in any business or outdoor area that has been declared nonsmoking pursuant to Section 745.06.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.04 AREAS WHERE SMOKING IS NOT REGULATED.**

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the prohibitions in Sections 745.02 and 745.03:

(a) Private residences used for that purpose or as home occupations as defined in 1105.02(x) and 1165.08 of the Village Code, except if used as a licensed childcare, adult day care, or health care facility.

(b) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 15% of rooms rented to guests in a hotel or motel may be so designated.

(c) Any home, as defined in Ohio R.C. 3721.10(A), but only to the extent necessary to comply with Ohio R.C. 3721.13(A)(18) and rules promulgated according to that section.

(d) Retail tobacco stores as defined in Section 745.01 in operation prior to the effective date of this chapter. Any new retail tobacco store or any existing retail tobacco store that relocates to another site may only qualify for this exemption if: (i) completely enclosed on all sides by solid floor-to roof deck walls; (ii) comply with all applicable fire and building code requirements; and (iii) have a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back-streaming of second-hand smoke into adjoining areas located in a freestanding structure.

(e) Outdoor patios as defined in Section 745.01. If the outdoor patio has a structure capable of being enclosed by walls, covers, solid surface fencing, or tents, regardless of the materials or the removable nature of the walls, covers, solid surface fencing, or tents, the space will be considered enclosed, when the walls, covers, fences, or tents are in place. All outdoor patios shall be physically separated from an enclosed area. If sliding or folding windows or doors or other windows or doors forms any part of the border to the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If sliding or folding windows or doors or other windows or doors does not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(f) Family-owned and operated businesses in which all employees are related to the owner, and offices of self-employed persons in which all employees are related to the self-employed person, but only if the enclosed areas the businesses and offices occupy are not open to the public, are not in the same building with other enclosed areas subject to this regulation, and smoke from these businesses and offices does not infiltrate into enclosed areas where is smoking is prohibited under the provisions of this chapter.

(g) Private clubs as defined in Section 745.01, provided that the following apply:

(1) That there are no non-members present;

(2) That smoking will be limited to a specific designated smoking area in which no person under the age of 21 is permitted and which has a separate ventilation system whereby air from such space is immediately exhausted to an outdoor area, not recirculated inside, and is negatively pressurized to prevent back- streaming of second-hand smoke into adjoining areas.

(3) That the private club is the holder of a valid D-4 liquor permit pursuant to Ohio R.C. 4303.17, if alcoholic beverages are to be served.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.05 CONSTRUCTION; OTHER APPLICABLE LAWS.**

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws, and shall be liberally construed so as to further its purposes.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.06 DECLARATION OF ESTABLISHMENT AS NON-SMOKING.**

Notwithstanding any other provision of this chapter, the proprietor of a business or outdoor area which does not otherwise qualify as a public place or place of employment or any public place or place of employment otherwise exempt from the provisions of Sections 745.02 and 745.03 may declare such location as a non-smoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 745.07 is posted.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.07 POSTING OF SIGNS; PROHIBITION OF ASHTRAYS; RESPONSIBILITIES OF PROPRIETORS.**

In addition to the prohibitions contained in Section 745.02, the proprietor of a public place or place of employment shall comply with the following requirements:

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted at the entrance to every public place and place of employment and within such spaces where smoking is prohibited by this chapter. A sign shall be of sufficient size to be clearly legible to persons entering or frequenting the area it is intended to mark. All signs shall contain a telephone number for reporting violations.

(b) All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by this chapter.

(c) By December 31, 2005, every employer subject to the provisions of this chapter shall adopt, implement, make known, maintain and update to reflect any changes, a written smoking policy which shall contain at a minimum the following requirements:

(1) The prohibition of smoking except in accordance with the provisions of this chapter, and the description of the smoking restrictions adopted or implemented;

(2) That (i) no person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee applicant for employment or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter; and (ii) the establishment of a procedure to provide for adequate redress of any such adverse personnel action taken against an employee in retaliation for that employee's attempt to exercise his or her rights under this chapter with respect to the place of employment.

(d) Employers shall prominently post the smoking policy in the workplace, and shall, within three weeks of its adoption and any modification, disseminate the policy to all employees and to new employees when hired.

(e) Employers shall supply a written copy of the smoking policy upon request to any employee or prospective employee.

(f) This section shall not be construed to permit smoking in any area in which smoking is prohibited pursuant to Section 745.02.

(Ord. 08-2005. Passed 5-17-05.)

#### **745.08 ENFORCEMENT.**

This chapter shall be enforced by the Mayor and his or her designee(s).  
(Ord. 08-2005. Passed 5-17-05.)

#### **745.99 PENALTIES.**

(a) Upon a first violation, in a 12-month period, of any provision of this chapter, the Administrator and his or her designee(s) shall issue a warning letter to the individual or proprietor. Thereafter, the penalties contained in divisions (b), (c) and (d) of this section shall apply.

(b) If, within one year of the offense, the individual or proprietor previously has been issued a warning letter pursuant to division (a) of this section and has not been convicted of or pleaded guilty to a violation of any provision of this chapter, a fine of not more than two hundred and fifty dollars (\$250.00) and up to 30 hours of community service;

(c) If, within one year of the offense, the individual or proprietor previously has been issued a warning letter pursuant to division (a) of this section and been convicted of or pleaded guilty to one violation of any provision of this chapter, a fine of not more than five hundred dollars (\$500.00) and up to 30 hours of community service;

(d) If, within one year of the offense, the individual or proprietor previously has been issued a warning letter pursuant to division (a) of this section and been convicted of or pleaded guilty to two or more violations of any provision of this chapter, a fine of not more than one thousand dollars (\$1,000.00) and up to 30 hours of community service;

(e) It is an affirmative defense for the proprietor to any charge under Section 745.02(c) if the violation does not occur on or within the property boundaries of the proprietors public place or place of employment.

(f) It is an affirmative defense for an individual to any charge under Section 745.03 if the proprietor or other person in charge or control of a public place or place of employment fails to comply with the requirements of Section 745.07(a) or (b).

(Ord. 08-2005. Passed 5-17-05.)

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 208 Overtime

The city retains the right and responsibility to direct the work of its employees. Specifically, right to schedule or not schedule overtime as required in the manner most advantageous to the requirements of efficient governmental operations.

In accordance with the city's personnel policies (Codified Ordinance 155.06), the use of overtime is to be authorized by the department head in order to meet emergency service requirements or to maintain existing services. There are two areas of exception. First, when an employee is working with a resident, client, or customer and such use of overtime facilitates the service being provided. Secondly, where a blanket approval for overtime has been granted for an ongoing or regularly scheduled assignment and modifying the work schedule (i.e. flex time) within the same pay period is not appropriate. Every employee is required to work overtime that is assigned to him or her. Refusal to work without a valid reason shall be grounds for disciplinary action.

Employees who are not overtime exempt based on the guidelines of the Fair Labor Standards Act (FLSA) and who work a forty-hour (40) workweek shall be compensated at the rate of one and one-half (1.5) times the regular hourly rate for hours in paid status in excess of forty (40). "Paid status" shall include all hours permitted or suffered to be worked, as well as all hours in other paid status while on any approved leave, including holiday, vacation, personal, injury, paid military leave, sick, call out, training or other paid leave accrued to an employee on an hour-for-hour basis. The use of compensatory time is specifically excluded from the calculation of overtime.

For purposes of determining FLSA overtime, the use of previously-earned compensatory time is specifically excluded from the calculation. Employees should refer to Codified Ordinance 155.06. For union employees covered under a collective bargaining agreement (CBA) please refer to the applicable CBA for complete information on overtime.



# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 209 Standard Work Hours

In order to effectively manage city operations and to provide consistent service to the residents the standard work week is generally a regularly recurring period of seven (7), twenty-four (24) hour days consisting of five (5) workdays of eight (8) hours per day and two (2) days off. Standard hours of work will be 8:00 a.m. to 5:00 p.m. for administrative staff and 7:00 a.m. to 3:30 p.m. for the maintenance staff. During daylight savings time each year, the standard workweek may consist of four (4) workdays of ten (10) hours per day and three (3) days off. In this case, standard hours of work will be 6:00 a.m. to 4:30 p.m. for the maintenance staff.

Employees will have a one-hour lunch break. Scheduled workweek or hours may vary depending on the employee's position or whether an employee is full-time, part-time, or seasonal.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Supervisors may recommend modification to the standard hours of work and submit it to the city manager for approval. The city manager may establish hours of work that differ from the normal workweek, or for individual employees in order to meet operational needs, special program needs, unusual, or emergency situations. Deviation from normal working hours for individual employees is not allowed except as approved by the individual's department head. Each employee is required to be at his or her workstation, ready to begin work at the scheduled starting time, and at the end of the break or lunch period. Each employee is to continue working until the end of the scheduled work time. The city, in its sole discretion, may permit a work week or work hours for an employee or employees that are different from the regular workweek or regularly scheduled work hours. All such requests, however, must be pre-approved by the department head.

The Police Department shall operate on a continuous shift system and be open to the public 24 hours per day.

### Call Out Pay

As set forth in Codified Ordinance 155.21(a), and/or any applicable Collective Bargaining Agreement (CBA), a full-time non-exempt non-union employee who is called out will be guaranteed a minimum of three (3) hours when called to duty after normal working hours not abutting the employee's regular work hours, at a rate of compensation of time and one-half.

It is considered "call out" when an employee is called back to work by his/her department head, or designee, beyond one-half hour from the time he/she reports off duty. Call out pay does not apply when an employee is asked to continue to work



beyond his/her normal work schedule, is asked to report early in advance of the regularly scheduled start time, or for a scheduled night meeting. The city maintains the right to retain that employee at the job site for the purposes of related work.

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# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 210 Pay

#### Timekeeping

##### General:

Automated Timekeeping System:

The city's automated timekeeping system provides:

- A fair and concise system for all city employees to use that is consistent across departments and functions.
- A system that meets the requirements of the Fair Labor Standards Act (FLSA) and all governing laws, rules, policies and procedures within the City of New Albany.
- An automated system that reduces the amount and flow of paperwork.
- Accurate, current information of an employee's paid leave balances including: sick, vacation and personal time.

#### Issuance of Badges

City-issued ID badges will also serve as the non-exempt employees' time cards for clocking in and out at work at one of the designated electronic time clocks.

#### Recording Actual Time Worked

All non-exempt, hourly employees are required to record their actual time through this automated system. These employees are to use their ID badges to swipe in and out at the beginning and end of their shift respectively. If an employee is unable to access the time clock when they are called into work (i.e., they are required to report to a different location away from a public building), or the employee forgets to swipe in or out, the employee is required to complete a Missing Punch Form, located on the city's intranet, within 48 hours or by the end of the pay period, whichever comes first. This form would be the basis for the supervisor to manually adjust the hours worked.

All exempt, salaried employees are to record the use of sick, vacation and personal hours to their supervisor.

All non-exempt, hourly employees are required to clock in by their assigned start time and to clock out at their assigned time. Absent exigent circumstances, employees will not be paid for overtime worked which was not approved in advance.

Employees who have worked approved overtime have the option of being compensated for the hours (overtime pay) or adding the hours to their compensatory (comp) time bank, in accordance with the provisions of Codified Ordinance 155 (Also See Section 208) or applicable Collective Bargaining Agreement (CBA) for any covered employee. If the employee does not inform the Finance Department in a timely manner to the contrary, the default selection is to receive payment for the overtime worked. Employees who wish to add the overtime hours to their comp time bank, in accordance with the provisions of Codified Ordinance 155, or applicable CBA, should complete the Overtime Designation Form, available on the city's intranet, and submit it by the last day of the pay period in which the overtime was worked.

### **Requesting Time Off and Viewing Employee Information**

All employees have the ability to view their vacation, sick, personal and compensatory balances online.

Employees are able to see their personal information (i.e., mailing address and phone number) listed in the system so that they are able to notify the Finance Department if any personal information is incorrect. Employees will also be able to know their current actual accrued leave balance available to them for requesting time off. This balance will reflect deductions for approved leave already taken, as well as any approved pending paid leave. The system is the only method to formally request paid time off. Failure to use the system to request time off may result in the leave being denied.

### **Failure to Use the System Properly**

Should the employee forget to clock in or clock out as required, the employee must complete a Missing Punch Form and submit to their supervisor within 48 hours of the occurrence or by the end of the pay period, whichever is sooner. Should the employee exhibit a pattern of failing to clock in or clock out it may subject the employee to discipline. The failure to clock in or out and then utilizing the Missing Punch Form is not to be used as a substitute method to disguise or conceal tardiness or leaving early by the employee. Such failure to use the system as required or attempting to circumvent the ability of the system to track time worked may result in disciplinary action up to and including termination.

### **Responsibility**

Each department head/supervisor is responsible for implementing this policy. All employees should familiarize themselves with the rules regarding the timekeeping system by reviewing this policy.

