
VILLAGE OF WILLIAMSBURG

PERSONNEL POLICIES
AND
PROCEDURES

VILLAGE OF WILLIAMSBURG
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SECTION 1: PERSONNEL ADMINISTRATION

SECTION 1.00: DEFINITION OF TERMS

Unless otherwise indicated in these policies and procedures, the following definitions apply and should be used in all matters pertaining to the administration of the Village personnel system.

ABSENTEEISM - Means: (1) absence from work for a period of one or more days; (2) tardiness; or (3) failure to properly report off work.

ABSENT WITHOUT LEAVE - Means unexcused absence from work.

ACTIVE PAY STATUS - Means hours actually worked, hours on paid holidays, hours of paid comp time, and hours of paid vacation leave.

ANNIVERSARY DATE - Means the one-year anniversary date of an employee's hiring.

APPOINTING AUTHORITY - Means the official or body having the power of appointment to, or removal from, positions in any Village office or department.

ASSISTANT - Means the employee who aids and assists the Appointing Authority in the discharge or performance of duties which are of a confidential and fiduciary character and which involve the responsibility of his/her principal.

BASE RATE OF PAY - Means the rate of pay established by ordinance or contract for an employee exclusive of any supplements or allowances.

BREAK IN SERVICE - Means termination of employment for more than thirty (30) days for any reason other than layoff or approved leave.

CLASS - Means a group of one or more positions sufficiently distinct from all other positions in duties, responsibilities and qualifications required to warrant a separate title.

CLASSIFICATION - Means: (1) allocation of a position to proper class; (2) the class title assigned to a position.

CONTINUOUS SERVICE - Means the uninterrupted service of an employee with the Village.

DAY - Means calendar day unless specified otherwise.

DEMOTION - Means placement of an employee in a position which carries a lower salary range than that previously held.

DEPARTMENT - Means a Village organizational unit directed and controlled by a department head and charged with a specific public service function.

DEPARTMENT HEAD - Means the director or manager of a department.

DEPUTY - Means an employee authorized by law to act generally for or in place of and holding a fiduciary relationship to his/her principal.

DISHONESTY - Means the disposition to lie, cheat or defraud; untrustworthiness; lack of integrity.

DISTRIBUTION - Means delivering goods, materials and/or written materials.

DRUG ABUSE - Means the improper use of any controlled substance, narcotic, or hallucinogens, except as prescribed in treatment by a licensed physician or dentist.

DRUNKENNESS - Means the condition of a person who is intoxicated with alcohol; the state of one who is "drunk". The effect produced is that the normal condition of a person subject is changed and that his/her capabilities for rational action and conduct is diminished.

ELIGIBLE - Means an applicant for an appointment to a classification who is qualified by: (1) passing an examination; (2) meeting the requirements for the classification, and who is willing to accept employment.

EMPLOYEE - Means any person holding a position subject to appointment, removal, promotion, or reduction by an Appointing Authority.

EMPLOYEE STATUS - Means the term utilized to describe an employee's title, salary range, classified or unclassified status, and type of employment (temporary, seasonal, permanent, etc.).

EXCUSED ABSENCE - Means being absent from work with the approval of the Appointing Authority, Department Head, or designee.

FINANCE OFFICE – Means the office of the Clerk/Treasurer or his/her designee.

FULL-TIME EMPLOYEE - Means an employee whose regular hours of duty are equal to the normal established work week (typically forty (40) hours per week) for a particular department.

GENDER - Means whenever the pronouns he or she or the derivatives thereof are used in this manual they will be interpreted as referring to both sexes.

IMMORAL CONDUCT - Means conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the community.

INCOMPETENCY - Means being incapable of performing job duties, wasting of time or energy in completing work.

INTERIM APPOINTEE - Means an employee hired to fill a vacancy created by the sickness or disability of a regular employee for the period of the sickness or disability while on leave without pay.

INTERMITTENT APPOINTMENT - Means an appointment where an employee works on an irregular schedule which is determined by the fluctuating demands of the work which are not predictable.

INSUBORDINATION - Means the state of being unwilling to perform duties and responsibilities required of an employee. Refusal to obey an order issued by an employee's supervisor.

LACK OF FUNDS - Means an Appointing Authority has a current or projected deficiency of funding which requires or will require reduction of current or projected staffing levels.

LAIID OFF EMPLOYEE - Means an employee terminated by an Appointing Authority from a position as a result of the application of the "order of layoff." A "laid off employee" also means an employee not working as a result of layoff, abolishment or displacement.

MALFEASANCE - Means an act which is positively wrongful and unlawful.

MAY - Means optional.

MISFEASANCE - Means the improper performance of an act which a person may lawfully do.

NEGLECT - Means to omit or fail to comply with an order that can be done. The absence of care or attention in the doing. An omission of a given act. A designed refusal or unwillingness to perform one's duty.

NEW POSITION - Means a budgeted position established and properly allocated which did not previously exist.

NONFEASANCE - Means the non-performance of an act which ought to be performed; omission to perform a required duty at all, or total neglect of duty.

NON-WORK AREA - Means any area on or off Village property not designated as a work area.

NON-WORK TIME - Means any time during an employee's work day where the employee is totally relieved of work duties, such as break time and lunch time. Whether an employee is in paid or unpaid status during this time is immaterial.

ORAL REPRIMAND - Means the discussion a supervisor holds with an employee in which he disciplines the employee for his/her conduct and impresses upon him the need for improvement. This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time and reason for an oral reprimand shall be kept in the employee's personnel file.

PART-TIME EMPLOYEE - Means an employee whose regular hours of duty are less than the normal established work week (typically less than forty (40) hours per week) for a particular department.

PAY PERIOD - Means the period of time during which the payroll is accumulated, as determined by the Appointing Authority.

PAY RANGE - Means the division of a salary schedule to which a classification or position is assigned.

PERMANENT EMPLOYEE - Means any employee who has completed the applicable probationary period and occupies an authorized position involving full-time pay and benefits.

PERS - Means Public Employee Retirement System of Ohio.

POLICE CHIEF - Means the Chief of the Police Department.

POSITION - Means the group of job duties intended to be performed by an individual as assigned by the Appointing Authority.

POSITION AUDIT - Means the evaluation of the current duties and responsibilities assigned to an incumbent position to determine its proper classification.

PROBATIONARY PERIOD - Means the period of time at the beginning of an original appointment, hiring or promotion. This period may vary according to collective bargaining agreements or departments. It applies to certified and provisional appointments but not to unclassified appointments. During this period an employee may be terminated or reduced to a lower classification.

PROMOTION - Means the act of placing an employee in a position which carries a higher salary range than that previously held.

RECLASSIFICATION - Means the act of changing the classification of an existing position. The employee, if left in that position, shall be reassigned to the new classification.

REDUCTION - Means the change of the classification held by an employee to one having a lower base pay range, a change to a lower step within a salary range, or any decrease in compensation for an employee. For purposes of layoff, a "reduced employee" is one serving in a classification lower than the one from which the employee was laid off or displaced.

REINSTATEMENT - Means the act of returning a person to Village service, following a period of separation or a leave of absence, with the retention of seniority and status. For the purpose of layoff, reinstatement means the act of selecting from the Appointing Authority's layoff list individuals to return to active service with the same Appointing Authority in the same classification series of layoff.

REMOVAL - Means the termination of an employee's employment.

RESIGNATION - Means the voluntary separation from the Village by the employee.

RULES - Means the rules of the Village's Appointing Authority.

SEASONAL APPOINTMENT - Means an appointment where an employee works a certain season or period of the year performing work limited to that season or period.

SENIORITY - For purposes of all matters such as vacation scheduling and other internal matters affected by seniority and not dictated by law, policy, or the labor agreement, seniority means the uninterrupted length of continuous service with the Village. An authorized leave of absence does not constitute a break in service. Seniority continues to accumulate during the term of the leave, provided the employee complies with the rules and regulations governing his/her leave of absence.

For the purpose of layoff, seniority means continuous service with the Village, or as designated in the labor agreements. Service may be transferred from one Village department to another without loss of seniority as long as no break in service occurs.

Employees who are reinstated from layoff within one (1) year of the layoff date retain previously accumulated seniority, but will not be credited with seniority for the time spent on layoff.

Seniority for the purposes of vacation accrual means the total number of years of service with the Village. However, the completion of a total of one (1) year service with the Village is required before eligibility for any vacation leave is established.

Seniority for the purposes of determining retirement benefits is defined by the provisions of the retirement system in which the employee participates.

For all other purposes, seniority shall be defined as set forth in the provisions of the Ohio Revised Code.

SHALL - Means mandatory.

SICK LEAVE ABUSE - Means use of sick leave for any purpose other than as provided by law. Calling in sick when the employee is able to work. Reporting illness in the immediate family when such illness does not exist. Reporting off sick to participate in some other activity or take care of personal business. Setting a pattern of reporting off sick on certain days of the week or following regular days off, over an extended period of time. Failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

SOLICITATION - Means an act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution or a plea for support of any cause.

SPECIFICATION - Means a general description of job duties including examples of the kinds of tasks performed in positions allocated to a classification. Specifications may include class title, a statement of job functions, a grouping of task statements by job duties (ranked by importance), and a summary of required worker characteristics, behaviors and minimum qualifications for employment in the classification.

STATUS - Means the type of appointment such as provisional, certified, or unclassified.

SUPERVISOR - Means an individual authorized to oversee, manage, or direct the work of lower level employees.

SUSPENSION - Means the relieving of an employee from duty without pay, usually for a short period of time (i.e., one (1) to thirty (30) days) as a disciplinary measure aimed at improving the employee's conduct.

TABLE OF ORGANIZATION - Means a listing, arranged by structural or functional units, of the number of classifications or positions in a department, unit, or agency.

TARDY - Means arriving at or reporting to work after the usual, proper or appointed time.

TEMPORARY APPOINTMENT - Means an appointment for a limited period of time, fixed by the Appointing Authority and approved by the Mayor and Council for a period not to exceed six (6) months.

TOTAL RATE OF PAY - Means the basic rate of compensation plus all pay supplements.

TRANSFER - Means the movement of an employee from one position to another within the Village having the same rate of pay and similar duties.

VENDOR - Means any individual or group engaged in or desiring to engage in the supply of goods, materials or services to the Village or its employees, for use in the conduct of public business.

WORK AREA - Means any office, building or physical location where official Village business is transacted and/or operations of the Village being conducted. This includes any public or private area where employees are engaged in work activities.

WORK TIME - Means all the time when an employee must engage in work tasks.

WORK UNIT - Means a division of a department, usually directed by a supervisor in charge with a specific work function.

WRITTEN REPRIMAND - Means a written record of disciplinary action, usually issued after an oral reprimand has failed to improve an employee's conduct.

SECTION 1.01: OBJECTIVES

- A. The Village believes that a personnel system which recruits and retains competent, dependable employees is important to effective government.
- B. This manual is intended to:
 - 1. Promote high morale and foster good working relationships by providing uniform personnel policies and procedures, equal opportunities for advancement, and consideration for employee needs;
 - 2. Maintain recruitment and internal promotional practices which enhance the attractiveness of a career with the Village and encourage each employee to give his/her best effort to the Village and the public;
 - 3. Encourage courteous and dependable service to the public;
 - 4. Provide fair and equal opportunity for qualified persons to enter and progress in Village service based on merit and ability as determined through objective and practical personnel management methods; and
 - 5. Ensure all Village operations are conducted in an ethical and legal manner.

SECTION 1.02: EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

- A. The Village affords equal opportunity to all qualified, or qualifiable employees and applicants for employment. The Village does not discriminate against anyone due to race, creed, color, sex, disability, national origin, marital status, veteran's status, age, or any other state and local laws. Positive action will be taken to fulfill this policy.
Freedom from Harassment:
 - 1. All employees have a basic right to work in a comfortable environment, free from derogatory remarks, unwelcome sexual advances and any other verbal or physical conduct constituting harassment on the basis of race, color, religion, sex, age, marital status, disability, veteran's status or any other category under state and local laws. All employees of the village of Williamsburg are advised to immediately report all incidents of a harassing nature to the Appointing Authority. The matter will be fully investigated promptly and with discretion and offenders will be appropriately disciplined up to and including termination. There will be no intimidation discrimination or retaliation against any employee who makes a report of harassment.

Prohibited Conduct:

Harassment consists of unwelcome conduct, whether verbal or physical, which degrades or shows hostility toward and individual because of race, color, religion, sex, age, national origin, marital status, disability, veteran's status or any other category under state and local laws. Harassment of any type for any reason, specifically, that which affects employment conditions or which creates a hostile, offensive work environment. Unwelcome sexual advances or requests for sexual favors or any physical or verbal conduct of a sexual nature when:

Submission to or rejection is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

Unwelcome sexual flirtation, physical contact, advances or propositions, suggestive or lewd remarks, jokes of a sexual or suggestive nature, graphic or suggestive comments about an individual's appearance, the display of sexually suggestive material objects or pictures, sexually degrading words used to describe an individual.

