
The City of Parma
Personnel Policy Manual
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Section 1.1 PURPOSE OF POLICIES AND SCOPE OF COVERAGE

A. SCOPE OF COVERAGE

This Personnel Policy Manual ("*Manual*") contains policies for all employees of the City of Parma ("*City*") except as may be specifically exempted by law or reporting to independent boards or commissions, unless those boards or commissions have adopted the City of Parma's Manual. These policies do not, nor shall they be construed to violate any labor agreement between the City and any recognized bargaining unit.

B. PURPOSE OF POLICIES

It is the City's philosophy that providing personnel policies that aid in recruiting and retaining competent employees is vital to the success of the City. To that end, the policies and procedures stated in this Manual are designed to:

- a. Aid City administrators charged with responsibility for the uniform and nondiscriminatory application of the conditions of employment;
- b. Promote high morale and foster good working relationships among employees by providing uniform personnel policies for the consideration of employee needs;
- c. Ensure that all activities are conducted in an ethical and legal manner to promote the City's reputation as an efficient, progressive body in the region and the State;
- d. Put all employees on notice as to expected behavior while representing the interests of the City of Parma;
- e. Enhance the attractiveness of a career with the City and encourage each employee to give his/her best effort to the City and the public; and
- f. Promote and secure a safe and healthy work environment.

C. MANAGEMENT RESPONSIBILITY AND AUTHORITY

1. The Mayor maintains the ultimate authority to establish, interpret and administer policies and direct the operations of the departments of the City to the extent authorized by the Ohio Revised Code.
2. Department Directors are responsible for the day-to-day administration and application of the policies contained in this Manual as they pertain to the employees assigned to their individual departments.
 - a. It is the responsibility of the Department Directors to be familiar with the contents of this Manual and to apprise the HR Director or other designee of questions, concerns, or disputes regarding the application of a policy contained in this Manual.

- b. All City employees are encouraged to be familiar with the contents of this manual.
 - c. The Mayor delegates the development and implementation of day-to-day operating procedures to the Department Directors, subject to his/her approval.
 - i. Department operating procedures shall not conflict with the policies and procedures in this Manual. In the event of a conflict, the provisions of this Manual shall prevail.
 - ii. Department Heads shall submit a copy of their operating procedures to the HR Director, or designee.
3. In situations requiring administrative interpretation of the policies contained in this Manual, every effort will be made to ensure that such decisions are made objectively with the general intent of the policy in mind.
 4. There may be occasions when the City must add, delete or revise specific policies or give current rules a different interpretation from the interpretations previously made. The Mayor has the right to change practices and policies, both written and unwritten as conditions require. Updated policies will be issued to all Manual holders and communicated to all affected employees according to Section 1.2 POLICY CHANGES, DISSEMINATION AND SUGGESTIONS.
 5. The policies contained in this Manual are subject to, and in accordance with, the laws of the State of Ohio. Due to the special nature of the duties and responsibilities of members of the City's safety forces (Police and Fire), the appropriate Chief may have adopted specific policies or standard operating procedures. So long as such policies and procedures are in full accord with all legal requirements, they shall govern those employees in the event of a conflict with the policies contained in this Manual.
 6. In the event that there is a conflict between a specific policy statement in this Manual compared to a policy statement in the Rules of the Civil Service Commission of the City of Parma, the Ohio Revised Code, a current collective bargaining agreement, and/or any other applicable law or legal document, the other document will prevail.
 7. Should any provision in this Manual be found unenforceable and invalid, such finding does not invalidate the entire Manual but only that particular provision.
 8. Nothing in this Manual nor any interpretive or enforcement communication should be construed to grant a guaranteed right to continued employment or benefits.

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT. UNCLASSIFIED EMPLOYEES SERVE AT THE PLEASURE OF THE MAYOR AND MAY BE REMOVED FOR CAUSE OR FOR NO CAUSE. CLASSIFIED EMPLOYEES MAY BE REMOVED FOR CAUSE IN ACCORDANCE WITH APPLICABLE LAWS.

Section 1.2 POLICY CHANGES, DISSEMINATION AND SUGGESTIONS

- A. Each Department Head and appropriate first-line supervisors, will keep a copy of the complete, up-to-date Manual available for review by employees during non-work time. Department Heads and supervisors who are provided a copy of the Manual are responsible for updating their Manual when provided with a new or revised policy.
- B. All employees will be informed of the existence of this Manual and will have access to it on non-work time. If an employee requests a copy of a specific policy, it will be provided to him/her at no charge. Any copies made will not be considered originals.
- C. Any question about a provision of this Manual or items not covered in the Manual such as rules, written or unwritten, implied or expressly written, should be directed to the HR Director or designee. The Mayor has ultimate authority to interpret and administer policies.
- D. The Mayor encourages employees to consider and recommend changes in policy. Matters not already addressed may be brought to the attention of the Mayor or the Director of Human Resources so that appropriate policies may be considered and formulated.
- E. Supervisors should periodically review personnel policies and propose changes and additions to the Mayor or Director of Human Resources or designee. The entire manual will be periodically reviewed and revised to address changes in the law and current practice.
- F. As conditions warrant, these policies may be amended or deleted by act of the Mayor. Such amendments or deletions will be posted or distributed to employees prior to their effective date. In the case of emergency or an adverse safety situation, the Mayor may change policy without notice.
- G. Any or all policies may be suspended by order of the Mayor in case of disaster, general emergency or adverse safety situation.

Section 1.3 MANAGEMENT RIGHTS

- A. The policies in this Manual do not and should not be construed to limit the rights or privileges of the City Council, Parma Municipal Court, Parma Civil Service Commission, the Mayor and his/her Department Directors. These entities and officials are authorized to select, compensate, manage, evaluate and discipline employees of the City in accordance with the Ohio Revised Code, the Rules of the Civil Service Commission of the City of Parma, ordinances of the City, and/or collective bargaining agreements negotiated by the City.
- B. The City Council, the Mayor and his/her Department Directors retain the right to:
1. Determine the City's goals, objectives, programs and services and to utilize employees in a manner designed to effectively and efficiently meet these purposes;
 2. Exercise complete control and discretion over the budget, organizational structure and method of performing the work required;
 3. Manage and determine the location, type and number of physical facilities, equipment and programs and work to be performed;
 4. Determine the adequacy, size, composition and qualifications of the work force, including when a job vacancy exists;
 5. Take necessary action to abolish and create classifications;
 6. Manage and direct employees, including the right to establish methods to select, hire, promote, transfer, assign, evaluate, supervise, layoff, recall, reprimand, suspend, discharge and discipline for just cause and to maintain order among employees;
 7. Determine the hours of work and work schedules including the necessity of overtime;
 8. Determine the work rules, standards of quality, productivity and performance to be maintained and the policies and procedures for all employees;
 9. Implement and enforce rules on workplace safety;
 10. Maintain the security of records and other pertinent information;
 11. Inspect and search employees and/or their personal property when there is a reasonable suspicion of illegal or impermissible activity;
 12. Request the Police Department to inspect and search files, electronic media, lockers, desks, cubicles, etc. as these items are provided for employee convenience and remain the property of the City, subject to control and search; and
 13. Determine and implement necessary actions in emergency situations.

Section 1.4 FAIR EMPLOYMENT PRACTICES

A. STATEMENT OF COMMITMENT

1. The City of Parma is an equal opportunity employer.
2. In accordance with State and Federal law, the following will not be taken into consideration or serve as the basis for employment-related decisions including those affecting selection, compensation or benefits, discipline, evaluation or termination: race, color, religion, creed, age, sex, sexual orientation, national origin, ancestry, armed forces veteran status and/or possessing a disability (that does not affect the individual's ability to perform the essential functions of a position with or without reasonable accommodation).
3. No employee may aid, abet, compel, coerce or conspire to discharge, harass or cause another to resign because of race, color, religion, creed, age, sex, national origin or ancestry, or disability. Employees proven to have engaged in this type of behavior will be subject to disciplinary action up to and including termination.

B. PRACTICES

1. Classified advertisements, vacancy postings and notices of competitive examinations will be accessible to members of the community and general public.
2. Classified advertisements, vacancy postings and notices of competitive examinations will include an Equal Employment Opportunity statement.
3. The City will appoint an Equal Employment Opportunity Officer of the City. All alleged violations of this policy must be reported to the Law Director or designee by the affected employee or other person with knowledge of the violation. The Law Director or designee shall conduct timely and thorough investigations in accordance with the Complaint Procedure as outlined in Section 5.25 of this Manual.

Employees proven to have engaged in discriminatory behavior or conspiring to conceal evidence of such behavior will be subject to disciplinary action up to and including termination.

4. The City shall make good-faith efforts to ensure contractors and subcontractors who perform work for the City comply with all Federal, State and local EEO policies and identify themselves as Equal Opportunity Employers.
5. The City shall maintain records as required by the Equal Employment Opportunity Commission and/or the Ohio Civil Rights Commission.

Section 1.5 PUBLIC RECORDS POLICY AND PROCEDURE

This Public Records Policy is adopted by the City of Parma, Ohio, as required by Ohio House Bill 9, effective September 29, 2007.

A. PUBLIC RECORDS CUSTODIAN

1. All requests for public records must be directed to the authorized Public Records Custodians of the City of Parma, Ohio. Requests made in person must be done during regular business hours, defined herein as 8:30 a.m. to 4:30 p.m. weekdays, excluding Saturdays, Sundays, and holidays. All public record requests made in person shall adhere to this requirement even if the public office, e.g. the division of police, is operated on a twenty-four (24) hour basis.
2. The Public Records Custodians shall be those persons designated by the Mayor/Law Director/Treasurer and/or Auditor, as the case may be, who are authorized to respond to or to fulfill any public records request in the various offices of the City of Parma, Ohio. Any public records request made to any other employee, officer or representative of the City of Parma, Ohio, shall not be considered as a properly made request, and the request will be directed to the proper Public Records Custodian. The Mayor/Law Director/Treasurer and/or Auditor, as the case may be, may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodians.

B. PUBLIC RECORDS

1. For the purposes of this Policy, the terms “records” and “public records” shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time.
2. The records of the City of Parma, Ohio, will be organized and maintained so that they are readily available for inspection and copying. The City of Parma, Ohio’s record retention schedule may be amended from time to time at the discretion of the Records Commission.

C. PUBLIC RECORDS REQUESTS

1. Each request for public records should be evaluated for a response using the following guidelines:
 - a. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Custodian cannot reasonably identify what public records are being requested. However, in such cases, the Public Records Custodian will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

- b. A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.
 - c. Public records will be made available for inspection only during regular business hours as defined in Section 1, above. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested. Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.
 - d. The requester may make a request to view public records to the Public Records Custodian, who shall prepare the public records for inspection "promptly," as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as location of the records, the volume of records being requested or need for legal review).
2. Requests for copies of public records should be handled in the following manner:
- e. The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the City of Parma, Ohio, or upon any other medium if the City of Parma, Ohio, can reasonably duplicate it as an integral part of its normal operations.
 - f. **Cost of Copies:** Copies made on paper are 5¢ (five cents) per page. [There shall be no charge if the total pages provided for requestor is nine (9) or less per day.] All copy charges must be paid in advance before copies are made. If the Public Records Custodian uses an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be "at cost," without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)
 - g. Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian

may use an outside copying service to make the copies, at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies. The manner of making the copies is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be met at the discretion of the Public Records Custodian.

- h. Copies will be made available by the Public Records Custodian "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.
- i. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). (For example, public records that are only available in paper form will not be scanned and sent by e-mail, but can be sent by fax.) The cost of transmitting must be paid by the requester before the public records will be transmitted.
- j. Copies will be transmitted to the requester by the Public Records Custodian "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the records and the volume of records requested.
- k. Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) can be paid for in cash, or by check/money order/certified check, made payable to the City of Parma, Ohio. If payment is made by check, copies will not be made until the check has cleared and been paid by the requester's bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

D. DENIAL OF A PUBLIC RECORDS REQUEST

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code,¹ each redaction must be accompanied by a supporting explanation, including legal authority.

E. RECORDS AND INFORMATION EXEMPT FROM DISCLOSURE

- 1. Some records or information maintained by the City of Parma, Ohio, are not "public records" but are protected, confidential records under Ohio and/or Federal law. Examples

¹ Unless the redaction is otherwise required by federal or state law. [R.C. 149.43(B)(1)]

of protected, confidential records, include, without limitation: infrastructure records,¹ security records, medical records, records pertaining to adoption, probation, and parole proceedings, records pertaining to actions and appeals under R.C. 2151.85 (juveniles seeking abortions), records listed in 3107.42 (A) (relating to adoption release records), trial preparation records, records and communications protected by R.C. 2317.02(A) (records and communications by and between the City of Parma, Ohio, and its attorneys), confidential law enforcement investigatory records, records containing information that is confidential under R.C. 4112.05 (Civil Rights Commission), DNA records pursuant to R.C. 109.573, and records the release of which is prohibited by state or federal law.

2. In no event will records and communications by and between the City of Parma, Ohio, and its attorneys be released, unless the City of Parma, Ohio, consents to their release.

F. COMPLIANCE WITH OHIO REVISED CODE REQUIREMENTS

With any public record request, the City of Parma, Ohio, and the Public Records Custodian reserve the right to consult with legal counsel prior to the release of such public records. This is to allow the City of Parma, Ohio, the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records.

G. MISCELLANEOUS

1. This policy shall be placed in any City employee manual or handbook.
2. As required by House Bill 9, a poster summarizing the main points of this Policy shall be developed and prominently displayed in each department at or near the place where the public is invited and would likely present a public records request.

¹ “Infrastructure record” is defined by R.C. 149.433 as “any record that discloses the configuration of a public office’s or chartered nonpublic school’s critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office or chartered nonpublic school is located. “Infrastructure record” does not include “a simple floor plan that discloses only the spatial relationship of components of a public office or chartered nonpublic school or the building in which a public office or chartered nonpublic school is located.” R.C. 149.433.

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Section 2.1 CIVIL SERVICE CLASSIFICATION AND EMPLOYMENT STATUS

Positions and the employees assigned to them are defined by four criteria:

A. CIVIL SERVICE CLASSIFICATION

Positions in the City are designated as classified or unclassified as established by the Ohio Revised Code Section 124.11 and corresponding action of the Parma Civil Service Commission.

1. The classified service consists of all Police Officers and Fire Fighters who are appointed and/or promoted by competitive civil service examination, excluding the Chief of the Police Department and the Chief and any Deputy Chief of the Fire Department, to be known as the safety forces, and any other position specifically designated by the ORC or Parma Civil Service Commission.

After completion of the probationary period, employees assigned to classified positions (other than temporary and emergency appointments which by their nature, are for a limited duration) may be removed only for cause.

2. The unclassified service consists of all elected, appointed and employed persons of the City except those included in the classified service. This includes regular full-time positions specifically exempted from the classified civil service, and all part-time, interim, short-term, intermittent and seasonal positions.

Employees assigned to unclassified positions are at-will employees who may be removed at any time, for any or no reason.

B. TYPE OF APPOINTMENT

1. Positions of employment or appointment in the City are designated 'original', promotional, temporary or emergency.
 - a. 'Original' appointments are made by the Mayor from an eligibility list of potential safety forces employees compiled by the Civil Service Commission for positions in the lowest grades of the safety forces.
 - b. 'Promotional' appointments are made by the Mayor from an eligibility list of current employees of the City's safety forces compiled by the Civil Service Commission for positions in the next or higher grade in their respective departments.
 - c. 'Temporary' appointments for a period not to exceed thirty (30) days are made by the Mayor upon notification from the Civil Service Commission that additional time is needed to compile an appropriate eligibility list for a position. Should an employee remain in a temporary position for over six (6) months the person becomes a permanent employee provided they show merit and fitness for the position.

- d. 'Emergency' appointments for a period not to exceed thirty (30) days are made by the Mayor when, in his/her judgment, the good of the service, the health, safety or welfare of the public and/or the necessities of the City's operation make it necessary to do so. Should an employee remain in a emergency position for over six (6) months the person becomes a permanent employee provided they show merit and fitness for the position.
2. All other classified or unclassified positions of the City are designated 'regular', interim, short term, intermittent, or seasonal.
 - a. 'Regular' appointments are made for an indefinite period of time during which incumbents have consistent work schedules which are not interrupted by intermittent periods of less or no work.
 - b. 'Interim' appointments are made in anticipation of a prospective vacancy due to retirement or a planned resignation or termination due to occur within one hundred and twenty (120) days of the appointment. Interim appointments are authorized to promote an efficient transition in positions where significant training or expertise is required. Should an employee remain in an interim position for over six (6) months the person becomes a permanent employee provided they show merit and fitness for the position.
 - c. 'Short-term' appointments are necessary to meet staffing needs of one (1) year or less. The Mayor may appoint a Short-term employee in the event that a regularly appointed employee is unable to work for a limited period due to sickness, disability or for any other reason. The Short-term assignment shall continue only as long as the absence of the regularly appointed employee, but shall not exceed one (1) year. Short-term appointments must be immediately reported to City Council and the Civil Service Commission. In no case shall successive Short-term appointments to the same position be made. Should an employee remain in a short-term position for over six (6) months the person becomes a permanent employee provided they show merit and fitness for the position.
 - d. 'Intermittent' appointments address fluctuating levels or amounts of work. Incumbents work varying amounts from one pay period to the next and may not work at all in a pay period.
 - e. 'Seasonal' appointments address individuals hired to perform specific services in an industry which, because of climate conditions or because of the seasonal nature of the industry, is capable of operation only during recurring periods of 40 weeks and/or 1,400 hours or less in ay consecutive 52-week period or 1,400 hours or less in any 2,080-hour period.

C. FAIR LABOR STANDARDS ACT

Positions in the City are designated exempt or non-exempt in accordance with the Fair Labor Standards Act.

- a. Exempt positions are those which meet the definitions for executive, administrative or professional positions as established in the Fair Labor Standards Act. These positions are exempt from the overtime pay provisions of the Act.
- b. Non-exempt positions are those which do not meet the definitions for executive, administrative or professional positions as established in the Fair Labor Standards Act. The City is required to pay overtime to employees assigned to non-exempt positions when they work over forty hours in one week.

D. WORK HOURS

Positions in the City are designated full-time or part-time depending upon the number of hours worked

- a. Employees in full-time positions work at least thirty-five (35) hours per week on a regular and consistent basis
- b. Employees in part-time positions work less than thirty-five (35) hours per week on a regular and consistent basis.

Section 2.2 POSITION DESCRIPTIONS

- A. A single official description exists for each employee position (filled and vacant)

The official description includes:

1. Title
 2. Department
 3. Designation of classified/unclassified service
 4. Designation under the Fair Labor Standards Act
 5. Pay classification
 6. Statement of general purpose
 7. Chain of command (reporting structure)
 8. Duties
 9. Designation of essential functions
 10. Minimum bona fide occupational qualifications including prior experience, education, knowledge, skills and abilities
 11. Physical requirements in order to perform the essential functions of the job
 12. Scheduling demands and constraints
- B. Position descriptions will periodically be updated with minor additions or deletions, typically at the time of annual performance evaluations and when a vacancy occurs.
- C. Department Directors submitting requests to fill vacant, existing employee positions or to establish new employee positions must submit, to the Human Resources Director or his/her designee, an updated or new detailing of the items noted above.
1. The Director of Human Resources or designee, in consultation with the Department Director, will establish the minimum bona fide occupational qualifications for the position and compile the official position description.
 2. The Director of Human Resources or designee will submit the position description to the Department Director and/or the Appointing Authority for approval.

Section 2.3 RECRUITMENT, SELECTION AND APPOINTMENT

A. AUTHORIZATION TO HIRE

1. Before advertising for or hiring personnel, Department Directors must seek Appointing Authority approval to fill the vacant or new position.
 - a. For a vacancy in the unclassified service of the City, Department Directors must submit the proposed position description and classified advertisement to the Human Resources Director or his/her designee for review prior to submitting it to the Mayor. The Department Director in conjunction with the Human Resources Director or his/her designee will:
 - i. Establish the minimum bona fide occupational qualifications for the position and compile the official position description.
 - ii. Recommend the appropriate salary classification for the position.
 - iii. Review the classified advertisement for form, content and compliance with EEO legislation as well as other legal requirements.
 - iv. Compile the official posting notice for the position
 - v. Forward the finalized position description, salary classification recommendation, official posting, and classified advertisement copy to the Mayor.
 - b. The Appointing Authority has final approval of the job description and salary assignment for all positions.

B. POSTING EMPLOYMENT OPPORTUNITIES

1. Announcements of vacant positions in the unclassified service, for which the City is actively soliciting applicants, will be posted for a reasonable amount of time on bulletin boards accessible to City employees and members of the public.
2. Classified advertisements will be placed in the Cleveland Plain Dealer and other newspapers, journals or periodicals as deemed appropriate in consultation with the Mayor and the Department Director. Classified advertisements and vacancy postings will include an Equal Employment Opportunity statement.

