

ORDINANCE 2019-06
BY
MAYOR RAYMOND ARRIOLA

AN ORDINANCE AMENDING CHAPTER 35 PERSONNEL RULES AND REGULATIONS §35.101 THROUGH §35.906 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON, OHIO.

WHEREAS, it is desirous to amend the New Lebanon Code of Ordinances; and

WHEREAS, the amending of this section will help clarify personnel rules and regulations for employees and employer and update out of date policies.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of New Lebanon, Ohio as follows:

New Lebanon, OH Code of Ordinances

CHAPTER 35: PERSONNEL RULES AND REGULATIONS

Section

General Provisions

- 35.101 Introduction
- 35.102 Employment-at-will
- 35.103 Responsibilities of the Personnel Department
- 35.104 Amendments and revisions

Initial Employment Policies

- 35.201 Notice of examinations
- 35.202 Applications
- 35.203 Certification of candidates
- 35.204 Examinations
- 35.205 Preference points
- 35.206 Notification of examination results
- 35.207 Re-examination
- 35.208 Initial employment eligibility lists
- 35.209 Disqualification of applicants
- 35.210 Filling full-time vacancies
- 35.211 Emergency appointments
- 35.212 Temporary or permanent part-time appointments
- 35.213 Physical examinations
- 35.214 Oath of office
- 35.215 Probationary period

In-Service Placement

- 35.301 Promotions
- 35.302 Job postings
- 35.303 Eligibility of applicants for promotion
- 35.304 Promotional examinations
- 35.305 Promotional preference points

- 35.306 Notification of promotional examination results
- 35.307 Promotional eligibility lists
- 35.308 Selection for promotion
- 35.309 Transfers
- 35.310 Promotion/transfer probationary period
- 35.311 Resignations
- 35.312 Job abolishment
- 35.313 Layoffs
- 35.314 Reinstatement eligibility list
- 35.315 Reemployment

Employment Policies

- 35.401 Equal employment opportunity
- 35.402 Sexual and other forms of unlawful harassment
- 35.403 Personal interaction policy
- 35.404 Employee classification
- 35.405 Employee identification
- 35.406 Solicitation and distribution
- 35.407 Substance abuse policy
- 35.408 Electronic mail, internet, and cell phone policy
- 35.409 Personal appearance policy
- 35.410 Attendance
- 35.411 Corrective action policy
- 35.412 Employee performance appraisal
- 35.413 Outside employment
- 35.414 Cellular telephone usage
- 35.415 Personnel services and personnel office
- 35.416 Prohibition on interference with administration

Compensation and Benefits

- 35.501 Employee compensation
- 35.502 Payrolls
- 35.503 Payroll deductions
- 35.504 Garnishment
- 35.505 Overtime compensation
- 35.506 Compensatory time
- 35.507 Call-in or standby pay
- 35.508 Health insurance
- 35.509 Life insurance
- 35.510 Employee credit union
- 35.511 Worker's compensation
- 35.512 Prior service credit
- 35.513 Civil liability service
- 35.514 Legal counsel and indemnification
- 35.515 Retirement
- 35.516 Educational incentive
- 35.517 Tuition program
- 35.518 Travel, conference, and training expenses

Leave Time

- 35.601 Holidays observed
- 35.602 Vacation/personal leave
- 35.603 Sick leave
- 35.604 Application for leave of absence
- 35.605 Injury leave
- 35.606 Family and medical leave act
- 35.607 Maternity and other medical leaves of absence
- 35.608 Jury duty/subpoenas
- 35.609 Bereavement leave
- 35.610 Military leave

Integrity and Ethics

- 35.701 Code of ethics
- 35.702 Personal conduct
- 35.703 Confidentiality
- 35.704 Political activity

Employee Communications

- 35.801 Open door policy
- 35.802 Appeals and grievances

Safety

- 35.901 Use of municipal facilities and equipment
- 35.902 Safety awareness
- 35.903 Operation of motor vehicles
- 35.904 Report of on-the-job injuries
- 35.905 Workplace violence
- 35.906 Concealed weapons policy

Cross-reference:

Exempt positions, see Charter § 5.03

General provisions, see Charter § 5.01

Merit System established, see Charter § 5.02

Personnel Appeals Board, see Charter § 5.05

Duties, see Charter § 5.06

Personnel Department, see Charter § 5.04

Prohibitions, see Charter § 5.07

GENERAL PROVISIONS

§ 35.101 INTRODUCTION.

- (A) The Village of New Lebanon's (hereinafter “the Village” or “the municipality”) Personnel Rules and

Regulations (hereinafter “Rules and Regulations”) are intended to provide municipal employees with a general understanding of the Village's policies and guidelines. These Rules and Regulations are applicable to all municipal employees, and thus each employee of the Village is required to familiarize himself or herself with the contents of these Rules and Regulations. The Municipal Manager of the Village is the Municipal Manager, who is charged with the responsibility for the administration of these rules and regulations until such time as the municipality may appoint a full-time Administrative Agent.

(B) These Rules and Regulations will answer many questions concerning employment with the Village, but they cannot anticipate every situation or answer every question. If you have any questions regarding these Rules and Regulations, contact your immediate supervisor or the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.102 EMPLOYMENT-AT-WILL.

Employment with the Village is “at will.” This means that either the employee or the Village can terminate the employment relationship at any time, with or without notice, and with or without cause. No employee or representative of the Village, other than the Municipal Manager with the consent of the Council, has any authority to alter this “at will” relationship, and any such alteration must lie in writing or will not be binding upon the Village.

(Ord. 2005-13, passed 12-20-05)

§ 35.103 RESPONSIBILITIES OF THE PERSONNEL DEPARTMENT.

The Personnel Department may make recommendations to the Municipal Manager concerning personnel matters, including:

- (A) The classification of all positions of employment within the municipality based on the duties, authority, and responsibility of each position; and
- (B) A salary schedule for all municipal classification levels.

(Ord. 2005-13, passed 12-20-05)

§ 35.104 AMENDMENTS AND REVISIONS.

The Village may, from time to time, in order to ensure effective administration, revise and/or amend the Rules and Regulations. If such revisions and/or amendments to the Rules and Regulations are substantive, the Village will notify employees of the change by issuing and distributing an “update” to the Rules and Regulations, as well as posting the “update” in all employee common areas. The Municipal Manager has the authority to make any revisions deemed necessary, subject to the Council's approval of any revision affecting financial or budgetary matters.

(Ord. 2005-13, passed 12-20-05)

INITIAL EMPLOYMENT POLICIES

§ 35.201 NOTICE OF EXAMINATIONS OR OPEN POSITIONS.

Notice of all examinations or openings for original appointment shall be publicly announced by the department head or Municipal Manager. Scheduled examination date if an examination is required for the position shall be publicly announced no less than ten weekdays prior to the examination date. Notice of any examination or open position will be published on the Village website, and may also be posted at any location(s) deemed appropriate by the Municipal Manager. Notices shall include the position title, minimum qualifications, and the closing date for acceptance of applications and/or resumes.

(Ord. 2005-13, passed 12-20-05)

§ 35.202 APPLICATIONS.

Prior to sitting for any position required examination, each applicant for initial employment must complete a Village employment application and submit an up to date position specific resume. All statements on the initial application/resume, as well as any additional information on a resume or

supplemental application, are subject to investigation and verification.

(Ord. 2005-13, passed 12-20-05)

§ 35.203 CERTIFICATION OF CANDIDATES.

Upon reviewing each individual's application and/or resume, the Municipal Manager will determine whether or not to certify a candidate. The Municipal Manager's decision regarding certification will be final. All certified candidates shall be admitted to compete in an examination if required by the applied for position.

(Ord. 2005-13, passed 12-20-05)

§ 35.204 EXAMINATIONS.

(A) Certified applicants will be notified of any examination required for the position in writing, including the location, date and time of the examination. All examinations shall be practical in nature and shall relate to those matters which fairly test the capacity and qualifications of the candidates for the position being tested for.

(B) A minimum of 70% must be achieved on the examination to obtain a passing score. If more than one examination is used, a score of 70% must be obtained on each examination. Depending on the examination used, the 70% score may be a straight percentage or a weighted average.

(Ord. 2005-13, passed 12-20-05)

§ 35.205 PREFERENCE POINTS.

In recognition of prior government service, or in acknowledgment of continued education, points may be added to a candidate's examination score as follows:

(A) For honorable service in any of the uniformed armed services of the United States, points shall be added to the candidate's examination score as follows: (a) three points for at least one and up to two full years of service; (b) four points for three full years of service; and (c) five points for four full years of service or more. In order to obtain these preference points, candidates must present evidence of military service with a Department of Defense Form 214 at the time of examination, along with evidence of discharge under honorable conditions. No preference points will be granted for Armed Forces Reserve or National Guard Service other than active duty.

(B) (1) For completion of a college curriculum from any accredited college or university, points shall be added to the candidate's examination score as follows:

<i>Quarter hours (or semester hour equivalent)</i>	<i>Poi nts</i>
45	3
60	3.5
90	4
115	4.5
135	5
160	5.5
180	6

(2) To obtain these education preference points, candidates must present evidence of a college

transcript or most recent grade report at the time of the examination. Moreover, candidates must be able to demonstrate that the curriculum in which they participated has some relevance to the position for which they are competing.

(C) All candidates must obtain the minimum passing grade on any Village examination before any preference points will be added. No candidate may obtain more than eight preference points as a result of an combination of education and military service.

(Ord. 2005-13, passed 12-20-05)

§ 35.206 NOTIFICATION OF EXAMINATION RESULTS.

Each candidate shall be notified in writing whether or not he or she passed the examination, and if so, his or her score and relative rank. Upon receiving notification of their score, candidates shall have five workdays to review the grading of their examinations. No appointment shall be made until this time period has passed. Any error discovered in the grading of an examination shall be corrected, the examination re-scored, and the candidate inserted at whatever new position on the list his or her adjusted score mandates.

(Ord. 2005-13, passed 12-20-05)

§ 35.207 RE-EXAMINATION.

Any applicant who has completed an examination may not repeat that examination or take another for the same position within six months of the original examination date. The Municipal Manager may waive this rule if sufficient reason warrants the change.