Village employees shall not:

1. Engage in any act or practice which denies any person or group of persons equal employment opportunities because of race, color, religion, national origin, ancestry, sex, age or disability, marital status, veteran's status, or any other category under state and local laws.
2. Refuse to hire, promote, upgrade or reassign any person or group of persons because of race, color, religion, national origin, ancestry, sex, age or disability, marital status, veteran's status, or any other category under state and local laws.
3. Publicize any statement, notice or advertisement with respect to the availability of employment opportunities that indicates any preference or discrimination because of race, color, national origin, ancestry, sex, age or disability, marital status, veteran's status, or any other category under state and local laws.
4. Employ different procedures and standards in accepting or processing employment applications on account of race, color, religion, national origin, ancestry, sex, age or disability, marital status, veteran's status, or any other category under state and local laws.
5. Engage in any other act or practice which has the purpose and the effect of discriminating against any employee or applicants, whether actual or potential applicant.

B. The Village shall:

1. Make every effort to ensure contractors and subcontractors who perform work for the Village comply with all Federal, State and Local EEO policies.
2. Identify itself as an Equal Opportunity Employer along with the Disability Statement, in all advertising.

C. Employment, personnel and program practices:

1. The Village of Williamsburg shall designate one location for the reception of employment applications. This location shall be easily accessible. Anyone inquiring about employment shall be directed there.

2. The Village of Williamsburg shall hire summer, casual and other temporary employees without regard to endorsements or to the relationship of the applicant to any past or present employee.
3. The Village of Williamsburg shall maintain record-keeping procedures as related to EEO guidelines.
4. The Village shall employ, the best qualified persons who are available at the salary levels established for Village of Williamsburg employment.

SECTION 1.03: MANAGEMENT RIGHTS

- A. The Village of Williamsburg maintains the ultimate right to administer the business of the Village. In addition to other functions and responsibilities which are covered by law, the Village of Williamsburg has, and will retain the full right and responsibility to direct operations of the Village, to promulgate rules and regulations and to otherwise exercise the prerogatives of management, including but not limited to, the following:
1. To manage and direct its employees, including the right to select, hire, promote, transfer, assign, evaluate, layoff and recall or to reprimand, suspend, discharge, or discipline for just cause to maintain order among employees;
 2. To promulgate and enforce employment rules and regulations and to otherwise exercise the prerogatives of management;
 3. To manage and determine the location, type and number of physical facilities, equipment, programs, and the work to be performed;
 4. To determine the Village's goals, objectives, programs and services, and to utilize both internal and external personnel in a manner designed to effectively meet these purposes;
 5. To determine the size, composition, and duties of the work force, the number of shifts required, to establish work schedules, to establish hours of work, to establish, modify, consolidate, or abolish jobs (or classifications); and to determine staffing patterns, including, but not limited to the assignment of employees, duties to be performed, qualifications required, and areas worked;
 6. To relieve employees from duty due to the lack of work, lack of funds, or for other legitimate reasons which improve the economy or efficiency of the Village's operation.
 7. To determine when a job vacancy exists, the standards of quality and performance to be maintained;
 8. To determine the necessity to schedule overtime and the amount required thereof;
 9. To maintain the security of records and other pertinent information;
 10. To determine the overall budget and uses thereof;
 11. To maintain and improve the efficiency and effectiveness of the Village's operation;
 12. To determine and implement necessary actions in emergencies or other situations;
 13. To exercise complete control and discretion over Village's organization and the necessary technology to perform the work.
- B. All functions, rights, powers, and responsibilities of the Village of Williamsburg and its agents, in regard to the operation of its business and work force, which the Village has not specifically abridged, deleted, granted or modified by the express and specific written provisions herein, shall remain exclusively those of the Village of Williamsburg.

SECTION 1.04: SCOPE OF COVERAGE

- A. These policies apply to all regular employees, unless exempted by law.

B. If any provision of this manual is determined to violate applicable law that provision, alone, shall be void. The balance of the manual shall remain in full force and effect.

SECTION 1.05: AMENDMENTS

This manual may be amended or revised when, in the Village of Williamsburg's sole discretion, amendment or revision is required.

PROCEDURE

A. The Appointing Authority should, by appropriate means, encourage the Village of Williamsburg's employees to recommend revision or amendments to any policy covered by this manual. Matters not already addressed should be brought to the attention of the Appointing Authority. If the Village proposes to promulgate, amend, or revise a policy, care must be exercised to ensure the resulting policy is consistent with both the other policies outlined in this manual and any collective bargaining agreements with the Village. Format and language style must be consistent.

B. Each page of every policy shall show effective date at the bottom.

C. Copies of all new policies or revisions shall be sent to each employee or department head who is assigned a manual. A transmittal letter must be attached naming the section which the new pages replace and their effective date. Each policy manual holder shall place the revised section in his/her manual and destroy the outdated section.

D. The Appointing Authority shall decide how policies are communicated to the Village's employees (e.g., group meetings, bulletin boards, paycheck enclosures, etc.).

E. The Appointing Authorities and Department Heads shall monitor supervisor/employee performance related to policy changes to ensure a clear understanding of and support for the new policy.

SECTION 1.06: SAVINGS CLAUSE

If any article or section of this policy manual or any amendments shall be held invalid by operation of law or by a tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this policy manual shall be restrained by such tribunal, the remainder of this policy manual and amendments shall not be affected and shall remain in full force and effect.

SECTION 1.07: ADMINISTRATION OF THE PERSONNEL SYSTEM

The Appointing Authority, Department Head, or designee shall be charged with the responsibility of ensuring that these personnel policies are applied in a consistent, objective manner, and for conducting the personnel-related duties and responsibilities set forth in the manual.

SECTION 1.08: CLASSIFICATION PLAN

- A. The Appointing Authority shall administer a classification plan based upon a valid analysis of the duties, responsibilities and qualification requirements of positions within the organization.
- B. Official classification titles shall be used in all personnel and payroll matters.
- C. The Appointing Authority shall periodically review the duties, responsibilities and qualification requirements of positions and make necessary adjustments or revisions to the classification plan.
- D. An employee may request that his/her position be audited for proper classification by submitting a written request for reclassification to his/her department head.

SECTION 1.09: DEPARTMENT RULES AND REGULATIONS

- A. Department Heads are responsible for the operation of their departments and for implementing the policies and procedures contained in this manual.
- B. With the approval of the Mayor or other Appointing Authority Department Heads may develop and implement standard operating procedures for their respective departments.
- C. Department standard operating procedures shall not conflict with the policies and procedures set forth in this manual.

SECTION 1.10: PERSONNEL FILES

- A. Personnel files and information shall be confidential to the extent as allowable by law.
- B. In general, personnel files are public records and the Village must permit their inspection. Current law requires that every public office which receives a request for information must provide copies of all public records at cost and within a reasonable amount of time, following the request. Further, each public office must organize its filing system so that its records can be easily accessed.
- C. For the viewing of personnel files, the following procedure shall be utilized:
 - 1. Each request for access must be in writing and specific as to the records desired to be viewed.
 - 2. An appointment will be made to view the records.
 - 3. All records must be viewed in the presence of a Village employee.
 - 4. If available, the employee will be given the opportunity to be present if an employee so desires when the employee's file is being viewed.
- D. There are only six exceptions to the general rule mandating disclosure of records upon request:
 - 1. Medical records that have actually been created and used in the medical treatment of an individual.
 - 2. Records regarding issues of adoption, probation or parole.
 - 3. Records regarding an unmarried minor's right to have an abortion without notifying his/her parents, guardian, or custodian.
 - 4. Trial preparation records compiled "in reasonable anticipation" of a lawsuit. This exception may encompass information compiled by public agencies in the process of making investigations.

5. Confidential law enforcement investigatory records can be withheld from disclosure under ORC Section 149.43 (A) (2). These include:
 - a. The identity of a suspect who has not yet been charged;
 - b. The identity of an information source or witness who has reasonably been promised his/her identity will be kept confidential;
 - c. Information which might endanger the safety of law enforcement personnel, crime victims, witnesses or confidential information sources;
 - d. Information about specific investigation techniques or procedures;
 - e. Information about "specific investigatory work product."
6. Any information which is protected from disclosure under other state or federal laws.

E. Payroll records shall be maintained which reflect each employee's regular hourly rate of pay, basis on which wages are paid and exclusions. Daily records shall reflect hours worked each day, total hours worked per work week, total weekly overtime, total deductions, total wages paid each pay period, date of payment and pay period covered by payment. Payroll records shall be maintained as per the Village's Record Retention Schedule.

F. Employees must inform their Department Head of change of status in any of the following:

1. Home address
2. Home telephone number
3. Name
4. Marital status
5. Number of dependents
6. Citizenship
7. Military status

It will be the Department Head's responsibility to notify the Appointing Authority or the Finance Officer once such changes of status have been reported. If forms need to be completed to effect the change, management will secure the forms.

SECTION 2: EMPLOYMENT

SECTION 2.00: ETHICS

All Village employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the United States, of the State of Ohio, and other rules and regulations as may be set forth by the Appointing Authority. Each employee will receive a copy of the Ohio Ethics Law and sign a receipt that they received it that will be placed in their personnel file.

It is important to remember that the compensation of all employees is paid through taxes or user fees. Therefore, each Village of Williamsburg employee assumes responsibility to serve the public in an honest, effective, efficient and cheerful manner.

SECTION 2.01: VACANCIES

A. Whenever the Appointing Authority determines that a job vacancy exists, the position may be advertised and posted. Current employees will be allowed to apply for vacant positions during the posting period.

B. Each announcement shall specify the title, salary range if applicable, nature of the job; the required qualifications; the type of selection procedure to be used, the deadline and method of application.

C. The application or resume must be properly completed and submitted before the applicant will be considered for employment.

D. An Appointing Authority may fill open positions through direct appointment, transfer, reinstatement and/or reassignment prior to announcing a vacancy.

SECTION 2.02: PROBATIONARY PERIODS

A. New Employment

Each person entering into employment with the Village of Williamsburg in a full or part time position shall be required to successfully complete a probationary employment period of up to 180 days at the discretion of the Appointing Authority, with the effective date beginning with the date of appointment.

If an employee is granted a leave of absence or is removed from active pay status for any period of time during the probationary employment period, the time of such leave is not counted as a part of that probationary period.

The Appointing Authority shall retain only those employees who meet acceptable standards during their probationary period. A probationary employee may be separated at any time during the 180-day probationary period without cause. Such removals are not subject to appeal.

B. Promotions:

Any newly promoted employee shall also be subject to up to a 180-day probationary period at the discretion of the Appointing Authority. Such employee shall be returned to his or her former position within the probationary period after promotion when, in the judgment of the Appointing Authority, the employee's ability and/or quality of work are not such to merit continuation in the higher position. Such action shall not be considered disciplinary or eliminate the employee from consideration for later advancement. No probationary period is required following such a demotion.

Any employee failing a promotional probation shall have the right to appeal to the Appointing Authority. Such an appeal shall be submitted in writing within five (5) days following notice of failure of probation.

C. Extension of Probationary Period:

Should the Appointing Authority deem it necessary to extend the probationary period for a new hire or promotional probationary employee, the Appointing Authority shall document the reasons for such an extension, agreeable to the probationary employee, and be signed by the probationary employee. Under no circumstances shall an extension of the probationary period be longer than 60 days or a total probationary period of 240 days.

SECTION 2.03: PERFORMANCE EVALUATION

The Village of Williamsburg shall administer a performance evaluation program for the purpose of measuring the efficiency of employees. Performance evaluation programs shall measure as objectively as possible both quantity and quality of work. Other factors may be included to determine the manner in which this service is rendered and the observance of regulations and procedures properly governing the performance of the duties of a position.

1. Employees shall be rated or evaluated with respect to performance at least twice during their probationary period and at least once during each calendar year.
2. The first performance evaluation will be completed within the first half of the probationary period. The second evaluation shall be completed within thirty (30) days prior to the completion of the probationary period, unless the employee is removed or reduced in which case the final evaluation will be made at that time.
3. Semi-annual evaluations, if used, shall measure the employee's performance for the six (6) months immediately preceding the evaluation date. Annual evaluations for employees shall take place in December, or as determined by the appropriate Department Head.
4. Each employee shall be evaluated by his/her immediate supervisor and/or the Appointing Authority.
5. Forms for performance evaluation will be prepared and made available to all Municipal departments.
6. After the performance evaluation is completed it shall be reviewed with the employee evaluated. The employee may add comments to the evaluation and shall be asked to sign it. The employee's signature is only proof that he has reviewed the report. A signature does not mean the employee has approved or acquiesces in the evaluation. If an employee refuses to sign the performance evaluation, this refusal shall be witnessed by another supervisor who shall record such refusal and shall initial or sign the performance evaluation.