An employee clocking in for another employee is strictly prohibited. Only supervisors are permitted to clock in for an employee under their supervision. Should an employee punch in time for another employee, the employee clocking in and the employee who is being clocked in for are subject to discipline up to and including termination.

**Pay**

The city requires direct deposit for all permanent full-time, permanent part-time and seasonal employees. Employees can have their pay directly deposited into up to three separate accounts.

All employees are paid on a bi-weekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

**Pay Advances**

Neither pay advances nor extensions of credit on unearned wages can be provided to employees.

**Administrative Pay Corrections**

The city will take all responsible steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

If there is an error in the amount of pay, the employee has an obligation to promptly bring the discrepancy to the attention of the finance director so that any corrections can be made as quickly as possible.

If an error resulted in an underpayment the shortage will be corrected in the next regular paycheck unless, in the opinion of the city's finance director, the delay would cause an undue hardship to the employee.

Overpayments may be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the city will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved. The finance director reserves the right to make such accommodations.

**Pay Deductions**

The law requires that the city make certain deductions from every employee's compensation. Among these are applicable Federal, state, and local income taxes. The city must also deduct contributions to the Ohio Public Employees Retirement System (OPERS), and contributions to the Ohio Police and Fire Pension Fund (OPFPF). In accordance with Codified Ordinance 155, the full amount of the statutorily required employee contributions to OPERS and OPFPF will be withheld from the gross pay of each employee and shall be paid to OPERS and to OPFPF by the city on the employee's behalf.

Bargaining unit employees may have dues or fair share fees deducted from their paychecks in accordance with the applicable collective bargaining agreement (CBA) and/or union bylaws.

The city offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs

of participation in these programs. In addition, the city is required to take pay deductions as per a court order (i.e. garnishments, child support, etc.).

If an employee has any questions concerning deductions or a possible improper deduction or why such deductions were taken from a paycheck, or how they were calculated, he/she should contact the finance director. Any deductions found to be improper will be corrected as soon as possible.

Originally Issued October 18, 2001  
Replacement Issued May 16, 2007  
Replacement Issued August 1, 2014

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 211 Emergency Closings/Delays

To ensure continuity of services to the public, it is the policy of the city to remain open whenever possible. It may be necessary, however, to close a public building(s) during extreme conditions due to severe weather, major utility failure, or other reasons. However, pursuant to the city's Emergency Operations Plan (EOP), all City of New Albany staff will be considered essential employees during emergency situations, unless their respective supervisors state otherwise, and are expected to report to work for their regularly scheduled shift.

#### **Workday NOT Cancelled, Delayed or Shortened**

In most circumstances, the city will not cancel, delay or shorten the workday in response to inclement weather. Employees who have difficulty reporting to work should promptly notify their immediate supervisor. Any employee who does not report for a scheduled shift because of unsafe road conditions or weather –related transportation problems may use any of the following forms of paid leave time (i.e. vacation, compensatory, or personal). If the employee has no leave time against which the absence can be charged, the day will be considered an excused day off without pay. In either event, the notification procedures outlined by the employee's supervisor shall apply. Employees who report to work on such inclement days shall be paid their regular wage for actual time worked.

#### **Workday Cancelled/Delayed or Shortened**

During a declared state of emergency, the scheduled work times for non-public safety/non-road department staff may be cancelled, delayed or shortened in response to inclement weather or a natural disaster. Such a declaration shall only be made by one of the following authorities: the President of the United States, the Governor of the State of Ohio, the Franklin County Sheriff's office, or the city manager. (Supervisors will attempt to reach employees by phone to announce cancellation of the workday.) In the event of a declared state of emergency, employees regularly scheduled to work will be compensated, and their attendance will be recorded, as if they had worked their entire scheduled shift. Such action on the city's part is intended to accommodate employees who otherwise would be traveling to or from work under unsafe road conditions and NOT as an additional general holiday for the entire staff. Therefore, if an employee is on approved leave, or scheduled for approved leave on the day that the workday is cancelled, shortened or delayed, that employee will be charged with the appropriate leave.

# **City of New Albany Policy and Procedure Manual**

## **Section 2 WORKPLACE RULES**

### **212 Personal Appearance/Clothing**

Our employees are in the public's eye on a daily basis and impressions, both positive and negative, are formed in part by appearance. Appearance plays an important role in portraying the professionalism of our city government. All employees are required to have a neat and professional appearance that reflects well upon the City of New Albany. Clothes should be neat, clean and appropriate to the type of work as well as location. Good judgment and professionalism are expected of all employees.

At the discretion of the city manager and approval of the department head, employees may dress more casually on select days. The conditions and requirements of such relaxed attire shall be communicated to the employees. Employees wearing uniforms are expected to maintain the same standard of neatness and cleanliness as described above. Any safety standards shall be adhered to.

Departments may require the city-issued uniform be worn while working in an on duty status so as to ensure consistency and public identification.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 213 Tuition Reimbursement Program

The requirements of the city's tuition reimbursement program are prescribed in the Codified Ordinance 155.21 (f).

An employee or official shall provide a written request in accordance with this policy to the department head indicating the course of instruction that is to be taken and how the course of instruction will benefit both the employee and the city. The department head shall make a recommendation and shall forward the request to the city manager or designee. The city manager or designee shall evaluate the course work or degree program for job-relatedness and shall notify the employee and department head in writing regarding approval or disapproval. The approval may be for the entire course of study for an entire degree program, and the employee or official need not reapply for each course within the overall program. If the request is disapproved, a request may be made to the city manager for reconsideration. The city manager's decision shall be final.

Upon receiving approval from the city manager, or designee, for tuition reimbursement the employee and/or department head shall notify the finance director, in writing, in advance of the upcoming budget process regarding the anticipated reimbursement amount. Reimbursement is outlined in the Codified Ordinance 155.21 (f)(4).



# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 214 Credit Account Policy

#### **Purpose**

The purpose of this policy is to establish the procedure and protocol for the use of City of New Albany business credit cards and other vendor supplied lines of credit.

#### **Eligibility**

The city manager, or designee, shall identify those employees whose day-to-day responsibilities require access to a city credit card. In addition, the city manager, or designee, shall determine the appropriate credit limit for those individuals.

Before receiving a city credit card, authorized employees must complete an Employee Credit Account Agreement form, located on the city's intranet.

#### **Policy**

The city credit card is issued solely for the purpose of conducting city business and is not to be used for any personal expenses. Personal and/or unauthorized usage of the city credit card may be immediate grounds for revocation of the credit card. In addition, the employee may be subject to discipline for unauthorized usage of the credit card, up to and including termination as well as potential criminal prosecution.

Reimbursement to the city for any outstanding unauthorized charges may be recovered through payroll deduction. The use of a city credit card to purchase goods or services does not waive the city purchasing procedures.

The city recognizes that the credit card provides convenience to employees in acquiring goods and services for the city. The city also recognizes the additional risk inherent with credit card usage. Therefore, whenever a vendor will accept a city purchase order, a purchase order should be used in lieu of the city credit card.

For individual expenditures, the expense must fall within pre-approved budgets, and an approved expense appropriation request form must be submitted to the finance department prior to incurring the expense. Signed receipts must be turned in to the finance department within two (2) business days. If an employee is out of town during the expenditure, signed receipts should be turned in within two (2) business days of returning to work.

In the rare event an employee misplaces or loses a receipt, a Missing Receipt Form must be fully completed and submitted within two (2) business days in accordance with the timeframe in this section. This form must be signed by the employee's departmental director and/or supervisor, as well as by the city's finance director. Employees must surrender all city credit cards upon their separation of employment from the city or when requested by the finance director or city manager.

In the event the card is lost or stolen, the cardholder must notify the finance director as soon reasonably possible. The employee is to assist the finance department in identifying and resolving any charges made to the account.

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# **City of New Albany Policy and Procedure Manual**

## **Section 2 WORKPLACE RULES**

### **215 Wearing/Carrying Employee Identification**

Official identification cards will be provided to all employees working for the City of New Albany.

Any employee acting in an official capacity shall furnish their name to any person requesting it, unless withholding such information is necessary for the performance of their duty. All employees who are off premises, while acting in an official capacity, must carry their identification card.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 216 Short Term Disability (STD)

The City of New Albany short-term disability (STD) benefit provides income protection in the event of a short-term disability where the injury or illness is not work-related and will prevent the employee from performing their essential job duties for more than the waiting period (14 calendar days). Time absent from the workplace because of a documented short-term disability is also counted as time taken under the federal Family and Medical Leave Act (FMLA). Employees are encouraged to review Policy Manual Section 111 and Codified Ordinance 155.13 for more information regarding FMLA leave.

The city reserves the right to determine employee eligibility for short-term disability benefits. This short-term disability policy shall apply to all employees eligible for this medical benefit.

Employees eligible to use STD may request this benefit, provided that the duration of the illness has extended beyond the waiting period (14 calendar days) and the employee has exhausted their accrued leave, as follows:

- Sick Leave: All accrued hours, up to a remaining balance of 40 hours,
- Compensatory Time: All hours must be used,
- Vacation Leave: All accrued hours, up to a remaining balance of 40 hours.

This section may be amended year to year. Please see the Finance Department for current benefits.

Employees are not required to use any of their outstanding personal days prior to receiving the short term disability benefit. The STD benefit, however, must be exhausted prior to an employee seeking employee leave donation pursuant to Codified Ordinance 155.10(i).

The finance department will be responsible for the administration of the short term disability program. The program provides for payment to the employee from the 15<sup>th</sup> day of accident or illness for a maximum of 11 weeks at sixty percent (60%) of the employee's gross wages. The city's disability policy does not permit the employee to use remaining accumulated paid leave in order to make up any shortfall between his/her gross wages and the amount which he/she receives under the disability program.

Disability payments received under this policy may be subject to pension withholding under state law. Employees receiving STD benefits are responsible for reimbursing the

city for any pension payments made on behalf of the employee to their respective pension system. The city will pay any employer share of the pension liability.

While an employee is receiving short term disability benefits pursuant to this policy, any vacation, sick leave or personal day accruals shall cease and any step/merit increases will not be awarded until the employee returns to work. An employee is not eligible to receive pay for any holidays which may occur while the employee is receiving short term disability payments. The city will continue to maintain applicable insurance benefits for the employee during the STD period. The employee, however, will be responsible for his/her portion of the insurance premium. (Note: This paragraph is not applicable if the employee is utilizing accrued leave during the absence.)

**Short Term Disability Claim Filing Instructions (subject to change depending upon insurance carrier)**

When it appears likely that short term disability may be needed, the employee will be required to complete American United Life Insurance Company's disability claim form to apply for benefits. This disability claim form is available from the finance department. The form has four independent sections which are completed by the employee, the city and the employee's attending physician. Complete and sign both the "Authorization" section and the "Part B - Employee's Statement" Exhibit A; give all pages of the application to your health care provider so that the "Attending Physician's Statement" Exhibit B can be completed and returned; submit "Employer's Statement" Exhibit C to the city for completion; read, sign and date the "Authorization for Release of Information"; submit the completed application to the finance department.

Employees are responsible for notifying their supervisors of their absence from work due to a medical condition as soon as possible and for ensuring that the required paperwork/application is completed and submitted to the finance department. Employees must keep their supervisors informed on a regular basis of the expected date of return to work.

As indicated above, an employee must wait 14 consecutive calendar days before receiving any disability leave benefit. The employee may use accrued leave time to receive pay during the waiting period. This time will not be restored to the employee. The disability elimination period does not begin until the date the employee is treated by an attending physician and confirms that the employee is disabled as defined by the policy.

Upon returning to work following a short term disability leave, the employee must present written certification from a physician attesting to the employee's ability to perform the duties listed in the employee's position description.

It is noted that any benefits received under this short term disability are taxable income to the employee. Under the city's current contract (effective through July 2014, third party administrator Wells Fargo, underwritten by American United Life Insurance Company), the following applies to the short-term disability benefit:

Benefit Percentage: 60%  
Maximum Weekly Benefit: \$600  
Minimum Weekly Benefit: \$25  
Injury Elimination Period: 14 days  
Sickness/Maternity Elimination Period: 14 days  
Maximum Benefit Duration: 11 weeks

An employee may be disqualified from receiving disability benefits if the employee becomes separated from the city service, the employee engages in any occupation for wage or profit, the employee engages in an act of fraud or misrepresentation involving the disability claim, the employee does not consult a licensed practitioner for necessary medical care, the employee does not follow the prescribed treatment for the disabling condition, or the employee is convicted of a felony while on the disability benefit.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 217 Bloodborne Pathogens (BBP's) Standard

#### **Purpose**

To reduce the risk of occupational exposure to bloodborne pathogens, and/or other potentially infectious materials, in compliance with federal and state regulations.

#### **Responsibilities**

The public service and police departments will manage bloodborne pathogen standards, maintain all records pertaining to it, and ensure proper adherence to these standards through periodic audits.