C. APPLICATION

1. An applicant for employment must complete and submit the approved employment application form and background check authorization form(s) (see APPENDIX A FORMS) to the Human Resources Director or designee in order to be considered for a position or vacancy.

- a. Upon request, applicants may be provided with a copy of the position description in order to respond fully and truthfully to questions about their ability to perform the essential functions of the job with or without reasonable accommodation
 - b. Applicants with a qualifying disability will, upon request, be provided reasonable accommodation necessary to participate in the application and selection process
 - c. The application form must be completed even if the applicant provides a resume.
 - d. An applicant must file a new application for each vacancy.
 - e. Current employees must complete an application form and submit it to the Human Resources Director or designee.
 - f. Employees in the probation or orientation period of their current position may not be eligible to apply for other positions in the City.
2. All applications and accompanying materials are maintained in the HR Department. Guidelines for storing, discarding and destroying these materials are established in the City's records retention policy.

D. INTERVIEWING AND TESTING

1. The Department Director or designee, in consultation with the Human Resources Director or designee, will select for interview those applicants who possess the required knowledge, skills and abilities and whose unique combination of education and experiences appear to make them better-suited for the position than the majority of applicants.
2. Qualifications, not length of service, will be the basis for determining whether or not to interview an internal applicant (current employee)
3. The Human Resources Director or designee, hiring supervisor, Department Director and if appropriate, the Mayor, will confer to identify job-related tests and construct the interview process.
 - a. Job-related tests conducted in an objective manner may be used to determine the extent of the applicants' job relevant knowledge, skills or abilities as it affects their abilities to perform the essential functions of the job.
 - b. Reasonable accommodations will be provided to applicants with a qualifying disability requesting a modification to the manner in which job-related tests are administered so long as the results reflect the skills, aptitude or other factors to be measured.

E. BACKGROUND, REFERENCE AND OTHER PRE-EMPLOYMENT CHECKS

1. Applicants considered for recommendation to the Appointing Authority will be screened for prior criminal convictions, civil lawsuits and negative credit reports.

If an applicant was previously convicted of a crime, the determination of whether or not this disqualifies him/her will be made by the Human Resources Director in consultation with the Chief of Police, Law Director, and/or Mayor. (See Section (F) (7) of this policy.)

2. Applicants considered for recommendation to the Appointing Authority will provide the Human Resources Director or his/her designee with the names of three references from current or recent places of employment.
 - a. The Human Resources Director or his/her designee will conduct the reference inquiry and report any findings back to the hiring supervisor.
 - b. The Human Resources Director or his/her designee may delegate the task of contacting employment references to the hiring supervisor.
 - c. The Human Resources Director or his/her designee will notify the Department Head if the finalist is disqualified after reference and background checks.
3. Applicants considered for recommendation to the Appointing Authority for positions with driving as an essential function will be screened for approval as an acceptable driver as defined by the City's insurance carrier and/or the City's risk manager.
4. Applicants considered for positions requiring an educational degree or license are required to submit the license and/or a copy of the diploma in order to have the information verified.

F. DISQUALIFYING APPLICANTS

An applicant is not eligible to be recommended for employment if he/she:

1. Does not possess the stated or an acceptable equivalent combination of minimum bona fide occupational qualifications as expressed in terms of the knowledge, skill and ability necessary to effectively perform the essential functions of the position
2. Has a qualifying disability and is unable to perform the essential functions of the job even with reasonable accommodation
3. Has omitted or made a false statement of material fact on the application form or any supplemental employment form
4. Cannot provide documentation or evidence of required education, professional licensure, certification, etc.
5. Is not legally authorized to work in the United States of America

6. Has committed or attempted to commit a fraudulent act at any stage of the selection process
7. Has been convicted of, or admitted to, criminal activity determined to have a direct relationship to the position for which application is made. (Disqualification will take into account the seriousness of the offense, the number of years since the offense was committed, and the applicant's age at the time of the offense.)
8. Has a history of poor performance in previous positions
9. Is not licensed to drive in the state of Ohio and/or is classified as an unacceptable driver based on information provided in the Driver Abstract Report and where driving is an essential function of the job
10. Is unable to provide evidence of driver liability insurance when driving his/her personal vehicle for City business is an essential function of the job

G. APPROVAL AND OFFER

1. The Department Head in conjunction with the Auditor will determine if the appropriate funds exist in the department budget to hire the applicant.
2. The Human Resources Director or designee will inform the Department Director of the outcome of reference, criminal background and/or driving record checks for each finalist.
3. The Department Director will present the application materials of his/her selection for the position to the Mayor or designee.
4. The Mayor or designee will determine the maximum salary that may be offered to the prospective employee unless the position is paid a set rate established by ordinance.
5. Upon notification of the Mayor's approval of the Department Director's recommendation, the Human Resources Director or designee will extend the offer of employment to the individual and coordinate arrangements for post-offer, pre-employment drug testing. (See policy entitled, Drug-Free Workplace).
 - a. No individual may begin working for the City until his/her appointment is approved by the Mayor and the results of the mandatory drug testing have been received.
 - b. Whenever possible, all promotions or transfers shall be effective as of the first day of the pay period when the promotion or transfer occurs unless emergency circumstances, as determined by the Appointing Authority, preclude this condition from being satisfied.

Section 2.4 EMPLOYMENT OF MINORS

A minor is defined in Ohio Revised Code Ann. Section 4109.11 as:

"...any person less than eighteen (18) years of age."

A. CONDITIONS OF EMPLOYMENT

1. Minors must present a proper Age and Schooling Certificate; and a copy of their birth certificate.

The only exception is for minors aged sixteen to seventeen (16-17) employed from June 1 to September 1 who are not required to present the Age and Schooling Certificate.

2. Minors must submit detailed time records indicating hours worked and breaks taken. No minor shall work more than five (5) consecutive hours without a break or rest period of at least thirty (30) minutes.

Breaks and rest periods of at least thirty (30) minutes are not paid.

B. LIMITATIONS ON HOURS

The following limitations on hours must be adhered to at all times:

1. Persons under sixteen (16) years of age may not be employed:
 - a. During school hours unless specifically permitted by Ohio Revised Code Ann. Section 4109;
 - b. Before 7:00 a.m.;
 - c. After 9:00 p.m. from June 1 through September 1, or during any school holiday of five (5) or more school days in duration, or after 7:00 p.m. at any other time;
 - d. For more than three (3) hours in any school day;
 - e. For more than eighteen (18) hours per week while school is in session;
 - f. For more than eight (8) hours per day that is not a school day; or
 - g. For more than forty (40) hours in any week that school is not in session.
2. Persons sixteen (16) or seventeen (17) years of age required to attend school are not to be employed:
 - a. Before 7:00 a.m. on any day that school is in session, except that he or she may be employed after 6:00 p.m. if he or she did not work

after 8:00 p.m. the previous night

- b. After 11:00 p.m. on any night preceding a day that school is in session.

C. RECORD-KEEPING REQUIREMENTS

1. The birth certificate or Age and Schooling Certificate will be maintained in the minor employee's personnel file.
2. The Human Resources Director or designee will return the original Age and Schooling Certificate to the minor's Superintendent of Schools upon termination of the minor's employment.

Section 2.5 EMPLOYMENT OF RELATIVES

A. RELATIVES DEFINED

For purposes of this policy, family members are defined as parents, step-parents, spouses, children, step-children, grandchildren and siblings including step-sisters and step-brothers.

B. RESTRICTIONS

1. Family members may not be employed by the City in positions with a direct or indirect supervisor/subordinate line of authority except where appointments are made by Civil Service examination and the Civil Service Commission approves the appointment
2. If two employees marry, neither is required to resign or transfer unless the positions they occupy at the time of marriage are in a direct or indirect supervisor/subordinate line of authority.

If the two employees are in a supervisor/subordinate line of authority, they must decide between themselves who will resign or transfer into an available vacant position within sixty days of the marriage.

C. MINOR CHILD OF A CITY EMPLOYEE

1. A child of a City employee may only be hired under the following conditions:
 - a. if the employee does not authorize or employ the authority or influence of his/her office to secure the position for the child; and,
 - b. if the child is emancipated from the parent or has reached the age of majority (18); or
 - c. if the child is an un-emancipated minor, all of the following requirements must be met:
 - i. because parents have a statutory right to the earnings of their minor children, the parent employee will be required to sign an affidavit waiving any claim or interest they may otherwise have in any of the minor child's earnings obtained through employment with the City;
 - ii. the employment offered is necessary service for the City
 - iii. the employment is only offered after all qualified and interested applicants who are not minor children of City employees have been hired and vacancies remain;
 - iv. the offer of employment is conducted at arms length, with full knowledge by the City of the interest of the employee and their minor child and the employee takes no part in the deliberations or decisions of the City with respect to the offer of employment. (See Affidavit Form in the Appendix)

Section 2.6 PROBATIONARY AND ORIENTATION PERIODS

A. CLASSIFIED EMPLOYEES

All employees hired or promoted into classified positions in the Civil Service shall serve a probationary period of one (1) year from the date of hire or rehire. The classified probationary employee is subject to removal from the position, by the Mayor, anytime during the twelve-month period without appeal to the Civil Service Commission.

Police and Fire Department employees will serve a two (2) year probationary period with all the requirements and restrictions outlined in this policy for the entire two (2) year period.

No appointment shall be deemed final until the appointee has satisfactorily served the probationary period.

B. UNCLASSIFIED EMPLOYEES

1. All employees hired, rehired, transferred, or promoted into unclassified positions shall serve an orientation period of one (1) year from the date of hire or rehire. Unclassified employees may be terminated with or without cause at any time including, during the probationary period. This policy is not intended to guarantee an employee one year of employment.

2. Newly hired employees may not be eligible to receive an increase in compensation until after the successful completion of the orientation period.

The Mayor or authorized designee shall ensure that the orientation period has been successfully completed by the employee, evidence of which will be documented in a formal performance evaluation provided to the HR Department.

3. Unclassified employees may not be eligible to apply for other positions in the City until after completion of the orientation period for their current position.

Section 2.7 ONGOING EMPLOYMENT ELIGIBILITY

A. Remaining eligible for employment by the City requires that the employee continue to meet the following:

1. IMMIGRATION / CITIZENSHIP STATUS

- a. The City will terminate the employment of an employee who becomes an unauthorized alien ineligible to work in the United States.
- b. The City will terminate the employment of a newly hired employee who is unable or refuses to complete an INS Form I-9 and provide the mandated documentation establishing employment eligibility prior to or on his/her start date.

2. CRIMINAL CONVICTIONS

The City may terminate the employment of an employee convicted of, or admitting to criminal activity determined to be related to their position or presenting a potential conflict of interest. The Mayor will have final authority to make the determination after consultation with the Human Resources Director, Police Chief and Law Director.

3. PROFESSIONAL LICENSURE OR CERTIFICATION

- a. The City may terminate the employment of an employee who does not or is ineligible to renew a license or certification that is a bona fide minimum occupational qualification.
- b. Employees must provide a copy of current licensure or certification to the Human Resources Director or designee for inclusion in the employee's personnel file.

4. DESIGNATION AS AN UNACCEPTABLE DRIVER

- a. The City will periodically request a report of the driving record of employees in positions where driving is an essential function of the job in order to verify:
 - i. That each employee continues to possess a valid Ohio driver's license
 - ii. That each employee meets the requirements for being insured by the City's insurance provider.
- b. The City may terminate the employment of an employee unable to or refusing to renew an Ohio driver's license and occupying a position where driving is an essential function.
- c. The City may terminate the employment of an employee unable to meet the requirements of the City insurance provider and occupying a position where driving is an essential function.

5. PROOF OF LIABILITY INSURANCE

- a. Proof of liability insurance with limits sufficient to comply with Ohio's Financial Responsibility Law must be submitted to the Human Resources Director or his/her designee by an employee who must drive his/her private vehicle as a regular function of his/her job, or who needs mileage reimbursement for traveling on City business. This proof must be submitted at hire and on an ongoing basis.
- b. Failure to provide proof of liability insurance may be grounds for discharge of a current employee if driving is an essential function of his/her job.

Section 2.8 EMPLOYMENT RECORDS

A. EMPLOYMENT HISTORY OR PERSONNEL FILES

1. The Human Resources Director or designee will maintain the City's official personnel files.
2. An official personnel file of each City employee will contain information that can legally be the basis for employment-related decisions¹ including hiring, firing, promotion, demotion, pay increase/decrease, layoff, training and all other actions taken regarding employees. Files may include, but are not limited to:
 - a. The employee's application for employment
 - b. Test results and interview notes for positions held
 - c. The record of pre-employment references
 - d. Copies of required, job-related licensure or certification documentation
 - e. Job description for the employee's position
 - f. Performance evaluations
 - g. Documentation of training received
 - h. Employment-related awards or honors
 - i. Disciplinary actions
 - j. Employee rebuttals to performance evaluations and/or disciplinary actions
 - k. Documents summarizing employment status or position including letters of resignation or application for other positions within the City
 - l. Documents establishing rates of pay and fringe benefits (except where such document contains employee medical information)
 - m. Emergency contact information
 - n. Work permits for minors
 - o. I-9 Immigration and Naturalization form²
 - p. Signed and unsigned requests for references and copies of reference letters sent
3. Employees are responsible for submitting written updates of the following information to the Human Resources Director or designee as soon as possible following a change so that the City has accurate and up-to-date information at all times:
 - a. Name
 - b. Residential address and telephone number
 - c. Marital status
 - d. Work permits or other authorization to work in the United States
 - e. Military status
 - f. Emergency contact information
 - g. Filing status and number of exemptions claimed for tax purposes (in payroll file)
 - h. Current information on dependents and beneficiaries of City-sponsored health or life insurance policies, as applicable

¹ Items such as garnishment orders are not maintained in the personnel file since they cannot legally be used as the basis for employment decisions.

² These forms may be maintained in a separate file, readily available in the event of an unscheduled inspection by federal authorities.

4. With the exception of information determined by statute to be confidential (e.g., Social Security Number), personnel files are public documents and subject to inspection by the public.
5. The following information and documents containing such information are **not** maintained in the official personnel file, or are removed prior to inspection and are not subject to inspection by the public:
 - a. Employee Medical Information and social security numbers;
 - b. Trial preparation records, attorney work product, correspondence seeking legal advice from the Law Director and confidential information assembled by law enforcement officials in connection with a probable or pending criminal proceeding;
 - c. Residential and familial records of any City employee and peace officer photographs;
 - e. Records of which the release is prohibited by state or federal law;
 - f. Infrastructure records that disclose the configuration of the City's critical systems, such as computer systems or security codes.

The files with the above-noted information will be maintained and stored in a secure, confidential location.

B. MEDICAL RECORDS

1. For purposes of this policy, a 'medical record' is defined as any document or combination of documents that pertains to or reveals information about an employee's medical history, diagnosis, prognosis, or medical condition.
2. The City will take all lawful actions to protect and maintain the privacy of medical records including disciplining employees who inappropriately release or reveal confidential medical information.
3. Medical records may be released only in the following circumstances:
 - a. Supervisors may be informed of restrictions and accommodations that are a part of an agreed-upon plan of reasonable accommodation
 - b. First aid and safety personnel may be informed of medical information on file if an employee requires emergency medical treatment
 - c. Government officials investigating compliance with the law may be provided with relevant medical information
 - d. Officials processing and investigating workers' compensation claims may be provided with relevant medical information

C. PAYROLL RECORDS

Payroll records will be maintained in accordance with City, state and federal laws and regulations and generally recognized accounting principles and practices.

D. REVIEW OF PERSONNEL FILE BY EMPLOYEE

1. Employees wishing to review the contents of their personnel file must contact the Human Resources Director or designee to schedule an appointment with a department representative who will accompany the employee while he/she reviews the file.

Personnel files may not be removed from the HR Department.

2. Employees may request a copy of any document contained in their personnel file. The Human Resources Director or designee will be responsible for supplying the document copies in a reasonable period of time which is determined by the quantity and complexity of the documents requested.

Employees may be required to pay the City's established rate for copying documents.

3. An employee challenging the inclusion, or validity, of a document in his/her personnel file may submit a written request to the Human Resources Director or designee asking for the document to be corrected, revised or removed.
 - a. The Human Resources Director or designee will respond in writing to the employee's request and take any action deemed appropriate
 - b. In the event the employee's request is denied, his/her written request will be included in the personnel file.

E. PUBLIC REQUESTS TO REVIEW PERSONNEL FILES

- a. Members of the public (including prospective employers of past or current employees) wishing to review an employee's personnel file may do so in accordance with the City's procedures and in the presence of the Human Resources Director or his/her designee or a representative of the Law Department.
- b. In order to ensure the dissemination of accurate information, written or oral requests to verify the employment of past and current employees are to be forwarded to the Human Resources Director or his/her designee.

F. RETENTION OF PERSONNEL FILES

The City has adopted a Schedule of Records Retention and Disposition establishing the timeframe and method for retaining and/or disposing of the City's official personnel files.

CHAPTER 3 COMPENSATION

- Section 3.1 Hours of Work
 - Regular Hours of Work
 - Request for Schedule Change
 - Meal Periods
 - Work Breaks
- Section 3.2 Employee Time Reports
 - Record-Keeping Requirements
- Section 3.3 Paychecks and Payroll Deductions
 - Timing of Paychecks
 - Gross Pay
 - Pay Deductions
 - Benefit Deductions and Accruals
 - Pay Adjustments
 - Distribution of Paychecks
- Section 3.4 Wage Administration
 - Pay Ranges
 - Individual Compensation
 - Longevity Pay Supplements
 - Temporary Working Level
- Section 3.5 Overtime Compensation
 - Non-Exempt Defined Compensation
 - Compensatory Time

Section 3.1 HOURS OF WORK

A. REGULAR HOURS OF WORK

1. The normal hours of operation for City offices are 8:30 a.m. to 4:30 p.m., Monday through Friday or alternatively as approved by the Appointing Authority or Designee.
 - a. All departments are expected to be open and adequately staffed during the normal hours of operation.
 - b. Department Directors shall establish individual employee work schedules that ensure adequate staffing during the normal hours of operation.
 - i. Full-Time employees are expected to work thirty-five (35) to forty (40) hours per week on a regular and consistent basis.
 - ii. All employees working six or more hours per day are required to take a thirty-minute lunch break.
2. Some employees have work schedules that are the result of collective bargaining or reflective of the necessity to staff certain departments beyond 4:30 p.m. In the absence of a collective bargaining agreement, the Department Director must approve the work schedules in these areas.
3. By the nature of their position, Department Directors are required to be available to the Appointing Authority or Designee and to respond to emergencies on a twenty-four hour basis, seven days a week.

B. REQUEST FOR SCHEDULE CHANGE

1. Department Directors may approve occasional variations to the established employee schedules in order to meet departmental needs or provide flexibility to departmental employees
2. The flexibility afforded employees under this policy is a benefit, not a right and is subject to the approval of the Department Director and/or the Appointing Authority or Designee.

C. MEAL PERIODS

1. All employees working six (6) or more hours per day are required to take a thirty (30) minute UNPAID lunch break. The meal break will be taken at the time set by the employee's supervisor as part of the established work schedule.
2. Non-exempt employees are relieved of all duties during the meal break.
3. Employees may not work through a meal break in exchange for arriving at work late or leaving early, except in unusual circumstances and with the express authorization of the Department Director.

D. WORK BREAKS

1. Exempt or non-exempt, non-union staff are entitled to two fifteen-minute breaks to be taken before and after their scheduled lunch period at times to be established by the Department Director.
2. Employees covered by a collective bargaining agreement are entitled to breaks as established in the agreement with the City.

Section 3.2 EMPLOYEE TIME REPORTS

A. RECORD-KEEPING REQUIREMENTS

1. The Fair Labor Standards Act requires the City to keep an accurate, daily record of each non-exempt employee's hours worked. At a minimum, pay records must include:
 - a. Employee's full name and social security number
 - b. Address, including zip code
 - c. Birth date, if younger than 19
 - d. Gender and occupation
 - e. Time and day of week when employee's workweek begins
 - f. Hours worked each day
 - g. Total hours worked each workweek
 - h. Basis on which employee's wages are paid (e.g., \$7 per hour)
 - i. Regular hourly pay rate
 - j. Total daily or weekly straight-time earnings
 - k. Total overtime earnings for the workweek
 - l. All additions to or deductions from the employee's wages
 - m. Total wages paid each pay period
 - n. Date of payment and the pay period covered by the payment

Section 3.3 PAYCHECKS AND PAYROLL DEDUCTIONS

A. TIMING OF PAYCHECKS

1. All eligible employees of the City shall be paid every other Thursday throughout the year except in the event of a holiday in which case pay will be issued on the business day prior to the regular payday, if possible.

B. GROSS PAY

1. Pay for Hours of Work and Benefit Time

- a. For non-exempt employees: For the purpose of calculating the wage amount for each two-week period, annual authorized compensation shall be divided by the following in order to establish an hourly rate:

- (1) 2,080 hours for forty-hour weekly employees;
- (2) 1,820 hours for thirty-five-hour weekly employees; and
- (3) 2,496 hours for forty-eight-hour weekly employees.