SECTION 2.04: IMMIGRATION REFORM & CONTROL ACT

A. In General

In accordance with the provisions of the Immigration Reform and Control Act of 1986, the Village has adopted the policy set forth herein.

1. The Village of Williamsburg shall not knowingly hire or recruit or continue employment of an alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.
2. The Village of Williamsburg has established an employment verification system and shall retain appropriate records establishing that each employee of the Village of Williamsburg, hired after November 6, 1986, who is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien."
3. As a condition of employment, the Village of Williamsburg shall verify both the identity and the employment eligibility of all applicants considered for employment through the use of the standard I-9 Form.

B. Anti-Discrimination Policy

It is the intention of the Village of Williamsburg not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The employer will not discriminate against any citizen or person intending to become a citizen insofar as that person has completed a declaration stating that he intends to declare U.S. citizenship within six (6) months of the effective date of the Act or six (6) months of eligibility for naturalization.

SECTION 3: HOURS, COMPENSATION AND BENEFITS

SECTION 3.00: COMPENSATION

A. Village of Williamsburg employees are paid biweekly. Full-time and regular part-time employees who have consistent weekly hours are paid on a "current basis." This means that a new employee will receive his/her first paycheck at the next regularly scheduled pay date for the pay period during which his/her employment started.

B. Because employees are paid currently, any changes are made in the biweekly pay period in which the change occurred provided the Village of Williamsburg Finance office receives notice from the department head in time to make the changes on the current payroll. Employees who resign or leave receive their last paycheck on the regularly scheduled payday of their last two-week period worked provided the Village of Williamsburg Finance office receives notice from the department head in time to do payroll. Employees who are entitled to termination compensation because of vacation and compensatory time balances due them will be given the extra termination compensation at the end of the pay period following their last regular pay date.

SECTION 3.01: OVERTIME APPROVAL

A. Normally, overtime must be authorized in advance of the overtime being worked.

B. Unusual or emergency circumstances may require employees to work overtime without having prior notification. Whenever such circumstances occur, the employee will be paid overtime in accordance with the overtime policy.

C. Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to overtime compensation.

SECTION 3.02: OVERTIME (POLICY)

A. Employees shall be entitled to overtime compensation at one and one-half (1 1/2) times their regular rate of pay for time actually worked in excess of forty (40) hours per week.

B. For purposes of this Section, paid holidays, paid vacation, and other approved paid leave time shall be considered time worked, including compensatory time, when approved at least twenty-four (24) hours in advance by the appropriate supervisor. Time spent traveling, where appropriate, shall be paid in accordance with the Fair Labor Standards Act.

C. It is the policy of the Village that overtime will be distributed as equally as possible among employees by consideration of classification, seniority, and qualifications of those employees who normally perform such work.

D. Persons designated as professional, administrative, or executive by the Appointing Authority in accordance with the Fair Labor Standards Act are exempt from the payment of overtime at the discretion of the Appointing Authority. The employees holding these exempt positions shall be notified in writing of their exempt status. Seasonal recreation employees are exempt from this overtime provision.

E. The Appointing Authority may designate employees engaged in support activities to work an adjusted workweek not to exceed forty (40) hours per week. Such employees are considered "flexible hour employees."

F. For purposes of the policy, Sunday through Saturday shall constitute the reporting period.

G. The Appointing Authority may, in lieu of payment by check for all actual hours worked in excess of forty (40) hours per week, utilize compensatory time calculated at one and one-half (1 1/2) times the excess hours worked. The accumulation of compensatory time shall in no case exceed 80 hours, except, a maximum of 160 hours may be accrued for eligible public safety employees and seasonal employees, as defined by the Fair Labor Standards Act. Any accrual in excess of 80 or 160 hours, whichever is applicable, shall be paid by check at the appropriate rate. The accumulated compensatory time must be taken within 180 days of the date earned at a time mutually agreed to by the Appointing Authority and the employee. If the compensatory time is not taken within the 180 days it's earned, it shall be paid by check. Employees have the option to request payment for compensatory time earned prior to the accumulation of eighty (80) hours, if so desired. This request must be made in writing to the Village Finance Office and must be in increments of eight (8) hours. Employees under the aegis of the Mayor who are not covered by a Labor Agreement must have the approval of the Mayor or the Appointing Authority before compensatory time may be earned and reported to the Village of Williamsburg Finance office. Employees who work in excess of eight (8) hours in one (1) day without approval will be required to take time off, hour for hour, during the week earned.

H. Upon termination for any reason, all accumulated compensatory time shall be paid at the employee's rate of pay at the time of termination.

SECTION 3.03: PAYROLL DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement, which accompanies his/her payroll check. Deductions include:

A. PERS/OP&F - Membership in PERS and/or OP&F is compulsory upon being employed except those employees specifically exempted under the provision of Section 145.03 of the Ohio Revised Code.

B. Income Taxes - The Federal, State and Village governments require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the Village by the Treasury Department and the Ohio Department of Taxation and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Finance Office of any dependency change whenever such change occurs.

C. Medicare Deductions - Those employees hired on or after April 1, 1986 are required to contribute 1.45% of their taxable income to the federal Medicare system.

D. Village offered Benefits - Employees who participate in group health, dental or other voluntary programs offered by the Village will have the required employee contribution withheld. Withholdings for offered health insurance coverage will be on a graduated scale based on plan participation. Under the current plan offered, the withholding will be as follows: Anthem Blue Priority - 15% of the monthly premium, Anthem Blue Preferred - 20% of the monthly premium. The deduction each pay period will be equal to 50% of the total monthly withholding.

E. Garnishment/Child Support Deductions - A court ordered legal claim against the wages of Village employees, by a creditor, for non-payment of a debt, and/or court ordered payroll deductions for child support served by the constituted legal authority, are garnishments and must be recognized and executed by the Finance Office.

F. Miscellaneous - Deductions such as U.S. Savings Bonds, credit union, other insurances, etc., may be refused if they are not required by law, are below certain prescribed minimum amounts, are at irregular intervals, or for other cause which the Employer deems not in the best interest of the Village of Williamsburg.

SECTION 3.04: WORKER'S COMPENSATION

State law provides that every Village employee is eligible for Worker's Compensation for injuries arising out of or in the course of his/her employment with the Village. Guidelines for administrating Worker's Compensation are set forth as follows:

A. Should an employee be injured during the course of employment with the Village, his/her supervisor shall notify his/her Appointing Authority, Department Head, or designee. A written report shall be completed by the supervisor and forwarded to the Appointing Authority no more than 48 hours after the accident even if no attention is required.

B. Should an employee's injury require medical attention, the supervisor shall provide the injured employee with an Incident or Injury Report form, which shall be completed by the attending physician. The completed report should be forwarded to the Finance Office at the earliest possible date.

C. In the event of a serious injury, the injured employee's supervisor shall notify the Appointing Authority, Department Head, or designee immediately so that an investigation can be initiated.

D. Worker's Compensation claims forms shall be completed by the injured employee.

E. The Appointing Authority, Department Head, or designee must be advised and continually updated if an employee continues to be absent due to work-related injury. Employees are responsible for providing to their Appointing Authority or designee their expected date of return (if known).

F. Any document received from the injured employee, his/her physician, hospital or the State, regarding Worker's Compensation claims must be immediately forwarded to the Appointing Authority, Department Head, or designee.

G. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Worker's Compensation. Employees may not receive payment from sick leave while simultaneously receiving payment from Worker's Compensation.

SECTION 3.05: UNEMPLOYMENT COMPENSATION

All eligible employees are eligible for unemployment compensation in accordance with the law and regulations of the State of Ohio.

SECTION 3.06: MEDICAL INSURANCE

The Village shall provide group medical insurance for all full-time employees according to the Village's current medical insurance contract and in accordance with any ordinance(s) passed by Village Council.

Any full-time employee, that is eligible for medical insurance coverage, that opts to not enroll in the medical insurance program offered by the Village will be provided a "payout" equal to \$960.00 per year or \$80.00 per month. Employees that meet the qualifications to be eligible for the "payout" will be compensated in the second paycheck of each month. If medical insurance enrollment status changes for an employee and they either choose to enroll or choose to cancel their coverage, the "payout" will be prorated accordingly for the month of the status change. No employee will be eligible for a retroactive "payout" under any circumstance.

SECTION 3.07: HOSPITALIZATION COVERAGE FOLLOWING SEPARATION

According to the IRS, the Village is exempt from the Federal requirements pertaining to COBRA. This program addresses the requirements for providing health insurance for a period of time after employment ends. The Village expects to provide the COBRA option when it is no longer exempt from those requirements. At the time an employee ends employment with the Village, they will be provided information regarding future medical insurance as required by COBRA law and regulations. This law (and related regulations) state the employee is eligible for continuation of medical insurance for a given period of time. The cost to the individual for continuing health insurance after employment ends will be as required by COBRA.

SECTION 3.08: HOLIDAYS

A. The following holidays shall be observed by full-time regular employees:

New Year's Day	January 1st
President's Day	Third Monday in February
Memorial Day	As designated by State of Ohio
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	
Christmas Day	December 25 th
Floating Holiday	Designated annually by Village administration

B. Holidays shall be celebrated as set forth above, unless otherwise designated by contract or other appropriate governmental official or body. In all cases where a holiday may be in question the Village administration will designate the official holiday. Holidays that fall on a weekend date shall be celebrated as deemed by the yearly calendar set forth by Village Administration.

C. Full time employees shall be paid straight time rates, exclusive of any premium pay, for the holidays declared above, on a current basis, and shall not be required to work on such holidays unless, in the opinion of the Appointing Authority or the employee's supervisor, failure to work on such holidays would impair the public service.

D. Employees who are required to work a normal shift on a listed Holiday shall be given the equivalent time off to be taken within 30 (thirty) days of that listed Holiday with prior approval of the Appointing Authority, Department Head, or designee.

E. An employee who is not assigned to work on a listed holiday will receive eight (8) hours regular pay.

F. Vacations: If a legal holiday falls during an employee's vacation, an extra day shall be credited to his/her vacation allowance.

G. Sick Leave: If a holiday occurs during a period of sick leave of an employee, the employee shall draw holiday pay and shall not be charged for sick leave for the holiday.

SECTION 3.09: VACATIONS

A. Policy: it shall be the policy of the Village to provide annual vacation leave for full-time employees.

B. Computation of Leave: Full-time employees working a scheduled forty hours or more per week shall earn and be credited with annual vacation leave according to their number of years of continuous service to the Village of:

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

C. Part-time Employees: Part-time employees who are designated as part-time employees and/or who are regularly scheduled to work at least 20 (twenty) hours per week are eligible for up to 8 (eight) hours of paid vacation for every 200 hours of annual employment with the Village.

D. Utilization of Leave: Annual vacation leave shall be taken at such time as the department head directs and is subject to his/her administrative discretion. All vacation leave must be requested and authorized on a form designated by the Appointing Authority at least 24 hours in advance of the requested leave. Vacation leave that is taken without prior authorization will not be paid and the employee will be subject to disciplinary action.

E. Interpretation and Record: A calendar vacation week shall be considered as the amount of time an employee is scheduled to work during a seven-day period. Two calendar vacation weeks shall

consist of ten working days. Any leave of absence in a non-pay status of thirty (30) days or more shall be deducted when computing eligibility for vacation leave due.

F. Anniversary Date and Renewal: New employees will be eligible for vacation time after they successfully complete one year of employment. After this initial anniversary date, vacation time will be renewed on January 1st of each year of employment.

Vacation time may be used prior to an employee's first anniversary date if extenuating circumstances arise. The decision to allow an employee to use vacation time prior to their anniversary date will be decided by the Appointing Authority. Each case will be decided separately based on the merits of each individual case.

G. Vacation Scheduling: Vacation leave may be taken in not less than one-half (1/2)-day increments unless otherwise approved in advance by the appropriate Appointing Authority or their designee.

H. Accumulation: Generally, vacation leave shall be taken by an employee between the year in which it was accrued and the next anniversary date of employment. The Appointing Authority may permit an employee to carry-over vacation from year to year at the Appointing Authority's discretion. An employee shall forfeit his/her right to take or to be paid for any vacation leave to his/her credit which is in excess of his/her accrual for three (3) years. Such excess leave shall be eliminated from the employee's leave balance.

I. Separation From Service: Upon separation from service, an employee shall be entitled to compensation for any earned but unused vacation leave to his/her credit allowable under the ORC at the time of separation. This does not apply to those employees who have less than one year of service.

J. Vacation Pay in Case of Death: In the case of the death of an employee, the approved extended and current vacation leave earned shall be paid to the date of death to the deceased employee's spouse or to the estate if there is no surviving spouse.

K. Planning of Leave: Vacation must be planned as far in advance as possible so as not to interfere with the efficient operation of the department. The Appointing Authority shall schedule vacations in accordance with workload requirements and the Appointing Authority or Department Head reserves the right to deny vacation requests if workload requirements so mandate.