#### **Definitions**

- Bloodborne pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus and Human Immunodeficiency Virus (HIV).
- Occupational Exposure: Actual, or potential, parental, skin, eye, or mucous membrane contact with blood; or other potentially infectious materials that may result from the performance of an employee's duties.
- Universal Blood and Body Fluid Precautions: Preventing exposure to bloodborne pathogens by assuming all blood and bodily fluids to be potentially infectious, and taking appropriate protective measures.

#### **General Work Procedures**

Under this policy, departments with a potential for occupational exposures, are required to follow these procedures to minimize or eliminate occupational exposure:

- Supervisors must ensure that their employees are trained in proper work practices, universal precautions, the use of personal protective equipment, and proper cleanup and disposal techniques.
- Engineering controls will be examined and maintained on a regular schedule to ensure their effectiveness.
- The city will provide hand washing facilities which are readily accessible to employees; when provisions of hand washing facilities are not feasible, the city will provide an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleaners or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
- Resuscitation equipment and other ventilation equipment to eliminate the need for direct mouth-to-mouth contact for employees whose jobs would require them to perform resuscitation will also be provided by the city.

- Do not eat, drink, use tobacco products, handle contact lenses or apply cosmetics in areas where exposure to bloodborne pathogens is possible. Do not store food and drinks in refrigerators or cabinets where blood and other potentially infectious materials are stored.
- Wear disposable latex or vinyl gloves if you have cuts, abrasions, chapped hands, dermatitis or similar condition, if you are examining a person with an open skin wound and active bleeding, or if you are handling blood, blood products or body secretions.
- Wear protective clothing as needed.
- Perform procedures involving blood and other potentially infectious materials in such a manner that will minimize splashing or spraying
- Wear protective clothing as needed if entering a work area where potentially infectious materials are handled.
- Wash your hands as soon as possible after handling potentially infectious materials, and after removing protective clothing and equipment.
- Remove all protective equipment when leaving the work area and, if the equipment is contaminated, place it in a proper storage container for washing, decontamination or disposal.
- Remove contaminated clothing before entering other areas of the building or leaving the building.

### **Personal Protective Equipment**

All personal protection equipment used is provided at no cost to our employees. Personal protective equipment will be chosen based on the anticipated exposure to blood or other potentially infectious materials.

Personal protective equipment for first aid providers consists of gloves, masks, eye protection, and mouth shields.

The protective equipment will be considered appropriate only if it does not permit blood or other potentially infectious material to reach the employees' skin, eyes, mouth, or other mucous membranes under normal conditions of use, and for the duration of the time that the protective equipment will be used. Protective equipment will be provided to an employee electing to respond and is stored in the First Aid Kits.

All personal protective equipment will be cleaned and/or disposed of by the city at no cost to our employee(s). All repairs and replacements will be made at no cost to the employee(s).

Responders' garments penetrated by blood or other potentially infectious materials must be removed immediately, or as soon as feasible. When the equipment is removed it will be placed in an appropriately designated area or a container for storage, washing, decontamination, or disposal. After the threat of exposure is eliminated, personal protective equipment will be placed in the biohazard bags. The bags should be sealed and properly disposed of as soon as possible.



Protective, disposable gloves shall be worn when it is reasonably anticipated that hand contact with blood or other potentially infectious materials, non-intact skin, and mucous membranes could occur. Protective gloves are available in the first aid kits.

Disposable gloves are not to be washed or decontaminated for reuse, and are to be replaced as soon as practical when they become contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

Masks, in combination with eye protection devices, should be worn whenever materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Situations that would require such protection are minor/major injuries or severe medical emergencies.

Mouth shields should be worn whenever CPR is administered.

### **Medical Wastes**

- Separate all medical/infectious waste from other waste at the point of origin, and place (except for sharp objects) in double, disposable red bags with “Biohazard” and “Infectious Waste” labels.
- Place all ‘sharps,’ such as needles, scalpels, razor blades or broken glass, in puncture-proof, leak-proof, labeled or color-coded containers for proper disposal.
- Place all infectious waste in leak proof bins or barrels marked “Biohazard” and “Infectious Waste.”
- Disinfect contaminated reusable equipment before washing for re-use. Decontaminate reusable glassware in a 1-to-9-bleach solution before rinsing and acid washing; then sterilize the glassware in an autoclave.
- Decontaminate floors and other surfaces with a 1:9 bleach solution as well.

### **Hepatitis B (HBV) Vaccinations**

The city will provide the Hepatitis B vaccine at no cost to the employee. This vaccination is available to all employees identified with the potential for occupational exposure to BBP's. Subsequent doses will be available according to current CDC recommendations.

### **Reporting**

Any employee who has suffered a cut, needle stick or mucous membrane exposure to another person's bodily fluids, or who has been exposed to human blood and blood products, must report the incident as prescribed in Section 205 “Incident Report.” An employee covered under this program, or an employee acting as a “Good Samaritan,” who has been exposed on the job to HIV, HAV, HBV OR HCV will be tested at the time of exposure to determine if the virus has been transmitted. The employee will be re-tested at six weeks, 12 weeks and six months after exposure. All testing will be performed at the city's expense.

The city will contact the exposure source and request that person to be tested, at city expense. The testing for this person is not mandatory, however, and refusal will not affect his or her employment.

Test results will be provided to source and exposed employees within five business days of their receipt.

Confidentiality will be maintained for both the exposed employee and the exposure source during all phases of the post-exposure program.

**Recordkeeping**

Exposure reports and HBV vaccination records shall be forwarded to administration for inclusion in the employee's confidential medical records. OSHA requires that records be kept for the duration of employment, plus 30 years, with the exception that any training records must only be kept for three years. Hepatitis B or HIV contracted on the job will be recorded on the OSHA 300 log as an illness. Exposure to bloodborne pathogens from contact with 'sharps' will be recorded on the OSHA 300 log if a doctor prescribes treatment with gamma globulin, HBV immune globulin or HBV vaccine.

**Contacts**

The City of New Albany has contracted with OhioHealth WorkHealth for Occupational Health Services. Location and contact information for WorkHealth centers, urgent care facilities and emergency services are posted on the city's intranet. The city's Board of Workers' Compensation (BWC) representative contact information is also posted on the city's intranet. However, only authorized staff should contact the BWC. These positions include: the deputy city manager, the finance director, and the fiscal manager.

# City of New Albany Policy and Procedure Manual

## Section 2 WORKPLACE RULES

### 218 Concealed Carry

In the interest of protecting the safety of employees and citizens of New Albany, the city has adopted the following policy:

The following sign will be posted at the entrance of every city- owned or operated building:

“Pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises. A valid license does not authorize the licensee to carry a concealed handgun onto these premises.”

Employees and officials of the City of New Albany, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from carrying firearms into any city building, in any city vehicle or at any time while they are acting within the course and scope of their employment.

Employees and officials of the City of New Albany, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from bringing a loaded handgun onto a city-owned parking lot, even if it is kept in their own vehicle, except for employees with a valid license to carry a concealed handgun.

A city employee or official with a valid license to carry a concealed handgun may bring a loaded handgun onto a city-owned parking lot, but must leave the loaded handgun in their own locked vehicle, either in the glove compartment (or other locked compartment), in the trunk, or locked inside a gun case, when they report for work. An employee or official with a valid license to carry a concealed handgun who is reporting for work may remove the loaded handgun from their own vehicle parked on city property only for the purpose of transporting it to and from the trunk of that vehicle for storage.

Any city employee or official who violates this policy is acting outside the course and scope of their duties. The city will not defend or indemnify such actions by any city official or employee. Any city employee found to be in violation of this policy will be subject to disciplinary action up to and including termination.

City employees who use a firearm (other than law enforcement officers engaged in official duties) or make comments about firearms in such a way that intimidates, harasses, coerces, or threatens another city employee will be subject to disciplinary action, up to and including termination.

# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 301 Chain of Command

As the city continues to grow as an organization and becomes more formalized, it is essential that accurate information be directed to the proper officials in an acceptable manner in order for the city to effectively address organizational concerns, solve problems, and provide higher levels of service to meet the ever increasing demand for such service levels from the community we serve.

Out of respect for and adherence to the organizational “chain-of-command”, all questions, inquiries, problems, reports, communications, etc., originating within any department, shall be directed to the department head, or designee. Specifically in the case of written communications, said communications shall either: 1) Originate with and be signed by the appropriate department head; or 2) Be transmitted to the appropriate department head through proper channels. It should then be reviewed, revised as necessary, and then signed by the department head prior to transmittal to the city manager, or designee. For union employees covered under a collective bargaining agreement (CBA) please refer to the applicable CBA for procedures on addressing or submitting an appeal or grievance. For non-union employees, regarding a formal appeal of disciplinary action, please refer to C.O. 155.27 of the city’s personnel policy.

In no instance, or under any circumstances, shall any communications or information be transmitted in writing or verbally to the mayor and/or any member of city council unless the city manager is informed regarding the nature of, receives a copy of, and approves the transmittal of such information, prior to such transmittal. In order to maintain effective council-city manager relations, and to respond to inquiries, the city manager needs to be informed regarding all communication, prior to its transmittal to council.

All employees are hereby formally advised that, except for purposes of inquiries, and investigations the council, or its members, is/are required by Section 5.02(b) of the city charter to deal with employees who are subject to the direction and supervision of city manager solely through the city manager. (Note: For purposes of clarification, please be advised that the phrase “inquiries and investigations” as stated in Section 5.02(b) of the charter refers to official, formal inquiries or investigations sanctioned by the whole of council.)

# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 302 Employee Concerns

This section shall apply in conjunction with Section 301 entitled “Chain of Command”.

The purpose of this section is to establish a formal procedure for addressing employee concerns regarding matters unrelated to the administration of discipline, the administration of the performance appraisal system, or allegations of unlawful harassment/discrimination. Specific policies and procedures exist which address appeal, review, or investigative procedures involving discipline(1), performance appraisals(2), unlawful discrimination/harassment investigations(3) and shall be used accordingly. The procedure specified within this policy is meant to address general, miscellaneous administrative issues (e.g. the application or enforcement of a particular code, ordinance, administrative order, rule, regulation or policy within the employee’s department; the administration of functions or operations within the employee’s department; the management style and philosophy of the employee’s supervisors, etc.) that, from time to time, may arise. For union employees covered under a collective bargaining agreement (CBA): please reference any applicable CBA for additional information regarding resolution of employee concerns.

An employee who has experienced a work-related and non-disciplinary complaint, question, or concern initially should discuss it with his or her immediate supervisor. If the employee does not believe that the matter was satisfactorily resolved, he or she should continue to pursue it through the appropriate supervisory chain of command ultimately ending with the city manager, or designee, who will consider the complaints and concerns of employees and determine what action, if any, is appropriate.

#### **Protection from Supervisory Reprisal/Retaliation**

Employees who raise issues/concerns through the procedure specified above are hereby protected from reprisals or retaliatory conduct/behavior on the part of their supervisors or department head. Such retaliatory conduct/behavior on the part of supervisory personnel shall not be tolerated and all supervisory personnel are hereby advised that such behavior on their part shall result in disciplinary action.

This protection shall not preclude disciplinary action of employees who raise issues that are not legitimate in nature, which disrupt the efficiency or effectiveness within the workplace, or which are not a matter of public concern.

(1) Codified Ordinances – Personnel Policies Chapter 155.26, 155.27 and 155.28

(2) Codified Ordinances – Personnel Policies Chapter 155.20 and City of New Albany Policy and Procedure Manual, Section 1, Policy 106

(3) City of New Albany Policy and Procedure Manual, Section 3, Policy 304

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# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 303 Drug and Alcohol Use Policy

The City of New Albany, Ohio (“city”) desires to, and will maintain a drug and alcohol free workplace. For union employees covered under a collective bargaining agreement (CBA): please reference any applicable CBA for additional information regarding drug and alcohol use policy provisions. The city prohibits any employee’s use, possession, distribution, sale or attempted similar conduct, of a controlled substance in the workplace. For purposes of this policy, the “workplace” refers to an area in or around the city premises, any other building or vehicle owned, rented, or leased by the city, any location to which an employee is sent on assignment, and off-site city sponsored events or activities. Employees have no expectation of privacy in city property (e.g. lockers, desks, etc.) and random searches of city property may be conducted at any time with or without notice.

This policy reflects our commitment to our employees and our belief that drug or alcohol abuse poses a serious risk, not only to the involved employee but also to the public we serve as well as other employees.

The possession, use, or sale of alcohol, unauthorized or illegal drugs, or the misuse of any legal drugs on city property, or while on city business, is prohibited and will constitute grounds for termination in accordance with the city’s disciplinary policies and procedures. This also pertains to an employee reporting to work or found to have detectable levels of unauthorized or illegal drugs or alcohol in their systems.

Employees who come to work under the influence of alcohol or any unauthorized or illegal drug will be placed on paid administrative leave immediately and subject to discipline, up to and including termination.