(Ord. 2005-13, passed 12-20-05)

§ 35.208 INITIAL EMPLOYMENT ELIGIBILITY LISTS.

- (A) Candidates who pass the examination will have their names and final examination scores placed on an employment eligibility list for the position tested. The listing of names shall be in descending rank order so that the highest scoring candidate is ranked first. The employment eligibility list will remain in effect for a period of six months, at which time a new list must be established by examination.
- (B) A candidate who chooses not to accept a position may waive an appointment and remain on the eligibility list for a period up to six months after declining the initial appointment.
- (C) Any Village employee who resigns in good standing after having completed the required orientation period may request, any time within 12 months following his or her resignation, to have his or her name placed at the top of the eligibility list for the position which he or she formerly occupied, providing the Municipal Manager and the department head involved both concur. After 12 months have elapsed from the date of resignation, a former employee must follow the same procedures as any new applicant.

(Ord. 2005-13, passed 12-20-05)

§ 35.209 DISQUALIFICATION OF APPLICANTS.

The Village may reject the application or resume of any person for admission to an examination (if required for position) or consideration for any open position at anytime in the hiring process and remove any candidate from any eligibility list for a variety of reasons including, but not limited to, the following:

- (A) Lacks the minimum requirements for the position;
- (B) Makes a false statement of material fact;

- (C) Practices or attempts to practice deception or fraud in the application or on a resume, examination, or appointment process;
- (D) Uses, threatens to use, or attempts to use political influence in securing appointment or reappointment;
- (E) Is unable to perform the essential functions of the job with or without a reasonable accommodation;
- (F) Is currently engaged in the illegal or improper use of drugs or alcohol;
- (G) Has failed to submit the application, resume, or required documentation correctly or on time;
- (H) Has been convicted of a felony or a serious misdemeanor or is guilty of misconduct which adversely affects the reputation of the employee or reflects unfavorably on the Village;
- (I) Has otherwise willfully violated the provisions of these Rules and Regulations;
- (J) Has an unsatisfactory report of character investigation or personal habits;
- (K) Does not possess or cannot obtain prior to appointment a necessary license, certification, bonding or the like requirement for the job classification; and
- (L) Has waived an appointment three times during the life of the eligibility list.

(Ord. 2005-13, passed 12-20-05)

§ 35.210 FILLING FULL-TIME VACANCIES.

- (A) When a full-time, permanent vacancy exists, the department head will certify the vacancy in writing to the Municipal Manager. All certified vacancies for full-time permanent positions shall be filled from qualified candidates or by appointing candidates from the appropriate eligibility list.
- (B) The Village will conduct a background check on the top three candidates. Additionally, the Municipal Manager, relevant department head, and any person designated by the relevant department head will have the opportunity to interview all eligible candidates. The top three names shall then be certified in writing to the Municipal Manager who may appoint any one of the three candidates. The department head's preference will be given heavy weight in the final determination.
- (C) If any of the top three candidates are deemed inappropriate for consideration, his or her name will be removed from the eligibility list and the next ranked candidate will be added.

(Ord. 2005-13, passed 12-20-05)

§ 35.211 EMERGENCY APPOINTMENTS.

Should any department's staffing level fall below the level necessary to maintain appropriate service, the Municipal Manager is authorized to waive the normal recruitment and testing procedure and appoint any qualified applicant. Any candidate for emergency appointment must be given the same examination(s) if required for the position as would be normally required and must pass each such examination. Requests for emergency appointment must be made in writing from the department head to the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.212 TEMPORARY OR PERMANENT PART-TIME APPOINTMENTS.

The Municipal Manager shall have the authority to make any temporary or permanent part-time appointments without regard to eligibility lists, if in his or her judgment such appointment can be made in this manner. Any employee so appointed must meet the minimum qualifications for the position. If a candidate on an eligibility list for a full-time position is appointed to a part-time or temporary position, he or she does not forfeit his or her rights as an eligible candidate and his or her name shall remain on the

eligibility list. The rules requiring a testing procedure may be waived at the discretion of the Municipal Manager for temporary or permanent part-time employees who transfer from a temporary or permanent part-time position into an equivalent full-time position.

(Ord. 2005-13, passed 12-20-05)

§ 35.213 PHYSICAL EXAMINATIONS.

All new employees may be required to pass a physical exam based on job specific qualifications conducted by a physician designated by the Village. The costs incurred by the required physical exam will be paid by the Village. An employee who can furnish satisfactory evidence of having received a physical exam based on job specific qualifications within 60 days prior to appointment may substitute this exam for the required physical exam.

(Ord. 2005-13, passed 12-20-05)

§ 35.214 OATH OF OFFICE.

All permanent personnel, whether full or part-time, classified or unclassified, shall be required to take an oath of office. Evidence of having taken the oath shall be maintained in each employee's personnel records.

(Ord. 2005-13, passed 12-20-05)

§ 35.215 PROBATIONARY PERIOD.

All new full-time and/or part-time employees of the Village must complete a minimum one-year probationary period. At the end of the one-year period, the department head shall discuss the employee's performance with the Municipal Manager and/or his or her designate, and a decision will be made whether to retain or dismiss the employee. Dismissal of an employee during his or her probationary period may be made at any time prior to the end of the one year. Completion of the probationary period does not alter the at-will nature of the employment relationship.

(Ord. 2005-13, passed 12-20-05)

IN-SERVICE PLACEMENT

§ 35.301 PROMOTIONS.

Any permanent position that becomes available in the Village may be filled, insofar as practical, by the promotion of full-time or part-time qualified employees.

(Ord. 2005-13, passed 12-20-05)

§ 35.302 JOB POSTINGS.

All permanent positions that become available shall be announced to Village employees by a job posting, which shall be placed on the relevant department's bulletin board for a period of five workdays. The job posting shall contain the job title, number of openings, pay grade, type of competition, and deadline for filing a job bid, application or resume.

(Ord. 2005-13, passed 12-20-05)

§ 35.303 ELIGIBILITY OF APPLICANTS FOR PROMOTION.

The Village may deny an employee the opportunity to compete for a vacant position as outlined in § 35.209, the "Disqualification of Applicants" policy contained in the "Initial Employment Policies" section

of these Rules and Regulations. Moreover, all employees who apply for a promotion may have to take a promotional examination if required by position, and must have a satisfactory work record and must not be on disciplinary probation. Records of conduct, efficiency, and seniority will be given weight in determining eligibility for promotion.

(Ord. 2005-13, passed 12-20-05)

§ 35.304 PROMOTIONAL EXAMINATIONS.

(A) Applicants eligible for promotional examination will be notified in writing of the date, time and location of the examination. All examinations shall be practical in nature and shall relate to those matters which fairly test the capacity and qualifications of the candidates for the position being tested for.

(B) A minimum of 70% must be achieved on the examination to obtain a passing score. If more than one examination is used, a score of 70% must be obtained on each examination. Depending on the examination used, the 70% score may be a straight percentage or a weighted average.

(Ord. 2005-13, passed 12-20-05)

§ 35.305 PROMOTIONAL PREFERENCE POINTS.

In recognition of prior Village service, or in acknowledgment of continued education, points may be added to an employee's promotional examination score as follows. All employees must obtain the minimum passing score on any Village promotional examination before any preference points will be added.

(A) For having previously served with the Village, preference points shall be added to an employee's promotional examination as follows: (a) one point for each of the first four full years of full-time unbroken employment with the Village; (b) six-tenths of one point for each of the next ten full years of full-time unbroken service with the Village; and (c) up to a maximum of six total preference points for prior service.

(B) For completion of a college curriculum from any accredited college or university, preference points shall be added to an employee's promotional examination according to the schedule outlined in § 35.205(B), the "Preference Points" policy contained in the "Initial Employment Policies" of these Rules and Regulations. To obtain these preference points, the employee must present evidence of a college transcript or most recent grade report at the time of the examination. Moreover, the employee must be able to demonstrate that the curriculum in which he or she participated has some relevance to the position for which he or she is competing.

(Ord. 2005-13, passed 12-20-05)

§ 35.306 NOTIFICATION OF PROMOTIONAL EXAMINATION RESULTS.

Each candidate shall be notified in writing whether or not he or she passed, and if so, his or her score and relative rank. Candidates shall have the opportunity to review and/or correct any errors in the grading of their promotional examination as outlined in § 35.206, the "Notification of Exam Results" policy contained in the "Initial Employment Policies" section of these Rules and Regulations.

(Ord. 2005-13, passed 12-20-05)

§ 35.307 PROMOTIONAL ELIGIBILITY LISTS.

Candidates who pass the promotional examination if required by position shall have their names and final examination scores placed on a promotional eligibility list for the position tested. The listing of names shall be in descending rank order so that the highest scoring candidate is ranked first. The

promotional eligibility list shall remain in effect for six months, at which time a new list must be established by examination.

(Ord. 2005-13, passed 12-20-05)

§ 35.308 SELECTION FOR PROMOTION.

- (A) The relevant department head shall forward a written request to fill a vacancy by promotion to the Municipal Manager. Such vacancy shall then be filled by appointing employees from the appropriate promotional eligibility list.
- (B) The department head, Municipal Manager and a member of the Personnel Department shall interview up to the top three candidates for promotion. If more than one vacancy exists, the top four candidates shall be considered and interviewed. Following the interviews, the department head, Municipal Manager, and member of the Personnel Department shall recommend a candidate, or candidates, for promotion. If less than three candidates exist for the promotion, the Municipal Manager may elect to appoint from the one or two candidates that do exist, or choose not to promote anyone.
- (C) A candidate for promotion who is offered an appointment may waive that appointment and maintain his or her position on the promotional eligibility list until that list expires. The privilege of waiver will be granted only once per list per candidate.

(Ord. 2005-13, passed 12-20-05)

§ 35.309 TRANSFERS.