L. Record of Leave: A record shall be maintained for each employee, showing the balance available for vacation leave. This record shall be printed on the employee's pay stub.

M. Seniority Dates: Seniority for the purpose of calculating vacation is determined according to the total prior service an employee has with the Village of Williamsburg for those employees hired on or after July 5, 1987. Seniority for the purpose of calculating vacation for employees hired by the Village of Williamsburg prior to July 5, 1987, shall be calculated according to the total prior full-time service with the Village, the state or any other political subdivision hereof. In either case, prior service need not be continuous, however, completion of a total of one (1) year of service shall be required before eligibility for any vacation leave is established. An employee who has retired in accordance with the provisions of PERS or any retirement plan offered by the state and who is hired by the Village of Williamsburg after July 5, 1987, shall not have his/her prior service

with the Village, state or any political subdivision of the state counted for the purpose of computing vacation leave. Vacation accrued for such employee shall be based only upon the service he/she is currently accruing with the Village of Williamsburg.

N. Personal Day: All full time employees who are designated full-time employees and who regularly work at least 40 hours each week are entitled to two (2) personal days off with pay each year of their employment, for whatever reason deemed necessary by the employee. New employees hired after October 14, 1995 shall receive one (1) personal day off with pay each year of their employment, for whatever reason deemed necessary by the employee.

The use of Personal time must have prior approval from the Department Head or Appointing Authority. Employees shall request such personal day off, in writing to their Department Head or Appointing Authority, at least 24 hours in advance. Such requests shall be subject to approval by the Department Head or Appointing Authority. A personal day may be taken, at the request of the employee and subject to the approval of the Department Head or the Appointing Authority, in segmented hours over three calendar days provided the total time off does not exceed 8 hours of work time. A minimum of four hours must be taken.

Personal time shall not be used to offset lateness or tardiness.

Employees must take such personal day prior to the end of each calendar year. Under no circumstances shall personal days accrue from year to year.

Part-time employees and employees not in active pay status are not entitled to a personal day.

O. Vacation balances will be reported on an employee's paycheck, each pay period. It is the responsibility of the employee to check these balances, and to report any problems with them to the Village Finance Office within one (1) pay period after receipt of his/her paycheck.

P. It is the responsibility of the department head to review the management report on vacation balances before approval of vacation requests; and to report the employee's concerns on balances to the Village Finance Office within one (1) pay period for review.

Q. It is the responsibility of the Village Finance Office to make any necessary corrections in the vacation balances within one (1) period following notification by the department head, or to notify the employee that the changes are not warranted.

R. Failure by the employee to notify errors in vacation balances on a timely basis will result in no changes in the balances reported.

SECTION 3.10: SICK LEAVE

A. Employees may request sick leave for absences resulting from illness as described below, provided they follow the proper procedures outlined in this policy manual:

1. Illness or injury of the employee or a member of his/her immediate family.
2. Exposure of employee or a member of his/her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.

3. Medical, dental or optical examinations or treatment of employee or a member of his/her immediate family.
4. Pregnancy, childbirth and/or related medical conditions.

B. For the purposes of this section, immediate family is defined as spouse, child, mother, father, foster parent or guardian, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, stepdaughter, half-brother, half-sister, or any dependent person living in the same household on a continuous basis.

C. The Village maintains the right to investigate any employee's absence.

D. Each Full-time employee will accumulate 4.62 hours of sick leave for every 80 hours worked, for a maximum of 15 days per year.

E. Full-time employees will be able to accumulate up to a maximum of 1040 hours of sick leave. Persons hired prior to March 14, 1991 will accumulate up to the number of sick leave hours that they had earned up to that date, or 1040 hours, whichever is higher.

F. At the end of each calendar year, any employee who has accumulated more than 1,040 hours of unused sick leave will be given the following options:

1. Receive a cash benefit for any unused sick leave hours in excess of 1,040 hours. The cash benefit shall equal one (1) hour of the employee's base rate of pay for each one (1) hour of unused credit which is converted. Such cash benefit shall not be subject to contribution to any retirement system either by the employee or the employer.
2. Carry forward a balance of 1,040 hours and deny payment for unused sick leave hours in excess of 1,040 hours.

(An employee who separates during the year shall not be eligible for cash benefits under this section.)

G. For the purposes of this policy, "active pay status" includes hours actually worked, hours on paid holidays, hours of paid comp time, and hours of paid vacation leave.

H. Except for employees who are exempt under the Fair Labor Standards Act, sick leave shall be charged in minimum amounts of one (1) hour.

I. Employees absent on sick leave shall be paid at the same basic hourly, daily or biweekly rate as when they are working.

J. An employee requesting sick leave shall inform his/her supervisor of the fact and the reason within one-half (1/2) hour after his/her scheduled starting time. Failure to do so may result in denial of sick leave for the period of absence. Upon return from sick leave the employee shall submit a satisfactory written, signed statement to justify the use of sick leave.

K. Employees taking sick leave for more than three (3) consecutive work days shall, upon their return to work, submit to their supervisor a written statement from, and signed by, a licensed physician which satisfactorily justifies the use of sick leave. The statement must include the physician's diagnosis and remedy.

L. Employees taking sick leave more than two times within the same month may be required, upon their return to work, to submit to their supervisor a written statement from, and signed by, a licensed physician which satisfactorily justifies the use of sick leave.

M. Vacation leave may be used for sick leave purposes, at the employee's request and the approval of the Appointing Authority, after sick leave is exhausted.

N. Employees who have exhausted all sick leave credits may, at the discretion of the Mayor, be granted a personal leave of absence without pay for a period not to exceed six (6) months. Illnesses exceeding six months will be considered for a Disability Separation as outlined in this manual.

O. An employee fraudulently using sick leave, or anyone found falsifying sick leave records, including altering a physician's certificate or falsification of a written, signed statement shall be subject to disciplinary action in accordance with policies outlined in this manual.

P. Employees who transfer between Village departments or agencies, or who are re-employed, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years.

SECTION 3.11: FAMILY AND MEDICAL LEAVE ACT OF 1993

Any provision of the Family and Medical Leave Act of 1993 in conflict with any section, subsection, paragraph, or sentence of the Personnel Policy and Procedures Manual of the Village of Williamsburg shall take precedence over the local provision.

Any eligible employee may be entitled to unpaid leave under the Family Medical Leave Policy.

A. Eligibility:

This policy is applicable to regular and part-time employees who have been employed for at least (12) months and who have completed at least 1,250 hours of service during the 12-month period preceding the FMLA leave. This policy shall also be applicable to all temporary employees who have been employed for at least (12) months and have completed at least 1,250 hours of service during the 12-month period preceding the FMLA leave. Whether such an employee has completed the required number of hours will be determined according to the principles established under the Fair Labor Standards Act (FLSA).

B. Covered FMLA Circumstances:

An eligible employee will be granted an unpaid FMLA leave of up to a total of 12 weeks in a 12-month period under the following circumstances:

1. For the birth of a child and to care for a newborn child, provided the leave is completed within 12 months of birth.
2. For the placement with the employee of a child for adoption or foster care, provided the leave is completed within 12 months of placement.
3. For the care of the employee's spouse, child or parent ("family member) with a serious health condition if supported by medical certification issued by the family members health care provider.

4. For the employee's own serious health condition which made the employee unable to perform the functions of his/her job and which is supported by medical certification issued by the employee's health care provider.
5. Employees requesting a FMLA leave must request the leave in writing at least 30 days prior to the start of the leave for foreseeable leave such as birth, placement for adoption or foster care or planned medical treatment, or as early as practicable in unforeseeable situations.

C. An employee may return to work upon submission of (1) a written request to return to work one week prior to the anticipated date of return and (2) a physician's statement that the employee is able to perform the duties of the assigned position.

D. The employee may be required to apply any accumulated sick leave and vacation benefits to the leave of absence, and will have his/her health and dental insurance coverage's maintained for the duration of the authorized FMLA leave of absence period.

SECTION 3.12: SEPARATION PAY

A. An employee of the Village who has ten (10) years of service with the Village is entitled, at the time of retirement from the Village, to be paid in cash for one-fourth of the value of his or her accrued but unused sick leave credit. However, the sick leave credit which is paid under this section shall not exceed 260 hours of accrued but unused sick leave.

B. In addition, the Appointing Authority may authorize an employee to be compensated for earned but unused and legally accrued vacation leave up to a maximum of three (3) years, accumulation as provided under the provisions outlined in the policy concerning vacations.

SECTION 3.13: BEREAVEMENT LEAVE (FUNERAL)

A. Full-time employees are entitled to a maximum of three (3) days off with pay in the event of a death in the immediate family. The time off is accrued and deducted from the employee's bereavement leave, as situations arise.

B. For the purposes of this policy, immediate family is defined as spouse, child, mother, father, foster parent or guardian, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, stepdaughter, half-brother, half-sister, or any dependent person living in the same household on a continuous basis.

C. One of the days taken must be the day of the funeral.

D. Full-time employees are entitled to a maximum of one (1) day off with pay in the event of a death in the family that is not in the immediate family. The time off is accrued and deducted from the employee's bereavement leave.

E. Employees utilizing bereavement leave more than two (2) times in a calendar year shall upon their return to work provide written documentation documenting the associated funeral services.

SECTION 3.14: MILITARY LEAVE

A. GENERALLY:

1. The Ohio Revised Code grants very broad rights to persons serving in the Armed Forces. The only employees who are excluded are those who hold elective office and those whose employment is temporary or casual. These rights are granted to all permanent employees without regard to whether they are full-time or part-time.
2. Public employees are guaranteed leave without pay for any period of active military duty. It makes no difference whether the employee was drafted or volunteered. Upon separation under honorable conditions, the employee is guaranteed reinstatement to his/her previous position unless it no longer exists, is filled by a more senior employee, or the employee is disabled. If the former position no longer exists or is filled by a more senior employee, the former employee is entitled to appointment to a similar position. Employees who are physically disabled as a result of military service are guaranteed reinstatement to a position within their capabilities.
3. Employees who are reinstated after military service cannot be discharged for one (1) calendar year after reinstatement. Further, upon reinstatement, they are credited with full seniority and all increases which they would have received had they not been on active duty. Failure to honor these rights to employees is a crime.
4. Members of the Reserves or Ohio National Guard are also guaranteed benefits. During any period of active duty or call-up for field training, Reserve or Guard members are guaranteed up to thirty-one (31) calendar days without loss of pay.

B. LEAVE FOR AND REINSTATEMENT AFTER DUTY:

1. All permanent, non-elected employees are entitled to leave without pay for any period of active duty with the Ohio National Guard, the Ohio Naval Militia, or any Reserve or regular unit of the Armed Forces of the United States.
 - a. Employees embarking upon a tour of active duty must request leave, in advance and in writing. The leave request must be accompanied by a copy of the employee's orders. Any employee who fails to request leave in accordance with it shall be considered absent without leave.
 - b. If an employee is not accepted for active duty, he shall be promptly reinstated, without loss of seniority or status, or reduction of pay, upon his/her return and application therefore. Requests for reinstatement shall be accompanied by a copy of the orders/discharge relieving him of his/her obligation for active duty.
 - c. Employees on leave of absence for military duty are considered to have rendered service to the Village during their period. They shall be treated as having received all pay increases and seniority which would have accrued to them but for their absence on active duty.
2. Upon discharge under honorable conditions, employees who separated from their position for military duty are entitled to reinstatement as follows:
 - a. Application for reinstatement must be filed no more than ninety (90) days after discharge or, after discharge from a period of hospitalization, not to exceed one (1) year, which continues after his/her discharge from active duty.
 - b. Employees shall not be reinstated if they are not physically competent to perform their former job.
 - c. If an employee is physically disabled and that disability results from service-related injury, he/she shall be given another position whose duties he/she can

perform. Position shall confer like seniority, status, and pay, or "the nearest approximation thereof consistent with the circumstances of his/her case."

3. If the position to which reinstatement is sought is filled by another employee, that employee shall be laid off unless he is more senior than the employee desiring reinstatement. Employees returning from a tour of active duty are not entitled to bump more senior employees.

C. FIELD TRAINING OR ACTIVE DUTY:

1. Employees who are members of the Ohio National Guard, the Ohio Military Reserve, the Ohio Naval Militia, or other Reserve components of the Armed Forces of the United States shall be granted leave of absence from their duties without loss of pay, for military service on field training or active duty for up to thirty-one (31) calendar days per year. Proof of military service pay must be provided to the Village Finance Office.

2. Employees granted leave for field training or active duty in accordance with Section 1 above shall not be required to use vacation leave, compensatory time, personal leave or leave without pay.

3. Except in emergencies declared by the Governor or the President, leave for field training or active duty must be approved in advance. Requests must be written and accompanied by copies of employee's orders. In cases of emergency, a written request for leave, accompanied by copies of employee's orders, shall be submitted upon return to duty.