The regular, two-week wage amount shall then consist of, respectively, eighty, seventy or ninety-six hours multiplied by the respective hourly rate.

- b. For exempt employees: the total annual salary is divided 1,820 and the result is multiplied by 70 hours (representing the two-week period encompassed by the pay period).
- c. Employees are not permitted to carry hours worked forward into a subsequent payroll.

C. PAY DEDUCTIONS

1. Deductions are made from an employee's paycheck as required by law, employee benefit plan election or as requested by the employee. These deductions are itemized on the pay statement that accompanies the employee paycheck. Deductions include:
 - a. Contributions to the Ohio Public Employees' Retirement System or Police and Fireman's Disability and Pension Fund as required by State law.
 - i. The OPERS and Police and Fireman's Disability Pension Fund Boards of Directors establishes the percentage of gross pay that each public employer must withhold from employee pay as well as the percentage each employer must contribute on behalf of each employee.
 - ii. The required amount paid by the City may change at the direction of the OPERS and Police and Fireman's Disability Pension Fund Board of Directors.
 - b. Federal, state and municipal taxes as required by law and in accordance with completed employee withholding forms.

All employees must complete withholding tax forms at the time of initial employment and update these as changes occur that affect dependent or withholding status.

c. Medicare tax

Each employee hired on or after April 1, 1986 will have Medicare taxes deducted from his/her pay. This includes an employee who was employed before April 1, 1986 then quits and is re-employed on or after April 1, 1986.

d. Insurance Plans

Employees electing insurance coverage requiring payment of a portion of the premium will have the total annual charge deducted in equal increments from each pay of the year. The per-pay deduction will be determined by dividing the total annual cost by the number of bi-weekly pay periods in the year.

e. Garnishments/Child Support Deductions

The City will comply with Court-ordered garnishments including the deduction and processing of child support payments.

f. Union Dues / Fair Share Fees

- i. An employee who is a member of a Union recognized as an exclusive bargaining agent may authorize the deduction of Union dues according to the terms of the applicable labor agreement.
- ii. Fair Share Fees may automatically be deducted from the pay of each employee who is a member of a recognized bargaining unit, but does not belong to the Union, as required by the provisions of the labor agreement.

g. Deferred Compensation

- i. An employee may have a portion of his/her income deposited into the State of Ohio Deferred Compensation Program (“The City of Parma Deferred Compensation Program”). The legal limit for deferred compensation contributions is as defined by law.
- ii. The City of Parma Deferred Compensation Program serves in addition to any retirement, pension or benefit system established for the benefit of employees of the City. No deferral of income under the City of Parma Deferred Compensation Program will effect a reduction of any retirement, pension or other benefit provided by law.
- iii. No sum deferred under the City of Parma Deferred Compensation Program will be included for the purpose of computing taxes withheld on behalf of the employee, except municipal income tax.

- iv. Interested employees may contact the Human Resources Director or designee for additional information.

D. BENEFIT DEDUCTIONS AND ACCRUALS

The approximate number of sick and vacation hours used and/or earned during the 80-hour pay period will be posted on each paycheck.

E. PAY ADJUSTMENTS

1. Corrections of overpayments or underpayments will be made in the immediately following pay period assuming the information is given to the Auditing Department in time for processing.

F. DISTRIBUTION OF PAYCHECKS

1. Employees may complete forms available from the Human Resources Director, Auditor or their designee to authorize the direct deposit of their paycheck into a bank account.
2. For those employees not choosing to have their paychecks directly deposited into an authorized bank account, paychecks will be picked up, signed for, and distributed by the Treasury's designated representative.

Employees subsequently requesting that their check be re-issued will be charged with the bank expense of stopping payment on the original check and may be charged an administrative fee for re-issuing the check.

3. A written authorization statement signed by the employee and given to the Department Director will be required in the event that an employee is not at work on payday and wishes to have another individual pick up his/her paycheck. The written authorization must identify the specific person that will be picking up the paycheck and that individual must be able to produce identification at the time he/she arrives to pick up the paycheck.

Section 3.4 WAGE ADMINISTRATION

A. PAY RANGES

1. NON-BARGAINING POSITIONS

- a. Positions in the service of the City and not covered by a collective bargaining agreement are grouped into pay ranges based on similarities in duties, qualifications, scope of authority, etc.
- b. A pay range is set establishing the minimum and maximum rate of pay approved for incumbents of positions assigned to the pay range.
 - i. In consultation with the Department Directors, the Auditor and the Human Resources Director, the Appointing Authority or designee will establish the appropriate pay range assignment for a position and periodic adjustments to the said ranges
 - ii. The Appointing Authority or Designee will recommend to Council the positions assigned to each pay range and the salary range for each pay range.
 - iii. Council shall establish or amend, by passage of ordinance, the positions and range of salaries assigned to each pay range.
- c. Actual and/or maximum annual and hourly rates of pay are established by Council for temporary positions and selected appointed and seasonal positions. (See current Salary Ordinance for Other Appointed Officials and Seasonal Salary Schedules.)

2. BARGAINING UNIT POSITIONS

The wages for classified positions covered by a union agreement are set by the collective bargaining agreement between the union(s) and the City.

B. INDIVIDUAL COMPENSATION

1. The Appointing Authority or Designee shall set the base annual (or hourly, in the case of a part-time employee) compensation for an employee in a non-bargaining unit position at a rate not to exceed the maximum salary for the pay range (exclusive of longevity increments) to which the position has been assigned.
2. The Appointing Authority or Designee shall set the base annual compensation for a newly hired and/or reclassified employee in an unclassified; non-bargaining unit position at a rate not to exceed the maximum salary for the pay range to which the position has been assigned.

After completion of the probationary period, employees may receive an increase as determined by the Appointing Authority or Designee.

3. The Appointing Authority or Designee shall set the annual or hourly rate of pay for other appointed officials, short-term, intermittent and seasonal employees in accordance with and/or at a rate not to exceed the maximum rate of pay established by ordinance.

C. LONGEVITY PAY SUPPLEMENTS

1. At the first regular payday after the employment anniversary date of each full-time employee, longevity benefits in accordance with the schedule of benefits provided herein shall be paid in a lump sum to each employee who qualifies for such benefits, except that each within rank member of the Division of Fire or Police shall receive such benefits in equal, bi-weekly installments on each regular payday.

Length of Service	Amount (each year)
After 5 years	\$300.00
After 10 years	\$600.00
After 15 years	\$900.00
After 20 years	\$1,200.00
After 25 years	\$1,500.00
After 30 years	\$1,800.00

D. TEMPORARY WORKING LEVEL

1. A full-time employee approved by the Appointing Authority or Designee to temporarily assume the responsibilities of another full-time position vacated for more than two pay periods shall be classified as being assigned to a Temporary Working Level.
2. Employees classified as being in a Temporary Working Level shall be entitled to compensation at a rate of pay occurring between the minimum and maximum of the pay range for the (temporary) position.

The rate of Temporary Working Level compensation must be approved by the Appointing Authority or Designee and can be made retroactive.

Employees assume the exempt or non-exempt designation of the position to which they are temporarily assigned.

3. The authority for assignment to a Temporary Working Level shall end upon the date of the return to work on a full-time basis of the original employee or such time as the vacant position is filled.

Section 3.5 OVERTIME COMPENSATION

A. NON-EXEMPT DEFINED

1. Non-exempt employees are those employees holding positions that are not administrative, professional or executive as defined by the Fair Labor Standards Act.
2. Non-exempt, seasonal employees are not entitled to overtime compensation per the Fair Labor Standards Act.

B. COMPENSATION

1. For non-exempt employees, time worked beyond the initial forty (40) hours of work and/or approved leave in a work week will be paid at one and one-half times the employee's total rate of pay for each hour worked beyond forty.

C. COMPENSATORY TIME

1. All full-time, non-union employees who are not exempt for purposes of the Fair Labor Standards Act may accumulate up to 240 hours of compensatory time as approved by the Appointing Authority.
2. Upon termination of employment, such employees shall be paid for all accumulated compensatory time not used, but not to exceed 240 hours.

CHAPTER 4

BENEFITS

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Section 4.1 SERVICE TIME CREDIT

A. CALCULATING SERVICE TIME

1. Eligibility for various benefits may be affected by the amount of service time credited to an employee.
2. Service time will begin to accrue with the first date of employment in regular, interim, short-term, intermittent or seasonal status.
3. Service time shall not accrue during periods when an employee is not in active pay status for more than two pay periods unless the employee is on approved leave under the Family and Medical Leave Act.

B. CREDIT FOR PRIOR SERVICE

1. New employees who possess prior work experience with the City of Parma will receive credit for such prior service time.

The Appointing Authority or Designee is not required to accept any or all, of a prospective employee's request for credit for prior service if the Appointing Authority or Designee views such acceptance to be detrimental to the administration of City business.

2. Prior to authorizing any credit for prior service, the Auditor or his/her designee shall verify the dates and past employment history of the new employee and provide the information to the Appointing Authority or Designee.
 - a. Verification of previous employment will be obtained from an individual with fiduciary responsibility in the agency, subdivision or municipality that the candidate has disclosed on his/her employment application.
 - b. If verification cannot be obtained within six (6) months of hire, no credit will be awarded for prior service.
3. New employees for whom the Appointing Authority or Designee has granted credit for some or all eligible prior service shall be provided with a written acknowledgement of the amount of time to be credited.

A copy of this written acknowledgement will be maintained in the employee's personnel file.

Section 4.2 INSURANCE BENEFITS

A. ELIGIBLE EMPLOYEES

1. Full-time interim and regular employees are eligible to participate in insurance plans (e.g., health, vision, dental, prescription drug) provided by the City for its employees.
2. Part-time Prosecutors and part-time employees covered by the AFSCME Agreement shall be able to participate in the insurance plan by paying the established COBRA rate.
3. Eligible employees may enroll in insurance plans in accordance with the timeframes established by the Human Resources Department..

B. BENEFIT AND OPT OUT

1. The type of insurance benefit(s) and the extent to which the City will assume the cost of each benefit shall be established in the Summary Plan Description (SPD).
 - a. The HR Director or his/her designee will provide eligible employees with detailed information about the insurance benefits and premiums provided by the City at the time of hire.
 - b. Upon request or at the time of an offer of employment, the HR Director or designee will provide applicants with an overview of the insurance benefits provided by the City.
2. The Human Resources Director or Designee and Council are responsible for selecting a reputable insurance provider.
3. OPT-OUT: Any employee receiving paid hospitalization coverage as a benefit of employment with the City may, in lieu of the hospitalization benefits and upon written request along with proof of other coverage to the Human Resources Director, receive payment as an addition to the employees annual compensation, to be pro-rated and paid on a per-pay basis, in line with single or family classifications. The opt-out payment amounts are:

<u>Classification</u>	<u>Amount (Per Year)</u>
Family	\$ 2,000.00
Single	\$ 800.00

C. PAYMENT OF PREMIUMS DURING LEAVES OF ABSENCE

1. FAMILY AND/OR MEDICAL LEAVES OF ABSENCE
 - a. For the duration (as medically certified or otherwise approved)of an approved Family and/or Medical Leave, the City will continue to pay premiums, and the employee will continue to pay the same premiums for City-sponsored health care, prescription and life insurance policies held by the employee prior to the

start of the leave in the same percentage and amount as paid prior to the start of the leave.

- b. Employees on leave are responsible for the timely payment of their portion of insurance premiums, if applicable.

The City's obligations to maintain insurance coverage will cease under FMLA if an employee's premium payment is more than thirty (30) days late.

- c. An employee who does not return from a Family and/or Medical Leave may be required to reimburse the City for its cost of maintaining insurance benefits during the leave.
 - i. An employee who returns to work for at least thirty (30) calendar days is deemed to have returned to work.
 - ii. An employee who transfers directly from taking Family and/or Medical Leave to retirement, or who retires during the first thirty (30) days after the employee returns to work, is deemed to have returned to work.

2. OTHER UNPAID LEAVES OF ABSENCE

- a. The City may discontinue paying premiums for City-sponsored health care or other insurance policies held by the employee while the employee is on any unpaid leave of absence not recognized as a Family and/or Medical Leave of Absence.
- b. Employees on unpaid leave of absence are responsible for the timely payment of their portion (or the total cost in the event of the City discontinuing payment of its portion) of insurance premiums.
- c. The City may terminate the insurance coverage of an employee who is on unpaid leave of absence and does not make the required premium payments in a timely fashion.
- d. If allowed to lapse, insurance benefits will be reinstated on the first day of the employee's return to work in his/her regular, benefit-qualifying status.
- c. If the employee's health care coverage is discontinued, the employee will have the option of receiving insurance coverage under the COBRA provisions under federal law and this policy manual.

Section 4.3 VACATION LEAVE

A. ELIGIBLE EMPLOYEES

Full-time regular and interim employees are eligible to earn vacation leave hours in accordance with the schedule noted below immediately upon employment.

B. DEFINITIONS

1. Continuous Employment – an employee’s period of employment with the City in which he or she is continuously employed by the City, including authorized leave and/or periods when the employee is laid off due to a reduction in force, provided such layoff time does not exceed one year. The period of authorized leave or layoff shall not be considered a break in service, however, time spent on leave or layoff shall not be credited towards continuous service. Should the layoff period exceed one year, the rehiring of such employee shall constitute the start of a new period of employment for purposes of continuous service with the City.
2. Service Credit – notwithstanding any provision of this section to the contrary, a person employed by the City is entitled to have his or her prior service with the City of Parma counted towards his/her service credit.

C. BENEFIT

1. Eligible employees can earn vacation leave while in active pay status at a rate based on years of continuous employment with the City. Employees will be credited with their entire vacation accrual from the prior year following their anniversary date.
2. Each employee who has completed less than one year of continuous employment shall receive one (1) workday off for each month worked but not more than eight (8) workdays, with pay. Employees resigning their position before completion of the first year are not compensated for the hours earned. Following one year of service, employees will be credited with their full vacation accrual from the prior year.
3. At the beginning of each calendar year, all employees will be credited with their full vacation accrual from the prior year according to the following schedule:

Years of Service	Vacation Weeks
1 year to less than 6 years	2 Weeks
6 years to less than 13	3 Weeks
13 years to less than 18	4 Weeks
18 years to less than 22	5 Weeks
22+ years	6 Weeks

4. When employees reach their anniversary date corresponding to one of the milestones set in the above schedule (1, 6, 13, 18 and 22 years), they will be credited with the difference between their former accrual and their current accrual (Example: When the employee reaches their 6th anniversary, they will immediately be credited with 1 week of vacation to bring them from 2 weeks to 3 weeks) .
5. Each hour of vacation leave is paid at a rate equal to the employee's total hourly rate of pay.
6. Vacation leave is not cumulative and must be taken in the calendar year as due or the time will be lost. The only exception is when an extra week of vacation is earned in November or December due to an anniversary date; then one week of vacation may be carried over into then next calendar year.
7. After an employee has completed twenty-five (25) years of service with the Ohio Public Employment Retirement System (OPERS), he/she may elect at any time to work all or part of his/her scheduled vacation for the current year and receive payment for this unused vacation at a straight time rate of pay. Such converted vacation pay shall be considered pensionable to the extent allowed by OPERS.

D. USE OF VACATION LEAVE

1. Use of vacation leave shall be in minimum increments of one (1) hour and is subject to the approval of the employee's Department Director or designee.
2. Requests for vacation leave must be submitted on the appropriate leave form to the Department Director in a reasonable timeframe prior to the day(s) requested off.

Vacation leave may be denied during a specific period if the workload dictates and for any other reasonable operational reasons.

E. PAYMENT FOR UNUSED VACATION LEAVE AT TIME OF TERMINATION

1. After five (5) years of service, upon voluntary or involuntary termination of employment including when it is due to an employee's death, the Auditor is authorized to convert earned and unused vacation leave to the terminated employee into a cash payment derived by multiplying the employee's total hourly rate of pay times the number of unused vacation hours at the date of termination.

- a. **Termination (voluntary or involuntary):** Employees will receive cash payment for all earned and unused vacation leave from the calendar year ***preceding*** their termination.

Retirement: In addition to unused vacation from the preceding calendar year, employees retiring under PERS or Police and Fireman's Pension will receive a pro-rated cash payment for vacation leave that would have been accrued ***during*** the calendar year in which they retire.

- b. Employees resigning before completion of one year of continuous service forfeit all unused accrued vacation leave.
 - c. In the event of a death, the City shall pay the amount due first to the spouse, and if none, then equally to any children, and if none, then to the estate.
2. The Appointing Authority or Designee may, in his sole discretion, determine to rehire an employee who is eligible to and elects to retire under OPERS or the Ohio Police and Fireman Pension Fund.
- a. Individuals requesting consideration to retire and be rehired shall give the Appointing Authority or Designee written notice of such request at least sixty (60) days prior to their proposed retirement date.
 - b. Employees approved for rehire may elect to carryover some or all of their accrued and unused vacation assuming the position for which they were rehired is a regular full-time or interim position.
 - i. Any hours carried over will be subject to the terms of (4) (a) and (b) above.
 - ii. The cash value of any hours carried over will be based upon the employee's (new) rate of pay (when converted), not when carried over.

F. DISCIPLINE

In certain situations, at the discretion of the Department Director and the Appointing Authority or Designee, the future accrual of a certain amount of vacation time may be denied as a disciplinary penalty.

Section 4.4 HOLIDAYS

A. ELIGIBLE EMPLOYEES

1. Full-time regular and interim employees are eligible to be paid for the official holidays of the City immediately upon employment.
2. Employees shall forfeit their right to a paid holiday if they are absent from work on the workday last preceding the legal holiday or the workday next following a holiday unless such absence is for the purpose of vacation leave, compensatory time, jury duty, personal health day, hospitalization, legitimate illness or injury with a doctor's certificate, injury leave or funeral leave, and such leave has been approved by the HR Department or Department Director. A personal health day may only be used on the workday last preceding the legal holiday or the workday next following a holiday upon prior written approval of the City. Such approval or denial shall not be grievable.

B. BENEFIT

1. The City recognizes the following days as official holidays on which the City will not conduct regularly scheduled business and yet eligible employees will be paid FOR SEVEN HOURS AT THE TOTAL HOURLY RATE OF PAY.

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday prior to Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	11 th day of November
General Election Day	First Tuesday after first Monday of November
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

- a. Upon completion of their first continuous year of service, part-time AFSCME employees shall receive President's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day as paid holidays with seven (7) hours pay for each such holiday.
 - b. Exempt employees will receive holiday pay equal to their total annual salary divided by 1,820 and then multiplied times eight (7).
2. An officially recognized holiday that falls on a Saturday will be observed on the preceding Friday. An officially recognized holiday that falls on a Sunday will be observed on the following Monday.

3. If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be substituted for the paid benefit time that would otherwise have applied.
4. Eligible non-exempt employees required to work on an official holiday will receive holiday pay plus wages at one and one-half their regular hourly rate for the hours actually worked on the holiday.

Section 4.5 PERSONAL LEAVE

A. ELIGIBLE EMPLOYEES

Full-time regular and interim employees shall be granted seven (7) hours of personal leave immediately upon completion of forty five (45) days of employment.

Part-time AFSCME employees shall be granted seven (7) hours of personal leave immediately upon completion of five (5) years of service.

B. BENEFIT

Annual allotment of seven (7) hours paid time away when normally scheduled to work.

1. The hours of personal leave are 'advanced' and available for use by eligible employees in the first pay period of each year.
2. Each hour of personal leave is paid at a rate equal to the employee's total hourly rate of pay.
3. Employees accepting employment in an eligible classification at a point subsequent to the posting of the first pay period of the year shall refer to the Collective Bargaining Agreement that covers them to see how your personal days will be handled. Employees not covered by a collective bargaining agreement will not receive a personal day in the year they are hired if they accept employment in an eligible classification at a point subsequent to the posting of the first pay period of the year.
4. Any unused personal leave at the end of the payroll year, or which is earned but not used at the time of termination, shall be lost and may not be carried over to the following year.
5. Employees terminating employment prior to the final pay period of the year shall have their final payment for wages adjusted to compensate the City for any hours posted but not earned.
 - Computation of any advance hours required to be recovered shall be performed using the same method prescribed above using the termination date as the effective date.

C. USE OF PERSONAL LEAVE

1. Use of personal leave shall be in minimum increments of one-half (1/2) hour.

2. Although requests for personal leave may be made with same-day notice, employees should make a reasonable attempt to request personal leave with as much notice to the Department Director as possible.

Section 4.6 SICK LEAVE

A. ELIGIBLE EMPLOYEES

Full-time or part-time regular AND temporary employees (except seasonal) are eligible to earn/accrue sick leave immediately upon employment. Employees shall earn sick leave at a rate of .0575 hours for each hour of service.