#### **Reasonable Suspicion Testing**

Drug/alcohol testing of employees may be conducted if there is reasonable suspicion of working under the influence of alcohol or drugs. Testing must be based on objective facts or circumstances including and not limited to, aroma of alcoholic beverage on breath, directly observed using drugs or drinking alcohol, erratic/strange behavior in the workplace, self-disclosure of selling or taking drugs or alcohol, diversion of medications, or upon verification of a drug or alcohol related conviction. Any supervisor or employee that reasonably suspects an employee of being under the influence of such substances must report this fact immediately to a supervisor and shall document any articulable facts indicating such employee is under the influence. An employee will be subject to corrective action up to and including termination if the employee refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen, sends an imposter, or refuses to cooperate in the testing

process in such a way that prevents completion of the test. The failure to do the above will be considered a violation of this policy.

**Random Drug and Alcohol Testing**

The city also reserves the right to perform random drug or alcohol testing on employees in safety-sensitive positions or those positions requiring a CDL license. These testing procedures are outlined in the applicable collective bargaining agreements or shall be conducted as required by law. If an employee tests positive, that employee may be terminated in accordance with the City's disciplinary policies and procedures.

**Notification of Conviction**

An employee of the city who is convicted of a drug statute violation occurring in the workplace during their period of employment, is obligated to report such conviction to their department head not later than five (5) days after the conviction. Failure to satisfy this requirement of the policy will be considered grounds for termination.



# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 304 Unlawful Discrimination and Harassment Policy

The City of New Albany prohibits any form of unlawful discriminatory or harassment on the part of its employees, public officials, consultants, contractors, outside vendors, volunteers, and the general public. It is the policy of the city to provide a working atmosphere free from offensive, hostile or discriminatory conduct, intimidation and other forms of harassment. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. Any form of unlawful discrimination or harassment should be reported and addressed in accordance with this policy.

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

#### **Discriminatory Harassment**

Harassment based on race, religion, color, national origin, ancestry, age, sex, disability, genetic information, military status, or veteran's status is unlawful and is a violation of the city's policy.

Harassment may be overt or subtle, but whatever form it takes - verbal, nonverbal, or physical - harassment is insulting and demeaning to the recipient and observers and cannot be tolerated in the workplace. Examples of harassment include but are not limited to verbal abuse; racial, sexual, ethnic or religious epithets; sexual preference, slurs or jokes; graffiti remarks written or drawn on walls or other structures; obscene gestures; offensive materials brought into the workplace; and hazing. Even derogatory remarks between friends may lead to overt acts of unlawful discrimination. Inappropriate conduct that does not rise to the level of unlawful discrimination may still subject an employee to discipline in accordance with the city's disciplinary policies and procedures.

#### **Sexual Harassment**

The city maintains a strict policy prohibiting sexual harassment and prohibits such harassment in any form, including verbal and physical sexual harassment. Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission or rejection of such conduct by an individual is used as a basis for an employment decision affecting such individual; or (3) such conduct has the purpose of affecting or substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may still form the basis of a legitimate complaint.

Behaviors which constitute sexual harassment include, but are not limited to, the following:

- Obscene gestures.
- Flirtatious whistling, comments or sounds.
- Suggestive or demeaning looks or leering.
- Innuendoes or jokes about individuals of a sexual nature.
- Sexual comments of a provocative or suggestive nature.
- Referring to another (such as "Honey", "Sweetheart", "Dear", etc) in a manner to elicit unwelcome sexual attention.
- Explicit derogatory sexual remarks.
- "Sexting".
- Placing suggestive, provocative, or obscene photographs, cartoons, graphics, audio or videotapes, or objects in the workplace, unless performed as a requirement of the job. This includes placing such articles inside lockers, briefcases, vehicles, or in other concealed areas.
- Physical contact such as patting, grabbing, pinching, or brushing against another's body.
- Subtle requests for sexual activity.
- Any repetitive, unwanted verbal or physical sexual advances which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

### **Management Responsibility**

All department heads and staff with supervisory responsibilities have a heightened responsibility for ensuring that harassment of any kind within the scope of their authority is promptly and thoroughly addressed. Complaints, or observation, of harassment must receive immediate attention and must be immediately reported to the personnel officer or city manager. All reports of harassment must be promptly and thoroughly investigated. Investigation may include conferring with parties and witnesses named by the employee reporting the harassment. Because of the sensitive nature of such complaints, incidents must be investigated with particular care and should remain, to the extent possible, strictly confidential.

### **Employee Reporting and Responsibilities**

Any employee who believes he or she has been harassed must make it clear that such behavior is offensive to them. The employee must also report the facts of the

incident(s) immediately to the city personnel officer or city manager who will promptly and thoroughly investigate all such claims and take appropriate action. Also, any employee who observes harassment must report the facts of the incident(s) to the city personnel officer or city manager.

No retaliation or adverse action will be taken against any employee who reports or complains of harassment or participates in any part of the investigation. However, this protection shall not preclude disciplinary action of employees who raise issues that are not legitimate in nature, which disrupt the efficiency or effectiveness within the workplace, or which are not a matter of public concern.

Any employee who engages in harassment or retaliation in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

#### **Questions Regarding Harassment Policy**

If you have any question concerning this policy, contact the city personnel officer or city manager.

# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 305 Workplace Violence

#### Definitions

*Violence* is the use of physical force, harassment, intimidation, or abuse of power or authority, where the impact is to control by causing pain, fear or personal injury. *Threat* is the expression of intent to cause physical or mental harm. An expression which constitutes a threat without regard to whether the party who communicated the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future. *Physical attack* is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects. *Property damage* is intentional damage to property that includes property owned by the city, its employees, visitors or residents.

The City of New Albany opposes violence and will respond with strong prosecution and disciplinary efforts in close cooperation with law enforcement. All city employees shall treat each other, their customers and clients, and all others with courtesy, dignity and respect. The city commits to prevent the potential for violence in and around the workplace; reduce the negative consequences for those employees who experience or encounter violence in their personal or work lives; and foster a work environment of respect and healthy conflict resolution. By making this commitment, the city believes it is also contributing to a safer, better community.

The city acknowledges that many of its employees are exposed to violence by the very nature of their jobs. It further understands that all human relationships include the potential for conflict that may be experienced as incidental or sustained violence.

When a supervisor, department head, or employee observes an act of violence at work the steps to take are simple, even though the underlying issues may not be. All incidents of workplace violence must be reported to either a department head, the city manager, or designee immediately. A form to report workplace violence may be found on the city's intranet. When the situation is critical, verbally notify a department head, the city manager, or designee then follow-up with the workplace violence form. In immediate emergency situations . . . Call 911.

# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 306 Use of Computers, Internet, Online Services, and E-mail

The purpose of this policy is to provide guidelines and ensure that the city's computers, electronic mail, internet and other communication devices increase productivity, are used for business purposes, and reflect the professional standards of the city.

#### Expectations of Privacy

- Employees have no right to privacy when utilizing technology owned by the city. Each employee accepts these restrictions as a pre-condition of use.
- Any use of city technology resources is neither confidential nor private in nature, and any information produced, stored, accessed, transmitted, or received on or through the city computers remains city property.
- Personal data stored on a city computer is done so at an employee's own risk. The city is not liable for loss or damage. Media stored on the city's computers or other communications equipment in any form is subject to search and retrieval, with or without notice to the employee.
- E-mail is neither private nor confidential. Accordingly, the city may, at any time, search and retrieve the contents of any e-mail sent or received within the city e-mail system
- Internet access through the city's network is subject to limitation, monitoring, and logging. Software tracks all sites visited and this information can be used for investigative and disciplinary purposes in situations of expected abuse.

#### Guidelines for Acceptable Use

- Limit the use of technology resources to business purposes only
  - Facilitation or enhancement of job function/performance
  - Communication with your internal and external business network
  - Scheduling and coordinating resources
  - Research related to a work issue or project
  - Increasing productivity / efficiency
  - Utilizing resources for personal growth
  - Encourage collaboration among government entities
- Employees are expected to communicate in a professional manner that will reflect positively upon themselves and the city. The content of e-mail sent through the city system should be appropriate for a business environment and devoid of material that could bring discredit upon the city.
- Refrain from opening electronic mail messages and file attachments from unknown or untrusted sources. If you are unsure of the validity of an email, please contact the IT department prior to proceeding.

### **Examples of Prohibited Use**

- Violation of local, state, or federal law
- Sending, downloading, soliciting or accessing sexually explicit material.
- Activities related to personal profit or gain. Examples include gambling, private investment, outside business activities, or unauthorized solicitation.
- Accessing or disseminating confidential information without expressed authorized consent. Confidential information does not include information related to the terms and conditions of your employment.
- Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status, political beliefs, or any other characteristic protected by federal, state, or local regulation. Those who originate, forward, or circulate such material in the work place are subject to disciplinary action, up to and including termination of employment.
- Engaging in unlawful personal attacks, threats, or defamation. Content is considered to be harassing when sent with the intention to annoy, distress, or harm another person. If a person tells you to stop sending messages, then stop.
- Bandwidth intensive sites like streaming audio, video, and radio that can disrupt access for those utilizing the internet for business purposes.
- Engaging in personal communications or postings on news groups or other internet sites that identify or present the appearance that the employee is speaking on behalf of the city in any way, without the express, prior approval of the employee's supervisor (refer to the Communications policy 308 for additional information). Postings identifying the city may create the mistaken impression that the employee has the authority to speak for the city or its offices. This restriction does not apply to e-mail otherwise permitted within this policy.
- Employees should not violate the privacy of others and must be sensitive to the fact that Internet news group postings as well as certain e-mail messages, sites on the World Wide Web, and various other communications on the internet are public.
- Sending chain letters, joke lists, or other inappropriate materials.
- Gaining unauthorized access to any computer system (known as "hacking"), to create or spread computer viruses, or to otherwise disrupt or damage the computers or data of the city or any other person, office, or company.
- Sabotage of the City network or services.
- Violation of the property rights of others, including infringement of copyrights, trademarks, licenses, or other protected property rights, or disseminating or receiving proprietary data, trade secrets, or other confidential information of the City of New Albany or any other person or company. This prohibition is particularly important when downloading programs or copying other information from the internet. If material is copyrighted or otherwise protected, you must request the permission of the owner before downloading or copying that information.

- Downloading or installing software without obtaining prior approval from Information Technology Manager.
- Reading, viewing, or disseminating e-mail of co-workers, supervisors, or other city employees or officials without the employee's permission or the express authorization from the department head or the city manager except as required or permitted by law.

#### **Guidelines for Incidental/Occasional Personal Use**

- Employees may be permitted to use city technology (electronic mail/internet) during non-working hours for personal use (e.g. lunch breaks or before or after duty hours). The employee's supervisor, however, may terminate permission for personal use at any time for any reason.
- Personal use of electronic mail should be limited to isolated and incidental use, similar to the use of telephones for occasional and brief personal calls. Anyone who abuses this access may have e-mail use restricted or terminated.

#### **Computer Software Licensing**

No employee has the right to duplicate computer software or related documentation that is purchased by the City. Unauthorized duplication of computer software is a federal offense, punishable by significant fines and a possible prison sentence.

The City does not condone the illegal duplication of software. You must use the software in accordance with the license agreement. This applies to all individual desktop computers, laptops, and local area networks.

Employees learning of any misuse of software or related documentation within the City shall notify their supervisor. Employees who reproduce, acquire or use unauthorized copies of computer software will be subject to discipline, up to and including, termination of employment.

#### **Records Retention**

Records transmitted through e-mail will have the same retention periods as records in other formats that are related to the same program function or activity. Therefore email is subject to disclosure in the same manner as any other memorandum, letter, or document. To comply with all applicable records retention laws, store your public record in folders on the server pursuant to the city and departments retention schedules.

#### **Mobile Devices**

The ability to synchronize your email, calendar, and contacts between your cellular device and the city server offers productivity benefits outside of the office. It is the desire of the city to make these benefits available with an emphasis on the security of our infrastructure and data. To obtain access to the city server, all employees must fill out the Mobile Device Agreement.

**Disclaimer**

Nothing herein is intended to interfere with any legally protected right of any employee.

Originally Issued September 21, 2001  
Replacement Issued August 1, 2014



## **City of New Albany Mobile Device Agreement**

Employee Name \_\_\_\_\_

Device Type \_\_\_\_\_

Mobile Number \_\_\_\_\_

I voluntarily request access to the City of New Albany mail server for the above listed device(s). I understand that the granting of these permissions do not require me to conduct city business outside of my scheduled work hours. Furthermore, I understand that I am prohibited from performing work outside of my scheduled work hours unless expressly authorized to do so in advance and that performing unauthorized work outside of my normally scheduled work hours could subject me to discipline, up to and including discharge. I understand that by requesting this access, my use of the mobile device(s) is subject to all rules relating to the email, phone and internet policies. Furthermore, I agree that the City reserves the right to deny or revoke mobile access permissions as deemed necessary in the City's sole discretion. Upon termination of employment with the City of New Albany, I understand that my mobile device will be wiped of all city data up to and including a reset to factory defaults. I understand that the City assumes no responsibility or liability for the loss of any personal data stored on the mobile devices(s). I understand that I am responsible for reporting the loss or theft of the mobile device(s) immediately upon discovery of the loss or theft to \_\_\_\_\_.