D. NON-DISCRIMINATION:

1. No person shall be fired or denied employment because of membership in the Ohio National Guard, the Ohio Defense Corp, the Ohio Naval Militia, or the Armed Services of the United States or their auxiliaries or any other service as specified in Revised Code Section 143.22. Employees shall not be prevented from performing any military service they are called upon to perform by proper authority.

Reference: RC Sections 5903.01 to 5903.05, 5923.05. O.A.C.
Rule 123:1-34-06.

SECTION 3.15: COURT/JURY DUTY

A. If an employee is called for court/jury duty, he/she will be paid his/her regular salary or wage in full.

B. The employee will be expected to report for work following jury duty, if a reasonable amount of time remains during his/her scheduled workday.

C. Employees shall not be entitled to paid court leave when the case arises out of the employee's personal matters. Such absences shall be considered leave without pay or vacation leave, at the employee's option. This will be scheduled in advance by the employee and his/her Department Head.

D. Time served by an employee for court/jury duty does not constitute hours worked for purposes of calculating overtime, unless such court time is directly related to or is an integral part of the employee's work duties.

E. In order to be paid for jury duty, the employee must present his/her summons or subpoena to his/her supervisor as soon as possible.

SECTION 3.16: LEAVE OF ABSENCE WITHOUT PAY

A. Upon the written request of a permanent employee, the Appointing Authority may grant the employee a leave of absence without pay.

B. The maximum duration of a leave of absence without pay for personal reasons of the employee shall not exceed six (6) months.

C. The maximum duration of a leave of absence without pay for purposes of education, training or specialized experience which would benefit Village service, or for other related reasons shall not exceed two (2) years.

D. The authorization of a leave of absence without pay is solely a matter of administrative discretion, and each request will be decided by the Appointing Authority based upon the merits of the request.

E. Upon returning from a leave of absence, the employee is to be placed in his/her original position, or another position at a similar level of responsibility with the same pay rate, if available, should the original position be abolished.

F. When an employee fails to return to work upon the expiration of an authorized leave of absence without pay, that employee shall be considered as having resigned from the position.

G. An employee who has received an authorized leave of absence without pay does not earn sick or vacation leave credit.

H. If it is determined that an employee is abusing the leave of absence and not actually using the leave for the purpose specified, the Appointing Authority may cancel the leave and provide the employee with a written notice directing the employee to report for work.

SECTION 3.17: DISABILITY SEPARATION

This section outlines the conditions under which Disability Separation may be granted, and procedures for administering its use.

A. Voluntary Reduction - When an employee becomes physically unable to perform the duties of his/her position, but is still able to perform the duties of a vacant, lower level position, he may voluntarily request reduction to the lower level position. Such request shall be in writing, stating the reason for the request, and, if approved by the Appointing Authority, attached to the document implementing the action.

B. Personal Leave - A physically incapacitated employee, who has exhausted his/her accumulated sick leave and for whom voluntary reduction is not practicable, may request up to six (6) months of personal leave only if he/she can present evidence as to the probable date on which the employee will be able to return to the same or similar position. Such request shall be in writing, with supporting evidence attached. If approved by the Appointing Authority, the request and evidence shall be attached to the document implementing the action.

C. Disability Separation Procedures - A Disability Separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized Personal Leave and is:

1. Hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or,
2. Is declared by a licensed physician designated by the Village physically incapable of performing the duties of his/her position. Such examination normally is requested by the Appointing Authority when the employee is unable, or unwilling, to admit his/her incapability. Its costs shall be paid by the Village.

Any appointment made to a position vacated by Disability Separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature. Should the employee returning from Disability Leave be reinstated to another position, the temporary appointment will be made permanent.

D. Reinstatement Procedures - Reinstatement rights following Disability Separation extend for up to six months from the date such leave is granted. Such employee is to be reinstated to the same or similar position within 30 days after making written application and passing a medical examination showing full qualifications to perform the duties of the position. The examination shall be conducted by a physician designated by the Village; its costs shall be paid by the employee. The Village reserves the right to have a second examination conducted at its own expense. If continuing disability precludes reinstatement, the employee may wish to apply to the appropriate retirement system for Disability Retirement. If approved, such separation shall be reported by the Village and placed in the employee's personnel records.

Light duty assignments are discouraged and generally are not available, except as otherwise designated by the Appointing Authority.

The Appointing Authority may send a written reminder to the employee at least two (2) weeks prior to the expiration of his/her Disability Separation. An employee who does not return from Disability Separation, formally resign, or take Disability Retirement, shall be separated with the designation "Failure to Return from Disability Separation."

SECTION 3.18: EXPENSE REIMBURSEMENT

Village employees will be reimbursed for allowable expenses incurred while traveling out-of-Village on official Village business. Expenses will not be reimbursed unless travel was authorized in advance, in writing, by the Appointing Authority and the employee submits appropriate receipts to document claimed expenses. All travel expense reimbursement requires the advance approval of the Appointing Authority.

A. The following items are reimbursable:

1. Commercial air flights: Reimbursement is available for air flight expenses only when the cost of the flight is less than the cost of automobile mileage, or where travel time is of significance.
2. Bus, limousine, or taxi: Employees are to use the most economical means available when traveling on Village business.
3. Automobile: The Appointing Authority will assign a Village vehicle for travel to and from meetings, conferences, and conventions. If a Village vehicle is not available or the Appointing Authority has authorized the employee to use his/her privately owned vehicle, he/she shall be reimbursed at a rate of the current Internal Revenue Service allowable rate per mile for travel. Such payment is considered to be the total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one of two or more employees traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable without prior approval of the Mayor.
4. Registration fees: Registration fees will, whenever possible, be paid in advance by the Village upon presentation of an invoice, notice or registration form.
5. Meals: If meal expenses are included in registration fees, duplicate meals are not reimbursable. Reasonable expenses incurred for meals while on official Village business are reimbursable.
6. Lodging: Employees will be reimbursed for reasonable and necessary lodging expenses at the single room rate.
7. Phone Calls: Phone calls necessary for official Village business are reimbursable.
8. Parking and Tolls: Expenses for parking, highway, bridge and tunnel tolls are reimbursable. Parking expenses include parking outside the Village providing the employee is on official Village business.

B. The following items are not subject to reimbursement:

1. Alcoholic beverages.
2. Entertainment.
3. Laundry and dry cleaning.
4. Room Service charges.
5. Expenses of spouse traveling with employee.
6. Any allowable expense where no receipt is provided as documentation by the employee.

C. Expense reports shall be filed by employees detailing all costs with receipts attached.

SECTION 3.19: TUITION AID

The Village of Williamsburg, subject to Village administration approval, shall share in a portion of the cost of an employee's education which directly improves employee performance in his/her job; helps achieve his/her department's requirements, goals, and objectives; or relates to a reasonably accessible position.

A. Procedure:

1. Employees must request and receive approval for tuition aid prior to registering for a course. Expenses related to courses commenced prior to employment with the Village are not eligible.
2. Where an employee is required by law to maintain a license or registration or certificate and maintenance of such requires continuing education, the employee shall bear the full

cost of any tuition/registration, books time off, travel, and/or any other costs associated with this education.

3. Employees eligible for tuition aid from any other public or private source are expected to apply first for such aid, i.e., Veterans Benefits, etc. Duplicate payment will not be made. If the cost of tuition exceeds the amount paid by other sources, the employee may apply for excess costs in accordance with this policy. Employees must indicate whether they are eligible for tuition aid from other sources on the village's tuition aid application.

4. Types of eligible courses eligible may include:

- a. Courses for academic credit.
- b. Directly job related seminars and workshops sponsored by outside organizations approved by village administration.
- c. Correspondence courses taken from an approved institution.
- d. Courses sponsored by the village administration
- e. Continuing education Unit (CEU) courses when all other requirements of this policy are met and the CEU status of the course is incidental.

5. Tuition fees, tuition surcharges and lab fees are eligible expenses. Cost of books, supplies, memberships, parking, activity tickets or other charges for items or services other than actual instruction are not eligible expenses.

6. Reimbursement is made upon satisfactory completion of a course and documentation of expenses paid. For courses taken for academic credit and graded, a grade "C" or better is required. A "Satisfactory" or "Pass" is acceptable for workshops. A paid receipt or certificate of attendance will be accepted as evidence of satisfactory completion. Evidence of satisfactory completion/payment receipt must be submitted to the Village tuition contact for reimbursement.

7. All employees shall receive 100% reimbursement for courses required by the village. Required courses must be directly related to achieving competent performance in the employee's present job. Required courses may be taken during normal paid working hours. Expenses of required study materials may be included in eligible expenses.

8. Permanent employees working 40 or more hours per pay period are eligible for up to 50% of tuition fees when approved by village administration. Such courses may be for purposes of improving performance in present job duties, in preparation for a reasonable accessible promotional position or courses required as part of a specific degree program. Courses eligible for reimbursement are limited to two courses per quarter/semester and may not be taken during normal working hours.

B. Quarterly Reports

The Village Administrator shall submit quarterly reports to the Mayor, Council and the village Finance Office an itemized report of tuition expenses incurred each calendar quarter. The Finance Committee shall review all tuition expenses in relation to budgeted accounts.

C. Tuition Aid Procedure

1. Employee: Obtain a tuition Aid form from the Village Office and fill out all required information.
2. Supervisor: Fill out appropriate areas, sign the form, and submit to the Village Administrator.
3. Village Administrator: Fill out appropriate areas and submit tuition aid form to Personnel Committee

4. Personnel Committee: Review tuition aid information and approve or disapprove; forward to Finance Office if approved.
5. Finance Office: Calculate the appropriate reimbursement amount and return a copy to the employee. Retain original on file until the employee submits proof of course completion.
6. Employee : Upon completion of course, submit proof of satisfactory completion in the form of a grade report or written evaluation, and fee statement receipt or copies of a canceled check to the Village Administrator.
7. Village Administrator: Present the fee statement and grade report to the Finance Office for reimbursement.
8. Finance Clerk: Make appropriate reimbursements and file paperwork as required.
9. Village Administrator: Report all tuition expenses incurred on a quarterly basis to the Mayor, Council and Finance Clerk. The quarterly report must list date of payment, employee name, total cost, amount paid, and title of course approved by Personnel Committee.

SECTION 4: SAFETY AND CONDUCT

SECTION 4.00: WORK RULES AND REGULATIONS

A. This article summarizes the Rules and Regulations under which the Village operates. They do not limit the proper rights of any employee in discipline matters. Strict observance of them helps build orderly procedures which produce the sound growth and quality service upon which our jobs and incomes are founded. Violations of any of the items listed below may result in disciplinary action, up to and including discharge.

1. Habitual or excessive absence.
2. Habitual or excessive tardiness.
3. Failure to report absence properly, i.e., notice to your immediate supervisor within thirty (30) minutes of the scheduled starting time for each day of absence.
4. Leaving the job during working hours for personal reasons without permission.
5. Overstaying breaks.
6. Failure to commence work on time or leaving work early.
7. Improper use or care of Village vehicles or equipment.
8. Soldiering, loafing or sleeping while on duty.
9. Unauthorized use of Village telephones without permission.
10. Violations of any safety rule.
11. Failure to promptly report accidents, personal injury or property damage to your immediate supervisor.
12. Failure to observe parking and other regulations of the Village.
13. Engaging in horseplay.
14. Failure to use safety equipment and devices as required, when furnished by the Village.
15. Theft or removal from Village premises without proper authorization, of any property belonging to the Village or another employee.
16. Failure to properly clean assigned work area.
17. Gambling on Village property.
18. Reporting false reason for absence.
19. Immoral conduct while on duty.
20. Removal of notices, signs or written information in any form from Village bulletin boards without permission.

21. Defacing or changing any posted matter.
22. Defacing or intentionally damaging property of the Village, fellow employees or citizens.
23. Circulating petitions or distributing literature, written or printed matter of any description, or posting literature of written or printed matter of any description on Village property.
24. Circulating petitions or distributing literature written or printed matters of any description involving union activities on work time without permission.
25. Unauthorized selling of merchandise or services of any kind or pursuing personal enterprises on Village time.
26. Refusal to work requested overtime without acceptable excuse.
27. Insubordination.
28. Deliberate padding of time or making false statements of any type regarding work.
29. Failure to record work time off or on job properly.
30. Scavenging.
31. Careless handling, unauthorized use or loaning of Village vehicles or other equipment.
32. Careless handling, unauthorized use or loaning of Village tools.
33. Failure to secure Village equipment.
34. Threatening, intimidating, coercing or using indecent or abusive language to a supervisor, a fellow employee or a citizen.
35. Malicious gossip, slander, or talk against a supervisor, fellow employee or a citizen.
36. Defrauding a citizen of the Village.
37. Unauthorized possession or use of alcoholic beverages or illegal drugs or being under the influence of same on Village property.
38. Unauthorized possession of firearms or other weapons on Village premises.
39. Giving false information for employment.
40. Attempted or accomplished theft of Village property, property of fellow employee or property of a citizen.
41. Failure to attend required meetings.
42. Smoking in posted and prohibited areas.
43. Fighting on Village time or property.
44. Renting or lending Village property without written authorization.
45. Using or storing personal property on Village property without prior authorization from the Appointing Authority.
46. Giving information to the media, (other than routine departmental news releases), without prior approval from the Mayor or the Appointing Authority.