B. BENEFIT

1. Paid time away when unable to report for or work a full regularly scheduled workday due to illness, medical condition, injury or medical appointment.

Each hour of sick leave is paid at a rate equal to the employee's total hourly rate of pay.

2. Eligible employees may accrue sick leave hours without limit.
3. The Appointing Authority or Designee may, upon acceptance of a new employee's service time earned in prior public service as defined in the City's salary ordinance, authorize the transfer of accumulated sick leave hours from the employee's previous public employer.

C. USE OF SICK LEAVE

1. Eligible employees may request to use sick leave for an absence due to their own illness, medical condition, injury or medical appointment or that of a member of their immediate family.

For purposes of this policy, "immediate family" is defined as the employee's spouse, parent (or someone serving in loco parentis) and current parent-in-law, child, step-child and grandchild.

2. Eligible employees may request to use up to an additional two days' sick leave in order to extend a period of bereavement beyond the three day maximum granted in the City's bereavement policy.
3. Accrued sick leave may be used in minimum increments of one (1) hour.
4. An eligible employee unable to report to work due to illness, medical condition, injury or unplanned medical appointment must notify his/her Department Director or designee of the absence and request to use accrued sick leave at least thirty (30) minutes before the scheduled start time for each day he/she is to be absent (waived if the employee is on a pre-approved leave of absence for a defined period of time).
 - a. **Under no circumstances will outside employment be performed while an employee is on sick leave.**

- b. Employees who request sick leave for reasons other than illness, medical condition, injury or medical appointment or who falsify the reporting of sick time records may be subject to disciplinary action.
- c. An eligible employee unable to report to work or work a full day due to a planned medical appointment shall notify his/her Department Director or designee of the pending absence at least 24 hours in advance of the scheduled start time for the day he/she will be absent.

D. RETURN TO WORK

1. An employee returning to work from a paid sick leave of more than three (3) consecutive work days must present a health care provider's certification of their inability to work on the days claimed and their ability to safely resume performing all of the duties of their position.
2. Management is also entitled to request a health care provider's verification for sick leave if there is reasonable cause to believe that an employee is abusing sick leave. For example, the City may request a health care providers' verification from an employee with a record of an excessive number of days away or an unacceptable pattern of use (e.g., every other Monday or Friday).
 - a. Excessive absenteeism may be grounds for disciplinary action regardless of whether or not the employee used sick time for each occurrence and/or has a remaining balance of sick time.
 - b. When an employee is required/requested to provide medical certification under this section, he/she shall have no more than three (3) business days to provide such documentation to his/her Department Director.
 - c. Failure to provide appropriate documentation within the prescribed time period may be grounds to deny the use of sick leave to pay for the absence in question and may be grounds for disciplinary action.

E. SICK LEAVE CONVERSION METHODS

1. **Sick Leave Cash-out** - Employees shall have the option of converting up to eighty (80) hours of sick leave earned within the calendar year at the employee's rate of pay at the time of conversion. This will be paid at a rate of one (1) hour of pay for two (2) hours of sick leave converted. The conversion must be requested in writing on the City form by November 30th of each year. Upon retirement, an employee that has not exercised the sick leave conversion benefit to its maximum will be paid for any hours not previously converted, up to one hundred twenty (120) hours of sick leave at the rate of one (1) hour of pay for two (2) hours of sick leave converted.
2. **Retirement Cash-out** - Upon retirement of an employee who has not less than five (5) years of continuous service with the City and who has qualified for retirement benefits from the OPERS or the Ohio Police and Fireman Pension Fund, such employee shall be entitled to receive a cash payment equal to his highest base hourly rate of pay while employed by the City, multiplied by one-third (1/3) of his/her total accumulated,

unused sick leave up to two thousand one hundred sixty (2160) hours, not to exceed seven hundred twenty (720) hours of accumulated sick leave. Such a payment eliminates all accumulated, unused sick leave.

3. **Health Days** - Employees with accumulated sick leave may take off two (2) Health Days per calendar year to be used at the discretion of the employee and charged against accumulated sick leave. An employee who has accumulated sick leave of 210 hours or more at the end of the prior calendar year may take off an additional Health Day, chargeable to accumulated sick leave. Health Days may be used in partial or whole increments. Use of Health Days shall not be counted against the Sick Leave Bonus in E 4 of this policy.
4. **Sick Leave Bonus** – If, during any continuous three (3) month period, a full-time employee does not use any sick leave as provided in this policy, the full time employee shall be granted a sick leave bonus This sick leave bonus period will run for three (3) months from the use of the last sick leave day, except for absence due to a death in the immediate family or sick leave used for injury leave. An employee receiving this bonus may choose from the following pay options:
 - a. One and one-half (1 ½) vacation days with pay in addition to any entitled vacation leave;
 - b. Ten and one-half (10 ½) hours of pay for employees working a thirty five (35) hour week, or twelve (12) hours of pay for employees working a forty (40) hour week, at the employee's straight time pay rate;
 - c. Credit for like hours (part b above) of compensatory time; or
 - d. Credit for like hours (part b above) of bonus vacation hours to be used only as vacation time subject to the City's approval.
5. In the event of the death of a current employee, the Auditor is authorized to convert fifty percent (50%) of the employee's eligible unused, accrued sick leave hours into a lump sum cash payment to be included in the final payroll warrant issued in the employee's name.
6. The Appointing Authority or Designee may, in his sole discretion, determine to rehire an employee who is eligible to and elects to retire under OPERS or the Ohio Police and Fireman Pension Fund.
 - a. Individuals requesting consideration to retire and be rehired shall give the Appointing Authority or Designee written notice of such request at least sixty (60) days prior to their proposed retirement date.
 - b. Employees approved for rehire are required to convert thirty-three percent (33%) of eligible unused, accrued sick leave hours into a lump sum cash payment but may choose to carryover a balance of not more than 120 hours for use after re-employed.

- c. Conversion of sick leave hours will be done only once. Individuals rehired will not receive a second conversion for any hours they elected to carryover or which are accrued subsequent to their rehire.

Section 4.7 BEREAVEMENT

A. ELIGIBLE EMPLOYEES

Full-time regular and interim employees are eligible for bereavement leave for those days they are regularly scheduled to work.

B. BENEFIT

1. Bereavement leave for up to four (4) days shall be granted for the death of a spouse, child, step-child, parent, brother, sister, grandparent, grandchild, current parent-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law.
2. Employees will be permitted, with proper authorization to take additional days for funeral leave when necessary. Such leave will be charged to any accumulated leave the employee chooses.
3. No amount of unused bereavement leave will be paid at year-end or upon termination.

Section 4.8 FAMILY AND MEDICAL LEAVES OF ABSENCE

As a covered employer under the Family and Medical Leave Act of 1993, the City must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with an acute or chronic serious health condition; or
- to take medical leave when the employee is unable to work because of an acute or chronic serious health condition.

A. DEFINITIONS

The following terms as used throughout this policy are consistent with the definition established below:

1. **ACT or FMLA** means the Family and Medical Leave Act of 1993.
2. **Chronic serious health condition** is one which:
 - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy)
3. **Eligible employee** means:
 - a. An employee who has been employed for a total of at least twelve months by the City on the date on which the FMLA leave is to commence; and
 - b. Who, on the date on which the FMLA leave is to commence, has been employed for at least 1,250 hours of service during the previous twelve-month period.
4. **Family leave** is leave taken for the birth and/or care of a newborn or child placed into the employee's home as a result of adoption or foster care placement. Family leave must be taken within twelve months of the qualifying event (birth or placement).

5. **Health care provider** means:
 - a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or
 - b. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; and
 - c. Nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice under State law; and
 - d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts
 - e. Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits
 - f. A health care provider as defined above who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country.
6. **Intermittent leave schedule** means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken several days at a time spread over a period of six months, such as for chemo therapy.
7. **Medical leave** means leave requested in order to care for an immediate family member with a serious health condition or for the employee's own serious health condition (includes leaves resulting from a Worker's Compensation-related injury or illness).
8. **Parent** means the biological parent of an employee or an individual who stands or stood in loco parentis to an employee when the employee was a child.
9. **Reduced leave schedule** means a leave schedule that reduces the usual number of hours per workweek or hours per workday, of an employee.
10. **Serious health condition** entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (meaning inability to work, attend school or perform other regular daily activities due to the serious

health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or

- b. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes a period of incapacity (i.e., an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - c. Any period of incapacity due to pregnancy, or for prenatal care
 - d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is defined above.
 - e. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
 - f. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
11. **Son or daughter** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
12. **Spouse** means a husband or wife as defined or recognized under State law for purposes of marriage in the State of Ohio.

B. APPROVAL PROCESS

1. **When a serious health condition occurs or is anticipated, the employee is responsible** for providing written notification of such need to the immediate supervisor, and Department Director or designee thirty (30) days prior to the date the leave is expected to commence.
 - a. The written notice must contain the anticipated beginning and ending dates of the leave and the reason for (or type of) leave.
 - b. An eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks of leave during any 12-month period. The 12-month period begins with the first day of the leave.
 - c. To be eligible for subsequent leaves, the eligible employee must have actually worked 1,250 hours in the twelve months since the immediately preceding Family Medical Leave.
2. If thirty (30) days notice is not possible, the employee is responsible for making a reasonable attempt to notify the immediate supervisor, and Department Director or designee as soon as practicable. The Department Director or designee will notify the HR Director of the need for leave.
3. The HR Director or designee will provide the employee with a written notification of his/her eligibility for leave and the City's **provisional** approval or denial of the leave based on the information presented.

For the birth, adoption or fostering of a child, where a husband and wife are both employed by the City, the aggregate number of workweeks of leave to which both are entitled is limited to twelve (12). The individual spouses are entitled to the remaining weeks of Family Medical Leave for a qualifying condition.

4. The notification provided by the HR Director or his/her designee will include **a notice of the employee's rights and responsibilities under FMLA, a request for medical certification from the employee's own health care provider or that of the immediate family member (if the leave is to care for such individual) and a waiver form. (See, APPENDIX A FORMS)** Employees whose leave request was tentatively denied may present medical certification and request the City to reconsider the denial of the initial request for leave.
 - a. The employee will be responsible for supplying **either the** required medical certification for his/her own health care or that of the immediate family member **or the waiver** within fifteen (15) days of the request by the City.
 - b. **Failure to return the waiver or the medical certification by the date establish by the City will be considered an express waiver of your right to request FMLA leave and your absence may be considered unauthorized.**

Failure to provide medical certification of the type and by the date established by the City will be grounds for not approving the leave.

If the City questions the validity of an employee's health care certificate, the City may request that the employee obtain the opinion of a second health care provider designated by the City. If the second opinion differs from the original certification, the City may require the opinion of a third health care provider jointly selected by the City and the employee. The City will pay for both the second and third exams. The third provider's opinion will be considered final and binding on both parties.

- c. Upon receipt of the **documents**, the HR Director or designee will notify the employee of **any change in his/her FMLA status**.
 - d. The City retains the right to request periodic medical certifications in order to establish the employee's ongoing need for medical leave in accordance with the conditions established in B. (4) (a) and (b) above.
5. In the event an employee on family leave requests an intermittent or reduced leave schedule, the HR Director or designee will consult with the Department Director to determine if such a schedule can be approved with minimal disruption to services. An employee on medical leave may take intermittent or reduced leave as certified by his/her health care provider. However, the City retains the right to make a temporary transfer of the employee to an alternative position with equivalent pay and benefits if the temporary position better accommodates recurring periods of leave than the employee's regular position.

C. COMPENSATION AND BENEFITS WHILE ON FAMILY OR MEDICAL LEAVE

1. MEDICAL LEAVE

- a. Employees on approved medical leave may use accrued sick, vacation, and personal time beginning with the first day of leave and continuing until all such time is exhausted or until the employee returns to work (whichever is sooner).
- b. Post-partum female employees **can only** use accrued sick time for that portion of the family leave which is certified as medically necessary (e.g., immediate post-partum recovery of approximately 6 weeks) then accrued vacation and personal time (in that order) until all such time is exhausted or until the employee returns to work.
- c. Male employees who request leave following the birth of a child **may only** use accrued sick time for that portion of the family leave which is certified as medically necessary to care for his wife and/or child, then accrued vacation and personal time (in that order) until all such time is exhausted or until the employee returns to work.

- d. An employee on family leave and using sick leave will be required to submit a medical certification verifying the length of temporary (post-partum) disability.
- e. An employee will not be required to use all paid leave benefits, if he/she is on a medical leave due to a compensable injury resulting from a certified Workers' Compensation claim.

2. FAMILY LEAVE

Employees on approved family leave may use accrued vacation and personal time beginning with the first day of leave and continuing until all such time is exhausted or until the employee returns to work (whichever is sooner).

- a. Employees will have time on Family Leave charged in increments of one hour.

3. HEALTHCARE COVERAGE

- a. Throughout the approved duration of the family or medical leave, the City will continue to pay premiums for City-sponsored health care, prescription and life insurance policies held by the employee prior to the start of the leave in the same percentage and amount as paid prior to the start of the leave.
- b. Employees are responsible for the timely payment of their portion of such premiums.

D. RETURN TO WORK

- 1. Upon return from a Family Medical Leave, an employee will be restored to the position held when leave commenced or a position with the same or substantially similar duties and responsibilities and identical benefits, pay and working conditions.
 - a. If an employee is no longer qualified for the position because of his/her inability to attend a necessary course, renew a license, etc. as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.
 - b. An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases.
- 2. An employee wishing to return before the scheduled end of a leave must give at least two (2) working days' advance notice to his/her immediate supervisor and Department Director.
- 3. An employee returning from a medical leave due to his/her own serious health condition must provide a fitness-for-duty certificate before being permitted to return to work. The Human Resources Director or his/her designee will provide the employee with a copy of his/her position description in order to apprise the health care provider of the physical demands and working conditions of the position.

In the event of an employee unable to return from leave due to a disabling condition, the provisions of Section 5. 4 (Disability Accommodation) will prevail.

4. An employee who fails to return to work at the expiration or cancellation of an approved Family Medical Leave and has not submitted a request for an additional leave, may be terminated. The employee's termination date will be established as the date the employee previously established for his/her return but failed to report for work.

In such event, the employee may be required to reimburse the City for the cost of benefits paid during any unpaid leave.

E. EXPANDED FMLA LEAVE TO FAMILY OF MILITARY SERVICE- MEMBERS

1. Service-member family caregiver leave – This expanded leave provides up to twenty-six (26) weeks of FMLA protected leave in a single twelve (12)-month period to any eligible employee who is the spouse, child, parent or next-of-kin of a covered service-member to care for his/her relative (service-member) injured during active duty.
2. Exigency leave – An otherwise eligible employee may take up to twelve (12) weeks of leave in a twelve (12) month period as a result of a qualifying exigency caused by the employee's spouse, child, or parent's active duty or impending call to duty in the Armed Forces in support of a "contingency operation." Notice of the need for such leave must be reasonable and practicable.
3. Notwithstanding provisions 1 and 2 of this subsection, all other eligibility requirements remain the same as any other FMLA eligible leave.

F. MISCELLANEOUS

1. The time during which a classified employee serving a promotional probationary period is on a family/medical leave will not be counted towards the employee's probationary period.
2. A non-probationary status classified employee's service credit is not affected by the leave.
3. If it is discovered that a leave of absence granted for a specific purpose is not being used for that purpose, the City may cancel the leave. The City will consider disciplinary action; may charge the employee for the cost of benefit premiums while on unpaid leave; and/or charge the employee for repayment of benefit time.

Section 4.9 COURT LEAVE

A. ELIGIBLE EMPLOYEES

Regular and interim full-time employees are eligible for jury duty leave.

B. BENEFIT

Eligible employees may request all hours spent on jury duty paid at their regular rate of pay when it is required they serve on a jury for a Court of a governmental subdivision.

C. CONDITIONS

1. Employees must present a copy of the Court document or subpoena ordering them to serve as a juror at the time the leave is requested.

Employees must notify their Department Director immediately (or as soon as practicable) upon notification of jury duty.

2. Employees must present verification of the dates and hours of jury duty.
3. Employees who are scheduled to report or dismissed from jury duty with one-half or more of a work day available must report to work at their post with the City.
4. Employees must forfeit any compensation they received from the Court for their service during any time they were also receiving compensation from the City.

Section 4.10 UNIFORMED SERVICES LEAVE

A. ELIGIBLE EMPLOYEES

Regular full or part-time employees are eligible for Uniformed Services Leave.

B. BENEFIT

1. Eligible employees who are members of the Ohio organized militia or members of other reserve components of the Armed Forces of the United States including the Ohio National Guard are entitled to a uniformed services leave of absence from their employment, without loss of pay, for such time as they are on field training or reserve duty.

The leave may be for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours within one calendar year.

2. Eligible employees who enter into active duty for any of the Armed Services of the United States will be granted A military leave of absence as defined by Ohio Rev. Code Ann. Section 5903.01.
3. Eligible employees called to active duty for longer than one month in a calendar year are entitled to be paid during each monthly pay period of leave, the lesser of the following:
 - a. The difference between the employee's gross monthly wage or salary as a City employee and the sum of his/her gross uniformed pay and allowances received that month.
 - b. \$500
4. No employee shall receive extended leave payments in the sum of his/her gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a city employee for that period or if the employee is receiving pay under (B) (1) above.
5. No single leave or combination of leaves may exceed five (5) years unless the service time is for a single, initial period of service.

C. EMPLOYEE REQUIREMENTS

1. The employee must submit a copy of the appropriate military training or active duty orders and complete all required leave request forms two weeks prior to the start of the leave.
2. Application for reinstatement from active duty of more than thirty-one (31) days must be filed no more than ninety (90) days after discharge or one (1) year after discharge from a period of hospitalization related to injuries sustained during military action.

3. All salary adjustments and/or position upgrades shall be granted to the employee upon reinstatement. If the employee's former position no longer exists, he/she shall be employed in a similar position at a salary comparable to that formerly received.
4. Vacation and sick leave hours do not accrue during uniformed services leave.

Section 4.11 DISCRETIONARY LEAVE

A. UNPAID DISCRETIONARY LEAVE

1. ELIGIBLE EMPLOYEES

Full or part-time regular employees

2. BENEFIT

a. An employee may request the Appointing Authority or Designee's approval for an unpaid leave of absence of one (1) year or less when the employee has no remaining paid time benefits; for reasons outside of the scope of the City's other leaves of absence and/or after exhausting his/her eligibility under other forms of leave.

b. Reasons for requesting an unpaid leave may include:

i. Education or training that would benefit, but is not required by the City;

ii. Family or medical reasons that do not fall within the circumstances outlined in the Family and Medical Leave policy; or

iii. Family or medical reasons that fall within the Family and Medical leave policy after the employee's twelve (12) week entitlement has been exhausted.

c. The Appointing Authority or Designee, at his discretion, may place an employee on unpaid leave of absence.

d. City-paid insurance benefits may be provided to employees on an unpaid leave of absence granted under this policy. An employee on unpaid leave of absence per this policy may maintain coverage by paying the premium they pay as an active employee

e. Paid time-off benefits do not accrue during an unpaid leave.

3. EMPLOYEE REQUIREMENTS

a. The employee must submit all required leave request forms thirty (30) days prior to the start of the leave unless it is not practicable in which case the employee will need to explain why it is not practicable.

b. The Appointing Authority or Designee may cancel any leave and order the employee to return to work if it is discovered that an unpaid leave of absence granted for a specific purpose is not being used for that purpose.

- c. An employee who fails to return to work at the expiration or cancellation of an approved unpaid leave of absence and is without a satisfactory explanation will be terminated.

In the event of such termination, the employee's termination date will be established as the starting date of the approved leave of absence.

**Section 4.12 LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT
INSURANCE**

The City of Parma will provide, at no cost, for each full-time, non-union employee, a term life insurance benefit that is provided to employees as stated in the AFSCME Local 3924 (City Hall) Collective Bargaining Agreement. Employees should refer to their individual collective bargaining agreements for additional information.

Section 4.13 TRAINING PROGRAMS, SEMINARS, AND CONTINUING EDUCATION

- A. The City of Parma encourages the professional growth of all employees through continuing education and training. Employees may be required to attend City-sponsored, job-related training programs, courses, workshops, seminars, etc. If the City requires training, the City will pay the incurred expense. Employees will be paid for mandatory training that cannot be scheduled during normal working hours.
- B. Employees required, as a condition of their ongoing employment, to enroll in continuing education and training must obtain the City's pre-approval in order to be reimbursed for registration fees and travel expenses. The City may also consider the granting of paid time away from work (if the only/best time to attend the training is during the regularly scheduled work hours).
- C. Employees who voluntarily identify continuing education and training related to their employment may request that the City reimburse the cost of registration and travel and grant paid time away from work (if the only/best time to attend the training is during the regularly scheduled work hours). Approval or denial of such continuing education and/or training is at the complete discretion of the City. Employees must request and receive approval *prior* to enrolling in any program.
- D. The City will take the following into account when considering requests for continuing education and training:
 - 1. Nature and purpose of activity
 - 2. Benefits to be derived by the employee and the City of Parma
 - 3. Level of responsibility, performance and length of service of the employee
 - 4. Estimated cost and available funds
 - 5. Potential lost time from work and ability to adequately staff services during the employee's absence
- E. The City may reimburse the cost of education and training that is related to the employee's job but is not required by the City.