Employee Signature \_\_\_\_\_

# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 307 City-Wide Telephone System

The purpose of this section is to establish a policy for the approved use of the city's telephone system. This policy will provide a structure in which the telephone system can be most effectively used and prevent occurrences of abuse.

#### **Applicability**

The city's telephone system is one of our primary means of conducting business with our citizens and businesses. Our telephone system must be used in the most productive and effective manner to satisfy those that we serve. Personal preferences will be secondary to utilization that best meets our customer satisfaction goals.

The telephone system includes any city-owned telephone processing equipment and any telephones connected to this system. Desk phones, cellular phones, walkie talkies, and pagers are included in this telephone system. All such equipment, any related software and any related information retained by the system including voice mails are the property of the city.

This policy applies 24 hours a day, 7 days a week.

#### **Cellular Telephone**

The city recognizes the need for city-provided cellular phone and pager service for designated employees. Cellular phones will be provided to designated employees as deemed necessary by the city. Employees are encouraged to use the cellular phone in accordance with the plan requirements and shall be responsible for any overages.

Employees eligible to be issued a cellular phone or pager shall be identified by the city manager or department head, who shall maintain a listing of such employees. The city manager or department head shall review the list of approved users periodically to ensure the designated employee's position continues to demonstrate a need for the cellular phone or pager.

The city shall select the vendor and appropriate equipment to provide to employees eligible for such cellular phones and/or pagers.

Employees are expected to remain under the service plan's designated minutes and conditions of use (data use, airtime, and messaging). Employees are responsible for managing the cost effectiveness of cell phone use, and should utilize assigned landlines when available and appropriate. Employees should be aware that calls outside the immediate service area may result in costly roaming charges in addition to long distance and airtime charges. The city may be charged for both outgoing and incoming cellular calls and messages.

Calls that would result in the assessment of long distance, roaming or other additional charges are prohibited unless placed as part of their official duties or work-related travel.

### **Hands-Free/Safe Use of Cellular Phone and/or Mobile Device**

Employees are strongly encouraged to use a hands-free device when listening to or speaking on a cellular phone or mobile device while operating a city vehicle, or operating their private vehicle for the purpose of conducting city business. Employees should practice safety measures while operating city vehicles or their personal vehicle for the purpose of conducting city business, and are encouraged to park their vehicle in a safe location while dialing, answering, speaking or listening on a cell phone, or while using another communication device. Sending or receiving text messages and/or email messages on a cellular phone or mobile device is strictly prohibited while the employee is operating in a city vehicle, or a personal vehicle while conducting city business.

### **Lost, Stolen or Damaged Equipment**

Employees are responsible and will be charged the fair market value for lost, stolen or irreparably damaged city cell phones, mobile devices, pagers and related equipment, unless such loss was directly caused by work-related activities. Employees are required to immediately notify their supervisor of any damage to or loss of a city-issued cellular phone, mobile device or pager. Any assessed costs for lost or damaged property will be made through payroll deduction.

### **Invoices/Audit**

The city reserves the right to audit/review any or all cellular phone bills, messages, texting with or without notice. Department heads shall periodically review each cellular phone bill within their department.

### **Allowance/Stipend**

As an alternative to using a city-issued cellular phone, identified officials and employees may elect to use their personal (owned or leased) cellular phone for city-related business. The following individuals (as authorized by the city manager) may elect to participate in the city's Cell Phone Allowance Program:

- City Manager
- Deputy City Manager
- Police Chief
- Finance Director
- Public Service Director
- Community Development Director
- Deputy Community Development Director
- Chief Building Official
- Public Information Officer
- Police Sergeants
- Finance Manager
- IT Manager

- **Development Services Manager**

Employees authorized by the city manager may elect to receive a monthly stipend of **\$35.00** to cover expenses for city usage of a personal cellular phone and data package. If the employee chooses this option, any charges incurred by the user in excess of the monthly stipend will be the responsibility of the employee. No additional reimbursement will be available. Per IRS regulations, this stipend is treated as income to the employee and not as an expense reimbursement. The city manager reserves the right to terminate the cell phone allowance for any previously authorized employee at any time and for any reason, including the cost-effectiveness of the stipend.

In the event an employee elects to receive the cellular phone allowance in lieu of using a city-issued phone, they agree to make and receive business calls on the phone. In addition, the employee's private cellular phone number shall be provided to the city administration for emergency contact purposes. Employees electing to receive the cellular phone/data service allowance further agree to send and receive email messages from their city email account on their phone.

Employees who purchase or lease cellular phones and/or pagers which they will use in connection with city work may not list the city as co-owner or co-lessee. The city will not be responsible for the cost associated with the loss or damage to employee-owned cellular phones, unless such loss was directly caused by documented work-related activities.

The city is not responsible, and will not reimburse employees, for the cost of personal phones, pager or upgrades, or for the costs of deposits, initializing phone service or terminating service plans prior to the expiration of any plan contracts.

### **Voicemail**

- **Public Record**

The city provides voice mail for employees to conduct city business. Voice mail may be a "public record" subject to disclosure in the same way that messages of similar substance contained in or upon media are defined as "public record" pursuant to applicable law.

- **City Property**

All voice mail messages are a part of the city's telephone system and therefore, are considered city property. City administration reserves the right to review all communications made by city employees in regards to use of the city's telephone system. Voice mail messages may be monitored with or without notice for legitimate business reasons and to enforce work rules. All city employees are hereby advised that there is no right or reasonable expectation of privacy in the use of the city's voice mail system.

## **Acceptable Use**

- **Etiquette (voice mail and conversational)**

Employees are expected to abide by the generally accepted rules of etiquette. These include, but not limited to, the following:

- Be polite. Do not get abusive in your messages to others.
- Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language.
- Do not use the system in such a way that you would disrupt or interfere with any other user.
- Prohibited uses include, but not limited to, illegal activities, threats, harassment, slander, defamation, obscene or suggestive messages, racially offensive or derogatory messages, political endorsements, commercial activities, and use or attempt to dial 900 or sexual oriented telephone numbers.

- **Security**

Voice mail security is an important matter. If you feel you can identify a security problem, notify the city administration. Do not demonstrate the problem to other users. Do not use another individual's voice mail account without written permission from that individual.

Any unauthorized change to the user telephone will be considered a security violation.

- **Personal Use**

Some personal use of the telephone system is expected. Long distance personal calls must be reimbursed to the city.

Any extensive use of the telephone system for non-business reasons is prohibited.

## **Responsibility**

City administration has the sole authority to change the telephone system configuration and/or security, and must authorize any changes to user telephones. Personal long distance access codes, passwords or other access limitations shall not be placed on the telephone system, without authorization from their supervisor, and upon request the employee shall promptly disclose the information to enable access.

The city is not liable for any illegal or inappropriate telephone activity conducted by a staff member.

In the event that an employee receives voice mail that is of an abusive, threatening, criminal or otherwise inappropriate nature, the employee shall save the message and advise his or her supervisor or department head.

The supervisor shall review the message and respond in an appropriate manner. If the content of the message is such that intervention or involvement by the police department is appropriate, the police chief and city manager shall be notified.

Originally Issued October 31, 2001  
Replacement Issued October 21, 2004  
Replacement Issued February 25, 2010  
Replacement Issued August 1, 2014

August 2014

**CITY CELLULAR PHONE POLICY  
EMPLOYEE ACKNOWLEDGEMENT**

I acknowledge that I have read, understand and agree to abide by the terms and conditions of the foregoing cellular telephone policy. I further understand and acknowledge that this policy does not alter any other provisions of the Policy and Procedure Manual or, if I am subject to a collective bargaining agreement, and other term or condition of my employment.

Employee Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved by:**

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Manager: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY CELLULAR PHONE POLICY  
ALTERNATE CELL PHONE ALLOWANCE PROGRAM ELECTION**

Having been authorized by the city to participate in this program, I hereby elect to receive reimbursement for my business-related cell phone usage through:

\_\_\_\_\_ \$35.00 per month cellular phone allowance

If my employment with the city is terminated for any reason, all reimbursement or allowance costs will cease, except that I am entitled to reimbursement for any properly documented work-related calls made through the date of termination.

I have read, understand and agree to abide by the terms and conditions associated with the city's cell phone allowance program. I acknowledge that this benefit may be taxable per the IRS tax code and that I am responsible for any and all taxes on this benefit.

Employee Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved by:**

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Manager: \_\_\_\_\_ Date: \_\_\_\_\_



# City of New Albany Policy and Procedure Manual

## Section 3 EMPLOYEE CONDUCT

### 308 Communication

#### **Purpose**

The official description of the city manager's core values of courage, humility, integrity and leadership, explains, "We shall perform our duties regardless of obstacles and difficulties...we shall foster a mindset that gives priority to the concerns and needs of others and promotes a spirit of service...we shall be truthful in our speech, accurate in our representations and without duplicity in our conduct...and we will establish clear expectations and provide appropriate guidance, direction and resources to facilitate the delivery of quality services...."

This communications policy establishes the expectations, responsibilities, procedures and guidelines for all staff, regardless of department affiliation, and serves as an extension of the core employee values established by the city manager.

#### **Communications Mission Statement**

Staff will increase public awareness, interest, understanding of and participation in city-related programs, services and issues. Staff will conduct themselves with patience, courtesy and respect for others, actively listening with a genuine intention and desire to understand the communications needs of those they serve.

#### **Communications Vision Statement**

Staff proactively exchange accurate information and listen intently to those they serve. Residents, businesses and community partners are inspired to work collaboratively with New Albany leaders and staff as a result of efforts to engage, inform, and connect with the public.

#### **Public Information Officer Assistance to Departments and Staff**

Upon request, the Public Information Officer (PIO) will assist any department or staff member with communications strategies relating to authorized services, programs, projects, as well as incidents or issues.

#### **Internal Staff Communications**

New Albany staff is vital to the success of the organization as a whole, and continuous efforts will be made at every level to facilitate a teamwork attitude throughout the organization. Staff is encouraged to work together and interdepartmentally as appropriate and whenever possible to accomplish communications goals and provide accurate information to the public. Department heads shall be mindful of other city department activities and challenges.

#### **Internal Meetings**

The city manager will meet individually with department heads and collectively with senior

staff to facilitate open communications between all departments. Department heads are expected to share information from these senior staff meetings, as well as information from monthly department reports, with appropriate staff whenever pertinent.

Department heads are expected to meet with their staff regularly, both individually and by conducting staff meetings as necessary, to update respective staff on key issues. To illustrate that all staff members are a respected part of the city team, the city manager will periodically conduct full staff meetings involving all departments. The city manager (or designee) will also visit individual departments as needed to share updates.

#### **“City-wide” Staff e-mails and Communications to All Departments**

City-wide e-mails (i.e., e-mails sent to all staff using “City All”) are to remain professional and city-related. Any staff member wishing to send a letter or e-mail to all staff shall receive permission from their respective department head before distribution.

Department heads will provide direction to their staff members regarding the distribution of e-mails that may be sent to all members of a particular department.

### **Interacting with the General Public – Various Communications Tools**

The city manager’s core value of leadership states, “We shall take initiative and assume personal ownership of problems and challenges when we encounter them, working to resolve them promptly and effectively.” To this end, staff will proactively address requests for assistance from the general public.

#### **Public Records Requests**

Staff will be guided by New Albany’s Public Records Policy, which is consistent and in accordance with Ohio laws. Public records requests should be coordinated through the City Manager’s Office. Department heads will be notified of all public records requests that apply to their respective departments.

#### **General Service-Related Questions & Concerns**

Staff will make every effort to respond to general service questions or requests within two working days. For customer inquiries that require some amount of research, staff will:

- inform the customer within the initial two working day time period that additional time will be necessary to fulfill the request;
- provide an estimated response time to the customer; and
- contact the customer within the given timeframe. If more time is needed than was provided initially, staff will still respond to the customer in the promised time frame but explain that more time will be necessary to provide the information.

It would not be uncommon for response times to some customer questions, particularly those questions requiring feedback from multiple departments, to be one week or even longer. The key for staff in these situations is to be as proactive and responsive as possible.

While staff will make efforts to respond expeditiously and accurately to all questions, there may be occasions when attempting to answer a particular customer request may not be possible. For example, staff may not be able to answer a customer request without extensive research if information is not readily available to address a customer request through the use of an existing public record. If no public records are available, and such extensive research would interfere with other assigned duties, staff is to discuss the situation with their department head on a case by case basis to determine how to proceed.

#### **First Hand Communications: City-Related Service Questions While in the Field**

When staff is approached by customers while working in the field, staff shall conduct themselves with the philosophy of providing fast, friendly and factual customer service. If a staff member is approached by a customer in the field and staff can efficiently and correctly answer a question while in the field, staff is strongly encouraged to do so. However, this may not always be possible.