B. This summary of conduct subject to discipline does not limit the Village's right to establish new or amended rules and procedures or to enforce other penalties or discipline if necessary. Instances of conduct which violate Village policy not covered specifically by this rule will be handled and disciplinary measures taken as required by the facts and circumstances involved.

SECTION 4.01: SAFETY AND HEALTH

The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is their responsibility to insure that all safety equipment is properly used and safety procedures/ practices are observed.

A. Any employee found to be willfully negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be subject to immediate discipline including termination.

B. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the work place or hazards to the public.

C. Supervisors found to be negligent in requiring the use of prescribed safety equipment shall be disciplined.

D. Any accident occurring during working hours shall be reported to the immediate supervisor at once. The supervisor shall, in turn, notify the Appointing Authority or designee.

E. The Village recognizes that contagious diseases such as tuberculosis and hepatitis pose significant medical, social, and legal problems. The following regulations will be followed regarding contagious diseases:

1. The determination of whether an employee diagnosed as having a contagious disease is to be permitted to remain employed in a capacity that involves contact with the public or other employees shall be made by the Appointing Authority on a case-by-case basis in consultation with the employee's treating physician, the employee and/or his/her representative and a designated Village health official.

2. In making such a determination, the Appointing Authority shall consider:

- a. The recommendation of the individuals identified in Section 1;
- b. The physical condition of the employee;
- c. The expected type of interaction with others in the work setting; and
- d. The impact on both the infected employee and others in that setting.

Pending such a determination, the employee will be permitted to continue working in his/her current position unless it is determined the employee poses an immediate threat of danger to others.

3. Any of the following actions may be taken, consistent with the Appointing Authority's determination:

- a. Assign the employee to return to his/her regular place of employment;
- b. Assign the employee to a work assignment under restrictive conditions; or
- c. Place the employee on a leave of absence, sick leave with pay or recommend disability leave.

4. The employee will receive written notice of the Appointing Authority's determination. The employee may, at any time, request a reconsideration of the Appointing Authority's determination, provided such a request is accompanied by medical evidence of a change in the employee's physical condition.

5. All employees shall be required to work with an infected employee, where a determination has been made to permit the infected individual to remain in the workplace.

6. The medical records of all employees shall remain confidential, except where disclosure is mandated by law.

7. The identity of the infected employee shall not be revealed to the general public.

SECTION 4.02: USE OF VILLAGE PROPERTY

No employee shall use Village property, including lands, buildings, equipment or supplies, for any personal purpose. In an emergency, the Mayor or the Appointing Authority may overrule this

policy. Any deviation from this policy will be grounds for disciplinary action up to and including dismissal.

SECTION 4.03: USE OF VILLAGE VEHICLES

A. Upon proper authorization of the Department Head, Village employees are permitted to use Village vehicles for official Village business. These vehicles may not be kept overnight unless approved by the Department Head. Village vehicles shall not be used for commuting to and from work except where authorized in advance.

B. It is the responsibility of all Village employees to maintain and service the vehicles assigned to their individual departments.

C. Should any employee be involved in a traffic accident involving a Village vehicle, he must notify the Police Department immediately and provide all necessary information.

D. Employees who utilize Village owned vehicles for commuting purposes shall inform the Finance Office within ten (10) days of starting such practice and shall comply with the reporting requirements as specified by the Finance Office.

SECTION 4.04: TOOLS, SUPPLIES, EQUIPMENT, TELEPHONES, CELLPHONES, AND PAGERS

A. When tools, supplies and equipment needed to perform job duties are provided by the Village, the responsibility of employees is to see that they are properly used and maintained.

B. Misuse, neglect, theft or abuse of tools, supplies and equipment is prohibited. Accidents involving misuse of tools or equipment will be cause for disciplinary action. Loss of equipment will require payment by the employee for equipment lost.

C. Telephones are provided by the Village for business purposes only. They should be answered promptly and in a courteous manner. Toll calls for personal reasons made on Village equipment or charged to the Village will result in the employee being charged back the costs of the telephone calls and possible disciplinary action.

D. Cell phones and pagers are provided to certain employees based upon the nature of their positions and the potential need to reach them in case of an emergency or “after-hours” situation. Cell phones and pagers have limitations on usage based upon the monthly plans associated with them. Employees that use their assigned cell phones and pagers for personal use, causing a usage overage for the associated monthly billing plan are solely responsible for reimbursing the Village for these additional costs. Monthly rate plans, associated usage information, and records pertaining to employees that have been issued cell phones and/or pagers is maintained in the Finance Office.

SECTION 4.05: SEAT BELT LAW (4513.263 OHIO REVISED CODE)

All Village employees shall use seat belts when on duty, and while riding in or operating a Village vehicle. Employees found guilty of a first violation of the Seat Belt Law while on duty or in a Village vehicle are subject to disciplinary action up to and including a three (3)-day suspension

without pay, depending on the facts of the case. Repeated violations may result in more severe disciplinary action.

SECTION 4.06: ATTENDANCE

The Appointing Authority, Department Head or Immediate Supervisor shall establish work schedules and the Village Finance Office shall maintain daily employee's attendance records.

SECTION 4.07: TARDINESS

Tardiness shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after his/her scheduled starting time. Whenever an employee is tardy, that employee's compensation shall be reduced corresponding to the amount of time he was late. Deductions of pay for tardiness shall commence five (5) minutes after the employee's starting time and apply retroactively to starting time.

SECTION 4.08: ABSENTEEISM

A. It is important, for reasons of cost and employee morale, that every effort be made to maintain the highest possible level of attendance. Absenteeism will occur, to some extent, in every organization; however, it must be controlled.

B. Management will take disciplinary measure with those employees who are excessively absent from work, or who are absent without justifiable reasons. Such disciplinary actions will be up to, and including, termination.

C. An absence of three (3) consecutive work days without proper notification will be just cause for termination.

SECTION 4.09: ALCOHOLIC BEVERAGES/DRUGS AND CONTROLLED SUBSTANCES

A. Excluding evidence kept in police evidence storage, use of or storage of alcoholic beverages or illegal drugs while at work or on the work site premises is prohibited and shall be grounds for disciplinary actions.

B. If an employee reports to work intoxicated, or appears to be intoxicated, that employee is subject to release from work that day pending further investigation and additional action.

C. If the intoxicated state is due to medical reasons or an effect of prescribed medication, it shall be the employee's responsibility to submit documented evidence from a physician stating this, along with any work related restrictions. Such documentation must be submitted to the immediate supervisor and forwarded on to the Appointing Authority through appropriate channels.

SECTION 4.10: EMPLOYEE CONVICTION IN COURT OF LAW

A. The arrest or conviction of any employee for breaking a federal, state or local law outside work may be grounds for suspension, or dismissal, depending on the nature of the arrest or conviction as it relates to the position held by the employee. Careful consideration will be given to the effect

the arrest or conviction has on the reputation and operation of the department and any of its programs.

B. Violating any federal, state or local law while at work may be grounds for dismissal depending on (1) the severity of the infraction; and (2) the overall status of employee performance and past conduct on the job.

C. The Appointing Authority after consultation with the Village Solicitor, and Department Heads where appropriate, shall decide the procedure to be followed.

SECTION 4.11: APPEARANCE

A. The Department Head or designee reserves the right to prescribe appropriate dress and grooming, and to set standards which are in the best interests of the Village.

B. The Department Head or designee requires that an employee's clothing and overall appearance be appropriate, in good taste, and should present a favorable public image.

C. Clothing should be conducive to the safe and effective performance of required job duties.

SECTION 4.12: GIFTS AND GRATUITIES

A. Employees of the Village may not receive or accept any personal gifts or gratuities which obligate the Village or its employees in any way or which are intended to influence such. A personal gift is generally defined as one which is expressly for an individual and is not an object produced for general distribution as a means of advertising such as inexpensive pens or calendars.

B. Village employees should refrain from recommending any one particular provider of services such as an attorney, physician, dentist, etc., to a member of the public. The best method is to refer the public to the proper listings in the telephone directory and permit them to make their own choice.

SECTION 4.13: ALCOHOLISM AND DRUG ABUSE

The Village of Williamsburg recognizes alcoholism and drug abuse as diseases, which are treatable, and encourages those employees who suspect that they may have a drinking/drug problem to seek professional treatment assistance.

A. For the purpose of this policy, a drinking or drug abuse problem exists in the eyes of the Village, when an employee's alcohol consumption or drug abuse begins to interfere with his/her job performance.

B. This policy is intended to assure that no employee with a drinking or drug problem will have his/her job security, or promotional opportunities jeopardized by a request for treatment. The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with drinking or drug problems will be preserved in the same manner as all other medical records.

C. No employee shall attempt to diagnose alcoholism or drug addiction. The Appointing Authority/Supervisor initiated referral for diagnosis and treatment shall be based strictly on unsatisfactory or deteriorating job performance or jeopardizing the health of the employee or others resulting from apparent medical or behavioral problems, whatever their nature.

D. It will be the responsibility of the employee to comply with the referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as for all other illnesses when job performance continues to be adversely affected.

E. Implementation of this policy will not require, or result, in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.

SECTION 4.14: GAMBLING

The Village does not permit gambling in any form by Village employees during workdays. For the purpose of this policy, workday includes regular working hours, lunch periods, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

SECTION 4.15: SEXUAL HARASSMENT

A. Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship. Sexual harassment, either physical or verbal, is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. The intent of this policy is to clarify the Village's position in matters relating to compliance, discovery, and remedy. Nothing in the policy shall be construed to abrogate an employee's right to seek relief with the Equal Employment Opportunity Commission. Any discipline administered under this policy shall conform to the procedures of the appropriate labor agreement of the Policy and Procedures Manual.

It is the intent of the Village of Williamsburg to maintain a work place, which is free of sexual harassment from any source, either supervisors, co-workers, customers or vendors, and to discourage any instance of malicious accusation.

Sexual harassment is any repeated or unwanted verbal or sexual advance, sexually explicit derogatory remark, or statement made by someone in the work place which is offensive or objectionable to the recipient, or which causes the recipient discomfort or humiliation, or which interferes with job performance, and which can be reasonably determined to constitute unlawful behavior. Examples of conditions which constitute harassment on the basis of sex include:

1. Submission to sexual conduct is made either explicitly or implied as a term or condition of employment; or
2. Submission to or rejection of sexual conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Sexual conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive working environment.

B. Sexual conduct includes but is not limited to:

1. Sex-oriented comments or statements.
2. Subtle pressure for sexual activity.

3. Physical contact such as patting, pinching or constant brushing against the body of another.
4. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status.
5. Any offensive conduct with sexual overtones.

C. It is the responsibility of the employee:

To be certain beyond a reasonable doubt that harassment exists and is clearly directed toward the person objecting. Whenever possible, witnesses or other substantiating information should be provided.

Advise the offending individual, either individually or jointly with his/her manager or the Appointing Authority, that the conduct in question is offensive and request that it be discontinued immediately.

If the offending conduct continues or recurs, an official complaint should be placed with the employee's supervisor or the department head, who shall be responsible for immediately reporting the incident to the Appointing Authority. In the event the employee does not wish to discuss the matter with the supervisor or department head or either/both are involved in the complaint, the employee may file a complaint directly with the Appointing Authority.

It is the responsibility of the Village of Williamsburg:

The Appointing Authority will take immediate action to investigate any and all complaints received to determine the facts pertinent to the complaint.

Following the investigation of the complaint, the Appointing Authority shall review the facts and results of the investigation with other appropriate management personnel, who shall decide upon the validity of the complaint, and determine how the complaint should be resolved.

If it is determined that an employee has engaged in harassment, the Village will take immediate and appropriate remedial action, the nature of which will depend upon the severity of the determined offense.

After an investigation and determination of the merits of any complaint filed with the Appointing Authority, the Appointing Authority will meet with the complainant to discuss the results of the investigation. Any employee involved in a sexual harassment complaint will be afforded the opportunity to submit a written statement of his/her position for the complaint file and/or his/her personnel file.

Any employee found to have engaged in retaliation against another employee who has filed a complaint under this procedure or retaliation against any employee for assisting in the investigation of any complaint will be subject to immediate disciplinary action up to, and including, termination.

E. The same conditions and rules apply to sexual harassment of a citizen by an employee.

SECTION 4.16: OUTSIDE EMPLOYMENT

A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives and operations of the Village of Williamsburg. In addition, an employee shall not become indebted to a second Employer whose interests might be in conflict with those of the Village.