**Section 4.14 OPERS, and POLICE AND FIREMAN'S DISABILITY AND PENSION
FUND PICK-UP**

Each employee covered by the Public Employees' Retirement System will have his/her gross pay reduced by an amount equal to his/her portion of the required contribution to the retirement fund. The City will then pay both the employee's and the City's contribution. This reduction defers federal and state income tax until withdrawal or retirement. Municipal tax is not affected. Please refer to Section 173.27 of Parma's Codified Ordinance for further detail.

CHAPTER 5 CONDITIONS OF EMPLOYMENT

Section 5.1	Ethics Policy <ul style="list-style-type: none">General Standards of Ethical ConductFraudulent ConductFinancial DisclosureReporting Violations
Section 5.2	Harassment <ul style="list-style-type: none">Statement of CommitmentExpectations and LimitationsSexual HarassmentReporting and Investigating Allegations/Suspicious of Harassment
Section 5.3	Drug-Free Workplace <ul style="list-style-type: none">DefinitionsDrug/Alcohol UseNotice and Education of Employees Regarding TestingBases for Ordering TestingUrine SamplesTesting ProcedureSplit SampleDisciplinary ActionVoluntary Participation in Treatment ProgramConviction of a CrimeExpectations and Limitations – Employees Performing as Commercial Drivers
Section 5.4	Disability Accommodation <ul style="list-style-type: none">Statement of CommitmentAccommodating Individuals with Disabilities
Section 5.5	Workplace Safety and Health
Section 5.6	Communicable Disease
Section 5.7	On-the-Job Injury <ul style="list-style-type: none">Responsibilities of the Parties InvolvedDepartment Director Responsibilities
Section 5.8	Workplace Violence <ul style="list-style-type: none">Statement of CommitmentReporting ViolenceInvestigationDiscipline
Section 5.9	Weapons in the Workplace
Section 5.10	Smoke-Free Environment <ul style="list-style-type: none">Limits
Section 5.11	Dress Standards <ul style="list-style-type: none">ExpectationsLimitationsGuidelines for Business Casual DressPolicy Violations
Section 5.12	Attendance, Tardiness and Early Departure <ul style="list-style-type: none">Expectations and LimitationsReporting and PaymentReturn to Work

Section 5.13	Excessive Absenteeism and Tardiness Use and Care of City Equipment, Vehicles and Property Limitations on Use Expectations
Section 5.14	Use of Computer Equipment and Electronic Communication Systems Coverage and Policy Violation Definitions Expectations Computer Programs E-Mail Internet
Section 5.15	Reimbursement of Expenses Transportation Lodging Meals General Conditions for Reimbursement
Section 5.16	Solicitation Limitations
Section 5.17	Gambling
Section 5.18	Outside Employment Limits on Outside Employment Approval
Section 5.19	Political Activity Permitted Political Activities Prohibited Political Activities
Section 5.20	Media Relations and Speaking Engagements Media Relations Speaking Engagements
Section 5.21	Wage Garnishments
Section 5.22	Corrective Action Corrective Action Types of Corrective Action Grounds for Corrective Action and Penalties
Section 5.23	Pre-Suspension, Reduction or Termination Hearing
Section 5.24	Performance Evaluations

Section 5.1 ETHICS POLICY

It is policy of the City of Parma to carry out its mission in accordance with the strictest ethical guidelines and to ensure that employees and elected officials conduct themselves in a manner that fosters public confidence in the integrity of the City, its processes, and its accomplishments.

A. GENERAL STANDARDS OF ETHICAL CONDUCT

1. City officials and employees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. A copy of these laws is provided by the City to its employees at the time of hire and receipt acknowledged, as required in R.C. 102.09(D). Officials and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.
2. A general summary of the restraints upon the conduct of all officials and employees includes, but is not limited to, those listed below. No official or employee shall:
 - a. Solicit or accept anything of value¹ from anyone doing business² with the City;
 - b. Solicit or accept employment from anyone doing business with the City unless the official or employee completely withdraws from his/her City duties involving the party offering employment, and the City approves the withdrawal;
 - c. Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
 - d. Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City, unless the official or employee qualifies for the exception, and files the statement, described in R.C. 102.04(D);
 - e. Hold or benefit from a contract with, authorized by, or approved by, the City (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
 - f. Vote, authorize, recommend, or in any other way use his or her position to secure approval of a City contract (including employment or personal services) in which the official or employee, a family member, or anyone with

¹ "Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation or employment. "Value" means worth greater than de minimis or nominal.

² "Anyone doing business with the City" includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the City.

whom the official or employee has a business or employment relationship, has an interest;

- g. Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H)) ;
 - h. During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the City;
 - i. Use or disclose confidential information protected by law, unless appropriately authorized; or
 - j. Use, or authorize the use of, his or her title, the name "City of Parma" or the City's logo or acronym in a manner that suggests impropriety, favoritism, or bias by the City or the official or employee
3. Failure of any City official or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

B. FRAUDULENT CONDUCT

- 1. Willful or deliberate acts or failing to act with the intention of obtaining an unauthorized benefit is serious, egregious behavior that will subject an employee to disciplinary action by the City up to and including dismissal and prosecution when warranted. Examples of such include, but are not limited to:
 - a. forgery or alteration of any document or account;
 - b. unauthorized alteration or manipulation of computer files;
 - c. pursuit of a benefit or advantage in violation of the City's general ethical standards and prohibition of conflicts of interest policy;
 - d. inappropriate or misuse of City resources, such as funds, supplies, equipment, vehicles or other assets;
 - e. improprieties in handling or reporting of money transactions;
 - f. authorizing or receiving compensation for goods not received or services not performed;
 - g. authorizing or receiving compensation for hours not worked.

C. FINANCIAL DISCLOSURE

Every City official or employee required to file a financial disclosure statement must file a complete and accurate statement with the Ohio Ethics Commission by April 15 of each year. An official or employee elected, appointed, or employed to fill a position after February 15 must file a statement within ninety days of appointment or employment.

D. REPORTING VIOLATIONS

1. An employee with a reasonable belief that another individual is committing a fraudulent act or violating a local, state, federal statute or the City's ethical standards bears a responsibility to bring the matter to the attention of the HR Director or Law Director.
 - a. Employees reporting such conduct must be prepared to document their observations in writing including persons involved; dates, times and places the violations occurred; the ordinance or regulation violated; etc.
 - b. The employment status of individuals reporting ethical and fraudulent misconduct in good faith will not be adversely affected solely as a result of their actions.
2. The Ohio Ethics Commission is available to provide advice and assistance regarding the application of the Ethics Law and related statutes. The Commission can be contacted at (614) 466-7090. The Commission's web site address is: www.ethics.ohio.gov. The City's Law Director is available to answer questions involving this policy.

E. RELATED PARTY QUESTIONNAIRE

All elected and appointed officials, directors, department heads, supervisors and any employees who are responsible for purchasing/ordering for the city must complete the related party questionnaire. (See Appendix A Forms)

F. Auditor of State's Fraud Reporting-System

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or through the United States mail.

Auditor of State's Fraud Contact Information:

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

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

www.ohioauditor.gov

Section 5.2 HARASSMENT

A. STATEMENT OF COMMITMENT

All City employees are entitled to work in an environment free from harassment. To that end, the City of Parma will take all appropriate and necessary steps to insure that employees of the City and other individuals interacting with City employees are free from unlawful harassment. Appropriate disciplinary actions, up to and including the possibility of employment termination will be administered or initiated against any City employee found to be in violation of this policy.

B. EXPECTATIONS AND LIMITATIONS

1. The City of Parma will not tolerate the harassment of employees by other employees, by elected officials or by others attempting to or conducting business with the City. To this end, the City strictly prohibits any employee or elected official from engaging in any behavior which constitutes unlawful harassment of any other employee of the City, or any other individual who is conducting or attempting to conduct business with the City.
2. Whether or not a person's behavior, actions, or comments are considered harassing is determined by what a reasonably prudent person would think of the behavior, act or comment, not by the intent of the harasser.
3. Unlawful harassment includes harassment based on gender, age, ethnic origin, race, color, religion, or sexual preference.
4. The responsibility for administering and complying with this policy will be delegated and communicated to all levels of management. Supervisors and other management employees are responsible for informing employees of this policy; ensuring adequate procedures are in place to facilitate prompt reporting and investigation; and taking remedial action to stop, correct, or prevent the behavior. Any supervisory employee observing any behavior that could be interpreted as harassment is responsible for taking prompt action to stop the behavior. Further, the supervisory employee will promptly notify the Law Director or designee of any concerns, observations or allegations of harassment.

C. SEXUAL HARASSMENT

1. Harassment, sexual or otherwise, is determined by what a reasonably prudent person would think of the act or comment, not by the intent of the harasser. Such conduct constitutes sexual harassment when any one of the following criteria is met:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an employee's continued or prospective employment;

- b. submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment for an individual to work or conduct business in.
2. The City neither condones nor tolerates sexual harassment in the workplace, whether committed by supervisory or non-supervisory employees. No one is permitted to imply or threaten that cooperation with or refusal of sexual advances will have any effect on an individual's status, advancement, assignment, career development, compensation or any other condition of employment or appointment.

D. REPORTING AND INVESTIGATING ALLEGATIONS/SUSPICIONS OF HARASSMENT

1. Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the incident to his or her Department Director. If the Department Director is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Law Director, HR Director or the Mayor.
2. An investigation may be prompted as the result of a report by a third-party observer of harassment or the Law Director acting on good faith and reasonable suspicion.
3. The Human Resources Director or designee will conduct a confidential investigation into the alleged harassment which may include interviews of witnesses as deemed necessary. The results of the investigation will be summarized in a written report with the Human Resources Director providing a conclusion as to whether or not there is sufficient evidence of harassment.
4. In the event the Human Resources Director or designee did not find sufficient evidence of harassment, he/she will meet with the complainant and inform him/her of the findings and the rationale for the conclusion.
5. In the event the Human Resources Director or designee finds sufficient evidence of harassment, he/she will meet with the alleged offender to present the evidence; allow an opportunity for the alleged offender to respond to the allegations and evidence; and inform him/her of the possibility of disciplinary action if he/she is found to have engaged in improper harassing conduct.
6. After meeting with the alleged offender, the Law Director or designee will summarize the information gathered during the meeting and determine if additional investigation is necessary. The Human Resources Director or designee may take up to an additional five work days to conduct additional investigation; finalize the report of his/her findings and/or submit a recommendation to the Appointing Authority. A summary of the investigation will be given to the complainant.

7. If the Appointing Authority determines that the evidence indicates the alleged offender did commit acts of harassment, the Mayor will determine the appropriate disciplinary action. Documentation of the complaint and investigation will be maintained in a file separate from the employee's personnel file to protect the identity of victims and witnesses. A document summarizing the discipline (e.g., suspension) will be placed into the employee's personnel file.

Section 5.3 DRUG-FREE WORKPLACE

A. DEFINITIONS

1. The term “drug” include cannabis as well as other controlled substances as defined in the Ohio Revised Code.
2. The term “illegal drug usage” includes the use of cannabis or any controlled substance which has not been legally prescribed and/or dispensed, or the abusive use of a legally prescribed drug.
3. The term “drug test” means a urinalysis test consisting of an initial screening (EMIT) test and a confirmation test employing the gas chromatography/mass spectrometry (GC/MS), utilizing urine samples collected according to procedures and chain of custody established by this policy.

B. DRUG/ALCOHOL USE

1. Employees, while on duty or “on call,” shall not be under the influence of alcohol or drugs, nor have their ability to safely, efficiently and effectively perform the duties of their position impaired as a result of the use of alcohol or drugs.
2. No Employee shall use, possess, sell, deliver or purchase an illegal drug during working hours (including duty-free rest and lunch periods).

C. NOTICE AND EDUCATION OF EMPLOYEES REGARDING TESTING

1. There shall be a thirty (30) day information distribution period prior to the implementation of testing under this policy for employees. All employees shall receive a copy of this policy.
2. The City shall inform the employees concerning:
 - a. the impact of the use of drugs on job performance;
 - b. the manner in which the test will be conducted;
 - c. the reliability of the test performed;
 - d. under what circumstances employees will be subject to testing;
 - e. what the test can determine and the consequences of testing positive for illegal drug use.
3. All new employees will be provided with this information, when initially hired. No employee shall be tested, until this information has been provided.

D. BASIS FOR ORDERING A DRUG OR ALCOHOL TEST

1. The City shall have the right to require mandatory blood and/or urine samples when the City has reasonable suspicion that an employee is under the influence of drugs and/or alcohol or that the employee’s ability to safely, efficiently and effectively perform the duties of his position has been impaired as a result of the use of alcohol and/or drugs.
2. As used herein, “reasonable suspicion” is a belief based upon objective and articulable facts. Such “reasonable suspicion” may be based upon, but is not limited to, any one or more of the following circumstances:
 - a. slurred speech,

- b. unsteady walk,
 - c. an accident involving City owned property,
 - d. physical altercation,
 - e. verbal altercation,
 - f. documentation of aberrant behavior; that which is so unusual or disruptive that it warrants summoning a supervisor or anyone else with authority,
 - g. possession of alcohol or illegal drugs,
 - h. excessive or unexcused absenteeism,
 - i. excessive or unexcused tardiness,
 - j. documented evidence of declining productivity.
3. Further, an employee may be required to submit to testing upon return to duty after participation in a substance abuse rehab program and during a disciplinary probation for employees who have violated the drug and alcohol rules. The circumstances supporting the allegation shall be reduced to writing signed by the City and copies to the employee.

E. URINE SAMPLES

1. Where urine or blood samples have been taken, the employee shall have the right to request split samples, with one half sent to the City's lab and the other kept frozen. Specimen collection will occur in a medical setting and the procedure should not demean, embarrass, or cause physical discomfort to the employee.
2. Each step in the collecting and processing of the urine samples shall be documented to establish procedural integrity and the chain of evidence. The employee will complete a form indicating the use of all drugs currently being taken and identify the prescribing Physician. The employee designated to give a sample must be positively identified prior to any samples being taken.
3. Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure the results match the employee tested. Samples shall be stored in a secure and refrigerated atmosphere until tested or delivered to the testing lab representative.

F. TESTING PROCEDURE

1. The laboratory selected by the City to conduct the analysis must be experienced and capable of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urinalysis testing (i.e., fully certified by the College of American Pathologists or the Federal Certification Program). The testing or processing phase shall consist of a two-step procedure:
 - a. Initial screening step; The EMIT test detects the presence of drug cannabinoids from the urine sample.
 - b. Confirmation step; Gas Chromatography/Mass Spectrometry (GC/MS) is used to confirm the presence of an illegal drug.
2. The urine sample is first tested using a screening procedure. A specimen testing positive will undergo an additional confirmatory test. Where a positive report of both

EMIT and GC/MS is received, urine specimens shall be maintained under secured storage for a period of not less than one (1) year.

3. Any sample which has been adulterated or is shown to be a substance other than urine shall be reported as such. All test results shall be evaluated by suitable trained medical or scientific personnel prior to being reported. All unconfirmed positive test records shall be destroyed by the laboratory.
4. Test results shall be treated with the same confidentiality as other employees medical records. Test results used as evidence for disciplinary action, shall be entitled to the same confidentiality.

G SPLIT SAMPLE

1. Split the sample in half and preserve one-half by freezing said sample. If the lab confirms a positive test, and the employee contends that he has not used illegal drugs; the employee may request the lab split the untested sample and submit a portion (one-half) for re-testing by a lab of the employee's choosing, so long as the lab is fully certified by the College of American Pathologist, or the Federal Certification Program, for re-testing and the cost for same to be fully paid by the Employee.
2. The Employee shall have the right to request that his designated doctor or lab be given a sample of his specimen same so that a separate test can be administered, and the cost of same be fully paid by the Employee.

H. DISCIPLINARY ACTION

1. Employees who are found to be using alcohol and/or illegal drugs in any quantity may be subject to discipline up to and including dismissal at the City's sole discretion; provided, however, that, for a first offense, voluntary self-referral and compliance with a rehabilitation program shall be considered as mitigating circumstances, and the employee shall not be disciplined for the drug/alcohol abuse so long as he complies with the program and has no further offenses.
2. Refusal to submit to a drug test, or intentional or willful adulteration of, or switching a urine sample shall be sufficient and just cause of discipline up to and including dismissal at the City's sole discretion.
3. This policy, and the fact that an employee may have been under the influence of alcohol or drugs, shall not be used as a defense to, and shall not prevent the City from disciplining an employee for conduct which is otherwise grounds for discipline even for a first offense.

I. VOLUNTARY PARTICIPATION IN TREATMENT PROGRAM

1. Employees who may be alcohol and/or drug dependent are encouraged to voluntarily seek professional assistance through a treatment and rehabilitation program and the Employee's Assistance Program (EAP). Voluntary assistance should be sought before the alcohol and/or drug abuse affects job performance or endangers fellow employees or members of the public.
2. Participation in the program is voluntary and strictly confidential. The City shall not have access to the program's files and records. However, the City shall be advised when an employee is hospitalized or is an out patient as part of alcohol or drug dependency rehabilitation.

3. Upon written request and consent of the participating employees, efforts at rehabilitation will be divulged on his/her behalf in cases of disciplinary action. Should permission to return to duty following rehabilitative treatment be granted, the employee shall be required to actively continue in a recognized abuse program monitored by the EAP and may be required to undergo three (3) random urine tests within a one (1) year period starting from the date of return to duty.
4. If an employee who has returned to duty following rehabilitative treatment again uses illegal drugs or abuses alcohol, the City shall have the sole discretion in determining whether the employee involved shall again have additional rehabilitative treatment or shall be immediately discharged. Illegal drug use or alcohol abuse or participation in any substance abuse rehabilitation program will not preclude disciplinary action against employees for any law or rule violation or for a failure of adequate job performance even though such may have been connected in part with drug abuse, and/or even if the rehabilitation program is voluntarily undertaken.

J. CONVICTION OF CRIME

Any employee convicted of the violation of a criminal drug statute must notify the City within five (5) days of the conviction.

K. EXPECTATIONS AND LIMITATIONS – EMPLOYEES PERFORMING AS COMMERCIAL DRIVERS

1. Employees operating or performing any safety-sensitive functions associated with the operation of a commercial motor vehicle are subject to additional limitations.
 - a. "Employee" means any full-time or part-time regular, interim, short-term, intermittent or seasonal employee as well as any leased driver and independent, owner-operator contractor who is either directly employed by or under lease to the City or operating a commercial motor vehicle at the direction of or with the consent of the City. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to the employer to drive a commercial motor vehicle. Employees promoted or transferred into a position requiring the operation of a commercial motor vehicle are treated as new hired for the purposes of this policy and pre-employment testing requirements.
 - b. "Commercial Motor Vehicle" is defined as a motor vehicle or combination of motor vehicles used to transport passengers or property which:
 - i. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross motor vehicle weight rating of more than 10,000 pounds; or
 - ii. has a gross vehicle weight rating of 26,001 or more pounds; or

- iii. is designed to transport 16 or more passengers, including the driver; or
- iv. is of any size and is used in the transportation of hazardous materials required to be placarded under the Hazardous Materials Transportation Act.

c. "Safety-sensitive functions" shall include:

- i. All time at the City's terminal, facility or other property or any public property waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- ii. All time inspecting equipment as required or inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- iii. All time spent at the driving controls of a commercial motor vehicle in operation;
- iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- v. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- vi. All time spent by the driver performing functions relating to accidents;
- vii. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

2. Drivers covered by this policy are prohibited from engaging in the following:

- a. Reporting to duty, remaining on duty, or performing a safety-sensitive function while having any measured concentration or detected presence of alcohol in his/her system;
- b. Reporting to duty, remaining on duty, or performing a safety-sensitive function while using a controlled substance (including prescription drugs, unless the licensed medical practitioner has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial motor vehicle or if the driver tests positive for controlled substances;
- c. Possessing alcohol while on duty or operating a commercial motor vehicle;

- d. Using alcohol or controlled substances while on duty;
- e. Performing safety-sensitive functions within four (4) hours after using alcohol;
- f. Using alcohol for eight (8) hours following an accident in which the driver is required to take a post-accident alcohol test or until the driver undergoes a post-accident alcohol test, whichever occurs first;
- g. Refusing to submit to an alcohol or controlled substance test under this policy.