- (A) Transfers from one department to another, from one division to another, or from one job classification to another may be accomplished by the following: (a) an employee request for transfer; (b) disciplinary action taken against an employee; (c) necessary readjustment of the work force; or (d) incompatibility of the employee in his or her present work environment. Only job placements which result in the employee remaining in the present pay grade shall be considered a transfer. A temporary (under six months) detail of an employee for duties other than those to which he or she was appointed is not considered a transfer.
- (B) In order to qualify for a transfer, the employee must fulfill the minimum qualifications of the new job. Once the transfer is complete, the employee must demonstrate within a reasonable time period that he or she can satisfactorily perform the duties of the new position.
- (C) When job vacancies exist, provisions for transfer, if desired, will take place prior to recruitment procedures. If more than one request for transfer exists for an opening, seniority and qualifications shall rule.
- (D) An employee who requests and is granted a transfer shall not be eligible for a second transfer for a period of one year from the date of the granting of the first transfer.

(Ord. 2005-13, passed 12-20-05)

§ 35.310 PROMOTION/TRANSFER PROBATIONARY PERIOD.

An employee promoted or transferred to a new position will be placed in a six-month probationary period. At the end of the six-month period, the department head shall discuss the employee's performance with the Municipal Manager and/or his or her designate, and a decision will be made whether to rescind the promotion or make the promotion permanent. The decision to rescind a promotion/transfer may be

made at any time prior to the end of the six-month period. Promoted/transferred employees who do not perform satisfactorily in their new position at any time during their evaluation period may, at the discretion of management, be returned to their original job, if available, be considered for other vacant positions for which they are qualified, or be discharged.

Completion of the promotion/transfer evaluation probationary period does not alter the at-will status of the employment relationship.

(Ord. 2005-13, passed 12-20-05)

§ 35.311 RESIGNATIONS.

Any employee desiring to resign in good standing from his or her employment with the Village must submit a written resignation to his or her department head two weeks prior to the date he or she intends to leave. This two-week notification period may be reduced and remain in good standing with the approval of the department head. All written resignations will be forwarded immediately to the Municipal Manager. Thereafter, notice of resignation can be rescinded with the permission of the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.312 JOB ABOLISHMENT.

The Municipal Manager may abolish any position within the Village when it has been determined that the position is no longer necessary to the efficient operation of the municipality, with the exception of department heads as per Section 4.04 of the Charter. Employees displaced due to the elimination of their job shall be handled according to the layoff provisions as specified in the "Layoff" policy contained in § 35.313.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2006-03, passed 3-21-06)

§ 35.313 LAYOFFS.

- (A) Whenever it is determined that a layoff is necessary, and after a determination has been made concerning the number of positions to be eliminated within each department or division of the Village affected by the layoff, employees may be considered for displacement from their positions as follows: (a) probationary part-time employee shall be separated first; (b) part-time employees shall be separated next; (c) full-time employees on disciplinary probation shall be separated next; (d) full-time employees on initial employment probation shall then be separated; (e) full-time employees shall then be separated according to seniority (non-supervisory) and qualifications; and (f) management personnel or supervisory personnel shall then be separated according to seniority and qualifications.
- (B) An employee whose job is eliminated shall have the right to "bump" another employee with less seniority in another department, providing he or she can fulfill the minimum qualifications of that position and the position is an equal or lesser pay grade than the one being abolished or eliminated.

(Ord. 2005-13, passed 12-20-05)

§ 35.314 REINSTATEMENT ELIGIBILITY LIST.

- (A) All employees who are laid off by the Village shall have their names placed on a reinstatement list. As positions become available, they will be offered first to laid-off employees on this list in reverse order of the listing contained in the "Layoff" policy detailed above (i.e., last laid off has first choice of reinstatement). No employees shall be recruited for new positions until it is

determined that the position cannot be filled by a qualified individual on the reinstatement eligibility list.

- (B) Laid-off employees shall have five days to accept or reject the position offered. If an employee rejects a position dissimilar to that position from which he or she was laid off, it shall not affect his or her standing on the list. However, an employee who rejects a position identical to that from which he or she was laid off shall be deemed to have resigned from the employ of the Village.

(Ord. 2005-13, passed 12-20-05)

§ 35.315 REEMPLOYMENT.

Employees who have separated in good standing from employment with the Village may be reemployed for the same or different qualifying position by submitting an application or resume for any open position. The former employee will go through the hiring process similar to a new hire. A rehire will have their previous employment with the Village verified for satisfactory attendance, satisfactory work performance, and record of good standing. However, the Village is under no obligation to reemploy any former employee who voluntarily resigned from his/her position or who was administratively separated due to the end of a temporary or seasonal assignment.

(Ord. 2005-13, passed 12-20-05)

EMPLOYMENT POLICIES

§ 35.401 EQUAL EMPLOYMENT OPPORTUNITY.

- (A) The Village is an equal opportunity employer. Accordingly, the Village has and will continue to provide equal employment opportunity to all qualified persons and reaffirms its commitment that there shall be no discrimination against, or harassment of, applicants or employees because of race, color, sex, religion, national origin, age, disability, veteran status, or any other status protected by local, state or federal law. The Village will continue to recruit, hire, promote, transfer, take corrective action and make all personnel decisions, including those related to compensation and benefits, without regard to race, color, sex, religion, national origin, age, disability, and/or veteran status, and in accordance with applicable law. Further, the Village will make reasonable accommodations for applicants and employees with known disabilities who can perform the essential job functions with or without a reasonable accommodation.
- (B) Anyone who has a complaint of discrimination and/or harassment, or who witnesses any discriminatory or harassing conduct, should report such conduct immediately to his or her supervisor or the Municipal Manager. If the subject of the report is the Municipal Manager, the conduct may be reported to the Director of the Personnel Department or, if such duties are being handled by the Municipal Manager, directly to the Mayor, Vice Mayor or Council Member. Any official, manager, supervisor, or employee who violates the Village's Equal Employment Opportunity policy and/or the Sexual and Other Forms of Unlawful Harassment policy, as outlined below in § 35.402, will be subject to discipline, up to and including immediate termination of employment.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2006-03, passed 3-21-06)

§ 35.402 SEXUAL AND OTHER FORMS OF UNLAWFUL HARASSMENT.

- (A) It is illegal for any Village official, manager, supervisor or co-worker to engage in unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature. Such behavior constitutes sexual harassment when submission is made an implicit or explicit condition

of employment; when employment decisions are based on submission to or rejection of such behavior; or when such behavior substantially interferes with work performance or creates an intimidating, hostile, or offensive work environment.

- (B) The Village can be held responsible for the behavior of its employees, and also for non-employees, who engage in such inappropriate behavior on municipal property. Thus, the Village is committed to taking appropriate and corrective remedial action whenever it becomes aware that harassment is taking place or a complaint of harassment is made.
- (C) Broadly speaking, sexual harassment includes “unwelcome behavior” such as verbal, non-verbal or physical actions which are offensive in nature. This may include, among other things, leering, staring, foul language, whistling, gestures, sexual jokes, sexual innuendoes, suggestive comments, touching with hands, rubbing body against body, pinching, assault or any such thing that is offensive to another person, including pictures or postings that can be offensive.
- (D) Anyone who has a complaint of sexual or other forms of unlawful harassment, or who witnesses harassing conduct, should report such conduct immediately to his or her immediate supervisor or the Municipal Manager. If the subject of the report is the Municipal Manager, the conduct may be reported to the Director of the Personnel Department or, if such duties are being handled by the Municipal Manager, to the Mayor, Vice Mayor or Council Member. No person making such a report in good faith will be subject to any reprisal or retaliation by the Village, and all such reports will be kept in confidence to the greatest possible extent. The Village will promptly investigate the allegations and will take whatever action it deems appropriate to end any conduct that the municipality deems to be unlawful and/or inconsistent with this policy, up to and including immediate discharge. Likewise, persons who make knowingly false reports of harassment will be subject to discipline, up to and including termination.
- (E) Sexually offensive behavior of any type is unprofessional and will not be tolerated in the workplace or at any Village-sponsored activity. This holds true regardless of the genders of the individuals involved.
- (F) Harassment based on other prohibited categories including race, color, religion, national origin, age, disability, veteran status, or any other status protected by local, state or federal law will be treated the same as sexual harassment for purposes of this policy.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2006-03, passed 3-21-06)

§ 35.403 PERSONAL INTERACTION POLICY.

- (A) While personal relationships among employees will sometimes develop, the Village discourages any employee from dating or becoming romantically involved with a co-worker. In the event that a relationship should develop between co-workers, all aspects of the relationship should be kept outside of the workplace and all contact between the employees during working hours should be maintained on a purely professional level. Personal relationships that in any way interfere with an employee's work performance may result in disciplinary action, up to and including termination of employment. In the event that two co-workers become romantically involved, Village management, at its discretion, may elect to transfer one employee to another position and/or department.
- (B) Officials, managers, supervisors and other personnel in positions of authority are prohibited from dating, or become intimately involved with, any employee of the Village who either directly or

indirectly reports to them. Violations of this policy may result in disciplinary action, up to and including termination of employment.

(Ord. 2005-13, passed 12-20-05)

§ 35.404 EMPLOYEE CLASSIFICATION.

It is the intent of the Village to clarify the definitions of employment classification so that employees understand their employment status and benefit eligibility. Accordingly, the Village defines regular full-time and part-time employment as follows:

- (A) **REGULAR, FULL-TIME EMPLOYEES** are those who are regularly scheduled to work 40 hours or more per week, exclusive of lunch periods.
- (B) **REGULAR, PART-TIME EMPLOYEES** are those who are regularly scheduled to work less than 30 hours per week on average during the course of the fiscal year.
- (C) In addition to full-time and/or part-time status, each employee is designated as either **NONEXEMPT** or **EXEMPT**. According to federal and state wage and hour laws, **NONEXEMPT** employees are entitled to overtime pay under the specific provisions of federal and state laws. On the other hand, **EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws, including overtime pay.

(Ord. 2005-13, passed 12-20-05)

§ 35.405 EMPLOYEE IDENTIFICATION.

Identification cards shall be issued to all full-time and permanent part-time employees for the purpose of verifying employment. Employees are required to carry their identification card at all times when in the employ of the municipality.

(Ord. 2005-13, passed 12-20-05)

§ 35.406 SOLICITATION, DISTRIBUTION.