If field staff cannot answer a question, one of the following three scenarios should occur:

- Staff in the field obtains adequate information from the customer (including contact information), ascertains the appropriate response from the proper department, and personally follows up with the customer within two working days. This scenario could be used for general questions, but questions outside the responsibilities of a particular department should be answered by the appropriate department; or
- Staff in the field obtains adequate information about the issue and customer contact information and provides this information to the appropriate staff member or department. The appropriate staff member then follows up with the customer. If this scenario is chosen, the staff member in the field is responsible for providing their business contact information to the customer so that the customer can communicate back to the original staff member if such follow-up becomes necessary; or
- Staff in the field may provide the customer with the contact information of an appropriate department representative who can better assist the customer. If this option is chosen, it is still the responsibility of the original staff member in the field to follow up with the appropriate staff member to make staff aware of the request. In this way the customer's questions can be answered in a satisfactory manner.

#### **Notifying Supervisors of Potential Communications Issues**

Employees shall notify their supervisor or department head whenever a potential

communication problem or misunderstanding with the public may develop. When notifying their supervisor or department head, depending upon the respective departmental direction, staff is encouraged to communicate appropriate actions they feel might mitigate the potential situation. In those situations when staff communicates to an immediate supervisor who is not a department head to discuss an issue, that supervisor shall notify the department head immediately to discuss the circumstances involved. Department heads will communicate potential incidents to the PIO if they believe individual situations warrant such action.

### **Staff Letters to the Public**

Any staff member preparing a letter for distribution to multiple residents or businesses is to work collaboratively with the PIO prior to broad distribution of the letter to best communicate project goals.

If the letter to be distributed is a frequently used standard letter, such letters are exempt from this policy if they have already been reviewed and approved in the past by the PIO and the content or format of the letter has not been substantially revised since approval took place.

### **Promotional Flyers or Other Materials**

Respective departments or individual staff members coordinating these types of projects shall follow the *New Albany Branding & Visual Identity Guidelines*. Upon request, the PIO is available to assist with these types of projects.

### **Website**

The PIO serves as the editor of the entire website. As respective budgets allow, the PIO will work collaboratively with department representatives to incorporate new ideas designed to make New Albany's website more dynamic and user friendly.

### **Requests by New Albany Community Organizations to Place Information in Official City Communications to the Public**

There are a variety of worthy organizations in New Albany doing outstanding work for community causes. Even though many of these organizations are not affiliated with city operations in any way, representatives of these organizations sometimes seek communications assistance from New Albany staff to promote their special events or fundraisers. As a matter of practice, New Albany staff does not include information in its communications to the public unless the requesting organization is a partner with the city for a particular event and there is adequate space in the respective publication to do so. There are times when, due to an impact on traffic or logistics (i.e., a major road being closed due to an event), information about an event may be included in city communications so that residents are aware of potential travel issues.

### **Social Media**

Technology has made it easy to post information using any number of social media information sharing systems. Social media platforms are web-based and/or mobile applications to turn communication into interactive dialogue. In this document, social

media refers to blogs, microblogs, podcasts, wikis, social networks like Twitter and Facebook, virtual worlds and all other emerging and as-yet-undiscovered social technologies. While New Albany recognizes and encourages innovative ways to utilize technology tools to communicate with customers, such use must be viewed as just one piece of a comprehensive approach to communication.

## **City Use of Social Media**

### **Social Media - General Content**

Each social media entry on a city-sponsored website or social media site is to contain relevant and informative content on specific topics related to New Albany current or potential community services, events, community development or economic development activity. Content should be concise, clear, professional and relatively informal. Content can be geared toward the fun or whimsical so long as professionalism is displayed, especially since a primary use for social media is to create dialogue opportunities and most dialogue is informal in nature. Content should not be designed to intentionally raise controversial questions or issues.

### **Social Media - Staff Responsibilities**

The PIO is responsible for New Albany social media integration. Before any particular tool is implemented or used, the PIO will work with departments to determine how that tool fits into the overall communications scope for New Albany, if it fits at all. Ease of brand recognition, start-up time, communications messaging and strategies, and overall staff time are just a few components that must be carefully considered before implementation of any particular social media tool.

### **Social Media - New Albany Staff Replies to External Social Media Posts**

Most posts on external (non-New Albany) social media platforms will not require a reply by an official New Albany staff representative. When replies to comments are necessary, the reply should explain or educate, and not debate. When possible, responses should include links to New Albany's website for more information.

Staff members with media responsibilities may post city information or respond to a blog or social media posting only after discussing the situation, producing a draft written response, and receiving approval to post the draft response from the city manager (or designee) or PIO.

All social media responses shall be in a manner that upholds the professionalism, mission, vision, and core values of the entire organization or be subject to discipline deemed appropriate by their department head and/or the city manager.

### **Social Media – Community Posting Conduct**

Because promoting dialogue with the community is a primary reason for using social media, nearly all social media posts left by external users on New Albany social media sites will remain. However, comments that are vulgar, distasteful or disrespectful in nature may be deleted in their entirety at the discretion of New Albany staff. Continued

distasteful or disrespectful posts could result in the loss of posting privileges. Additionally, posts that are advertisement-oriented or not related to the mission of the City of New Albany municipal government may also be deleted.

### **Staff Use of Social Media as a Private Citizen**

Staff has a right to use social media outside of work, but this right comes with added responsibility and an employee's use of such technology constitutes consent to being monitored by the City of New Albany. While this policy is not meant to infringe upon one's First Amendment rights, it is important to note that an employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. Because of this, an employee needs to use "common-sense" when posting comments, photos, opinions, or any other information related to his or her employment.

Non-exhaustive examples of discouraged and/or prohibited conduct include, but are not limited to:

- Posting one's photograph while wearing a New Albany uniform of any kind or while on duty (or other similar attire which could be misidentified as a New Albany uniform);
- Posting pictures, videos or comments that constitute or could be construed as unlawful behavior;
- Knowingly or recklessly posting defamatory or false information about New Albany, supervisors, co-workers, public officials, or those who have a relationship or partnership with the City of New Albany. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above;
- Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments is discouraged; and
- Posting pictures, videos or comments that are unlawful, sexual, violent, offensive, harassing, contrary to any policy of the city, or pornographic in nature along with any reference to the City of New Albany or an individual's employment.

### **Social Media Responsibility**

Every individual employee is personally responsible for any content published online, no matter the social media platform. Staff members who identify themselves as being associated with the City of New Albany government, or who are already publicly known for their connection to staff, are expected to take personal responsibility that their online profile or content is consistent with the standards of the City of New Albany and its staff. Further, staff members are to be mindful that what is published could be public for a very long time. Staff members also need to understand an individual site's terms of service.

### **Social Media Transparency**

When discussing matters related to one's job or the City of New Albany in general, staff members should identify themselves by using their name and their respective role as a city staff member. Staff members are to make clear that they are speaking as individuals and not on behalf of the city government or any staff member. Suggested disclaimers would include statements like: "The postings on this site are my own and don't necessarily represent the positions, strategies or opinions of the City of New Albany or its individual representatives."

### **Social Media Confidentiality**

Staff members are not to publish sensitive or confidential city-related information on their personal social media sites. Confidential information does not include information relating to the terms and conditions of employment. Staff members are encouraged to remember that not every employee chooses to share personal information online and employees should consider the privacy interests of their co-workers before discussing other city employees on any social site. Staff members are also encouraged to not to post or use city logos or trademarks without permission. Staff must be aware of and respect copyright, fair use and financial disclosure laws.

### **Social Media Engagement**

If staff is unsure of the appropriateness of a draft social media post, it is always better to simply not make the post live. Staff members are expected to review the post carefully and question its objectivity and seek guidance from their supervisor before posting any potentially questionable information. It is important to remember that staff members are solely responsible for posted information in any social media format.

While at work, unless an employee has direct responsibility for posting work-related information on a city-sponsored website or social media site, an employee may only access social media website, blogs and/or other internet forums during their lunch or breaks. This includes access from a personal cellular device during an employee's hours of work.

More social media engagement as a private citizen can be viewed in the section entitled "Staff Involvement As Private Citizens in Traditional or Social Media Stories". This portion of the policy shall not infringe upon employee's rights under O.R.C. 4117.

### **Traditional Media Relations**

Designated New Albany staff will proactively work with the news media in a decentralized environment to inform the public. Representatives from each department who have media responsibilities will assist the media. Any time a staff member communicates information to the media, the respective staff member is responsible for informing their department head and the PIO of the conversation and pertinent materials/information shared with the reporter.

New Albany staff may answer questions that arise from the news media in a courteous, professional and timely manner according to the following levels of responsibility:

- The city manager, deputy city manager, and PIO may provide information on

policy issues and other issues that have city-wide significance or impact.

- The city manager, deputy city manager, PIO, respective department directors and deputy directors may provide information on issues within their respective areas of responsibility.
- Supervisors and other staff recognized by respective department heads as media liaisons may provide specific information concerning projects within their areas of responsibility. Department head designees should be at an appropriate level in the department to describe steps involved in formulating a departmental decision to multiple forms of media (print, radio, TV, etc.).
- Any staff with media responsibilities will have some form of media training prior to assisting the media. Department heads will provide the names of all staff with media responsibilities to the PIO so that the PIO can ensure basic training to all staff prior to any media contact.
- Upon the completion of any discussions with the media, staff is expected to contact their respective department head and the PIO as soon as possible to discuss the interview in more detail.
- Employees not matching any descriptions above shall not provide media interviews or information to the media as a representative of New Albany. Instead, they shall direct the media representative to contact the PIO or their respective department head. As soon as possible after any such media request has occurred, the employee then will notify their respective department head and make the PIO aware of the media request, either in person, by phone or email.

### **Working with the Media – Staff Rights**

Staff has a right to:

- Decline to answer a question in an interview.
- Know who the interviewer will be in advance.
- Know what general subjects will be covered during an interview.
- Be assisted during the interview by the PIO (upon request)
- Ask for additional time to research unexpected questions.
- End the interview at most any time.
- Be treated fairly, honestly and professionally.

Staff does not have a right to:

- See a list of specific questions in advance.
- Review a finished story before it is printed or aired.

### **Working with the Media - Discussing Difficult Topics**

Staff members with authority to assist the media may still find themselves in potentially uncomfortable situations when carrying out their media responsibilities. To keep these



situations to a minimum, staff is to contact the PIO and/or their department head or supervisor prior to talking to the media if they believe any potential situations may arise. The PIO is available for further consultation, or, in the event the individual media liaison does not feel comfortable returning the media call, the PIO can make the call upon request.

If at any time staff feels uncomfortable in answering a media question during an interview, they may ask the reporter for more time to answer the question. Staff should never feel compelled to provide an answer to a question for which they are not comfortable. In these instances, staff should seek immediate assistance from the PIO or their respective department head, even during an actual interview if necessary.

### **Working with the Media – Appropriate Media Outcomes**

When a staff member with media responsibilities is contacted by the media, one of three outcomes shall occur:

- Staff with authority to do so answers the reporter's questions directly;
- Staff asks for time to formulate a response and contacts the reporter within the deadline window (staff may coordinate information and draft talking points with the PIO prior to returning the media call); or
- Staff coordinates information with and through the PIO, who then personally contacts the reporter.

### **Working with the Media - Deadlines...What to Do When They Can't Be Met**

Reporters are at times on tight deadlines and staff will do all in their power to meet reporter deadlines. But staff also has the obligation to ensure the information being provided is accurate. There will be times when it will not be possible to meet the reporter's deadline. When this occurs, staff shall let the reporter know as soon as possible that the deadline cannot be met, and seek the desired way to proceed from the reporter.

### **Working with the Media - No Recognized Department Media Liaison Is Available**

If a department head or other media liaison recognized by the department head is not available to assist, the media request should immediately be referred to the PIO.

### **Working with the Media – The PIO's Role in Helping You**

The PIO serves as the primary media source for city-related information, but all staff with media responsibilities shall be ready to assist the media as needed. Inevitably, the PIO will not receive all media requests. New Albany's proactive and decentralized structure of assisting the media necessitates that staff with media responsibilities are ready to assist.

When given the opportunity, the PIO will provide as much information as possible, reducing the time necessary for department heads and other staff "experts" to personally attend to media requests. Still, there may be times when the media wants a quote from a field expert that, in the media's view, cannot be provided by the PIO.

If the PIO receives a media inquiry and it becomes necessary for a department representative to provide additional information, the PIO will immediately contact the appropriate staff representative to: make them aware of the upcoming media call; discuss issues pertaining to the question at hand; and develop a strategy to properly answer the media information request.

#### **Working with the Media - News Release Distribution**

Any department media representative distributing a news release for their department should routinely forward all news releases to the PIO *before* media distribution. Upon request, the PIO will assist departments in formulating and distributing news releases.