Section 5.4 DISABILITY ACCOMMODATION

A. STATEMENT OF COMMITMENT

1. The City prohibits discriminating against individuals with a qualifying disability, on the basis of such disability, in all employment practices including job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions and privileges of employment.
 - a. "Individuals with a qualifying disability" includes applicants for employment and employees. An individual is considered to have a "disability" if he/she has a physical or mental impairment that substantially limits one or more major life activities¹, has a record of such an impairment², or is regarded as having such an impairment³. Persons discriminated against because they have a known association or relationship with an individual with a disability are also protected.
 - b. "Qualifying disability" means a physical or mental impairment that substantially limits one or more "major life activities".
 - c. "Major life activities" include seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself and working.
 - d. "Qualified individual with a disability" is a person who meets legitimate skill, experience, education or other requirements of an employment position that he/she holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.
 - e. "Essential functions" are the basic job duties that form the core of the position – the duties that are central to performing the most basic function of the job.
2. The City will make reasonable accommodations for an individual with a known (qualifying) disability to participate in the application process and for a qualified individual with a disability to perform essential job functions so long as the accommodation does not impose an undue hardship on City (or departmental) operations.
 - a. "Reasonable accommodation" is any modification or adjustment to a job or the work environment that will enable a qualified applicant employee with a disability to participate in the application process

¹ Examples include epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation or a specific learning disability (versus minor, non-chronic conditions such as a sprain, broken limb, or the flu).

² Examples include a person who has recovered from cancer or mental illness.

³ Examples include a person with a severe facial disfigurement being denied employment because an employer fears the 'negative reactions' of customers or co-workers.

or to perform essential job functions¹. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

- b. "Known disability" means that unless readily observable by the City, an individual's disability will only be known if the information is shared as part of a request for a reasonable accommodation.
- c. "Undue hardship" is defined as an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation in relation to the size, resources, nature and structure of the employer's operation. Undue hardship is determined on a case-by-case basis.

B. ACCOMMODATING INDIVIDUALS WITH DISABILITIES

1. The City will not make pre-employment inquiries of applicants regarding disabilities or the nature or severity of a disability. The City will ask questions about applicants' ability to perform specific job functions and may, with certain limitations, ask an individual with a known disability to describe or demonstrate how he/she would perform these functions.
2. The City will make reasonable accommodations to adjust the application and/or any pre-employment testing processes for an applicant with a known disability so long as the accommodations do not prevent the City from being able to evaluate the applicant's abilities.
3. The City will not require job applicants to take medical examinations before making a job offer. The City may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if required of all entering employees in the same job category.

If an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the City will demonstrate how:

- a. the disability negatively affects the individual's ability perform the job and how no reasonable accommodation was available that would enable the individual to perform the essential job functions or that the accommodation would impose an undue hardship; or
- b. the individual would pose a direct threat in the

¹ Examples include restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters or appropriately modifying examinations, training or other programs.

workplace (e.g., a significant risk of substantial harm to the health or safety of the individual or others) that cannot be eliminated or reduced below the direct threat level through reasonable accommodation.

4. Post-hire, an employee who develops a disabling condition making him/her unable to perform the essential functions of a job without posing an undue threat to himself/herself or others may request:
 - a. that permanent or temporary alterations be made to the job and/or work environment which accommodate the employee, or
 - b. a transfer to a vacant position at the same or lower classification where he/she can perform the essential functions with or without reasonable accommodation, or
 - c. a leave of absence to recuperate if the employee is able to present medical certification that the disabling condition may be temporary or at least improve so as to allow the employee to return to work with or without reasonable accommodation
 - d. a voluntary disability separation if the employee is in a classified civil service position
5. Prior to granting any accommodation, the City requires receipt of medical documentation (from a licensed practitioner) establishing such need. If the City is not able to approve a request from the employee for any of options (4)(a)-(c), the employee may be terminated. In the case of classified employees, the City will process the involuntary disability separation in accordance with Civil Service Commission rules, local ordinances and/or state laws.
6. Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Section 5.5 WORKPLACE SAFETY AND HEALTH

- A. It is the goal of the City of Parma to provide all employees with a safe and healthful work environment that is in compliance with the Ohio Public Employment Risk Reduction Act as administered by the Ohio Department of Commerce, Division of Labor and Worker Safety **and other federal laws and regulations.**
1. In an effort to create a safe and healthful workplace, the City will provide employees with training, health and safety information pertinent to their jobs, tools, and equipment, and medical and first aid equipment. Further, the City will support Department Directors in their health and safety activities and evaluate the health and safety practices and procedures across the City's operations.
 2. Department Directors and their designees are responsible for inspecting work areas for hazards, ensuring equipment is properly maintained, instructing employees in the proper and safe operation of equipment, enforcing health and safety regulations, reporting and investigating accidents/incidents, and correcting unsafe conditions.
 3. Employees are responsible for following safe work procedures, knowing and complying with applicable regulations, participating in office-sponsored health and safety meetings or programs, reporting unsafe acts and conditions, and reporting injuries or accidents immediately to their immediate supervisor and Department Director.
- B. Employees will be paid for attendance at required training, including safety sessions.
- C. Any employee acting in good faith may refuse work (without threat of disciplinary action) under conditions reasonably believed to present an imminent danger of death or serious physical harm, provided that the condition is not such as reasonably might be expected to occur in the normal and regular duties of the employee. "In good faith" requires that the employee must:
1. notify his or her Department Director of the imminent danger condition;
 2. in the absence of corrective action by the Director, the employee may then report the issue to the Human Resources Director;
 3. in the absence of corrective action by the Human Resources Director, the employee may then report the issue to his/her appointing authority.
- D. Employees cannot be discharged or otherwise discriminated against in any manner for filing a complaint in accordance with the Act or by instituting or causing to be instituted any provision of the Act. Discrimination complaints must be filed with the State Personnel Board of Review within 60 days of the discriminatory act or be pursued through provisions under a collective bargaining agreement.
- E. **Pursuant to federal statutory requirements found in the healthcare reform act of 2010, employees who are nursing shall be provided with reasonable unpaid break time to express breast milk after the birth of a child as long as providing such break time does**

not unduly disrupt operation. The city of Parma will make reasonable efforts to provide a private location. Employees will not be retaliated against for exercising their rights under this policy.

Section 5.6 COMMUNICABLE DISEASE

- A. The City is committed to providing a workplace that is safe and productive. Where, in the course of performing their duties, employees are at risk of exposure to blood-borne or contagious diseases, a system of 'universal precautions' will be instituted to limit the spread of infection in the workplace.
- B. An employee is required to inform his/her Department Director or the HR Director when he/she has contracted a communicable disease which interferes with the ability to perform the essential functions of the job and/or poses a significant risk to the health or safety of others.
- C. In the absence of the employee's voluntary notification but where an examination or inquiry would be considered job-related and consistent with business necessity, the City may require an employee to submit to a medical exam.
- D. Whether ordered in response to the employee's voluntary notification or business necessity, the purpose of the medical exam will be to establish:
 - 1. whether or not the condition affects the employee's ability to perform the job
 - 2. whether or not the employee poses a significant risk to the health or safety of others
- E. Whether or not an infected employee presents a significant risk will be based upon:
 - 1. reasonable medical judgments or opinions
 - 2. the nature of the risk (how the disease is transmitted)
 - 3. the duration of the risk (how long the carrier is infectious)
 - 4. the severity of the risk (what is the potential harm to the third parties)
 - 5. the probability the disease will be transmitted and will cause varying degrees of harm
- F. The City will consider reasonable accommodations for an employee with a communicable disease that is:
 - 1. considered to be a disability as defined by the Americans with Disabilities Act, and
 - 2. that interferes with the employee's ability to perform the essential functions of his/her job, or
 - 3. that poses a significant risk to the health or safety of others.
- G. The City may consider a variety of reasonable accommodations including leave of absence, reduction of hours, job transfer or reassignment of the employee, physical relocation of the employee's office, and/or removing non-essential job responsibilities.
- H. In the event the City cannot identify a reasonable accommodation enabling the employee to safely perform the essential functions of his/her job and/or diminishing a significant risk of contagion to others, the City has the right to terminate employment. (The removal of classified employees is in accordance with state and local regulations and ordinances.)

- I. The HR Director or his/her designee will meet with and consider information presented by employees with concerns about contracting a communicable disease from another employee or in the course of performing their job.
 - 1. The City will enact reasonable safeguards where, in the course of performing their job, employees are exposed to a significant risk of exposure to communicable disease.
 - 2. The City will not require an employee to submit to a medical exam on the basis of speculation or rumor.
 - 3. The City will not disclose information about an employee's medical condition or any reasonable accommodation made with respect to a particular medical condition.

- J. Employees refusing to work with or perform services for a person known or suspected to have a contagious disease that it is determined does not present a current, direct and significant threat will be subject to discipline, up to and including termination.

Section 5.7 ON-THE-JOB INJURY

A. All employees are covered by workers' compensation insurance, which compensates employees for lost time, medical expenses, and loss of life or dismemberment from an injury arising out of or in the course of their work with the City. The payment of benefits is in accordance with state law.

B. RESPONSIBILITIES OF THE PARTIES INVOLVED

1. EMPLOYEE RESPONSIBILITIES

- a. An employee who is injured arising out of or in the course of their work with the City must immediately report the injury to his/her Department Director. In the event the supervisor is unavailable, the injury is to be immediately reported to the HR Director or his/her designee.
- b. Within 24 hours of the incident the employee must complete and return the City's Employee Injury/Incident Report Form.
- c. In the event an injury results in the need for medical care or lost wage reimbursement, the employee is responsible for completing and filing the necessary form(s) for benefits (e.g., First Report of Injury). These forms are available in the City's HR Department, the City's emergency medical vehicles, most medical treatment facilities and from the state of Ohio website (www.ohioic.com).

It is the responsibility of the employee to request assistance from the HR Director or his/her designee in order to complete the appropriate forms.
- d. An injured employee is responsible for cooperating with the City's managed care organization (MCO) and the Industrial Commission of the Ohio Bureau of Workers' Compensation in order to receive the maximum allowable benefits under the law.
- e. An injured employee requiring more than three days away from work to recover from his/her injuries is responsible for completing the City's Leave Request form requesting Sick Leave. Regardless of whether or not the City certifies the employee's claim, the conditions and requirements for requesting, approving and continuing on the leave shall be as established in the City's Family and Medical Leave policy.
- f. An employee who is not eligible for Family Medical Leave or who is unable to return to work at the expiration of an approved Family Medical Leave may request the Appointing Authority to approve an unpaid discretionary leave of absence not to exceed twelve (12) months.

An employee who is not eligible for Family Medical Leave must exhaust accrued benefit time prior to being granted an unpaid discretionary leave.

- g. An employee returning from a leave granted for the purpose of recovering from his/her own serious health condition must provide a fitness-for-duty certificate before being permitted to return to work. The HR Director or his/her designee will provide the employee with a copy of his/her position description in order to apprise the health care provider of the physical demands and working conditions of the position.

In the event of an employee unable to return from leave due to a disabling condition, the provisions of Section 5. 4 (Disability Accommodation) will prevail. In addition, the City reserves the right to require employees to submit to a fitness-for-duty exam by a doctor of the City's choosing.

2. DEPARTMENT DIRECTOR RESPONSIBILITIES

- a. Department Directors are responsible for maintaining a supply of the forms that employees must complete in the event of an injury.
- b. Department Directors are responsible for completing the Supervisor's portion of the Evaluation of Injury Form and forwarding it to the HR Director or his/her designee within twenty-four (24) hours of the incident. Department Directors should also request that witnesses to the incident complete a Witness Statement within twenty-four (24) hours of the incident.

Section 5.8 WORKPLACE VIOLENCE

A. STATEMENT OF COMMITMENT

The City is committed to the belief that every employee has the right to a place of employment that is safe and productive. As such, the City is committed to the prevention of workplace violence and will take reasonable precautions to protect the life, health, safety and welfare of its employees.

"Workplace violence" is defined as:

- i. any act of physical or verbal aggression including 'horseplay' or other conduct that may be dangerous to others
- ii. possessing a firearm or other deadly weapon while on City property and/or performing work for the City; and/or
- iii. any act of physical aggression against City property; and/or
- iv. some forms of harassment; and/or
- v. attempts to commit acts of aggression or harassment
- vi. conduct that threatens, intimidates, or coerces another person

B. REPORTING VIOLENCE

Employees are encouraged to immediately report all threats of or actual violence, direct and indirect, as well as suspicious individuals or activities to the Department Director or the HR Director or his designee as soon as possible.

Included are threats or violence by or toward employees, citizens, vendors, solicitors or other members of the public.

C. INVESTIGATION

The City will promptly and thoroughly investigate all reports of threats of or actual violence and suspicious individuals or activities. The identity of the individual filing the report will be kept confidential to the degree that is practical. The City may suspend employees, either with or without pay, while conducting an investigation.

D. DISCIPLINE

1. Employees determined to be responsible for threats of or actual violence or other conduct that violates these guidelines will be subject to disciplinary action up to and including termination of employment.
2. The City will not discipline or retaliate against employees reporting incidents of workplace violence.

Section 5.9 WEAPONS IN THE WORKPLACE

- A. All employees are prohibited from carrying a deadly weapon while in the course and scope of performing their job for the City or attending City-sponsored employee functions, whether they are on City property at the time or not and whether they are licensed to carry the weapon or not. Employees may not perform any task on behalf of the City while carrying a deadly weapon. The only exception to this policy is any equipment meeting the definition of "deadly weapon" as defined below that was issued to employees by the City for use in the course of performing their job.
1. "Property" as referenced in this policy means all City owned, leased, or managed buildings, grounds and surrounding areas such as sidewalks, walkways, driveways and parking lots under its ownership or control.
 2. A "deadly weapon" is defined as any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon. Examples of prohibited deadly weapons include, but are not limited to:
 - a. Firearms which are defined as any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearms include handguns, semi-automatic firearms, automatic firearms, sawed-off firearms, and zip-guns
 - b. Explosives meaning any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes but is not limited to dynamite, black powder, pellet powders, blasting caps, fuse igniters and instantaneous fuses.
 - c. Explosive devices which are defined as any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. Explosive devices include bombs, demolition devices, blasting caps or detonators containing an explosive charge and any pressurized vessel that has been knowingly tampered with or arranged so as to explode.
 - d. Incendiary devices which means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.
 - e. Knives with a blade longer than 3.5".
 - f. Ballistic knife which means a knife with a detachable blade that is propelled by a spring-operated mechanism or other illegal knives.
- B. City owned or leased vehicles and personal vehicles while on City property or being used for City business are covered by this policy at all times.
- C. Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are permissible under this policy.

- D. Employees with a question about whether or not an item is covered by this policy should ask the City's Law Director.

Employees are responsible for making certain an item they possess is not covered by this policy before bringing it onto City property or with them while in the course and scope of conducting City business.

- E. Employees must report individuals violating any provision of this policy to their Department Director or to the City's Law Director.
- F. The City reserves the right to contact the Chief of Police or his designee to request a search of any employee, person, vehicle, or object that enters onto City property if there is reasonable suspicion of a violation of this policy. An appropriate management representative of the City may request the City Police Department to search any item in which a weapon may be hidden including but not limited to desks, lockers, purses, briefcases, baggage, lunch sacks, clothing, or vehicles. The City Police may search a City-owned vehicle used by the employee or a vehicle owned by an employee that is being used to conduct business on behalf of the City.
- G. Failure to abide by all terms and conditions of the policy described above may result in disciplinary action up to and including discharge. Further, carrying a weapon onto City property in violation of this policy will be considered an act of criminal trespass; will be grounds for immediate removal of the employee from the City's property; and may result in criminal prosecution.
- H. This policy shall not be construed to create any duty or obligation on the part of the City to take any action beyond those required of an employer by existing law.

Section 5.10 SMOKE-FREE ENVIRONMENT

LIMITS

1. In accordance with Ohio law and City policy, smoking is prohibited in all buildings and vehicles owned, leased, managed, or operated by the City or its employees.
2. Smoking is permitted in designated outdoor areas.
3. Employees may only leave their work stations to smoke during the approved work break(s) and/or lunch period.

Section 5.11 DRESS STANDARDS

A. EXPECTATIONS

All City of Parma employees represent the City when they report to work and often help form the first impression others have of the City. Below are guidelines which we expect employees to follow in their capacity as City of Parma employees. For bargaining unit employees, what is not covered in their respective contracts will be covered by this Policy.

B. LIMITATIONS

1. Employees are to dress professionally and present themselves in a manner appropriate for a business environment.
2. The following standards apply:
 - a. Employees are to dress in business-like attire conducive to the professionalism of the City. Examples of inappropriate dress include, but are not limited to, blue jeans, denim, shorts, skorts, flip-flop sandals, stretch pants, stirrup pants, t-shirts, flannel shirts, evening attire, sweatshirts, tank tops unless part of a twin set or under a suit, clothing with writing, and athletic shoes. Employees who are unsure what constitutes business attire should check with their immediate supervisor.
 - b. Men are to wear a dress shirt, tie and dress pants unless the type of work performed dictates otherwise.
 - c. Women are to wear business attire which includes, but is not limited to, pants-suits, dresses, suits and coordinates.
 - d. Hair (including sideburns, moustaches, and beards), should be clean, combed, neatly trimmed and arranged.
 - e. Please take care not to wear excessive jewelry or scent.
 - f. Important to professional presentation is personal hygiene. Employees should take appropriate measures to ensure that personal hygiene is in accordance with this Policy.
 - g. The personal appearance of employees who perform physical labor is to be governed by the requirements of safety and comfort, but should still be as neat as working conditions permit.

C. GUIDELINES FOR BUSINESS CASUAL DRESS

Business casual dress is acceptable on every Friday or other designated days. Business casual dress allows for a relaxed atmosphere before the weekend. Additionally, it is inappropriate to wear skorts, blue jeans, shorts, sweatshirts or sweatpants, T-shirts, athletic shoes, flip-flop

sandals, tank tops, etc. Business casual dress is one notch below business professional dress. Remember, you are representing the City of Parma in a professional manner.

Employees who have meetings outside the office with clients or other governmental officials and/or employees need to be dressed in non-casual business attire.

D. POLICY VIOLATIONS

1. Any employee who does not meet the standards of this Policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this Policy will not be compensated and repeated violations of this Policy will be cause for disciplinary action.
2. The employee's immediate supervisor is responsible for enforcement of this Policy. The supervisor may make exceptions when deemed necessary. It is also the supervisor's responsibility to counsel employees who are not dressed appropriately on what constitutes professional business attire.

Section 5.12 ATTENDANCE, TARDINESS AND EARLY DEPARTURE

A. EXPECTATIONS AND LIMITATIONS

1. Regular and punctual attendance is expected of all employees in order for the City to conduct business and serve the citizens in an efficient and effective manner.
2. Absence is defined as the failure of an employee to report for, or remain at work when the employee is scheduled to work including scheduled overtime shifts or hours. Days and hours of scheduled and pre-approved vacation and personal leave, bereavement leave, court leave, family medical leave, and paid or unpaid discretionary leave are not considered to be absences for purposes of this policy.
3. An employee is tardy when he/she is not at the specific department or work location ready to begin working at the scheduled start time of his/her shift or at the time established for the conclusion of rest and lunch breaks.
 - a. An employee arriving to work or returning from breaks late must notify his/her Department Director as soon as reasonably possible.
 - b. A non-exempt employee who is late, may have his/her pay reduced accordingly.

B. REPORTING AND PAYMENT

1. Employees must report unscheduled absences to the Department Director or designee thirty (30) minutes before the scheduled start time or as soon as practicable on the first day of absence and each day thereafter, unless emergency conditions make it impossible or previous arrangements have been made.
2. Employees providing appropriate notice of an absence may have the hours of absence paid through the reduction of accrued, available sick or personal leave.
 - a. Employees not providing appropriate notice of an absence may not have the hours paid even if accrued benefit time is available.
 - b. An employee absent from work for three (3) consecutive days without providing proper notice will be considered to have voluntarily resigned his/her position.
3. After three (3) consecutive days of properly reported absence, the employee's Department Director shall notify the HR Director or his/her designee who will contact the employee to determine if the absence qualifies for any of the City's leaves of absence.

C. RETURN TO WORK

Employees absent from work for more than three (3) days due to a personal injury or illness must provide a fitness-for-duty certificate before being permitted to return to work.

D. EXCESSIVE ABSENTEEISM AND TARDINESS

Employee performance is negatively impacted by frequent absences/tardiness or unacceptable patterns (e.g., Mondays and Fridays) of absence/tardiness. Employees with a record of frequent or pattern absence/tardiness may be required to provide medical certification of absences and may be subject to disciplinary action up to and including termination per the City's policy of progressive discipline.