Employees may solicit and distribute non-political literature only during non-working times in non-work areas and provided: (1) there is no interference with normal employee work activity; (2) there is no creation of a housekeeping problem; and (3) employees are not abusive or offensive toward their co-workers.

(Ord. 2005-13, passed 12-20-05)

§ 35.407 SUBSTANCE ABUSE POLICY.

- (A) The Village is committed to providing employees with a drug-free workplace. Accordingly, the Village will not tolerate the following activities:

- (1) Unauthorized use, sale, distribution, solicitation, manufacture or possession of, or any other action involving alcohol, illegal drugs or controlled substances while on Village property or conducting Village business/during the course of business-related activity;

- (2) Coming to work or remaining at work under the influence/after having consumed: (a) alcohol; (b) illegal drugs; or (c) controlled substances not used pursuant to and in accordance with the instruction of a physician.

- (3) Refusing to submit to a required drug test including, but not limited to, failure to provide an adequate and unadulterated sample for testing when required or engaging in other conduct that obstructs

the testing process.

- (B) Any employee who engages in prohibited conduct is subject to discipline, up to and including termination of employment.

(C) The Village may require an employee or applicant to undergo drug or alcohol testing including, but not limited to, the following circumstances:

- (1) Testing of applicants who have been offered a job;
- (2) Testing of an employee when the Village has reasonable suspicion to believe the employee has engaged in prohibited conduct under this policy;
- (3) Random testing of Village employees (the Municipal Manager or his or her designate shall develop procedures to ensure fairness and randomness);
- (4) Testing of an employee who is returning to duty from an approved substance abuse treatment;
- (5) Follow-up testing of an employee who has returned to duty from an approved substance abuse treatment; and
- (6) Testing of employees who are injured while on duty or on Village property or who are involved in an on-duty accident involving injury to a person or damage to Village property.

- (C) If you have any questions regarding the Village's Substance Abuse Policy, contact the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.408 ELECTRONIC MAIL, INTERNET, AND CELL PHONE POLICY.

- (A) Village-provided e-mail, Internet access, and cell phones are to be used solely for business purposes. These benefits are provided to employees solely for the benefit of the Village.
- (B) Each employee is responsible for the content of all text, audio, or images that they place or send over the Internet or via e-mail or cell phone. Fraudulent, harassing, or obscene communications are prohibited. To ensure that all employees are responsible, productive Internet, e-mail, and cell phone users, and are protecting the Village's public image, the Village retains the right to investigate employees' use of the Internet, e-mail, and cell phones.
- (C) All messages created, sent, or received on Village computers or through Village addresses or accounts are the property of the Village and should not be considered private. The Village reserves the right to access, copy, disclose, delete, and monitor all messages and files on the computer system as deemed necessary in the municipality's sole discretion, without any employee's consent.
- (D) To prevent computer viruses from being transmitted through the system, and to reduce the risk of copyright infringement, there will be no unauthorized downloading of any software, database files, document, articles, graphics, and the like.
- (E) Neither the Internet, the e-mail system, or Village-issued cell phones may be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. Consistent with the Village's non-discrimination and non-harassment policies, the Village will not tolerate inappropriate uses of e-mail or other electronic systems. Thus, all communications should avoid inappropriate topics or language that may be perceived as threatening, slanderous, or harassing, such as racial/ethnic slurs, sexual innuendoes, gender-specific comments, or comments that offensively address someone's age, sexual orientation, religious beliefs, national origin, or disability.

- (F) Any questions concerning these restrictions should be directed to the Municipal Manager. Violations of any of these guidelines may result in disciplinary action up to and including termination.

(Ord. 2005-13, passed 12-20-05)

§ 35.409 PERSONAL APPEARANCE POLICY.

All employees are required to maintain a clean, neat, professional appearance on the job, including personal cleanliness, manner of dress, and proper grooming consistent with the employee's work environment. Departments requiring uniforms for specific employees shall establish their own dress codes.

(Ord. 2005-13, passed 12-20-05)

§ 35.410 ATTENDANCE.

- (A) Attendance is very important to the smooth operations of the Village. The Village expects all employees to be present and on time every day. We do understand that, on occasion, an employee is sick or has other obligations that may conflict with his or her work schedule. If possible, the employee must discuss the conflicting obligations with his or her immediate supervisor in advance. If the employee is ill, he or she must notify his or her immediate supervisor as soon as possible before the employee's scheduled start time.
- (B) Excessive absenteeism will not be tolerated. An employee absent without approval is subject to disciplinary action, up to and including termination. Absence without approval of longer than three days shall be deemed a resignation.
- (C) If an employee is abusing the Attendance Policy, the employee's supervisor will discuss the problem with him or her. If the problem continues, further corrective action, up to and including termination, may be taken.

(Ord. 2005-13, passed 12-20-05)

§ 35.411 CORRECTIVE ACTION POLICY.

- (A) All successful organizations have certain rules which employees are expected to follow. Employees are expected to become acquainted with the performance criteria for their particular job and with all rules, procedures and standards of conduct established for each department and by the Village, as summarized in these Rules and Regulations. Further, employees' conduct away from work must not adversely affect the Village, its reputation, operational success, or its relationship with its employees and/or residents and businesses.
- (B) If any employee does not fulfill the responsibilities set out by such performance criteria, rules, procedures, and standards of conduct, he or she may be subject to disciplinary action, up to and including immediate termination. Employees can be assured that the Village will take corrective action only when an investigation of the facts shows that it is justified.
- (C) If any employee disagrees with a decision regarding corrective action, a complaint procedure is available to you as outlined in § 35.802, the "Appeals and Grievances" policy of these Rules and Regulations.

- (D) People work together best in an atmosphere where they are valued as individuals and recognized as key members of a team. It is important that each member of that team understand what is expected. It is impossible, however, to write procedures covering every situation. Employees should make sure that they understand what is expected of them, and make certain that they are clear about what they can expect from the Village.
- (E) The following are examples of employee conduct that are not permitted and may result in disciplinary action, up to and including termination. This list is given as a guide to all Village employees, but it not intended to be exhaustive.
- (1) Conduct that the employee has previously been informed is unacceptable;
 - (2) Failure to maintain satisfactory work performance standards;
 - (3) Violation of public law when at work on the premises or off the premises when engaged in a work assignment;
 - (4) Falsification of time records, personnel records or other Village records;
 - (5) Smoking in Village facilities, except in designated smoking areas;
 - (6) Violation of the Village's Equal Employment Opportunity policy or Sexual or Other Forms of Harassment policy;
 - (7) Violation of the Village's Substance Abuse policy;
 - (8) Soliciting, collecting money, or circulating petitions on Village premises other than within the Rules and Regulations of the Village;
 - (9) Possession of firearms, explosives, or other lethal weapons on Village premises;
 - (10) Abuse or waste of Village tools, equipment, fixtures, property, supplies or goods;
 - (11) Creating or contributing to hazardous, unhealthy or unsanitary conditions;
 - (12) Violations of safety rules or acceptable safety practices;
 - (13) Failure to cooperate with an official, manager, supervisor or co-worker, insubordination, or other disruptive conduct;
 - (14) Unprofessional conduct or use of abusive language on Village premises;
 - (15) Fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on or off the premises when engaged in a work assignment;
 - (16) Sleeping on the job;
 - (17) Dishonesty or the unauthorized possession, removal, or use of Village or another employee's property, including records or confidential information;
 - (18) Creating a condition hazardous to another person on Village premises;
 - (19) Destroying or defacing Village property or records, or the property of a Village employee or resident;
 - (20) Refusal to follow instructions or to perform designated work, or refusal to follow established rules and regulations;
 - (21) Unexcused absences and/or poor attendance;
 - (22) Violation of the Village's Rules and Regulations.
- (F) Should corrective discipline be required to improve an employee's performance, the Village may, depending on the circumstances, implement a progressive disciplinary procedure. Such procedure may consist of a verbal warning, written write-ups, suspension, and/or termination. The seriousness of the problem will be the primary factor in determining the step on which an employee enters the progressive disciplinary process. Other considerations, such as the employee's past work record, may also be taken into account. Failure of an employee to bring his or her performance to a completely satisfactory level and to sustain this level of performance may result in further disciplinary action, up to and including immediate termination.

(Ord. 2005-13, passed 12-20-05)

§ 35.412 EMPLOYEE PERFORMANCE APPRAISAL.

- (A) All employees will receive an annual performance appraisal. Performance appraisals are designed to measure an employee's individual contribution to the Village. Employee performance will be measured based on how well the employee meets the responsibilities of his or her job, primarily with regard to the quality and quantity of work, dependability on the job, and compatibility with fellow employees.
- (B) The performance appraisal process is important because it may serve as a basis for a salary increase and provides an opportunity to address an employee's personal and professional growth and development, goals for desired performance improvement, and any changes in job responsibilities or expectations.
- (C) An employee's immediate supervisor will tell him or her the basis upon which the employee's performance will be evaluated, and is responsible for evaluating the employee's performance in an informed, unbiased, objective and carefully determined manner. Employees will have the opportunity to meet with his or her immediate supervisor to review the results of the performance appraisal. Following that meeting, employees will be offered an opportunity to comment on his or her evaluation and asked to sign the evaluation.

(Ord. 2005-13, passed 12-20-05)

§ 35.413 OUTSIDE EMPLOYMENT.

Employees are authorized to engage in outside employment where such employment does not adversely affect or interfere with the performance of an employee's municipal job. Each department head shall have the right to restrict an employee from outside employment if he or she determines such outside work is interfering with the employee's municipal job performance. Employees who violate the department head's restrictions in this area shall be subject to disciplinary action, up to and including termination.

(Ord. 2005-13, passed 12-20-05)

§ 35.414 CELLULAR DEVICE USAGE.

The Village of New Lebanon may provide cellular telephones, electronic paging devices, and wireless personal communications devices to employees in order to improve productivity, enhance customer service to our citizens, and/or to enhance public safety services. Those employees eligible for assignment of wireless communication devices are designated by the Village Manager commensurate to their job duties. The Village maintains the right to access any and all messages communicated through electronic means when Village owned equipment is used.