B. Employment "conflicts", as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his/her position.

C. Full-time employment by the Village shall be considered the employee's primary occupation, taking precedence over all other occupations.

D. "Outside" employment or "moonlighting" shall be of concern to the Village of Williamsburg only if it adversely affects the job performance of the employee's job. Two common employment conflicts which arise are:

1. Time Conflict - Defined as when the working hours required of a "secondary job" directly conflicts with the scheduled working hours of an employee's job with the Village; or when demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the Village.
2. Interest Conflict - Defined as when an employee engages in "outside employment" which tends to compromise his/her judgment, actions and/or job performance with the Village.
3. Employees who are involved in outside employment that does business with the Village shall not receive preferential treatment.

E. Should the Appointing Authority feel that an employee's outside employment is adversely affecting the employee's job performance, the Appointing Authority may recommend, but may not demand, that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment shall be disciplined in such a manner that is consistent with the policies set forth in this manual.

SECTION 4.17: POLITICAL ACTIVITY

A. This policy lists the specific political activities legally permitted and prohibited to all employees, including employees on authorized leave of absence from their positions. Employees are encouraged to exercise their constitutional rights to vote.

B. Activities Permitted to Employees

1. Registration and Voting.
2. Expressing opinions, either orally or in writing.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulating petitions on legislation relating to their employment.
5. Attendance at political rallies. Employees may attend political rallies that are open to the general public.
6. Nominating petitions. Employees may sign nominating petitions in support of individuals.
7. Political pictures. Employees may display political pictures in their homes.
8. Badges, buttons and stickers. Employees may display political stickers on their private automobiles.

C. Activities Prohibited to Employees

1. With the exception of elected officials, employees are not to participate in political activities during working hours.

SECTION 4.18: DRUG FREE WORKPLACE POLICY

A. Statement of Policy – Level 1 Employer

The Village believes it is very important to provide a safe workplace for all of its employees. The Village is taking steps to address the problem of substance use that negatively affects every workplace, including ours. The Village is concerned with the health and well-being of all employees. Behaviors related to substance use can endanger all employees, not just substance users. The Village can't condone and won't tolerate behaviors on the part of employees that relate to substance use, such as:

1. Use of illegal drugs;
2. Misuse of alcohol;
3. Sale, purchase, transfer, trafficking, use or possession of any illegal drugs; and
4. Arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected.

Village administration is fully committed to this policy which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. The Village will not tolerate substance use in violation of this policy and intends to hold everyone reasonable responsible for supporting the policy.

This policy describes the Villages "Drug Free Workplace Program," which every employee is expected to read and understand. The policy applies to every employee of the Village. The consequences stated in this policy will apply to anyone who violates this policy.

The Village holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify they have a substance problem will receive Village support and assistance to the extent of Village resources for this purpose. However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug or alcohol use in violation of this policy, the Village reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this policy are stipulated within this document.

This program will go into effect upon final reading and approval by the Village Council. The policy covers five key parts of the Village's Drug Free Workplace program, and are as follows:

1. A written policy that clearly states the program rules and how everyone benefits;
2. Annual substance awareness education for all employees;
3. Training for supervisors regarding their responsibilities;
4. Drug and alcohol testing, the most effective way to change harmful behaviors related to substance abuse; and
5. Employee assistance.

Employees will have the opportunity to receive information about how substance use is a problem affecting the workplace, as well as the signs and symptoms, dangers of use, and how and where to get help for themselves and their families. The Village Administrator will act as the Drug Free Workplace Coordinator and will be responsible for arranging drug and alcohol testing, as needed, will have a list of places that employees can turn for help for themselves and/or their families, and will also arrange to get knowledgeable presenters to educate Village employees about substance abuse.

B. Protection for Employees:

This program is designed to protect employees from the behaviors of substance users. Some of the protections built into this program are:

1. Employee records like testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
2. The Village is committed to providing help to employees with a substance problem. Each situation will be reviewed individually. Confidential employee assistance referrals are available for employees and their families through the Drug-Free Coordinator.
3. All supervisors will be trained in their duties related to testing before this program begins.
4. All employees will receive awareness education every year to help identify problems and learn where employees can go for help.
5. Testing will be done through a federally certified laboratory that uses the highest level of care in ensuring that results are accurate including the use of a Medical Review Officer (MRO). The MRO is an expert in substance use. When the MRO receives positive test results, the MRO will contact the employee and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.
6. The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established based on federal and state guidelines.

C. Employee Awareness Education:

Every current employee will be required to attend a session in which this program is discussed. There will be an opportunity to ask questions.

D. Supervisor Training:

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to annual employee education. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

E. Drug and Alcohol Testing:

Testing is intended to detect problems, deter usage and allow appropriate corrective action. In addition to alcohol, the drugs that we're testing for are:

- Amphetamines (speed, uppers)
- Cocaine (including Crack)
- Marijuana
- Opiates (Codeine, Morphine)
- Phencyclidine (PCP, "angel dust")

An employee attempting to adulterate a specimen or otherwise manipulate the testing process will result in termination of employment, as will a refusal to produce/provide a specimen.

F. Employee Assistance:

The Village believes in offering assistance to employees with a substance problem. We are supportive of employees taking action on their own behalf to address a substance problem. To help those who come forward voluntarily, the Village has established a relationship with an employee assistance provider. If an employee is willing to actively engage in resolving the substance use problem, the Village will refer the employee to the provider for an assessment and possible outpatient counseling with a substance professional. The cost associated with treatment is the sole responsibility of the employee or their insurance provider, if applicable. The employee will be entitled to utilize accrued sick leave or leave without pay for this treatment, for a period of time not to exceed six (6) weeks. If the employee has additional sick leave time available to them, they may request use of this time by discussing the matter with their immediate supervisor.

G. Frequency and Situations When Testing Occurs

Employees will be tested for the presence of drugs in the urine and/or alcohol on the breath under any and/or all of the conditions outlined below:

1. Post-Offer, Pre-Employment Drug Testing:

As part of the Village's employment procedures, all applicants will be required to undergo a post-offer, pre-employment drug screen/test that is conducted by a contractor designated by the Village. Any offer of employment is contingent upon, among other things, a negative result upon completion of this screening, and the determination by the Village that the applicant is capable of performing the responsibilities of the position that has been offered.

2. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when Village administration and/or supervision has reason to suspect that an employee may be in violation of this Policy. The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings. Reasonable suspicion testing may be based upon, among other things:

- a. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
- b. A pattern of abnormal conduct or erratic behavior;

- c. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification of the Village, within five (5) working days, of any drug-related conviction;
- d. Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
- e. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

3. Post-Accident Testing

Post-accident testing will be conducted whenever an accident occurs as defined below. For purposes of this policy, an accident is considered an unplanned, unexpected or unintended event that occurs on Village property, during the conduct of the Village's business, or during working hours, or which involves Village-supplied motor vehicles or motor vehicles that are used in conducting Village business, or is within the scope of employment, and which results in any of the following:

- a. A fatality of anyone involved in the accident;
- b. Bodily injury to the employee and/or another person that requires off-site medical attention away from the Village's place of employment;
- c. Vehicular damage in apparent excess of \$750; or
- d. Non-vehicular damage in apparent excess of \$500.

When such an accident results in one of the situations above, any employee who may have contributed to the accident will be tested for drugs or alcohol use or both.

Drug and/or Alcohol Testing after an Accident:

Urine specimen collection (for a drug test) or breath/saliva (for an alcohol test) is to occur immediately after a need has been determined. At no time shall a drug specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed within two (2) hours of the incident whenever possible, but within eight (8) hours, or it won't be performed but will be documented. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee herein expressly grants unto the Village, its officers and management, the right to request that attending medical personnel obtain appropriate specimens (breath, blood and/or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees herein expressly grant unto the Village, its officers and management, access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident, to include, but not be limited to, a full medical report from the examining physician(s) or other health care providers.

Effective October 13, 2004, Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work related injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury.

An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Worker's Compensation Act.

H. Substances to be tested for and the method for testing:

Systems presence testing is the procedure that is used to identify the presence of the following controlled substances or alcohol that may be present: (A negative initial screening test is considered a negative test.) For each of the tested drugs (amphetamines, cocaine, marijuana, opiates and PCP), there is an initial test used to screen the urine specimen. If the initial screen is positive [at or higher than a cut-off level that comes from the federal Department of Health & Human Services (DHHS)], a second or confirmatory test is done. This is a different test and is considered 100% accurate.

Breath alcohol testing will be conducted by a testing contractor that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .04 will be considered a verified positive result. In the event of an accident where an employee has a "whole blood" alcohol drawn at a medical treatment facility, a result equal to or greater than .04 shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) is used to confirm any initial positive test result. The Village also expressly reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or legislation.

I. Specimen Collection Procedure:

Testing shall be conducted by trained collection personnel, who meet quality assurance and chain-of-custody requirements for urine collection and breath alcohol testing. Confidentiality is required from our labs. Any individual subject to testing under this Policy shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen to be provided. Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment.

J. Reporting of Results:

All test results will be reported to the MRO prior to the results being issued to the Village. The MRO will receive from the testing laboratory a detailed report of the findings of the specimen. Each substance tested for will be listed along with the results of the testing. The Village will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal DHHS.

K. Positive Test Results:

Employees who are found to have a confirmed positive drug or alcohol test are subject to discipline up to and including termination.

L. Termination Notices:

In those cases where substance testing results in the termination of employment, all termination notices will list “misconduct” as the reason. Termination shall be deemed “for cause.”

SECTION 4.19: COMMERCIAL DRIVER’S LICENSE (CDL)

As a condition of continued employment, employees who are required to drive vehicles which require a Commercial Driver’s License (CDL) shall obtain a Commercial Driver’s License as required by state law prior to driving for the Village of Williamsburg. The Village shall reimburse the employee for the cost of the CDL within thirty (30) days after obtaining the license and the tendering to the Finance Manager of proof of payment of the fee for the license. The employee shall also deposit with the Appointing Authority a copy of his/her currently valid CDL.

Any employee who is unable to maintain his/her CDL shall be placed on unpaid, inactive status for a period of up to ninety (90) days during which time the employee shall be eligible to bid on a vacant position for which a CDL is not required. Should there be no vacant position during the ninety (90) day period described above, or, should said employee fail to qualify for a vacant position described above, said employee shall be laid off. Said employee shall not be eligible for benefits during the ninety (90) day period.

SECTION 4.20: WORKPLACE VIOLENCE

A. The Village does not tolerate violence within its workplaces. No person employed with the Village shall be the instigator of, or participant in, any of the following:

1. Obscenities, ethnic slurs, or epithets directed toward individuals.
2. Threats of bodily harm or damage to one’s property.
3. Actual bodily harm or damage to one’s property.
4. Callous or intentional disregard for the physical safety or well-being of others.
5. Possession of any weapon or the brandishing of any object that could reasonably be perceived as a weapon (police officers and other authorized personnel are exception.)
6. Any other conduct that a reasonable person would perceive as constituting a threat of violence.

B. Any such behavior, comments, and/or weapon possession shall be reported immediately to one’s supervisor or the Appointing Authority. Supervisors shall be required to take appropriate, immediate action to curtail any such behavior or comments. Any known weapon possession or potential serious violent situations shall be reported immediately to the Police Department by the supervisor.

C. Violations of this policy will lead to immediate disciplinary action up to, and including, termination and any appropriate legal action.

SECTION 5: DISCIPLINE AND APPEALS

SECTION 5.00: DISCIPLINARY PRINCIPLES*

A. A clearly written discipline policy promotes fairness and equality in the workplace and minimizes misunderstandings in disciplinary matters. The principles outlined below will consistently be applied to effectively and fairly correct unsatisfactory job behavior.

1. Employees shall be advised of expected job behavior, what conduct is unacceptable, and the penalties for unacceptable behavior.
2. Immediate attention shall be given to policy infractions.
3. Discipline shall be applied uniformly and consistently throughout the Village. Any deviation from standard procedure must be documented.
4. Each offense shall be handled objectively.
5. Discipline shall be progressive as outlined in this manual.
6. An employee's immediate supervisor or the Appointing Authority shall be responsible for administering discipline.

** (Reference 124.34 Ohio Revised Code)*

SECTION 5.01: PROGRESSIVE DISCIPLINE

A. Department supervisors and the Village Appointing Authorities shall follow this system of progressive discipline when correcting job behavior, however certain acts viewed as justifiable reasons for immediate suspension and/or termination may be exempt from progressive discipline policy and dealt with immediately in accordance with Procedure for Suspension or Termination.