Section 5.13 USE AND CARE OF CITY EQUIPMENT, VEHICLES AND PROPERTY

A. LIMITATIONS ON USE

1. Employees of the City of Parma are prohibited from using City owned/leased equipment and/or property for personal use. Further, employees are expressly prohibited from using City property to conduct business from which they may realize a personal economic benefit or to promote or support any political activity. The provisions of this policy also extend to family members and associates of employees. Any exceptions to this policy must be approved in advance by the Mayor and Law Director.
 - a. "Employees" includes all regular, interim, intermittent, short-term and seasonal employees.
 - b. "Equipment and/or property" includes:
 - i. credit cards, computers, printers, copiers, facsimile or postal machines, software and any other office equipment
 - ii. vehicles
 - iii. telephones or communication equipment
 - iv. facilities, buildings, land
 - v. tools and safety equipment
 - c. "Personal use" is defined as any non-emergency situation which is not related to the duties of the employee.
2. The City owns all ideas, discoveries, inventions, products for sale or internal use, contributions and improvements (whether patentable or not) that in any way relate to the City's mission or interest or that resulted from tasks assigned to an employee.

B. EXPECTATIONS

1. Each employee is responsible for all keys, tools, phones, pagers, City identification cards and other equipment assigned to him/her and must return all items upon termination of employment. Employees must report missing equipment and keys immediately to the Department Director.
2. Each employee is responsible for the proper use and maintenance of tools, equipment and other resources provided to them for their use in performing their job. Each employee is responsible for reporting malfunctioning, damaged or defective equipment to his/her Department Director.
3. Misuse, neglect, theft or loss of tools, supplies and equipment is prohibited. The City reserves the rights to recover expenses (in an amount to be determined by the Auditor) associated with violation of this policy. Violators of this policy may be subject to disciplinary action, including termination.
4. Telephones, including cellular phones, are provided by the City for business purposes only. Personal use of City telephones is discouraged and employees are responsible for controlling the frequency and duration of incoming/outgoing personal calls.

- a. Personal toll calls are prohibited except where an employee has made prior arrangements to reimburse the City for the cost, and where the Department Director has approved such call.
 - b. Excessive use of telephones for personal use or charging personal toll calls to the City will result in disciplinary action.
5. Operation of City-owned vehicles is limited to employees specifically authorized by City Department Directors or the Mayor. Designated employees are limited to using the vehicle for duties, activities, or obligations related to official City business with the exception of "de minimis" personal reasons. (De minimis is defined as minor personal use – lunch, errand, etc. – during the course of ordinary daily business and in route to/from City Hall or sites where business is conducted.) In situations where the health, safety or well-being of an employee or other individual is at risk, employees shall be permitted to use the assigned vehicle to address emergency (an unplanned and unanticipated event outside the control or influence of the employee) concerns.
 - a. All authorized operators must possess a valid Ohio driver's license (passenger or commercial, if appropriate) at all times.

Revocation or suspension of driving privileges by the Ohio Bureau of Motor Vehicles must be immediately reported to the Department Director and the HR Department, and shall be just cause for suspending operating privileges.
 - b. On an annual basis, the City will request a report of the driving record of employees in positions where driving is an essential function of the job in order to verify:
 - i. That each employee continues to possess a valid Ohio driver's license
 - ii. That each employee meets the requirements for being insured by the City's insurance provider.
 - c. The City may terminate the employment of an employee in a position where driving is an essential function if he/she is unable to or refuses to renew an Ohio driver's license and/or is unable to meet the requirements of the City insurance provider.
 - d. The City may suspend or terminate the work-related driving privileges of an employee in a position where driving is a non-essential function if he/she is unable to or refuses to renew an Ohio driver's license and/or is unable to meet the requirements of the City insurance provider.
 - e. The City does not bear a financial responsibility to reimburse operators for any fines, etc. levied as a result of illegal vehicle operation. In the event of an accident or damage to a City vehicle while in the possession or custody of an authorized operator, the operator must file a report with the Parma Police Department (or appropriate jurisdiction) detailing the nature of the accident and/or the extent of

the damage. Employees filing a false report or found to have been negligent in the operation of the vehicle may be subject to discipline.

- f. Passengers are limited to other City employees, individuals having a business relationship with the City, or individuals having a source of common interest with authorized operators.
6. The Mayor may grant certain City employees the privilege of using a City vehicle for commuting to work. The Mayor shall assign such privilege for two purposes: 1) To accommodate employees who are required to report in the event of an after hours emergency in accordance with the City's Emergency Disaster Plan and 2) To provide for some vehicles to be stored at a secure off site location in the event of a disaster occurring at the City Hall site.
 - a. Employees to whom a vehicle is formally assigned for commute privileges may use the vehicle to conduct personal business during normal working hours (i.e., medical appointments, attending a funeral, meals while traveling, etc.) so as to not impose a hardship on the employee.
 - b. Authorized operators are not permitted to use City vehicles for vacation, personal or sick leave when such leave occurs during a period of one or more full day absences.
 - c. In accordance with Internal Revenue Service regulations, personal (commute) use of City vehicles will be defined as a taxable fringe benefit, with the exception of Police and Fire vehicles. (See Appendix A Forms)
7. With the approval of the Mayor, and in the interests of the City, designated safety personnel may be permitted to use a safety forces vehicle on a regular basis without restriction. This provision will allow for safety personnel to have immediate access and response to emergency situations in vehicles equipped with appropriate communication and emergency equipment.
8. With the exception of those vehicles assigned for commute purposes or safety forces vehicles assigned for regular transportation, all City vehicles are to be stored on City property before/after the official business hours of the City.
 - a. City employees authorized to house vehicles at their personal residences will be held responsible for exercising due diligence in parking the vehicle in an area that minimizes the possibility of damage being inflicted, or a theft of the vehicle occurring.
 - b. The City does not bear a financial responsibility for any personal items lost by an employee in the event of damage or theft.
9. With appropriate advance approval of the Department Director, City employees will be permitted to use their own vehicles to conduct City business. Such use is eligible for reimbursement of personal vehicle mileage at the mileage allowance rate set by the Auditor annually. Reimbursement is limited to mileage incurred in the course of carrying out official duties or obligations of the City.

City employees using personal vehicles must be in compliance with all applicable insurance and Bureau of Motor Vehicles laws and regulations.

Section 5.14 USE OF COMPUTER EQUIPMENT AND ELECTRONIC COMMUNICATION SYSTEMS

A. COVERAGE AND POLICY VIOLATION

1. The City of Parma relies on its computer network to conduct its business. To ensure that its network and computing resources are used properly by its employees, independent contractors, agents and any other user, the City of Parma has created this Computer Network Use Policy (hereinafter "Policy").
2. The rules, guidelines, policies and obligations described in this Policy apply to all City of Parma employees, independent contractors, agents and any other individual (hereinafter "Users") granted access to the City of Parma's computer network.
3. Violations of this Policy will be treated seriously and may result in disciplinary action, including termination, and civil and criminal liability. It is each and every User's obligation and duty to use the computing and network resources responsibly, professionally, ethically and lawfully. Use of the Computer Network is a privilege that can be revoked at any time.
4. This Policy may be revised and/or amended at any time as needed due to changes in technology, business activities and/or as mandated by law. Users will be provided with a copy of all amendments and/or revisions.

B. DEFINITIONS

1. "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.
2. "Computer Network" or "Network" means a set of interconnected devices, including but not limited to computers, printers, modems, switches, repeaters, routers, and servers, that exchange information using standard communications protocols agreed upon by all of the devices. The Computer Network also includes but is not limited to all external networks such as the Internet, Bulletin Boards, CRIS and LEADS.
3. "Computer Program, or "Program" means a series of coded instructions or statements in a form acceptable to a Computer that causes the Computer to process data and supply the results of the data processing. Programs also include the Computer operating system, the Computer Network operating system and any device drivers and any software.
4. "Data" means a representation of information, knowledge, facts, concepts, images or instructions, including Program documentation that is prepared in a formalized manner and is stored or processed in or transmitted by a Computer. Data shall be considered property and may be in any form including, but not limited to printouts, magnetic or optical storage media, punch cards, floppy disks or data stored internally in the memory of the Computer.
5. "Property" in the context of this Policy means electronic impulses, electronically produced data, confidential, copy righted or proprietary information, private identification codes or numbers that permit access to a Computer by authorized Users;

Programs or software in either machine or human readable form, or any other tangible or intangible item relating to a computer or any part thereof.

6. "Access" means to use, instruct, communicate with, store data in, retrieve or interpret data from, or otherwise utilize any services of a Computer.

C. EXPECTATIONS

1. The Computer, Programs, Computer Network or anything created on City time is City property. Therefore, each and every employee waives any and all rights for any data they create, store, send and/or receive on the Computer or Computer Network.
2. City employees are expected to use the Computers and Computer Network for work purposes only. There will be no inappropriate or unlawful material viewed, copied, or sent to any other employee. This includes any material that could be considered fraudulent, harassing, embarrassing, sexually explicit, racially or ethnically offensive, profane, obscene, intimidating or defaming.
3. Each City employee is responsible for his or her individual password. This password does not imply privacy; the MIS personnel, appointing authority or delegate may access or monitor all Network or Computers at any time for the purpose of administration and maintenance. A City employee may not access another's computer unless given permission.

D. COMPUTER PROGRAMS

1. Program Copyrights - Federal and International copyright laws protect Computer Programs from illegal copying and distribution. Therefore, Computer and Network Programs may only be used in compliance with the terms of their respective license agreements.
2. Program Usage – Programs are provided to each User for use in the performance of their work. Users are prohibited from any of the following actions with respect to Programs owned by the City of Parma:
 - a. Making and/or providing a copy of a licensed Program to an independent contractor, City of Parma employee or any other third party.
 - b. Loading or placing a licensed Program on a Computer or Network other than the Computer or Network to which the Program is licensed.
 - c. Installing any Program on a Computer or Computer Network that is owned by the City of Parma, except by an authorized City of Parma MIS employee appointing authority or delegate in the performance of their normal Computer or Network maintenance or when adding or upgrading a Program.
 - d. Downloading any Program from the Internet or any other external network to a Computer or Computer Network that is owned by the City of Parma without permission from MIS, appointing authority or delegate.

- e. Modify, revise, alter, transform, recast or adapt any Program owned by the City of Parma.
- f. Reverse engineer, disassemble, and/or decompile any Program.

E. ELECTRONIC MAIL (E-MAIL)

1. Each User will be given Access to the City Computer Network including the Electronic mail or E-mail system. The E-mail system is for business use only. Use of the E-mail system for any of the following activities is strictly prohibited:
 - a. Creating, storing, sending, receiving, downloading, displaying, printing or otherwise disseminating data that is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, defamatory or otherwise unlawful.
 - b. Storing or disseminating commercial or personal advertisements, solicitations, promotions, destructive programs (e.g., viruses, self replicating Programs, etc.), political information, or any unauthorized Data.
 - c. Wasting Computer or Computer Network resources by sending mass mailings, chain letters or otherwise creating unnecessary Network traffic.
 - d. Violating any Local, State or Federal Law.
2. Treat e-mails as you would paper documents. Pursuant to the guidelines established by the *Ohio Historical Society*, State Archives of Ohio, under "Local Government Records Program" emails are subject to public records requests and must be retained and destroyed according to (record retention law).

F. INTERNET

1. Internet Access – Users may be provided with Access to the Internet to aid in the performance of their work activities. The Internet can be a valuable source of information and research tool. However, use of the Internet must be tempered with professionalism, common sense and good judgment.
2. Disclaimer of Liability – The City of Parma is not responsible for any data viewed on or downloaded from the Internet by Users whether intentionally or unintentionally. The Internet is a worldwide Network that contains millions of sites and pages of information. Users are cautioned that many of these sites and associated pages may contain information, images or other data that is racially, sexually, religiously, ethnically and/or politically explicit and offensive.
3. Games and Entertainment Software – Users may not use Computers owned by the City of Parma or the City of Parma's Network to download games or other entertainment Programs or Data from the Internet, to engage in games played on or over the Internet, or to upload games or other entertainment Programs or Data to the Internet.
4. Data or Programs that are fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating or otherwise unlawful or inappropriate shall not be downloaded

from the Internet, uploaded to or transferred over the Internet through the use of Computer or Network owned by the City of Parma.

Section 5.15 REIMBURSEMENT OF EXPENSES

A. TRANSPORTATION

1. The City will authorize full reimbursement of common carrier (commercial airlines, trains, bus, etc.) charges incurred by an employee in the course of performing work for the City when there is evidence and reassurance that the charges are reasonable and customary.
2. City funds will not be used to pay for unused reservations on commercial carriers unless the Mayor and Auditor are satisfied that the failure to use the reservation was unavoidable due to emergency conditions.
3. No reimbursement will be made for an employee's regular commute between his/her home and the work site.
4. Reimbursement for parking charges, road tolls, and other reasonably incurred transportation expenses will be authorized upon presentation of valid receipts for such expenses in excess of one dollar.
5. Reimbursement for City-related travel using a personal vehicle will be equal to the maximum allowed under the most current regulations of the Internal Revenue Service.
6. Reimbursement shall be made to only one of two or more City employees traveling in the same vehicle.

B. LODGING

1. With the pre-approval of the Appointing Authority, employees may be reimbursed for lodging expenses incurred while traveling on City-related business.
2. The Appointing Authority may establish a maximum daily expenditure that will be reimbursed.
 - a. For conferences or other business-related travel where the lodging accommodations are part of a package deal, the overnight lodging expenses may be reimbursed at actual cost provided such cost is reasonable and authorized by the employee's department head.
 - b. For out-of-state travel, there is no limit placed on lodging expenses, assuming such expenses are approved as reasonable by the department head.
3. Within the State of Ohio, the employee must obtain the tax exempt room rate and provide a copy of the City's tax exempt certificate to the hotel/motel upon check-in. Employees who do not follow this procedure will be responsible for the room taxes assessed.
4. When possible, employees of the same sex required to travel overnight for City business should share a hotel/motel room.

5. The City does not reimburse employees for extraneous non-lodging expenses including in-room movies, dry cleaning, alcoholic beverages, or personal telephone calls.

Employees incurring such charges will be responsible for paying for these items at the time of checkout or, if the charges were submitted to the City as part of a direct billing agreement, the employee will be held responsible for contacting the Auditing Department to arrange for reimbursement to the City.

C. MEALS

1. Employees traveling in-state on City business for at least twenty-four consecutive hours may be reimbursed for meal expenses up to the maximum daily rate established by the Council in an ordinance. The maximum daily rate includes any amounts paid as gratuities.

The maximum daily rate is pro-rated for partial days of travel to destinations more than twenty miles away from the employee's assigned worksite.

2. The City Council may approve a higher maximum daily reimbursement when the employee is traveling out-of-town to an area with a significantly higher cost-of-living.
3. When attending conferences or other events where the registration fee included meal provisions, employees may not file for reimbursement of those meal expenses or forego pre-paid meals and file for reimbursement of meal expenses incurred as a substitute.

D. GENERAL CONDITIONS FOR REIMBURSEMENT

1. Advance approval by the Appointing Authority and/or City Council is required for business-related travel outside of the United States. Request for reimbursement for travel outside of the United States will not be honored if appropriate advance approval is not obtained.
2. Requests for reimbursement should be submitted immediately upon conclusion of the business travel.
3. Employees may only submit reimbursement requests for personal travel expenses. Employees may not submit requests for reimbursement for an expense incurred by more than one employee.
4. Requests for reimbursement must be filed with the Auditing Department using the City's official Travel Expense Report complete with the Department Director's approval and valid receipts. Valid receipts are those that itemize expenses. (See Appendix A Forms)
5. Reimbursements rejected in whole or in part by the Auditing Department due to non-compliance with any of the provisions of this policy shall be returned to the employee submitting the request with a reasonable explanation of the denial of reimbursement

Section 5.16 SOLICITATION

LIMITATIONS

1. Solicitation, distribution or selling among employees is restricted to mutual lunch periods and work breaks in non-work areas.
2. Employees are never permitted to solicit the general public while on City property during the regular work day, including lunch hours and breaks.
3. Employees who feel harassed, pressured, or otherwise disturbed by the solicitations of other employees may notify the HR Director who will investigate the complaint and determine if the soliciting employee will be instructed to cease any and all solicitations.
4. Violations of this policy resulting in a disruption to the City's operations may be cause for disciplinary action.

Section 5.17 GAMBLING

The City does not permit gambling in any form by employees during any part of the workday including regular work hours, lunch periods, clean-up time and other breaks. Violation of this policy will be cause for disciplinary action.

Section 5.18 OUTSIDE EMPLOYMENT

A. LIMITS ON OUTSIDE EMPLOYMENT

1. The City will not employ or continue to employ an individual working for another employer where the interests of the second employer conflict with the policies, objectives and/or operations of the City. Further, the City will not employ or continue to employ an individual working for another employer in a position that interferes with the employee's job performance or availability to work.
2. Employees who have outside employment shall not perform work for the other employer while he/she is considered to be actively working or on-duty for the City. Nor shall any employee utilize City property and equipment or mail, telephone, and internet systems for the other employer's business.
3. **Under no circumstances will outside employment be performed while an employee is on FMLA, sick leave, or duty injury.**

B. APPROVAL

1. An employee who is working, or considering working for another employer should seek the approval of his/her Department Director before accepting or continuing the outside employment if there is any possibility of a conflict between his/her position with the City and the outside employment.
2. When an employee's Department Director has reason to believe that the demands of a second job are negatively impacting an employee's performance or availability, the employee will be counseled. If the situation is not resolved, appropriate disciplinary action may result.

Section 5.19 POLITICAL ACTIVITY

A. Employees who are classified civil servants, including those on authorized leave of absence, are prohibited from participating in partisan political activities.

B. PERMITTED POLITICAL ACTIVITIES FOR CLASSIFIED EMPLOYEES

Political activities permitted for employees include:

1. Registering and voting;
2. Expressing opinions, either orally or in writing;
3. Making voluntary financial contributions to political candidates;
4. Circulating petitions on legislation related to their employment;
5. Attending political rallies that are open to the public;
6. Signing nominating petitions in support of individuals;
7. Displaying political stickers, badges and buttons on their cars or person; or
8. Assisting Senior Citizens to enable them to exercise their right to vote.

C. PROHIBITED POLITICAL ACTIVITIES FOR CLASSIFIED EMPLOYEES

Political activities prohibited for employees include:

1. Participating in a partisan election as a candidate for office;
2. Declaring candidacy for an elected office that is filled by partisan election;
3. Circulating official nominating petitions for any candidate for an office filled by partisan election;
4. Holding an elective or appointed office in any political organization;
5. Accepting appointment to any office normally filled by partisan election;
6. Campaigning by writing for publications or distributing political material or by making speeches on behalf of a candidate for elective office;
7. Directly or indirectly soliciting an assessment, contribution or subscription for any party or candidate for partisan office;
8. Soliciting the sale of or selling political party tickets, materials or other political matter; or

9. Engaging in partisan political activities at the polls, such as soliciting votes, assisting voters, assisting voters in marking ballots, transporting or helping get out the voters on Election Day or watching the polls as a representative of a political party.

Section 5.20 MEDIA RELATIONS AND SPEAKING ENGAGEMENTS

A. MEDIA RELATIONS

1. Only the Appointing Authority or his designee(s) is/are authorized to release information or provide verbal or written statements to the media regarding the City or City-related matters.
2. Employees receiving media requests for information must direct the inquiry to their Department Director who will notify the Law Director or Mayor's Office staff. Those employees required to speak with the media should refer to the City's "Media Protocol" attached as Appendix B.
3. Employees are directed to treat the media with respect and professionalism. Any employee who is harassed or badgered by a media representative should report the individual to the HR Director.

B. SPEAKING ENGAGEMENTS

Approval for all speaking engagements concerning issues of the City, except where such engagements are part of the employee's regular job duties, must be secured from the Mayor.

Section 5.21 WAGE GARNISHMENTS

When in receipt of a legally executed and ordered claim to withhold the earnings of an employee for payment to a creditor, the Payroll Department will act in accordance with the claim so long as in doing so, the City is also in compliance with Title III of the Consumer Credit Protection Act.

Section 5.22 CORRECTIVE ACTION

A. CORRECTIVE ACTION

1. Department supervisors and the City Appointing Authorities shall follow this system of corrective discipline when correcting job behavior.
2. This policy is a guide for uniform administration of discipline. It neither delegates nor limits the powers and duties conferred upon the City, its Departments or Appointing Authority by the Ohio Revised Code.
3. This policy provides standard penalties for specific offenses. The examples of specific offenses given in each grouping are illustrative, not inclusive.
4. The inclusion of standard penalties in this policy does not preclude the application of a more or less severe penalty for an infraction when circumstances warrant it. In any case where a non-standard penalty is imposed, the reason for deviation must be reduced to writing and sent by the supervisor to the Appointing Authority administering the discipline.
5. Disciplinary records relating to an oral and/or written reprimand will cease to have any force and effect and shall be removed from an employee's personnel file upon request 12 months after the date of the oral and/or written reprimand if there has been no other discipline imposed during the past 12 months.
6. Other disciplinary records beyond an oral and/or written reprimand (i.e. suspension) shall cease to have any force and effect and shall be removed from an employee's personnel file upon request 24 months after the date the discipline was imposed if there has been no other discipline imposed during the past 24 months.
7. The retention periods above may be extended by a period equal to employee leaves of 14 consecutive days or longer, except for approved periods of vacation leave of FMLA.