(A) Decisions regarding the use of Village cellular telephones, electronic paging devices, and wireless personal communications devices, which are not explicitly stated herein, will be left to the discretion of the Village Manager.

(B) Department heads are authorized to administer, provide guidance on, and assure compliance with the features of this policy.

(C) Village owned cellular telephones, electronic paging devices, and other wireless personal communications devices are intended for and expected to be used for Village business. Personal usage unrelated to work assignments is permitted, as long as the personal use is reasonable, prudent, and minimal. Under no circumstances shall Village owned equipment be used to conduct business not related to the Village of New Lebanon.

Cellular devices, used appropriately, provide an opportunity to improve productivity and improve

the excellent level of customer service that the Village delivers. This is a guide for employees who by the nature of their work, routinely use mobile communication devices in the performance of their jobs.

The Village Manager or department head shall have the right to revoke an employee's cellular telephones, electronic paging devices, and other wireless personal communications devices provided to the employee by the Village for any reason up to and including if any inappropriate usage is determined. Any inappropriate usage may be grounds for discipline, up to and including termination.

(Ord. 2005-13, passed 12-20-05)

§ 35.415 PERSONNEL SERVICES AND PERSONNEL OFFICE.

The Personnel Department shall maintain all necessary records for the maintenance of the municipality's personnel system. Each employee's application, authorizations for pay increases, promotions, disciplinary actions of record, appraisals, and other matters that establish a complete personnel history shall be maintained in this office. All employees are required to immediately notify this office of changes in address, phone number, marital status, or any other change that may affect personnel records. Subject to the supervision and authority of the Municipal Manager, the Personnel Director shall be responsible for the functions of the Personnel Department, including the explanation and interpretation of all personnel policies, regulations, or related matters.

(Ord. 2005-13, passed 12-20-05)

§ 35.416 PROHIBITION ON INTERFERENCE WITH ADMINISTRATION.

Council, being the legislative body for the municipality, is required by the Charter to be separate in their operation from all other municipal employees. Therefore, in compliance with Charter § 2.18, neither Council nor its committees shall in any manner take part in the discipline of, nor give orders to, any subordinates and employees in the administrative service of the municipality responsible to the Municipal Manager, but must deal directly with the Municipal Manager. Council may inquire into the conduct of any office or department or any affairs of the Municipality.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2006-03, passed 3-21-06)

COMPENSATION AND BENEFITS

§ 35.501 EMPLOYEE COMPENSATION.

(A) The Village maintains a pay grade allocation list for all regular employees which designates the pay range to be paid to a particular position. Each pay range shall consist of the following five steps:

- Step A – New employees;
- Step B – Employees with one year of service;
- Step C – Employees with two years of service;
- Step D – Employees with three years of service; and
- Step E – Employees with four years of service.

(B) The Village retains the right to place new employees at any step in the appropriate pay range if warranted by the employee's prior training and/or experience. Employees who satisfactorily complete the amount of service listed above shall be advanced to the next step on their employment anniversary date.

(C) The Village also maintains an employee classification list which identifies the various positions of employment with the Village, the basic requirements to fill each position, and the type of work performed in each position.

(D) The pay grade allocation list, as well as the employee classification list, is reviewed annually,

concurrent with budget deliberations, and at least every November by the Council and Municipal Manager.

- (E) The proposed incentive program for the fire department provides a bonus of 10% of the volunteer or part-time person's gross wage and is capped at \$2,500 per performance period. Each year, the performance period will start on January 1 and end on the last day of the pay period nearest to December 15, 2019.
- (F) Any volunteer or part-time Department member who leaves the Fire Department prior to the designated completion date of the current performance period will be ineligible to receive a bonus for that period and forfeit same. Also, any volunteer or part-time Department member who has more than three unexcused absences or is subject to any level of discipline beyond a written reprimand during the identified performance period will forfeit their bonus for that performance period.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2012-05, passed 10-2-12; Am. Ord. 2018-01, passed 6-19-18)

§ 35.502 PAYROLLS.

- (A) The payroll period for biweekly paid personnel shall begin on Wednesday and end on Tuesday, 14 days later. The exceptions to this policy are as follows: (1) on-call firefighters/officers shall be paid quarterly; and (2) the Mayor and Council members shall be paid monthly.
- (B) Pay dates shall be on Fridays, except when a holiday falls on a Friday. In that case, the pay date shall be moved up one day to Thursday. Employees shall not receive their paychecks in advance without written authorization from the Village's Municipal Manager. Employees have the option of direct deposit for their paychecks rather than a printed check.

(Ord. 2005-13, passed 12-20-05)

§ 35.503 PAYROLL DEDUCTIONS.

Regular deductions from an employee's paycheck shall include federal, state, and municipal taxes, as well as deductions for contributions into the appropriate state retirement plan. Additional deductions may include United Way contributions, deductions for credit union payments and/or savings, HSA(health savings account) if established by employee, and union dues under an appropriate check-off agreement. On a periodic basis, an employee's accrued vacation and/or sick leave may be noted on their paycheck stub.

(Ord. 2005-13, passed 12-20-05)

§ 35.504 GARNISHMENT.

If an employee's wages are garnished by an appropriate court order, the municipality shall process the employee's paycheck in compliance with the court order.

(Ord. 2005-13, passed 12-20-05)

§ 35.505 OVERTIME COMPENSATION.

All full-time municipal employees, other than certain management and professional employees and collective bargaining units as determined by the Municipal Manager and with the approval of Council, shall be paid overtime pay for time actually worked in excess of the established normal 40 work hours, including jury duty, holiday time, vacation time, and used comp-time when authorized by the department

head and Municipal Manager. Hours used for paid sick leave shall not be considered hours worked for purposes of overtime compensation in a 40 hour week. Such overtime will be at 1-1/2 times the normal hourly rate. Temporary and part-time employees shall not normally be assigned to work overtime; however, should such occur, they will be compensated at the 1-1/2 time rate for hours worked in excess of the 40 hours, using the same determination for full-time employees working in excess of the 40 hours assigned in a work week.

(Ord. 2005-13, passed 12-20-05)

§ 35.506 COMPENSATORY TIME.

Under certain prescribed conditions, employees of State or local government agencies may receive compensatory time off, at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. As governed by the federal Fair Labor Standards Act, eligible employees may take compensatory time off in lieu of overtime pay at the discretion of the department head and the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.507 CALL-IN OR STANDBY PAY.

- (A) Employees who have completed their normal work day, who are on a day off, or who have completed the normally scheduled hours in their work week, and are called in to work, shall be paid at a minimum of two hours for the call-in work at a rate of 1-1/2 times their normal hourly rate. In cases where the call-in work runs into the employee's normally scheduled shift, the overtime rate will cease at the hour upon which the employee's normal work schedule begins. The two-hour minimum shall not apply if the call-in work commences less than two hours before the employee's normal shift begins. Call-in time for training shall be paid at a straight rate.
- (B) All standby duty by emergency workers (i.e., police or fire) shall be at rates specified in the current payroll ordinance.

(Ord. 2005-13, passed 12-20-05)

§ 35.508 HEALTH INSURANCE.

- (A) The Village may pay up to the full cost of health insurance for all regular, full-time employees, including dependent coverage, on policies that contain major medical, dental, and pharmaceutical coverage. This insurance shall be under a group plan with an agency chosen by the Village. This insurance shall be offered to part-time employees as required by state law.
- (B) Beginning on April 1, 2002, only dependents who have been sired or legally adopted by the employee, or who are under sole legal custody of the employee or his or her spouse shall be eligible for coverage. The Village may require the employee to produce adequate proof, including a birth certificate, the appropriate legal adoption or custody papers, income tax filing (only if the employee volunteers to provide a copy), or other official documentation to the satisfaction of the Village prior to the municipality providing coverage. The maximum age and circumstances under which the Village shall cover a dependent shall be in compliance with federal and state law.
- (C) An employee may opt, at his or her sole discretion, to request the Village provide health insurance to a person under federal age guidelines to be covered by health insurance who is related to the spouse of the employee (said spouse may or may not have shared but not sole legal custody of said person) and who resides in the household of the employee, but does not meet the group plan's definition of "dependent." However, the employee shall agree, in advance of the municipality

providing said coverage, to reimburse the Village for any and all costs of said health insurance, through equal payroll deductions from the employee's paycheck.

- (D) Beginning January 1, 2015, the Municipality shall require an employee to pay a portion for their insurance based on plan levels, dependents, spouse, and health insurance rate. The Village will do their best to find competitive health insurance for coverage and rates for the employees.
- (E) The Village shall pay the sum of \$200 per month paid annually on or about October 1, to any employee who voluntarily, and in writing, rejects or opts out of all major medical, pharmaceutical, and dental coverage for the employee, spouse and all eligible dependents, provided that the employee demonstrates current coverage by the spouse for the employee, spouse and all eligible dependents. Said payment may not be prorated. An employee may opt out of health insurance coverage by the municipality at any time during the open enrollment period or within 30 days of a qualifying event, as defined by and pursuant to the policies of the Village's health care provider. A qualifying event may or may not include, but is not limited to, a change in family status due to divorce, death, birth or adoption of a child, or the involuntary loss of coverage on a spouse's health insurance. The Village's health care provider shall determine whether an application submitted during the open-enrollment period is eligible based upon a qualifying event.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2006-13, passed 12-19-06; Am. Ord. 2007-13, passed 12-4-07; Am. Ord. 2011-14, passed 12-20-11; Am. Ord. 2014-06, passed 12-16-14)

§ 35.509 LIFE INSURANCE.

The Village shall pay the full cost of a life insurance policy in an amount no less than \$5,000 for all full-time employees. This benefit does not apply to part-time employees. The Village may elect at any time to increase this benefit or to extend coverage to other family members or full-time employees. Any employee who chooses not to receive this benefit shall not receive any form of compensation in lieu thereof.

(Ord. 2005-13, passed 12-20-05)

§ 35.510 EMPLOYEE DIRECT DEPOSIT.