The PIO may also initiate ideas to respective departments for news releases or suggestions for articles that may be distributed in New Albany materials. Whenever this occurs, the PIO will work closely with the respective department as necessary to complete the product.

#### **Staff Involvement as Private Citizens in Traditional or Social Media Stories**

The following guidelines are to be followed for those employees who choose to use traditional or social media as a private citizen:

- Letters or postings may not be prepared on “city” work time, distributed on or inside New Albany materials, or mailed at the city’s expense.
- Letters or postings cannot imply in any manner that the response is on behalf of the City of New Albany.
- Contact with a reporter may not be made on “city” work time or by using New Albany-owned equipment.
- Any statements made to the public shall not disrupt public meetings or interfere with the city manager (or a chosen designee) in carrying out the day-to-day management responsibilities of New Albany.
- Employees shall be aware that posting information to personal social media sites during work hours and/or using New Albany equipment to post personal information online is greatly discouraged and may be subject to public record laws. Such actions are also subject to employee discipline.
- Employees who recognize or promote their employment with the City of New Albany on their personal social media accounts need to understand that their personal views may be viewed as a reflection of the City of New Albany by nature of the public accessibility to the information. For this reason, employees who recognize their employment with New Albany on any personal social media tool are expected to ensure their personal online content is consistent with the values, ethics and acceptable behavior of the organization.

- Employees are discouraged from posting information or opinions that portray New Albany, its elected and appointed officials, or other employees in a negative light. Comments that create a hostile work environment can be cause for disciplinary action, up to and including termination.

More information about staff use of social media as a private citizen is included in the social media portion of this policy.

**Communicating to the Public During an Emergency**

Refer to Crisis Communications Plan

# New Albany Policy and Procedure Manual

## Section 4 ETHICS/RULES OF CONDUCT

### 401 Commitment to Ethics / Avoiding Conflicts of Interest

Employees should safeguard the public's confidence in the integrity of government by conducting themselves in a manner which is conducive to public trust and respect, accountability and independent objective judgment. Employees should pursue public interest over self-interest and should avoid situations that create the appearance of conflict of interest or unethical behavior in their personal and professional lives. Individuals should obey laws and avoid schemes to exploit loopholes in laws or policies. Knowledge of impropriety should be shared with management so that it can be properly investigated and addressed.

No employee shall conspire or knowingly engage in any activity which deprives any person of his/her civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any one constitutional or statutory right.

Ohio Ethics Law recognizes that many public officials and employees are in a position to make or influence decisions that directly affect their personal interests. The Ethics Law attempts to prevent this type of activity. The following summarizes the types of conduct prohibited or restricted by Ohio Ethics Law. A complete copy of the Ohio Ethics Law and Related Statutes are available upon request in the administration department. Employees with a question(s) or concern(s) regarding an ethical issue or a conflict of interest matter are to contact the city manager or deputy city manager.

#### **Abuse/Misuse of Official Position**

Employees must avoid situations in which they might gain personally as a result of the decisions they make or influence as public employees. Employees are also strictly prohibited from using their position to benefit others, such as business associates and family members, because their relationship with those individuals could impair their objectivity in the exercise of their public duties. Employees are prohibited from soliciting or accepting gifts, travel expenses, consulting fees, or any other thing of substantial value from a party that is interested in, regulated by, or doing or seeking to do business with the city. See supplemental *Donation Acceptance Guidelines* attached. These are guidelines and are subject to change. If an employee has a question or is in doubt about any item, please contact your department head. The guidelines follow a flowchart format and illustrate how food items, event tickets or passes, coupons, vendor gifts or monetary gifts/donations should be handled.

#### **Confidentiality**

The Ethics Law prohibits present and former public officials or employees from disclosing or using any information appropriately designated by law as confidential. This prohibition remains in effect as long as the information remains confidential.

**Endorsements and Referrals**

Employees shall not permit their photographs or names (in their public capacity) to be used to endorse products or services without prior written approval from the city manager. While on city time, employees shall not publically endorse, recommend or suggest the employment or procurement of a particular product, professional or commercial service.

**Gratuities**

Employees are prohibited from soliciting or accepting from any person, business, or organization, any tangible or intangible property, promise, or service, or in any way use their official position, if a reasonable person could infer that such action benefits their private interests in conflict with their duties and responsibilities. All unauthorized gifts, gratuities, loans, fees or rewards coming into the possession of employees must be brought to the attention of the department head and shall be returned (or used for the benefit of the city). The decision to return or use the gift, gratuity, etc. shall be at the sole discretion of the city manager.

In accordance with Ohio Ethics Commission Advisory Opinion 2001-03, public employees (officials) are prohibited from soliciting or accepting rounds of golf from persons who are regulated by, interested in matters before, or doing or seeking to do business with the city.

**Public Statements and Appearances**

Employees are not to publicly criticize or ridicule the city, its policies, or other personnel by speech, writing, or other expressions. Employees are not to address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, post any writings or blogs on the Internet without the approval of the department head and/or city manager. If an employee has any question about what is permissible, contact a department head and/or city manager. Please refer to the Communications Policy 308 for additional information regarding this topic.

**Public Contracts and Public Investments**

Public employees are prohibited from having a financial or fiduciary interest in a public contract. A public contract includes any purchase or acquisition of goods or services, including employment, by or for the use of a public agency. Public employees are also prohibited from having an interest in a public contract with their public entity, or an agency with which they are connected, even if the employer does not participate in the issuance of the contract.

**Reporting Misconduct**

Employees having specific knowledge or evidence of another employee's misconduct shall report it to their supervisor, a department head, deputy city manager or city manager. Misconduct includes any violation(s) of law, ordinance, or directive.

**Conflicts of Interest**

Employees must be aware of applicable Ohio Ethics Laws relating to conflict of interest situations. Because of the nature of services the city provides, it is imperative that all employees adhere to a strict code of ethical conduct and avoid any impropriety or the appearance of any impropriety. The provisions of Ohio Revised Code Sections 102.03 and 2921.42 make it unlawful for a public official to use their influence to obtain a benefit, including a job for their relative.

City employees shall not have any direct or indirect interest in any outside business or financial activity which conflicts or potentially could conflict with their city employment, or which interferes with the employee's ability to fully discharge his or her city employment duties.

Furthermore, city employees shall not accept or demand gifts, money, or gratuities (other than non-solicited advertising items of nominal value, such as calendars or pens) from persons or organizations receiving benefits or services from the city; performing or attempting to perform contractual services; or otherwise in a position to benefit from an employee's action. City employees also should refrain from recommending any one particular service provider to city residents and businesses. It is the policy of the city to not make recommendations about any particular service provider(s).

Any questions regarding a potential conflict of interest should be directed to the city manager or deputy city manager.

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Replacement Issued December 8, 2005  
Replacement Issued February 8, 2008  
Replacement Issued April 21, 2011



### **Donation Acceptance Guidelines**

Any food item, event ticket, coupon or vendor gift that is received by any city employee shall be immediately discussed with a department head or the personnel officer.

#### **Meals or Food**

Share items delivered within department.

Maximum value of acceptable item as determined by the most recent ethics commission opinion.

If the meal is part of a work session (in or out of the office), the department head will determine the appropriate staff to attend.

#### **Free Event Tickets or Passes**

##### **Non-City Events**

Do not accept.  
At department head discretion, tickets can be paid for by city or employee at face value.

##### **City Based Events**

*City sponsored event:*  
If no city work is being performed at the event, all tickets provided will be placed in a lottery system with an equal chance for all interested employees.

If city work is required, department head will determine appropriate staffing.

*City is not a sponsor of the event:*

If no city work is being performed at the event, decline the offer.

If city work is required, department head will determine appropriate staffing.  
No spouse or guest is approved to attend event.

#### **Special Offers for Public/ Government Employees**

##### **Percentage Off**

First come, first served with city-all email notification.

##### **Free Items**

First come, first served with city-all email notification.

Maximum value of acceptable item as determined by the most recent ethics commission opinion.

#### **Vendor Gifts/ Promotional Items**

Maximum value of acceptable item as determined by the most recent ethics commission opinion.

If maximum value of item is more than the most recent ethics commission opinion, decline offer.

Share items within department.

#### **Monetary Gifts/ Donations**

No city employee shall accept monetary donations or contributions for personal gain.

This does not preclude donations to the city for programs or services. All donations shall be immediately turned over to Finance Department for appropriation.

**THE DEPARTMENT HEAD, CITY MANAGER, OR  
DESIGNEE HAS THE DISCRETION TO ACCEPT OR DENY ANY OFFERING TO EMPLOYEES.**

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Replacement Issued August 1, 2014

# New Albany Policy and Procedure Manual

## Section 4 ETHICS/RULES OF CONDUCT

### 402 Political Activity

Employees in the classified civil service are prohibited by Ohio law from engaging in “political activity”. The purpose of this policy is to provide lists of examples, though not exhaustive lists, of activities which are permissible and prohibited under the laws.

#### Permissible Activities

The following is a non-exhaustive list of examples of permissible activities for employees in the classified civil service:

- Registration and voting;
- Expression of opinions, either oral or written;
- Voluntary financial contributions to political candidates or organizations;
- Circulation of non-partisan petitions or petition stating views on legislation;
- Attendance at political rallies;
- Signing nominating petitions in support of individuals;
- Display of political materials in the employee’s home or on the employee’s property;
- Wearing a badge or button that endorses any political issue or person while not in uniform or city-branded apparel, or on duty; or, the display of political stickers on private vehicles.

#### Prohibited Activities

Unless as otherwise permitted by state law or with the approval of the city manager, the following is a non-exhaustive list of examples of prohibited activities for employees:

- Candidacy for public office in a partisan election;
- Candidacy for public office in a non-partisan election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- Filing of petitions meeting statutory requirements for partisan candidacy for elected office;
- Acceptance of a party-sponsored appointment normally filled by partisan election;
- Campaigning by writing in publications, by distributing political materials, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- Solicitation for the sale, or actual sale, of political party tickets;



- Partisan activities at the election polls, such as solicitation of votes for other than non-partisan candidates and non-partisan issues;
- Service as a witness or challenger for any party or partisan committee;
- Participation in political caucuses of a partisan nature; and
- Participation in a political action committee which supports partisan activity.

# **New Albany Policy and Procedure Manual**

## **Section 4 ETHICS/RULES OF CONDUCT**

### **403 Non-Disclosure**

The protection of confidential information is vital. Any employee who discloses confidential information, without appropriate authorization, may be subject to disciplinary action up to and including termination, regardless of actual benefit received from the disclosed information. Even matters which may be a public record can still be considered confidential for purposes of voluntary disclosure outside the city or to other employees, whichever may be the case. Examples of confidential information include, but are not limited to, social security numbers, personal health information, employee financial or banking information, other protected familial information, exemptions as outlined in Ohio Revised Code 149 public records law, or information obtained in an executive session of the city council.

# **New Albany Policy and Procedure Manual**

## **Section 4 ETHICS/RULES OF CONDUCT**

### **404 Advertising Requests / Solicitation**

Occasionally the city is approached by profit and non-profit organizations seeking to advertise/market their services to staff. Such requests shall be handled in the following manner:

- The vendor shall submit a letter of interest on company letterhead to the city manager. The letter of interest shall contain information regarding the services that his/her company proposes to offer.
- The letter of interest and related materials will be posted on the employee bulletin boards in the respective city buildings.
- Department heads/supervisors shall advise the staff to notify them in the event that they are interested in having the vendor give a presentation at the city offices.
- In the event that there is sufficient interest as determined by the city manager, or designee, a meeting time and date will be scheduled through the administration department.
- Such letter of interest will be posted for a period not to exceed twenty-one (21) days.

The city prohibits solicitation and distribution of literature on its premises by non-employees. Individuals not employed by the city are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on city premises.

The city permits solicitation and distribution of literature by employees subject to the restrictions contained herein. Solicitation and distribution on city property that interferes with operations, reduces employee efficiency, is an annoyance, or poses a threat to safety or security is strictly prohibited.

The city may authorize a limited number of fund drives by employees on behalf of charitable organizations, or for employee gifts. Employees are encouraged to volunteer to assist these drives; however, participation is entirely voluntary. The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- The distribution of literature, solicitation and the sale of merchandise or services are prohibited in work areas.
- Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized lunch period or other time when the employee is not required to be working.
- Distributing literature in a way that causes litter on city property is prohibited.

The city maintains various communications systems to communicate city-related information and to disseminate or post notices. These communications systems (including bulletin boards, mailboxes, electronic mail, voice mail, telephone, facsimile machines, and computers, cellular or other electronic devices) are for business use only and may not be used for employee solicitation or distribution of literature. Only persons authorized by the city may place notices on, or take down material from, the bulletin board. Unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on city property is prohibited.

Violations of this may result in disciplinary action. All violations of this policy will be addressed on a case-by-case basis. Disciplinary measures taken as a result of a violation of this policy will be determined by the severity of the violation, not the content of the solicitation or literature involved.