1. Oral Reprimand: Supervisors, Department Heads, or the Appointing Authority shall address unsatisfactory behavior promptly by discussing the problem with the employee and counseling more suitable behavior. A written copy of the oral reprimand shall be signed by both the Supervisor, Department Head, or Appointing Authority and the employee. The original shall be placed in the employee's personnel file and a copy given to the employee.
2. Written Reprimand: If an oral reprimand does not resolve misbehavior or where more severe action is warranted, Supervisors, Department Heads, or the Appointing Authority may issue written reprimands. The written reprimand shall be signed by both the Supervisor, Department Head, or Appointing Authority and the employee. The original shall be placed in the employee's personnel file and a copy given to the employee.
3. Suspension: If oral or written reprimands fail or where more severe action is warranted, Department Heads or the Appointing Authority may recommend suspension from work, without pay.
4. Demotion: If reprimands and suspensions fail, Department Heads or the Appointing Authority 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.
5. Dismissal: If lesser disciplinary actions fail, employees may be discharged. The employee shall be given advanced written notice listing the effective date of and reason(s) for separation. Employees being considered for discharge, may be suspended with or without pay. Additionally, the employment must return all Village equipment (pager, phone, radio, Village Identification Badge, uniforms, etc.) prior to receiving his/her final paycheck.

SECTION 5.02: GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES

The Group I, II and III Offenses which follow illustrate the kinds of offenses which historically warrant the penalties established for the group.

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 the organization unless they are compounded over time.

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 upon the organization than Group I Offenses.

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 upon the organization.

A. Group I Offenses

First Offense.....Instruction & Cautioning

Second Offense.....Written Reprimand

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

Fourth Offense.....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. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
12. Failure to cooperate with other employees as required by job duties.
13. Abuse of Village property or equipment.
14. Unauthorized use or possession of another employee's equipment.
15. Failure to follow safety rules or disregard of common safety practices.
16. Failure to observe Department Rules.
17. Obligating the Village for any expense, service or performance without prior authorization.
18. Failure to report accidents, injuries or equipment damage.
19. Disregarding job duties by neglect of work, conducting personal business or reading for pleasure during working hours.
20. Unsatisfactory work or failure to maintain required standard of performance.
21. Violation of departmental uniform regulations.
22. Any conflict with job duties and outside employment.

B. Group II Offenses

First Offense.....Instruction and up to three (3) days suspension without pay.

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

Third Offense.....Termination

1. Discourteous treatment of the public.
2. Sleeping during working hours.
3. Reporting for work or working while unfit for duty.
4. Possession of or drinking alcoholic beverages on the job.
5. Conduct violating morality or common decency.
6. Unauthorized use of Village property or equipment.
7. Performing private work on Village time.
8. Willful failure to sign in or out, clock in or out, or signal in or out when required.
9. Unauthorized failure to report for overtime work after being scheduled to work according to overtime policy.
10. Willful failure to make required reports.
11. Unauthorized solicitation on Village premises.
12. Making or publishing false, vicious or malicious statements concerning employees, supervisors, the Village or its operations.
13. Refusing to testify in court during an accident investigation, or any type of public hearing.
14. Lying during a complaint or grievance investigation or hearing.
15. Unauthorized posting or removal of notices or signs from bulletin boards.
16. Unauthorized distributing or posting written or printed matter of any description on Village premises.
17. Trespassing.
18. Willful disregard of Department Rules.
19. Use of abusive or threatening language toward Supervisors.
20. Unauthorized political activity.
21. For police officers, carrying weapons off duty while using alcoholic beverages.
22. Willful misuse of equipment resulting in damage to the equipment or an accident.

C. Group III Offenses

First Offense.....up to and including termination.

1. Wanton or deliberate neglect of duty or in the care, use or custody of any Village property or equipment. Wanton or deliberate destruction, in any manner, of Village property, tools, equipment, or the property of employees.
2. Lying during accident investigations. Falsifying or assisting in falsification or destruction of any Village 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 Village benefit.
4. Gambling during working hours.
5. Theft or concealment of any property of the Village or of other employees.
6. Use or the sale of controlled substances, anytime, and sale of alcoholic beverages on the job.
7. Fighting or attempting to injure other employees, supervisors, or persons.
8. Unauthorized carrying or possession of firearms on Village property.
9. Concealing a communicable disease such as TB which may endanger other employees.

10. 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 Village's work stations.
11. 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 Village or other employees without authorization; lying to secure an excused absence or to justify an absence or tardiness;
12. Insubordination.
13. Sexual harassment.
14. Violation of confidentiality which results in disruption of any law enforcement action.
15. Unnecessary and unwarranted violence (physical or mental) to a prisoner.
16. Discharging a firearm in a non-life threatening situation or not in accordance with Departmental policy (other than approved target practice).

SECTION 5.03: PROCEDURE FOR SUSPENSION OR TERMINATION

- A. When a supervisor has a reason to believe an employee, subject to its supervision has been guilty of incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance and any nonfeasance in the performance of his official duty, or for any violation of the Village of Williamsburg Work Rules and Regulations, the supervisor shall file with the Council of the Village written charges against he person setting forth in detail the reason for the charges, and immediately serve a copy of the charges upon the person against whom they are made.
- B. Charges filed under this section shall be heard at the next regular meeting of the legislative authority occurring not less than five days after the date such charges have been served on the person against whom they are made. The person against whom such charges are filed may appear in person and by counsel at such hearing, examine all witnesses, and answer all charges against him/her.
- C. At the conclusion of the hearing, the legislative authority may dismiss the charges suspend the accused from their position of employment for not more than sixty days, or remove the accused from their position of employment.
- D. Action of the legislative authority removing or suspending the accused from their position of employment requires the affirmative vote of two-thirds of all members elected to it.
- E. In the cases or removal from a position of employment, the person so removed may appeal on questions of law and fact the decision of the legislative authority to the court of common pleas of the county in which the village is situated. Such appeal shall be taken within ten days from the date of the finding of the legislative authority.
- F. A supervisor can suspend, with pay, any employee subject to his/her supervision, until the Council determines the validity of the charges and makes its decision.
- G. A supervisor is defined under the terms of this section as follows:
 - a. Village Administrator

- Employees of the Public Works Department
- Utility Clerk
- b. Mayor
 - Clerk of Courts
- c. Village Clerk
 - Finance Manager
 - Tax Administrator
- d. Police Chief
 - Police officers

H. Any removal of the Village Administrator must be in compliance with ORC 735.271.

I. Any removal of the Village Police Chief must be in compliance with ORC 737.171.

SECTION 5.04: COMPLAINT PROCEDURE FOR EMPLOYEES

A. Purpose: To establish and define a procedure by which an employee may seek satisfactory solution of a work-related problem.

B. Policy: The Village will deal fairly and promptly with employees in resolving complaints through the procedure set forth below. An employee has the right to present a complaint directly to his/her supervisor or through a representative.

C. Employees Covered: The procedure shall be applicable to all Village employees

D. Definition of Complaint: A complaint is a matter which an employee believes affects his/her employment or position in an unjust or unfair manner.

E. Procedure:

1. First Level - Discussion of Complaint: Whenever an employee believes he/she has a complaint, he/she shall discuss the matter with his/her supervisor within seven (7) calendar days from the date the complaint occurred. The supervisor shall give an explanation or answer, either orally or in writing, to the employee within seven (7) calendar days after the complaint is discussed. The supervisor should make and retain a brief written record of the complaint, explanation or answer.

2. Second Level - Written Submission of Complaint: If the complaint is not settled to the satisfaction of the employee he/she may prepare a written statement of the complaint and submit the statement to his/her immediate supervisor. Submission of the statement shall be made within seven (7) calendar days from the date the decision of the supervisor was communicated to the employee. The employee may have the assistance of a representative of his/her choice in preparing and presenting the written complaint. Within seven (7) calendar days of receipt of the written complaint, the supervisor and department head shall schedule a meeting to discuss the complaint with the employee and representative (if one has been designated). The supervisor and department head will answer the complaint in writing and return response to the employee within seven (7) calendar days of the date of the meeting.

3. Third Level – Appeal: If the complaint is not settled to the satisfaction of the employee, he/she may appeal to the Appointing Authority. This appeal must be made in writing within seven (7) calendar days of the written reply at the second level. The Appointing Authority or a designated representative will schedule a meeting to discuss the complaint

with the employee and representative (if one has been designated) within seven (7) calendar days of the date the appeal was received. The Appointing Authority will answer the complaint in writing within seven (7) calendar days of the meeting.

4. Fourth Level - Final Resolution: If the complaint is not satisfactorily settled in the levels outlined previously, the employee may request that the complaint be heard by the Mayor. This request must be made in writing to the Appointing Authority or designated representative within seven (7) calendar days of the written reply at the third level.

Parties to the hearing shall be the employee and representative (if one has been designated), the employee's department head, a Village of Williamsburg representative and such witnesses as may be called upon to offer oral and written statements concerning the complaint. The Mayor will receive the oral and written statements, including copies of all written documents from previous levels of the complaint.

The Mayor shall reach final decision on the complaint, which shall be communicated in writing to the employee, the Village representative and the hearing officer.

F. Instructions: The Village retains all responsibilities not specifically limited by this procedure. In all cases, the instructions of Village management will be carried out pending final resolution of the complaint.

G. Assignment of Costs: Any fees or costs involved in the conduct of any levels of this procedure shall be borne by the Village of Williamsburg, except for costs contracted for by the employee and any fees or costs of the employee's representative which shall be borne by the employee.

H. Ohio Revised Code: Decisions and recommendations at any point in the complaint procedure shall not conflict with any provision of the Ohio Revised Code.

I. Time Limits: The time limits specified for submission of complaints and issuing of decisions may be extended by mutual agreement of the parties concerned and shall be extended in case of illness of either of the parties.

J. Working Hours: So far as practicable, complaints shall be handled during the regularly scheduled working hours of the parties involved. The parties will neither gain nor lose compensation because of the time spent on complaint matters.

K. In General:

1. All hearings held pursuant to this complaint procedure shall be closed to the news media.
2. No disposition at any step shall be in conflict with the Williamsburg Personnel Policy or the Ohio Revised Code.
3. Time spent by employees pursuing complaints shall be at no gain nor loss in compensation. Wherever practicable, hearings shall be held during regularly scheduled working hours.
4. Time limits specified herein may be extended by mutual agreement of the parties. Illness on the part of either party shall be just cause for extension of the time limits.
5. All dispositions of complaints above step one shall be in writing and a copy of the disposition forwarded to the responsible individual for the succeeding step.

6. There shall be no cost incurred against the Village for pursuing complaints unless prior authorization is obtained from the Mayor or Appointing Authority.

SECTION 6: VOLUNTARY SEPARATION

SECTION 6.00: RESIGNATION

A. Employees who plan to voluntarily resign should notify their immediate supervisor at least two (2) weeks in advance of the effective date of termination.

B. Any employee who resigns is encouraged to give his/her reasons for resigning and convey his/her perceptions of the organization's working conditions by completing the Exit Interview Form.

C. A formal letter of resignation is required by the Village and shall include:

1. A statement indicating the employee's intention to resign from Village service.
2. The date the notice was given.
3. The effective date of the resignation.
4. The reason for the resignation (optional)
5. The employee's signature.

D. Failure to give proper written notification may result in ineligibility for reinstatement, and will result in forfeiture of payment of accrued but unused vacation credit.

E. The Appointing Authority or designee shall, in turn, notify the Village Finance Manager of the pending resignation so that payroll records may be updated and appropriate documents processed.

F. A person who resigned in good standing may be reinstated, at the discretion of the Appointing Authority, in his/her former type of position within one (1) year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the best interests of the Village.

SECTION 6.01: EXIT INTERVIEW

A. Upon resignation, or otherwise voluntarily terminated employment, an employee is requested to complete an Exit Interview Questionnaire, and to personally discuss the questionnaire with the Appointing Authority or his/her designee, prior to receiving a final paycheck. Additionally, the employment must return all Village equipment (pager, phone, radio, Village Identification Badge, uniforms, etc.) prior to receiving his/her final paycheck.

The exit interview is an opportunity for the employee to offer constructive criticism and insights to the Appointing Authority or designee regarding the operation of the Village.

B. The Appointing Authority or designee shall:

1. Attempt to discover any previously unknown causes of the termination, the knowledge of which could prevent the recurrence of such action in the future.
2. Learn of any grievances or specific problems so that the Appointing Authority or designee can investigate possible solutions.
3. Determine what final compensation and benefits the terminated employee is scheduled to receive.

4. Determine the employee's availability for future employment with the Village, should his/her performance level warrant reinstatement or re-employment.
5. Verify the employee's correct address for mailing Internal Revenue Service Form W-2.
6. Insure that any and all Village equipment- uniforms, weather-related gear, tools, etc.- are returned to the Village prior to the release of the final paycheck. Any costs for damaged or missing equipment will be deducted from the employees' final paycheck as reimbursement to the Village.

C. The Appointing Authority or designee should commit his/her results to writing in order to maintain a written record or areas discussed, items for further investigation, etc. The Appointing Authority or designee should sign, date and retain the report in the employee's closed personnel file for future reference, if necessary.