All regular full-time and part-time employees are eligible to participate through payroll in direct deposit. Employees may direct deposit in up to two different banks their payroll each pay. Direct deposit takes the place of receiving a paper check. Employees who are on the health savings account(HSA) insurance plan will use Wright Patt Credit Union for their HSAaccount deductions. If you have any questions regarding direct deposit contact the Director of Finance and Records or Chief Finance Officer.

(Ord. 2005-13, passed 12-20-05)

§ 35.511 WORKER'S COMPENSATION.

All Village employees are covered under the benefits provided by the Bureau of Worker's Compensation. Worker's compensation provides both medical payments and lost-time payments to employees who incur on-the-job injuries. The determination of valid claims and eligibility for the benefits is governed by the Bureau of Worker's Compensation guidelines.

(Ord. 2005-13, passed 12-20-05)

§ 35.512 PRIOR SERVICE CREDIT.

Employees with service time in other municipalities, with the State of Ohio, or with any political subdivision thereof, are entitled to transfer vacation and sick time accrual to their employment with the Municipality of New Lebanon. It shall be the responsibility of the new employee to provide

documentation of accrued time from a previous job to the Director of Finance and Records. This provision does not apply to elected officials, nor shall it apply if there has been an intervening non-public job held between the employee's prior service at another municipality, the State of Ohio, or any political division thereof, and new employment with the Village.

(Ord. 2005-13, passed 12-20-05)

§ 35.513 CIVIL LIABILITY SERVICE.

All employees who perform the function of sworn police officer shall be enrolled under a complete civil liability insurance plan which shall ensure against collection of damages for false arrest, false imprisonment, or other similar claims.

(Ord. 2005-13, passed 12-20-05)

§ 35.514 LEGAL COUNSEL AND INDEMNIFICATION.

Any employee who becomes subject to a lawsuit while acting within the scope and authority of his or her position as a municipal employee shall be furnished legal counsel for the defense of such suit. The Village shall further pay in full any judgment against such employee who was working within his or her scope and authority as an employee of the Village.

(Ord. 2005-13, passed 12-20-05)

§ 35.515 RETIREMENT.

All employees of the Village, except those holding certain part-time, temporary, or intermittent positions, are covered under the appropriate state retirement plans. Employees may retire under the provisions found within these retirement systems and in accordance with applicable state and federal guidelines regarding these retirement systems.

(Ord. 2005-13, passed 12-20-05)

§ 35.516 EDUCATIONAL INCENTIVE.

(A) All full-time employees of the Village who attend an accredited community college, junior college, college or university while in the Village's employ shall be entitled to educational incentive pay according to the following schedule:

- (1) Completion of 45 quarter hours of study or the semester hour equivalent: 1% of the employee's base annual wage per year, payable on the first paycheck of December;
- (2) Completion of 90 quarter hours of study, the semester hour equivalent, or obtainment of an Associate's Degree: 1.75% of the employee's base annual wage per year, payable on the first paycheck of December;
- (3) Completion of 135 quarter hours of study or the semester hour equivalent: 2.5% of the employee's base annual wage per year, payable on the first paycheck of December; and
- (4) Completion of a Bachelor's Degree: 3% of the employee's base annual wage per year, payable on the first paycheck of December.

(B) Receipt of educational incentive pay is conditioned on the following:

- (1) Before any payment is made, the employee must have at least one year's seniority with the Village;
- (2) No increments other than for the specific number of hours listed above shall be paid;
- (3) All course work to be applied to the above must have been completed by November 1 of the calendar year in which it is to be received;
- (4) An employee leaving the employ of the Village before December 1 of any calendar year is

not entitled to this benefit;

(5) Completion of course work qualifying for this benefit shall be relevant to municipal government as determined by the Municipal Manager or required as a pre-requisite to gaining the degree; and

(6) The employee shall furnish proof in the form of a transcript or most recent grade report demonstrating that the employee completed of course work before any such benefit shall be collected.

(Ord. 2005-13, passed 12-20-05)

§ 35.517 TUITION PROGRAM.

The purpose of this program is to encourage eligible employees to further their knowledge and effectiveness in the fields of interest to the Village by providing educational assistance to such employees who participate in an approved course of study.

(A) *Eligibility.* Available to all employees who are classified as regular full-time and have been employed for one year or more.

(B) *Approved course of study.*

(1) Courses of study must be related to an employee's present or probable future assignment or be part of an approved degree program related to the occupation in which the employee is working or to which he or she can reasonably aspire in the Village. A request form must be completed by the employee and signed by the employee's immediate supervisor. The Municipal Manager must approve the request prior to the employee registering for the course.

(1) Courses shall include only those offered by accredited community colleges, junior colleges, colleges or universities and other learning institutions which have been approved by management prior to the employee's enrollment. Correspondence courses are not included in this benefit. It is intended that courses be taken outside regular working hours.

(B) *Tuition refund.* Reimbursement will be provided at 50% for the equivalent of no more than nine quarter hours or the semester equivalent at any given time. Reimbursement shall be made for tuition only. Reimbursement will not be made for registration fees, lab fees, books, supplies, parking permits, or other items. Tuition will be reimbursed after completion of a course of study and only upon presentation of an official transcript or grade report that demonstrates that the employee received the equivalent of a "C" average or better in the courses taken. Grades of "C" will earn reimbursement at 50% of the tuition attributable to such class; grades of "B" or "A" will earn reimbursement of 75% of the tuition attributable to such class. Tuition will not be reimbursed if an employee qualifies for and receives a full scholarship. However, should an employee qualify for a program which pays partial tuition, the Village will reimburse 50% of the tuition costs, subject to all other provisions in this policy, of any amount over and above what the other program might pay.

(C) *Licensure testing.* Licensure testing for any employee must be pre-approved by the Municipal Manager. The cost of any licensure testing, required for the employee to perform Village duties, will be reimbursed by the Village at the rate of 100%, provided that the employee submits adequate proof of successfully obtaining the license and proof of the payment. A request form must be completed by the employee and signed by the employee's immediate supervisor. The Municipal Manager must approve the request.

(Ord. 2005-13, passed 12-20-05)

§ 35.518 TRAVEL, CONFERENCE, AND TRAINING EXPENSES.

Municipal officials and employees may be authorized to conduct municipal business outside the corporation by the Municipal Manager. Mode of travel, expenses covered, and training costs must be approved by the Municipal Manager in advance. This approval will also authorize expenses to be paid by the municipality. Employees required to use their own automobiles for such purposes will be reimbursed at the rate set by the Internal Revenue Service for the entire trip when authorized by the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

LEAVE TIME

§ 35.601 HOLIDAYS OBSERVED.

- (A) The Village observes the following holidays:
 - New Year's Day
 - Presidents' Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Veterans Day
 - Thanksgiving Day
 - Day after Thanksgiving
 - Christmas Day
 - Personal Day (1)
- (B) All regular, full-time employees are eligible to receive holiday pay. In order to qualify for holiday pay, an employee must work the last full scheduled workday before and the first scheduled workday after the holiday. Exceptions to this are jury duty, bereavement leave, or approved vacation/personal leave that falls the day before or after the holiday.
- (C) All regular non bargaining unit, full-time employees are eligible to receive one personal day holiday, which may be taken at the employee's discretion with prior approval of the Municipal Manager. The personal day must be used in the year it is earned and will not be permitted to accrue.
- (D) If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.
- (E) All non-emergency employees will normally be granted the holiday off. Employees who, because of the nature of their job, are required to work shall be compensated at the rate of double time for all hours worked on a holiday. Employees whose normal day(s) off fall on a holiday because of rotating shift schedules shall receive eight hours pay at a straight rate for that holiday or off day. Department heads on salary that are required to work on a holiday due to unusual circumstances shall be compensated at a rate of twice their equivalent hourly rate.

(Ord. 2005-13, passed 12-20-05; Am. Ord. 2008-16, passed 12-2-08)

§ 35.602 VACATION/PERSONAL LEAVE.

(A) The Village recognizes the need for employees to have a period of rest and relaxation during the year. The Village is also aware that at times situations arise that are beyond an employee's control. Therefore, vacation/personal leave is provided for all regular, full-time employees each year as follows:

<i>Full-Time Year(s) of Service</i>	<i>Work Days</i>
After 1 full year	10 days
5 to 9 years	12 days
10 to 14 years	15 days
15 to 24 years	20 days
25 or more years	25 days
Note 1: For employees hired on or before January 1, 1970, the number of years worked shall consist of both part-time and full-time service.	

(B) All vacations/personal leaves are to be scheduled with the employee's immediate supervisor or Municipal Manager as far in advance as possible. Employees must pre-schedule their vacation hours not less than one calendar week in advance for a full week of vacation, and not less than 24 hours in advance for a single day or less of vacation. Consideration will be given to seniority, rank, and the needs of the Village when approving vacation/personal leave requests. Vacation will be granted at the discretion of the department head or Municipal Manager.

- (C) Employees who have eligible vacation time may take short periods of vacation time off, which is designated as incremental vacation hours (less than a day), in increments of half an hour (30 minutes) or more.
- (D) Vacation accrues on the anniversary of each employee's full-time employment status with the Village. No vacation may be taken until it is fully accrued. Accrued vacation may be carried over to a subsequent year but may accumulate only to an amount equal to one (1) years accrual of vacation based on service time. Any accumulated hours over this maximum will not be credited to the employee and will be forfeited.
- (E) Employees who are separated from the employ of the municipality for whatever reason shall be entitled to be compensated for their accrued but unused vacation time at their normal rate of pay at the time of such separation.
- (F) Employees may, with the approval of the department head and the Municipal Manager, elect to receive a cash payment of 40 hours pay, in lieu of 40 vacation hours, no more than twice in any one calendar year, providing that such employee has accrued at least ten work days.
- (G) Employees with compensatory time may, with the approval of the Municipal Manager, elect to receive a cash payment of up to 40 hours pay, in lieu of 40 Compensatory time, no more than twice in any one calendar year.

(Ord. 2005-13, passed 12-20-05) (Ord. 2018-04, passed 10-16-18)

§ 35.603 SICK LEAVE.