# **New Albany Policy and Procedure Manual**

## **Section 5 SEPARATION OF EMPLOYEES**

### **501 Employment Separation**

Employment separations are an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances:

#### **Resignation**

Employment separation initiated by an employee who chooses to leave employment voluntarily. When voluntarily terminating their employment, for whatever reason, employees are expected to give at least ten (10) working days prior written notice to their immediate supervisor. The employee shall work using regular hours during this ten (10) day notice. The employee will not be permitted to utilize vacation or compensatory time in order to meet the ten (10) day working notice without the prior consent of the department head.

Employees who resign without giving written notice as outlined above shall forfeit their sick leave conversion benefit as provided for in C.O. 155.10(m)(3). Although an employee may voluntarily terminate his or her employment, the city retains the right to direct the employee to leave earlier than planned. A full- or part-time employee who resigns in good standing may be considered for rehire. Failure to comply with this provision, absent of special circumstances, shall render the employee in poor standing and prohibit future employment with New Albany.

#### **Termination or Discharge**

Employment separation initiated by New Albany.

#### **Disability Separation**

Employment separation initiated by the employee or by New Albany when an employee is unable, for medical reasons, to continue to perform the essential functions of the job.

#### **Involuntary Disability Separation.**

(A) An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may be involuntarily disability separated. An involuntary disability separation occurs when the city has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position without reasonable accommodation due to the disabling illness, injury or condition.

(B) The city shall request that an employee submit to a medical or psychological examination, conducted in accordance with rule 123:1-30-03 of the Administrative Code, prior to the involuntary disability separating the employee unless:

- The employee is hospitalized at the time such action is taken,
- The employee has exhausted his or her disability leave benefits, or
- Substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

(C) Pre-separation hearing. The city shall conduct a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy-two (72) hours in advance of the hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has the right to examine the city's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

(D) If the city determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the city determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the city shall issue an involuntary disability separation order.

(E) Right to reinstatement. At the time the city provides the involuntary separation order to the employee, the city shall notify the employee of the required procedures to apply for reinstatement. The effective date of separation, for purposes of reinstatement, shall be based on the date in which the employee was no longer performing in active work status due to the disabling illness, injury or condition. An employee who has been involuntarily disability separated is not prohibited from applying for disability leave benefits. The total time of absence due to the disabling illness, injury or condition shall not exceed two (2) years from the date of separation for purposes of reinstatement rights under this chapter. If an employee attempts to return to work but fails to perform the essential job duties for six (6) consecutive months, the employee's effective date of separation does not change except as provided in paragraph (F) of rule 123:1-33-08 of the Administrative Code.

(F) An employee so separated shall have the right to appeal in writing to the Personnel Appeals Board within ten-(10) calendar days following the date the order is served.

(G) If available, and for purposes of this rule only, "active work status" does not include those hours worked during a transitional work program authorized by paragraph (B) of rule 123:1-33-07 of the Administrative Code or in a temporary part-time position authorized by paragraph (A) of rule 123:1-33-07 of the Administrative Code.

### **Voluntary Disability Separation.**

(A) An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition.

(B) The city may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination pursuant to rule 123:1-30-03 of the Administrative Code. If the examination supports the employee's request, the city shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the city shall not approve the employee's request for voluntary disability separation.

(C) Pre-separation hearing. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing and to an appeal of the decision to approve the employee's request.

(D) Right to reinstatement. An employee that is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the procedure established in rule 123:1-30-04 of the Administrative Code.

(E) For purposes of this rule only, "active work status" does not include those hours worked during a transitional work program (if available) authorized by paragraph (B) of rule 123:1-33-07 of the Administrative Code or in a temporary part-time position authorized by paragraph (A) of rule 123:1-33-07 of the Administrative Code.

**Medical and Psychological Examinations.**

(A) The city may require that an employee submit to medical or psychological examinations for purposes of disability separation or a reinstatement from disability separation. The city shall select one or more licensed practitioners to conduct the examinations.

(B) Prior to any examination, the city shall supply the examining practitioner with facts relating to the perceived disabling illness, injury or condition. The city shall also supply physical and mental requirements of the employee's position; duty statements; job classification specifications; and position descriptions. Both the city and the employee shall receive the results of any examination and related documents subject to division (C)(1) of section 1347.08 of the Revised Code.

(C) Except as provided in paragraph (D) of this rule, the city shall pay the cost of the examinations.

(D) Employee's failure to appear for examination. An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of the examination amounts to insubordination, punishable by the imposition of discipline up to and including removal. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

**Retirement.**

Voluntary separation from active employment status with New Albany initiated by the employee, meeting age, and any other criteria for retirement, as specified by an Ohio public employee retirement system (i.e. OP&F, OPERS, etc.).

Employee benefits will be affected by employment separation. All accrued, vested benefits that are due and payable at separation will be paid unless otherwise provided in these policies. Some benefits may be continued at the employee's expense if the employee so chooses in accordance with federal law. The employee will be notified in writing of the benefits that may be continued and of terms, conditions, and limitations of such continuance.



# **New Albany Policy and Procedure Manual**

## **Section 5 SEPARATION OF EMPLOYEES**

### **502 Reduction in Force**

Whenever it becomes necessary in any office or department through abolishment of positions, lack of work or lack of funds to reduce the number of employees, the procedure outlined in this section will be followed. In deciding who to select for layoff, the city may consider any or all of a number of factors, including, without limitation, the job or position to which employees are assigned, the skills and abilities of employees, the job performance of employees, the attendance of employees, the disciplinary record of employees, or their respective continuous length of service dates. However, the city, in its sole discretion, retains the right to determine which employees to layoff.

The city manager, with the consent of city council, may abolish positions for any one or more of the following reasons: reorganization for the efficient operation of the municipality; for reasons of economy; lack of work; or, other business reason. If necessary to layoff employee(s) or abolish position(s), the Administration will determine the job classification and number of employees to be laid off. For union employees covered under a collective bargaining agreement (CBA) please refer to the applicable CBA for complete information regarding reduction in force.

#### **Notification of Layoff, Displacement and Recall**

Each employee to be laid off will be given advance written notice of the layoff. Such written notice will be either hand-delivered to the employee at work or sent certified mail to the employee's last address on file. If hand-delivered, such notice shall be given fourteen (14) calendar days before layoff and the day of actual delivery shall constitute the first day of the fourteen (14) day period. If mailed, such notice shall be given seventeen (17) calendar days before layoff and the day of posting shall constitute the first day of the seventeen (17) day period. Each notice of layoff or displacement will contain the following information:

- The reason for layoff or displacement.
- The date layoff or displacement becomes effective.
- The right of such employee to appeal to the Personnel Appeals Board and the time within which to file an appeal.
- A statement advising the employee of the right to reinstatement or reemployment.
- A statement that, upon request by the employee, the appointing authority will make available a copy of rules regarding layoffs.

An employee who has been laid off shall not receive wages, salary, or fringe benefits from the city, except to the extent specifically specified in a written and signed agreement, as applicable. An employee, who is laid off, may remain on layoff status for

no longer than one year. An employee on layoff status for longer than a period of one year shall no longer have recall rights.

### **Appeal of Layoff or Reduction**

Any laid off or displaced employee may file a written appeal of the layoff or displacement to the Personnel Appeals Board. Such appeal must be filed no later than ten (10) calendar days after the effective date of the layoff or displacement.

### **Recall from Layoff**

During the six-month period that an employee is on layoff status, if circumstances are such that the layoff may be temporary in nature, he or she may be recalled to work by the city. In deciding who to select for recall the city, may consider any or all of a number of factors, including, without limitation, any or all of those listed above and the availability of persons not on layoff for any job or position the city chooses to fill. However, the city, on its sole discretion, retains the right to determine which employees, if any, to select for recall from layoff.

Each employee recalled from layoff shall be notified of the offer of reinstatement or reemployment by certified letter to the last address on file. Each recalled employee shall be allowed seventeen (17) calendar days from the date of posting of the letter to return to work and such time limit shall be explained to the employee in the notification of recall letter. It shall be the employee's responsibility to have a current address on file with the city. Employees who fail to report to work on the designated return to work date, regardless of the reason, will be removed from further recall consideration and will be considered to have voluntarily quit the city's employment.

# New Albany Policy and Procedure Manual

## Section 5 SEPARATION OF EMPLOYEES

### 503 Exit Interview

The purpose of an exit interview is to help the organization understand why a person is leaving, to understand how the organization is perceived by employees who voluntarily leave, to identify where improvements may be made, to collect information that could help improve working conditions, and to address any outstanding but routine matters such as return of property, status of projects, etc.

The exit interview can be conducted by the immediate supervisor, department head or personnel officer. Exit interviews are voluntary for the employee. The employee may request another person to be present. Answers should be honest and frank. The city cannot guarantee confidentiality of the information provided in light of the Public Records Law. The exit interview notes will be maintained in a separate file from the employee's personnel file.

#### **Questions for the exit interview include but are not limited to the following:**

- 1) Please list in rank order how important the following factors (if applicable) were in your decision to leave employment with New Albany.

- \_\_\_\_\_ Compensation
- \_\_\_\_\_ Benefits
- \_\_\_\_\_ Flexibility
- \_\_\_\_\_ Organizational Culture/Environment
- \_\_\_\_\_ Working Conditions
- \_\_\_\_\_ Philosophical Differences
- \_\_\_\_\_ Management Style
- \_\_\_\_\_ Fair Treatment/Respect
- \_\_\_\_\_ Upward Mobility

- 2) Did you find the projects on which you worked interesting and/or challenging?
- 3) Do you think your skills were well used?
- 4) Is there anything you wish you had known before you took the job?
- 5) What did you enjoy the most about working in this particular department?
- 6) What was the most rewarding aspect of your job?
- 7) What did you like least about your job?

- 8) What knowledge, skills, abilities, qualities, or attributes have you found to be the most critical for successful performance of your position's duties? Which of these should we focus on the most in selecting your replacement, if applicable?
- 9) What changes would you recommend to improve your department's efficiency?
- 10) What suggestions or feedback can you share that would make our organization stronger and more successful?
- 11) If you could describe your general attitude about your job satisfaction, which of the following would best reflect your feelings?

Very Satisfied, Satisfied, Somewhat Satisfied, Dissatisfied

- 12) If you were leading your department, what would you do differently?
- 13) If you were leading the city, what would you do differently?
- 14) Do you have any suggestions to improve employee service to the city, management relationship with employees, or service to the public?
- 15) Is there anything that could have kept you from resigning?
- 16) What advice would you give to the employee who we will be hiring to replace you in your position (if applicable)?
- 17) What employee benefits did you most appreciate?
- 18) Is there anything else you would like to add that we haven't discussed?

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# **New Albany Policy and Procedure Manual**

## **Section 5 SEPARATION OF EMPLOYEES**

### **504 Return of Property**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees are to return all property of the employer that is in their possession or control upon request, or in the event of termination of employment, resignation, or layoff.

Where permitted by applicable laws, the employer may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. New Albany may also take all action deemed appropriate to recover or protect its property.

A Return of Property and Employee Separation form, located on the city's intranet, must be completed by the resigning employee and supervisor and signed by the department head. The completed form will be maintained in the employee's personnel file. This form does not replace the Employee Payroll Status Change form, located on the city's intranet, which is retained by the finance department.

Any personal property that is left by an employee who has separated from the city will be returned through the personnel office in a manner determined by the city manager.

# **New Albany Policy and Procedure Manual**

## **Section 5 SEPARATION OF EMPLOYEES**

### **505 Post-Employment Benefit Administration (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (“COBRA”) and its state corollary allow qualifying former employees, some retirees, spouses, and dependent children (qualified beneficiaries) the right to continuation of health plan coverage at slightly above group rates.

A qualified beneficiary generally is an individual covered by the city’s group health plan on the day before a qualifying event who is an employee, the employee's spouse, or an employee's dependent child. In addition, any child born to or placed for adoption with a covered employee during the period of COBRA coverage is considered a qualified beneficiary.

Federal COBRA qualifying events are certain events that would cause an individual to lose health coverage. The type of qualifying event will determine who the qualified beneficiaries are and the amount of time that a plan must offer the health coverage to them under COBRA.

#### **Qualifying Events for Employees**

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in the number of hours of employment

#### **Qualifying Events for Spouses**

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee
- Covered employee's becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

#### **Qualifying Events for Dependent Children**

- Loss of dependent child status under the plan rules
- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee
- Covered employee's becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

The city shall notify the plan administrator (Meritain) of a qualifying event within 30 days after an employee's death, termination, reduced hours of employment or entitlement to Medicare. A qualified beneficiary must notify the plan administrator of a qualifying event within 60 days after divorce or legal separation or a child's ceasing to be covered as a dependent under plan rules.

Plan participants and beneficiaries generally shall be sent an election notice no later than 14 days after the plan administrator receives notice that a qualifying event has occurred. The individual then has 60 days to decide whether to elect COBRA continuation coverage. The person has 45 days after electing coverage to pay the initial premium.