B. TYPES OF CORRECTIVE ACTION

1. Oral Reprimand/Verbal Counseling
Supervisors or Department Heads shall address unsatisfactory behavior promptly by discussing the problem with the employee and counseling more suitable behavior. Such verbal counseling will be reduced to writing and maintained only at the department level.
2. Written Reprimand/Written Warning
If verbal counseling does not resolve misbehavior or where more severe action is warranted, supervisors and Department Heads may issue written reprimands/warnings. The original shall be forwarded to the HR Department and placed in the employee's personnel folder and a copy given to the employee.

3. Suspension
If verbal counseling or written reprimands/warnings fail or where more severe action is warranted, department heads may recommend a working suspension or a suspension from work, without pay. Such recommendation will be reduced to writing and the original shall be forwarded to the HR Department and placed in the employee's personnel folder and a copy given to the employee.
4. Demotion
If reprimands and suspensions fail, department heads may recommend demotion. Demotion is an involuntary reduction of an employee in classification and job duties for just cause. A demotion may or may not, result in an immediate reduction in pay. Such recommendation will be reduced to writing and the original shall be forwarded to the HR Department and placed in the employee's personnel folder and a copy given to the employee.
5. Dismissal
If lesser disciplinary actions fail or the offense is such that the most severe action is warranted, employees may be discharged. Employees being considered for discharge may be suspended with pay. Such recommendation will be reduced to writing and the original shall be forwarded to the HR Department and placed in the employee's personnel folder and a copy given to the employee.

Note: Certain offenses may warrant immediate dismissal.

C. GROUNDS FOR CORRECTIVE ACTION AND PENALTIES

1. The Group I, II and III Offenses which follow illustrate the kinds of offenses which historically warrant the penalties established for the group.
2. In general, Group I Offenses are of a relatively minor nature. They cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency and/or morale. If ignored, Group I Offenses usually cause only temporary or minor impact to organization unless they are compounded over time.
3. Group II Offenses are more serious than Group I Offenses. They cause a more serious and longer lasting disruption to the organization. If ignored, Group II Offenses can have a more serious and longer lasting impact against the organization than Group I Offenses.
4. Group III Offenses are very serious or, possibly, criminal. They cause a critical disruption to the organization. If ignored, Group III Offenses cause long lasting and serious impact against the organization.

Group I Offenses – Offenses in this category will usually be disciplined in the following order:

First Offense	Oral Reprimand/Verbal Counseling
Second Offense	Written Reprimand/Warning

Third Offense Up to three (3) working suspension days or
Up to three (3) working days suspension without pay

Fourth Offense Up to ten (10) working suspension days or
Up to ten (10) working days suspension without pay

Fifth Offense Termination

1. Failure to "report off" work or any absence.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
3. Leaving the job or work area during working hours without authorization.
4. Making preparations to leave work without authorization before lunch, any scheduled break, or before quitting time.
5. Leaving a continuous operations position before being relieved by another employee.
6. Neglect or carelessness in signing in or out, clocking in or out, or signaling in or out.
7. Unauthorized absence from work.
8. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
9. Distracting the attention of others, or otherwise causing disruption on the job.
10. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
11. Failure to cooperate with other employees as required by job duties.
12. Abuse of City property or equipment.
13. Unauthorized use or possession of another employee's equipment.
14. Failure to observe Department Rules.
15. Obligating the City for any expense, service or performance without prior authorization.
16. Disregarding job duties by neglect of work, conducting personal business or reading for pleasure during working hours.
17. Unsatisfactory work or failure to maintain required standard of performance.
18. Use of telephone or computer for other than City business purposes without authorization.

19. Violation of departmental uniform regulations.

Group II Offenses - Offenses in this category will usually be disciplined in the following order:

First Offense Written reprimand/warning and up to three (3) working suspension days or three (3) days suspension without pay.

Second Offense Up to ten (10) working suspension days or ten (10) day suspension without pay.

Third Offense Termination

1. Willful discourteous treatment of the public.
2. Unauthorized sleeping during working hours.
3. Reporting for work or working while unfit for duty.
4. Conduct violating morality or common decency.
5. Unauthorized use of City property or equipment.
6. Performing private work on City time.
7. Willful failure to sign in or out, clock in or out, or signal in or out when required.
8. Unauthorized failure to report for overtime work after being scheduled to work according to overtime policy.
9. Willful failure to make required reports.
10. Unauthorized solicitation on City premises.
11. Making or publishing false statements concerning employees, supervisors, the City or its operations.
12. Refusing to testify in court, before the Civil Service Commission, during an accident investigation, or any type of public hearing.
13. Lying during a complaint or grievance investigation or hearing.
14. Unauthorized posting or removal of notices or signs from bulletin boards.
15. Unauthorized distributing or posting written or printed matter of any description on City premises.
16. Willful disregard of Department Rules.
17. Use of abusive or threatening language toward Supervisors or subordinates.

18. Unauthorized political activity pursuant to state law.
20. For police officers, carrying weapons off duty while intoxicated.
21. Willful misuse of equipment resulting in damage to the equipment or an accident.
22. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
23. Failure to follow safety rules or disregard of common safety practices.
24. Failure to report accidents, injuries or equipment damage.

Group III Offenses - Offenses in this category will usually be disciplined in the following order:

First Offense Up to and including termination.

1. Wanton or deliberate neglect of duty or in the care, use or custody of any City property or equipment. Wanton or deliberate destruction, in any manner, of City property, tools, equipment, or the property of employees.
2. Lying during accident investigations. Falsifying or assisting in falsification or destruction of any City records. Lying or withholding information required on employment applications. Falsifying or altering any time card (own or other employee's).
3. Making false claims or misrepresentation in an attempt to obtain any City benefit.
4. Illegal gambling during working hours.
5. Drinking alcoholic beverages on the job.
6. Theft or concealment of any property of the City or of other employees.
7. Use or the sale of controlled substances, anytime, and sale of alcoholic beverages on the job.
8. Fighting or attempting to injure other employees, supervisors, or persons.
9. Unauthorized carrying or possession of firearms on City property.
10. Concealing a communicable disease such as TB which may endanger other employees.
11. Instigating, leading, or participating in any unauthorized walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other curtailment, restriction or interference with work in or about the City's work stations.
12. Dishonesty or any dishonest action. Examples included but are not limited to: theft, pilfering, opening desks assigned to other employees without authorization; theft or pilfering of lunch boxes, refrigerator, tool kits, or other property of the City or other

employees without authorization; inserting slugs in vending machines; lying to secure an excused absence or to justify an absence or tardiness;

13. Insubordination; disregard of a directive from a supervisor.
14. Sexual harassment.
15. Violation of confidentiality which results in disruption of any law enforcement action.
16. Unnecessary and unwarranted violence (physical or mental) to a prisoner.
17. Purposefully discharging a firearm in a non-life threatening situation or not in accordance with Departmental policy as determined by Shooting Board (other than approved target practice).

Section 5.23 PRE-SUSPENSION, REDUCTION OR TERMINATION HEARING

- A. Classified and unclassified, regular employees are entitled to certain due process rights prior to suspension, reduction, termination including involuntary disability separation or denied reinstatement.

The employee has a right to be provided with a written notice outlining the nature of the disciplinary charges pending against him/her and the date and time of a meeting to discuss the charges. During the meeting, the employee has the right to an explanation of the City's evidence which serves as the basis for the pending disciplinary action. In response to the evidence, the employee has the right to present information or evidence refuting the City's position.

- B. The employee may be accompanied by an observer or a spokesperson in the event he chooses to not speak on his/her own behalf.
- C. In the event an employee's behavior or alleged misconduct warrants immediate removal from the premises and in the absence of a collective bargaining provision noting otherwise, the employee may be suspended with pay for the remainder of the workday. Written notice of the disciplinary charge and the date and time of the meeting may be provided after the employee has been ordered to leave the premises.
- D. Due to the nature of the meeting, witnesses shall not be present unless specifically permitted by a relevant collective bargaining agreement. The City is committed to considering information presented by the employee that may include information obtained from post-meeting investigation including additional witness interviews.
- E. The City will provide the employee with a written disposition as soon as practicable following the meeting; taking into consideration the need for post-meeting investigation and witness interviews. In the case of a classified employee receiving a suspension of more than three days or being removed from the position, the City will file the appropriate paperwork with the Parma Civil Service Commission.

A. OVERVIEW

1. An evaluation should communicate to employees what management expects them to do, and should communicate how well management expects them to do it. The evaluation should be rooted, to a significant degree, in the employee's position description.
2. Supervisors have two legitimate expectations of their employees: 1) that they will perform their jobs in a satisfactory manner, and 2) that they will observe and respect the City's and Department's policies and procedures. Supervisors have the responsibility to clearly communicate these expectations at the beginning of the assessment period and during the course of the evaluation period.

B. TYPE OF EVALUATION

1. **Probationary:** Employees will receive at least one (1) performance evaluation during their first ninety (90) days of employment
2. **Annual:** Employees will receive one (1) performance evaluation on their anniversary date each year
3. **Special:** If a Department Director or other member of City Management deems it necessary, the City may give an employee a special performance evaluation at any time during their employment.

C. USING THE FORM

1. Brief instructions are included on the form to highlight the supervisor's and employee's primary obligations. The form should be given to the employee at the beginning of the assessment period and brought to meetings where performance is to be discussed.
2. **Period of Evaluation:** This section should be completed by the supervisor. For non-probationary employees an annual review on their anniversary date would be appropriate. A shorter period of 30 days to three months should be utilized for probationary employees. In any case, the employee should be aware at the outset of the period chosen for assessment.
3. **Job Related Expectations:** This section should be keyed to the essential job duties of the employees job description. For the initial performance evaluation, the supervisor should review the job description with the employee including their duties and responsibilities. A copy of the job description should be attached to the assessment form. Expectations should be stated briefly and in measurable terms. The important point is that the expectations should be discussed between the supervisor and employee.
4. **Administrative Expectations:** These expectations should reflect those the City has for its public employees. The expectations are based on behaviors expected of public employees as discussed between employees and their supervisors. Discussing these

expectations, particularly with new employees as part of the orientation process, provides the supervisor with an opportunity to explain the City's expectations of their employees such as hours of duty and safety rules. Administrative expectations are City-wide and should not vary from one department to another.

5. **Employee Development & Goal Setting:** This section provides both the employee and supervisor an opportunity to look ahead and discuss goals such as training and increased responsibilities. Agreements reached during the discussion of employee goal setting can be incorporated into the Performance Evaluation Form for the next evaluation period.
6. **Rating Levels:** The Performance Evaluation Form provides for three rating levels: Exceeds, Meets, or Below Expectations. The three level system minimizes the need for subjective hair splitting.
7. **Employee Ratings:** To encourage discussion between supervisor and employee, a self-evaluation by the employee is vital. The supervisor's knowledge of the employee's perceptions of his/her own performance helps to facilitate this communication during evaluations.
8. **Performance Assessment as an Ongoing Process:** The instructions encourage the supervisor and employee to use the assessment form to facilitate performance related discussions during the assessment period. As discussions are held, communications exchanged, copies of complimentary (and/or not-so-complimentary) letters from colleagues, clients or constituents are received, these documents become a part of the assessment. Additionally, each of the items on the assessment instrument may be elaborated in attachments. Consequently, the assessment form becomes a cover sheet or summary of the natural dynamics of the assessment process.
9. **2nd Review and appeals:** In order to keep the employee involved in the evaluation process and to further reduce the possibility of subjectivity by the supervisor, a second supervisor reviews the evaluation and the employee may appeal his/her performance evaluation to the Human Resource Director.
10. **Annual Review of Process:** This performance assessment process will be reviewed between management and employees on a periodic basis. This goal of this review will be to improve the process for efficiency, fairness and consistency.

CHAPTER 6 TERMINATION OF EMPLOYMENT

Section 6.1	Termination of Employment
	Voluntary Termination (Resignation)
	Service Retirement
	Involuntary Termination
Section 6.2	Termination Benefits
	Service and Disability Retirement Pension Benefits
	Health Insurance Benefits Continuation (COBRA)
	Life Insurance
	Vacation Leave
	Sick Leave Conversion
Section 6.3	Exit Procedures

Section 6.1**TERMINATION OF EMPLOYMENT****A. VOLUNTARY TERMINATION (RESIGNATION)**

1. Resignation in good standing requires:
 - a. that the employee notifies his/her Department Director of the intent to resign no less than two weeks prior to his/her last day of work
 - b. that the notice to the Department Director be in writing
 - c. that all equipment and property of the City, including keys, is promptly returned and in good condition
2. Once accepted by the Appointing Authority, a resignation is considered to be final.
3. An employee not complying with the conditions in (1) above, will not have resigned in good standing and may be ineligible for future employment with the City.
4. In accordance with the City's Attendance policy, an employee absent from work for three (3) consecutive days without providing proper notice will be considered to have voluntarily resigned his/her position.

An employee who resigns as a result of absence from duty is not considered to have resigned in good standing and will not be eligible for future employment with the City.

B. SERVICE RETIREMENT

Employees are eligible to retire from service after twenty years of continuous service and/or meeting the criteria and conditions of the Ohio Public Employees Retirement System or Ohio Police and Firemen's Disability and Pension Fund.

- a. For purposes of this policy, only the most recent, continuous service with the City of Parma will be considered in determining the years of service for an employee.
- b. Employees applying for retirement must meet the conditions established in paragraph (A) (1) above.
- c. Employees wishing to retire under OPERS or the Ohio Police and Fireman Pension Fund and subsequently be rehired by the City, must submit a written request for the Appointing Authority's consideration at least sixty days prior to the proposed retirement date. The Appointing Authority has sole discretion to determine whether or not to rehire a retiring employee.

C. INVOLUNTARY TERMINATION

1. All initial and promotional appointments in the classified Civil Service shall be for a probationary period of two (2) years for Police and Fire employees and one (1) year for all other employee, and the person so appointed is subject to removal from such position by the Mayor during such year without appeal to the Civil Service Commission. No appointment shall be deemed final until the appointee has satisfactorily served the probationary period.
 - a. After completion of the probationary period, classified employees are subject to removal, suspension or disciplinary reduction only for cause and in accordance with the procedure outlined in the Ohio Revised Code.
 - b. Any lay-off of classified employees due to a lack of funds, lack of work or the elimination of a position due to reorganization will be conducted in accordance with Parma Civil Service Rules and applicable provisions of current collective bargaining agreements.
2. Unclassified employees are at-will employees who may be removed at any time, for any or no reason.

Any lay-off of unclassified employees due to a lack of funds, lack of work or the elimination of a position due to reorganization will be conducted in accordance with applicable provisions of current collective bargaining agreements covering affected employee classifications.

Section 6.2 TERMINATION BENEFITS

A. SERVICE AND DISABILITY RETIREMENT PENSION BENEFITS

Depending on the system in which the employee is enrolled, either the Ohio Public Employees Retirement System or the Police and Fireman's Disability and Pension Fund will administer and manage the pension benefits for employees meeting the eligibility requirements and electing service or disability retirement.

B. HEALTH INSURANCE BENEFITS CONTINUATION (COBRA)

1. Employee health insurance coverage will cease effective either the 15th of the month or the last day of the month in which employment is terminated based on whether a premium contribution was deducted from the employee's wages.
2. In compliance with state and federal law the City offers presently enrolled employees and their dependents an opportunity to remain enrolled in the City's health insurance plan, on a self-pay basis, after termination of employment for any reason other than involuntary separation due to gross misconduct. The specific requirements and conditions governing the continued enrollment in the health insurance plan are made available to employees upon notice of termination.

C. LIFE INSURANCE

City-provided term life insurance will cease to be effective the end of the day in which employment is terminated.

D. VACATION LEAVE

After five (5) years of service, upon voluntary or involuntary termination of employment including when it is due to an employee's death, the Auditor is authorized to convert earned and unused vacation leave to the terminated employee into a cash payment derived by multiplying the employee's total hourly rate of pay times the number of unused vacation hours at the date of termination.

- a. **Termination (voluntary or involuntary):** Employees will receive cash payment for all earned and unused vacation leave from the calendar year *preceding* their termination.

Retirement: In addition to unused vacation from the preceding calendar year, employees retiring under PERS or Police and Fireman's Pension will receive a pro-rated cash payment for vacation leave that would have been accrued *during* the calendar year in which they retire.

- b. Employees resigning before completion of one year of continuous service forfeit all unused accrued vacation leave.
- c. In the event of a death, the City shall pay the amount due first to the spouse, and if none, then equally to any children, and if none, then to the estate.

E. SICK LEAVE CONVERSION

1. **Retirement Cash-out** - Upon retirement of an employee who has not less than five (5) years of continuous service with the City and who has qualified for retirement benefits from the OPERS or the Ohio Police and Fireman Pension Fund, such employee shall be entitled to receive a cash payment equal to his highest base hourly rate of pay while employed by the City, multiplied by one-third (1/3) of his/her total accumulated, unused sick leave up to two thousand one hundred sixty (2160) hours, not to exceed seven hundred twenty (720) hours of accumulated sick leave.

2. In the instance of the death of a current employee the Auditor is authorized to convert accrued, unused sick leave hours into a lump sum cash payment at a rate of fifty percent (50%) and include such payment in the final payroll warrant issued in the name of the employee. In the event of a death, the City shall pay the amount due first to the spouse, and if none, then equally to any children, and if none, then to the estate.

Section 6.3 EXIT PROCEDURES

- A. Upon notification of a pending voluntary termination due to resignation, disability separation, or retirement, the HR Director or his/her designee will meet with the employee prior to his/her last day for the purposes of conducting an exit interview, reviewing the employee's options relative to benefits, verifying a forwarding address and obtaining necessary signatures on related paperwork.

Information obtained during the exit interview will be summarized in writing by the HR Director or his/her designee, forwarded to the employee for his/her approval and signature and placed in the departing employee's personnel file.

- B. On the last day of employment, the employee must return all City property, identification cards and keys to his/her Department Director.
- C. Upon notification of an involuntary termination the HR Director or his/her designee will meet with the employee as soon as practicable following the notification to the employee by the department head. As with voluntary terminations, the Department Director is responsible for collecting City property, identification cards and keys from the employee.

APPENDIX A
FORMS
(Updated January 2010)

2006 RELATED PARTY QUESTIONNAIRE

1) Have you or any related party of yours had any material interest, directly or indirectly, with any transaction since December 31, 2005 and through this date to which the city of Parma or any of its affiliates was or is to be a party?

YES _____ NO _____

2) Do you or any related party of yours have any material interest, directly or indirectly, in any pending or incomplete transactions to which the city of Parma was or is to be a party?

YES _____ NO _____

3) Have you or any related party of yours been indebted to the city of Parma at any time since December 31, 2005 through this date? Please exclude amounts due for ordinary travel and expenses.

YES _____ NO _____

4) Have you or any related party of yours had any material interest, directly or indirectly, in any transaction since December 31, 2005 and through this date, or in any pending or incomplete transactions to which any pension, retirement, savings or similar plan provided by the city of Parma was, or is to be a party? Do not include payments to a plan or payments by the plan made pursuant to the terms of the plan.

YES _____ NO _____

5) If you answered yes to any of the above questions, please describe the transaction, using the space on the back of this paper.

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DEPARTMENT: _____

DATE: _____

State of Ohio)
) ss: **AFFIDAVIT**
County of Cuyahoga)

I, _____, being first duly sworn according to the law, states as follows:

1. I am an employee for the City of Parma.
2. I have not used the authority or influence of my position with the City in order to secure a position of employment for my minor child.
3. I recognize that I have a statutory right to the earnings of my minor child obtained through the employment of the City of Parma.
4. I hereby waive my right to these earnings and understand that the earnings cannot be used as a substitute for my parental support obligations.
5. Further, I understand that I cannot exercise my right to these earnings during the term of my employment with the City of Parma or within one (1) year after I have occupied a position with the City.

FURTHER AFFIANT SAYETH NAUGHT.

(Signature)

SWORN TO BEFORE ME and subscribed in my presence

this ____ day of _____, 200__.

Notary Public

**STATEMENT OF EMPLOYEE
DECLINING TO REQUEST USE OF FMLA
FOR
ANTICIPATED/CURRENT ABSENCE**

I, _____, hereby affirmatively state that I have been notified of my rights under the Family Medical Leave Act (FMLA) and have, at this time, been offered the opportunity to seek leave under this Act by my employer, the City of Parma, but decline to do so.

This decision to decline to request FMLA was made by me voluntarily and without pressure or coercion on the part of my employer.

Further, I acknowledge that my employer has advised me that FMLA affords job protection to eligible employees for up to 12 (twelve) weeks (6 [six] months for certain conditions/situations) of leave and that the same job protection is not afforded absences not taken under the FMLA.

Employee's Signature

Date

Employee's Printed Name

Human Resources Director/Designee Signature

Date

CC: Personnel File