- (A) The Village provides for the accrual of sick leave in cases of genuine illness or injury. Sick leave should be considered a privilege and not an absolute right. Full-time and permanent part-time employees shall accrue sick leave. Full-time employees shall accrue 1-1/4 sick days per month (up to 15 per year). Part-time employees shall accrue one hour of sick leave for every 17-1/3 hours worked. Employees on layoff or leave of absence without pay shall not accrue sick leave.
- (B) Employees may use sick leave in minimum installments of half-hour (30 minute) intervals for

absences due to the following: (1) illness or injury of the employee; (2) exposure of the employee to a serious contagious disease which could jeopardize the health of the employee, co-workers or the public; and (3) illness in the employee's family requiring the employee's presence.

- (C) Each employee shall notify his or her immediate supervisor or the Municipal Manager as soon as practically possible when it is known that sickness will prevent the employee from working a scheduled shift. In no case should such notice be given less than one-half hour after the start of the shift. Failure to do so may result in absence without leave, and discipline up to and including termination may be warranted.
- (D) The Village may require any employee absent from work due to illness or injury in excess of three days to furnish a statement from a doctor clearing employee for work. The Village may also require an employee to submit to an examination by a physician to verify the employee's ability to return to work based on position requirements.
- (E) Full-time Employees with at least five (5) years of service who are eligible for retirement from municipal service shall receive credit for sick leave accrual according to the following restrictions: (1) Each full-time employee who at the time of retirement from municipal service has accrued to his or her credit at least 60 unused sick days shall be paid for half the sick days accrued at time of retirement. Accrued sick payout will not be more than 75 days of unused sick at the employee's current rate of pay. (2) part-time employees with at least five (5) years of service who at the time of retirement from municipal service have at least 60 sick days accrued shall receive sick payout on the basis of one day of severance pay for each three days of sick leave accumulated not to exceed 60 days of unused sick at the employees current rate of pay.

(Ord. 2005-13, passed 12-20-05)

Note 2: For employees hired after January 1, 1968, sick leave will be allowed to accumulate to a maximum of 150 work days.

§ 35.604 APPLICATION FOR LEAVE OF ABSENCE.

Any employee who wants to go on a leave of absence must apply in writing to the Municipal Manager and include all necessary information as to length of absence, starting date, reason, and other pertinent details. This will be submitted to the employee's department head as early as possible prior to the start of the requested leave. Employees requesting military, maternity, personal, or educational leaves of absence are requested to submit an application at least four weeks prior to the start of such leave. Required municipal training, funeral leave, sickness, or non-job-related injuries requiring absences of no more than 14 calendar days are not subject to these guidelines for applications for leaves. Temporary and provisional part-time employees, as well as probationary employees, are not eligible for any leave of absence, unless otherwise required by law.

(Ord. 2005-13, passed 12-20-05)

§ 35.605 INJURY LEAVE.

Because all municipal employees are covered under the benefits provided by the Bureau of Workers Compensation, payment for all approved medical and surgical treatment, compensation for lost time, and other benefits will be provided as determined by applicable state law.

(Ord. 2005-13, passed 12-20-05)

§ 35.606 FAMILY AND MEDICAL LEAVE ACT.

- (A) The Village will comply with the Family and Medical Leave Act of 1993 (FMLA) as required by law. Thus, to the extent the FMLA applies, any employee who has been employed by the Village for at least 12 months and who has worked at least 1,250 hours over the previous 12 months is eligible to receive up to a total of 12 weeks of unpaid FMLA leave during a 12-month period.
- (B) Eligible employees may request FMLA leave for any of the following reasons:
- (1) The birth of a child or the placement of a child with the employee for adoption or foster care;
 - (2) A serious health condition that makes the employee unable to perform the functions of the employee's job; or
 - (3) A serious health condition affecting the employee's spouse, child, or parent, for which the employee is needed to provide care.
- (C) Employees should direct any requests for FMLA leave to their supervisor or to the Municipal Manager.
- (D) As noted, FMLA entitles eligible employees up to 12 weeks of unpaid, job-protected leave in a 12-month period. The Village calculates the 12-month period on a rolling period measured backward from the date an employee uses any FMLA leave. Thus, each time an employee requests FMLA leave, the employee's leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.
- (E) Employees are required to provide at least 30 days notice of the need for any foreseeable FMLA leave. When the need for leave is unforeseeable or due to an emergency situation, notice is expected to be provided as soon as practicable, which typically will be within one or two days of the time when the need for leave becomes known.
- (F) Employees are required to furnish medical certification of the serious health condition that gives rise to their request for FMLA leave. Certification forms are available from the Director of Finance and Records. Failure to provide the required certification may delay the commencement of FMLA leave. If circumstances change during the course of an FMLA leave, employees are required to notify the Village of such changes. Employees who are able to return to work earlier than expected are asked to provide notice of such at least two days prior to the new return-to-work date. Employees will be required to present a fitness-for-duty certificate prior to being restored to their employment, and an employee's return to work may be delayed until appropriate certification is provided.
- (G) The Village requires that employees requesting FMLA leave substitute any vacation/personal leave available for unpaid FMLA leave.
- (H) While on FMLA-protected leave, an employee's health benefits will be maintained under the same conditions as if he or she continued to work. This means the employee will continue to be responsible for paying his or her portion of health insurance premiums throughout the FMLA leave. If any portion of the FMLA leave is paid leave, the employee's health insurance premiums will be deducted from his or her paycheck as usual. However, whenever any portion of these premiums cannot be deducted from an employee's paycheck, the employee must deliver timely payments to the Company in the amount of such premium due. If payment is not made timely, the employee's group health insurance may be canceled, provided the Village notifies the employee in writing at least 15 days before the date that health insurance coverage will lapse.
- (I) If an employee does not return to work following FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle the employee to

FMLA leave, or other circumstances beyond the employee's control, the employee may be required to reimburse the Village for its share of health insurance premiums paid on the employee's behalf during his or her FMLA leave.

(J) At the conclusion of an employee's eligible FMLA leave, he or she will be reinstated to the same job or to an equivalent job with the same pay, benefits, and terms and conditions of employment.

(K) The Village will continue to pay the premiums or any other benefits to which an employee is normally entitled during the employee's FMLA leave. However, when the employee returns from leave, he or she will be required to reimburse the Village for any such payments made on his or her behalf.

(Ord. 2005-13, passed 12-20-05)

§ 35.607 MATERNITY AND OTHER MEDICAL LEAVES OF ABSENCE.

Maternity leaves of absence shall be treated in accordance with the foregoing FMLA policy without regard to the eligibility rules provided herein. Requests for other medical leaves of absence, when approved, will normally be handled under the same procedures and policies. Employees requiring a maternity or other medical leave of absence may also elect to utilize available sick leave and then vacation/personal leave.

(Ord. 2005-13, passed 12-20-05)

§ 35.608 JURY DUTY/SUBPOENAS.

The Village supports our employees' civic responsibilities and, accordingly, encourages employees to accept jury duty if possible. Employees who are called to jury duty, or called to serve as a witness under court subpoena, will be paid what they would have earned at work on a straight-time basis for a period of up to two weeks. The Village will deduct any state jury duty compensation paid to the employee from the employee's paycheck during that period. To qualify for compensation, employees who are summoned or subpoenaed to court must do the following: (1) notify his or her immediate supervisor in advance and furnish proof of the requirement to appear in court; (2) report to the designated court as requested; and (3) return to work promptly if the service does not occupy the full day.

(Ord. 2005-13, passed 12-20-05)

§ 35.609 BEREAVEMENT LEAVE.

(A) The Village provides all full-time employees with up to three consecutive days off with pay in the event of a death in an employee's immediate family. Employees may use up to five (5) sick days in addition to the paid bereavement. Employee may use vacation beyond that if needed. For the purpose of this policy, immediate family is defined as a spouse, mother, father, son, daughter, brother, sister, grandparents, power-of-attorneys, or other significant relationships as approved by Municipal Manager or department head.

(B) Bereavement time will be given to all employees but will not be paid time for temporary or part-time employees.

(Ord. 2005-13, passed 12-20-05)

§ 35.610 MILITARY LEAVE.

All regular, full-time employees who leave the Village's employ to join the active military forces of the United States during time of war or other national emergency, or who is drafted into the military service at any time, shall be granted a military leave without pay. Such leave will extend through a date

90 days after he or she is released from service. Proof of service must be filed with the Municipal Manager. Such employee shall be restored to the position vacated or to a comparable position occupied at the time leave is granted, provided that the employee submits an application to the Municipal Manager within 90 days after release, and is physically and mentally capable of performing the work of the former position. Failure of an employee to notify the Village of his or her intent to return to work within 90 days of release shall be considered a resignation of employment.

(Ord. 2005-13, passed 12-20-05)

INTEGRITY AND ETHICS

§ 35.701 CODE OF ETHICS.

(A) The sole objective of the Village is to provide services or the benefit of all citizens of the community. All employees must be aware of the importance placed on them as employees and, being employed by a governmental agency, must realize that they are bound to uphold the Constitution of the United States, the Constitution and Code of the State of Ohio, the Charter of the Municipality of New Lebanon, and all subsequent rules and regulations established by the Village. All employees are bound by the highest standards of morality and should be concerned that their official functions as Village employees, as well as their private lives, should be conducted so as not to reflect poorly on the Village.

(B) Employees shall cooperate fully with other public officials and employees and shall have no personal or financial interest which may interfere or conflict with their function as Village employees. No public official or employee shall use or attempt to use his or her official position to secure any valuable thing or valuable benefit for himself or herself that would not ordinarily accrue to him or her in the performance of his or her official duties, which thing or benefit is of such character as to manifest a substantial and improper influence on him or her with regard to his or her job duties. The Municipal Manager is authorized to require any Village employee to disclose any financial interest of the employee which may be in violation of the above-stated provisions.

(Ord. 2005-13, passed 12-20-05)

§ 35.702 PERSONAL CONDUCT.

Employees' private lives are their own business. However, an employee's personal behavior can have an impact on his or her status as employee. In any given situation, the Village will take into account the totality of the circumstances in determining what action, if any, is appropriate. Any employee who is arrested or indicted on felony charges may, for example, be placed on suspension until the matter is resolved. Likewise, conviction of a felony or any misdemeanor involving illegal drugs, immoral conduct, or acts of violence may be deemed grounds for termination.

(Ord. 2005-13, passed 12-20-05)

§ 35.703 CONFIDENTIALITY.

Certain matters handled by Village employees are of a confidential nature. All employees whose job assignments and/or job environment give them access to confidential information are prohibited from revealing this information except to authorized Village personnel. Uncertainty regarding the confidentiality of particular information shall be reviewed with the department head. Violation of this section is taken very seriously and may result in discipline, up to and including immediate termination.

(Ord. 2005-13, passed 12-20-05)

§ 35.704 POLITICAL ACTIVITY.

Public employees, by the nature of their employment, are restricted from participating in certain

political activities. Employees contemplating any direct or indirect involvement with a political organization, campaign or issue should review this policy, as well as Ohio Revised Code, Section 124.57.

(A) Employees may not become actively involved in the campaigns for New Lebanon Village Council.

(1) Political expressions such as posters, banners or buttons are prohibited in Village offices. Petitions for any cause may not be circulated on Village time or on Village property. (2) Employees may not use their position as a Village official or employee to support, endorse or campaign for any candidate. (3) These provisions do not otherwise prevent an employee from expressing political opinions, signing petitions, registering and voting, making voluntary contributions to political parties or causes, supporting issues or holding public office, to the extent such activity is not prohibited by law.

(B) No employee may seek appointment or election to public office without approval of the Municipal Manager but no employee shall be allowed to be an elected official of the Village of New Lebanon and an employee of the municipality.

(C) Village employees shall not endorse any candidate for municipal office. No employee shall make, solicit or receive any contribution to the campaign funds of any candidate for municipal office, take part in the political campaign of municipal office candidates, or participate in political campaigns by any means whatsoever during work hours.

(Ord. 2005-13, passed 12-20-05)

EMPLOYEE COMMUNICATIONS

§ 35.801 OPEN DOOR POLICY.

It is recognized that complaints and grievances will arise from time to time regarding various situations at the Village. It is important that every employee have an opportunity to ask his or her questions and to express comments or dissatisfactions as a part of the communications in our municipality. An employee who desires to raise a question or concern regarding any aspect of his or her employment can approach any supervisor of his or her choosing. However, in an effort to minimize confusion, employees are asked to follow their chain of command, starting with their immediate supervisor, before seeking out other managers for assistance. The Municipal Manager is always available to respond to employee concerns or to help direct questions to appropriate supervisors.

(Ord. 2005-13, passed 12-20-05)

§ 35.802 APPEALS AND GRIEVANCES.

(A) Any full or part-time permanent employee may, in response to a personnel action, file an appeal in accordance with the following procedure:

(1) *Step one.* The aggrieved employee shall make an earnest and honest effort to settle the differences and disputes with his or her immediate supervisor without filing a written grievance. In the event that an agreement cannot be reached, the subsequent steps may be taken with respect to the grievance. Any grievance not initiated, taken to the next step, or answered within the time limits specified herein will be considered settled on the basis of the last answer provided by the Village.

(2) *Step two.* A grievance relating to any matter involving a specific event or personnel action must be initiated within seven calendar days of its occurrence, not including the day of occurrence, after the employee has knowledge of the facts which give rise to the grievance, or, with reasonable diligence, should have acquired such knowledge. The aggrieved employee shall present the grievance in writing to

the department head. The grievance shall be detailed, dated, and signed by the employee. The department head shall investigate the matter and hold a grievance meeting within seven calendar days after receipt of the grievance, not including the date of presentation of the grievance. The department head will reply to the grievance in writing within seven calendar days of the meeting. If not satisfied with his or her answer, the employee may move to the third step of the grievance procedure, provided this is done within five days of receipt of the written answer from the department head.

(3) *Step three.* If the matter is not satisfactorily resolved at step two, the grievance may be appealed and presented along with all pertinent correspondence to the Municipal Manager. He or she shall investigate the matter and hold a hearing within five days of receipt of the grievance. If the grievance is by a group of employees, he or she shall meet with no more than three representatives of that group. The Municipal Manager will reply in writing to the aggrieved employee within five days of the receipt of the matter.

(4) *Step four.* If the matter is not resolved at step three, the grievance may be appealed to the Personnel Appeals Board. All appeals must be in writing, properly documented and dated, along with all appropriate correspondence or evidence to date. It must be appealed within five days of receipt of the matter.

(B) If the subject of the grievance is any subject other than a demotion, a discharge, or a suspension in excess of 20 days, the Board is not required to but, rather, may hold a hearing. If the Board so desires to hold a hearing, it will be held within 20 working days from receipt of the appeal. Within ten days of the hearing, the Board will issue its facts and findings and recommendations to the Municipal Manager. The Municipal Manager shall have the right to accept, reject, or modify the recommendations and his or her decision in this regard shall be final.

(C) If the subject of the grievance is a demotion, a discharge, or a suspension in excess of 20 working days, the Personnel Appeals Board shall hold a hearing within ten working days of the appeal. Within ten working days after the hearing, the Board will render a judgment with respect to the issues and evidence presented. In this regard, the Personnel Appeals Board may uphold the decision of the Municipal Manager, or restore the employee to his or her former position without pay, or with any portion of the lost wages. This judgment of the Personnel Appeals Board shall be final and shall be certified to the Municipal Manager who shall enforce judgment.

(D) When a suspension, demotion, or dismissal is the action taken, the action shall be deemed to have been taken by the Municipal Manager and the aggrieved employee shall begin the grievance process at step three, as set forth in division (A)(3) of this section.

(E) The Personnel Appeals Board shall determine the manner in which hearings shall be conducted.

(F) Except in cases of grievances involving matters of related to a specific incident or personnel action, any grievance which is not filed within seven working days of its occurrence, not including the day of occurrence, after the employee has knowledge or should have had knowledge of the facts giving rise to the grievance, shall not be considered a grievance. Any matter which is not timely processed by the aggrieved employee or employees shall not be subject to further processing as a grievance.

(Ord. 2005-13, passed 12-20-05)

SAFETY

§ 35.901 USE OF MUNICIPAL FACILITIES AND EQUIPMENT.

Employees may only use municipal facilities and equipment for job-related functions and other purposes authorized by their immediate supervisor. Employees are not permitted to use or permit the use of municipal vehicles, equipment, materials or property for personal convenience or profit.

(Ord. 2005-13, passed 12-20-05)

§ 35.902 SAFETY AWARENESS.

All employees are responsible for practicing and following good safety procedures at all times in the performance of their jobs and shall report safety hazards to their supervisors immediately.

(Ord. 2005-13, passed 12-20-05)

§ 35.903 OPERATION OF MOTOR VEHICLES.

All regular full-time and part-time employees of the Village shall have a valid Ohio driver's license. Safety and courteous driving practices shall be adhered to by all employees when operating Village-owned vehicles, including obeying all traffic laws except where emergency vehicles are authorized to do otherwise. Any employee involved in any motor vehicle accident, regardless of how slight, shall report the accident to the Police Department if the accident involves municipally-owned vehicles or equipment. In the event an accident occurs outside the jurisdiction of the Village Police Department, it shall be reported to the appropriate law enforcement agency with a request for a full report. Copies of accident reports shall be forwarded immediately to the department head and Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.904 REPORT OF ON-THE-JOB INJURIES.

All employees shall report to their immediate supervisor any injury incurred on the job, no matter how slight. Any accident, regardless of how slight or whether or not an injury is involved, shall also be reported to your immediate supervisor. If treatment is needed, the supervisor shall arrange for such treatment immediately. It is the supervisor's responsibility to record all the circumstances of any injury or accident in writing immediately and forward this report to the department head within 24 hours. The department head shall, in turn, forward a copy to the Municipal Manager.

(Ord. 2005-13, passed 12-20-05)

§ 35.905 WORKPLACE VIOLENCE.

(A) It is the policy of the Village to expressly prohibit any acts or threats of violence by any employee or former employee against any other employee in or about municipal property or elsewhere at any time. The Village will not condone any acts or threats of violence against its employees, customers, or visitors by any individual on Village premises at any time or while they are engaged in business or on behalf of the Village, on or off Village premises.

(B) To assist the Village's objectives to provide a safe and healthful work environment, the Village is committed to the following:

(1) To take prompt remedial action, up to and including immediate termination of employment, against any employee who engages in any threatening behavior or acts of violence, or who uses any obscene, abusive, or threatening language or gestures;

(2) To take appropriate action against customers, employees, or visitors to the Village's facilities

who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law;

(3) To prohibit employees, former employees, and visitors from bringing firearms or other weapons onto the Village's premises; and

(4) To establish practical security measures to reasonably ensure that the Village's premises are safe and secure and to deal properly with access to the Village's facilities by the public, off-duty employees and former employees.

(Ord. 2005-13, passed 12-20-05)

§ 35.906 CONCEALED WEAPONS POLICY.

(A) The Village prohibits the carrying of concealed weapon(s) on its premises. All visitors, applicants, prospective employees, and/or employees of the Village are prohibited from using or possessing weapons of any kind, concealed or otherwise, at any time while on municipal property and/or while engaged in conducting business on behalf of the Village.

(B) In connection with this policy, the Village may search any employee or any vehicle in the possession of the employee for the presence of a weapon prohibited by this policy. Refusal to consent to such a search may result in immediate termination of employment.

(C) Employees should contact their supervisor or any member of management if they observe personal handguns or any weapon on municipal property. Employees who are in possession of a weapon, concealed or otherwise, or who are otherwise in violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

(D) This policy does not apply to police or other personnel who are licensed and are required to carry firearms.

(Ord. 2005-13, passed 12-20-05)

SECTION 1: This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 17th day of December, 2019.

First Reading: November 19, 2019

Second Reading: December 3, 2019

Third Reading: December 17, 2019

Effective Date: January 6, 2020

APPROVED:

Raymond Arriola
Mayor

ATTEST:

Sandra F. Wright
Clerk of Council

APPROVED:

Glena A. Madden
Municipal Manager

Dated:

December 17, 2019

CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2019-06 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.

Sandra F. Wright
Clerk of Council